

NJ DEP 8-17-11 hearing

NJ DEP 8-17-2011 public hearing

8/17/2011

Full-size Transcript

Prepared by:

RCI
Robert Cirillo, Inc.

Tuesday, September 13, 2011

Transcript of proceedings

NORTHEAST UPGRADE PROJECT
Montague Municipal Building
Montague, New Jersey

New Jersey Department of Environmental Protection
Public hearing on Proposed Conveyance of Property under
N.J.S.A. 13:1D-51 et seq.
Montague Township 8/17/2011
Northeast Upgrade Project:
Tennessee Gas Pipeline Company

Wednesday, August 17, 2011

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DANIEL GREDVIG, El Paso Land manager

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ALSO PRESENT:

Steve Ellis, Rebecca Fitzgerald, Robert Winter, Mike
Heenehan, Donna Mahon

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1 MS. YEANY: It's seven o'clock, but we're
2 going to wait about ten more minutes before we
3 officially go on the record.

4 We do have maps in the lobby showing some
5 of the route that were going to talk about.
6 And we just want to allow a few more minutes
7 for people to get here.

8 (Brief recess.)

9 MS. YEANY: Okay. We're going to get
10 started, if everyone wants to take a seat.

11 Okay. Welcome everyone. My name is
12 Judeth Yeany, Y-E-A-N-Y. I'm with the Green
13 Acres Program at the DEP.

14 A lot of you know Green Acres because we
15 actually acquire land on behalf of the State to
16 add to our state parks and forest. But we also
17 get involved when someone asks the State, the
18 DEP specifically, to convey property rights, as
19 we're going to discuss today.

20 So what we're here to talk about today is
21 that Tennessee Gas Pipeline Company has asked
22 the State to lease an additional right-of-way
23 on state property to the company for
24 construction of a project that they call the
25 Northeast Upgrade Project.

1 And procedurally, when we go to evaluate
2 that type of request, we have a statute that
3 some of you might be familiar with. Sometimes
4 we call it the Ogden-Rooney Statute. And that
5 the statute requires us to go through a pretty
6 public and open process when we propose to
7 lease property for more than 25 years.

8 So in this case, the company is requesting
9 a 25-year lease, and whether it's one acre or
10 hundred acres, we go through the same process
11 on our end to decide whether to grant that
12 request.

13 So our statute requires us to write a
14 report analyzing the transaction, and we have
15 done that. We posted that report on our
16 website just about a month ago.

17 I have one copy with me today, but we can
18 make the report available, give you the web
19 address, if you'd like to see it.

20 We're then required to do at least one,
21 sometimes two, in this case, three public
22 hearings, as part of that process.

23 And once we go through the public
24 hearings, the transaction will ultimately go to
25 our commissioner and to the State House

1 Commission for approval.

2 So what we're here to talk about today is
3 the State, as a property owner, as one of the
4 many pieces of this puzzle that is this
5 pipeline project, but we as property owner, are
6 affected by the project, and the company has
7 asked to cross state property as part of their
8 project.

9 So I know there was a recent hearing in
10 Bergen County on some local parks that are
11 affected by the project.

12 I think the company ended up receiving
13 some comment there about the impacts of the
14 project on state property.

15 So I wanted to explain a little what we're
16 here to talk about and what we're not here to
17 talk about.

18 So local parks that are impacted by the
19 project will be the subject of separate public
20 hearings, one of them has happened in Bergen
21 County already.

22 We are not here to talk about any DEP
23 permits that are required for the project.
24 There is a separate process that goes along
25 with that.

1 If you're a private property owner that's
2 affected by the project, that's not really the
3 subject of the hearing, but there are
4 representatives of the company here who can
5 speak to you about your issues.

6 And ultimately, we're not here to talk
7 about whether there is a need for the project
8 because of the fact that there is a federal
9 regulatory agency, the Federal Energy
10 Regulatory Commission, that will make the
11 decision about whether the project is necessary
12 and whether the company is authorized to
13 construct it.

14 So there are a lot of things that have to
15 happen kind of on parallel tracks before this
16 project would get built. One of them is that
17 there needs to be a finding at the federal
18 level about the need for the project and an
19 endorsement by the federal agency of the route
20 for the project.

21 So we're here to talk about the route, as
22 it has been proposed to this federal agency and
23 how it would impact state property.

24 If you have comments about the need for
25 the project as it crosses New Jersey, we really

1 would like you to direct them to FERC and to
2 focus on the impacts on the specific state
3 parks that we're here to talk about today.

4 I'm trying to think what else as far as
5 ground work.

6 So we do have representatives from DEP
7 here today. We have Steve Ellis, who is our
8 regional superintendent, he is there in the
9 back, for this part of the state.

10 We have Rebecca Fitzgerald, who is in
11 charge of both Stokes and High Point State
12 Parks, which are affected by this project.

13 And in a minute I'm going to turn this
14 over to the company representatives to just
15 explain what the project's about.

16 I mentioned we are having three public
17 hearings. So tonight is the first of three
18 hearings. We're having a hearing here tomorrow
19 night in Ringwood. It will be also at the
20 municipal building.

21 And then on September 7, we are having a
22 hearing in Trenton at the main DEP building.

23 We are going to accept written comment
24 throughout that process.

25 I believe that the public hearing notice

1 indicated that there was a two-week period
2 after each hearing to submit comments, but
3 ultimately we will accept comments up through
4 the September 7th hearing and beyond.

5 The way our statute works, even if we get
6 through this whole process and decide to agree
7 to this lease request, this will not go before
8 our commissioner in the State House Commission
9 until December of this year at the earliest.

10 There's timing restrictions in our
11 statute. There is a period that we have to
12 wait before we would approve it.

13 So there will be a time after this hearing
14 and even after the September hearing, if you
15 think of something or you don't get to put
16 everything you wanted on record, write to us.
17 We will provide that information later as far
18 as the contacts.

19 I also wanted to mention something about
20 just the scope of the project as it impacts
21 state property.

22 In the report that we sent out, we
23 discussed specific numbers of acres in each of
24 the state parks that are going to be affected
25 by this project. Those numbers were based on

1 the filing that the company made with the
2 federal agency, the FERC, for approval to
3 construct this project.

4 And based on those numbers, the public
5 notice that you may have seen estimates that
6 the company could end up paying as much as 7.8
7 million dollars in rental to the State for this
8 project.

9 That number actually changed in the
10 report and it was stated as 8.6 million,
11 because we counted some additional temporary
12 work space.

13 But what I wanted people to understand up
14 front is, this is a completely fluid process.
15 The company has made a filing with the federal
16 agency describing what it thought it needed to
17 construct the project. And we have analyzed
18 that acreage.

19 We consider that to be a worse case
20 scenario for this project. But we have been
21 working diligently with the company and have
22 told them that we want them to avoid state
23 property wherever possible and to minimize the
24 impacts of the project on state parks where
25 they can't be avoided.

1 So we fully expect that at the end, when
2 we get through this process and if we recommend
3 approval of this lease to our commissioner,
4 that the acreage numbers that we may end up
5 with will be different and will be smaller than
6 the numbers you will be hearing today from the
7 company and that you may have seen in the
8 report.

9 So we really are working hard with the
10 company to try and minimize the impact and to
11 bring those numbers down, which ultimately may
12 reduce the rental value of this lease.

13 But we would consider that to be a good
14 thing if there are fewer impacts on the state
15 parks.

16 So we're still going through that process,
17 but today is an opportunity to talk about the
18 project as it's been proposed and what the
19 public's concerns might be about that, as we
20 still work our way through our consideration of
21 this request.

22 So I'm going to turn this over to Melissa
23 Dettling, who's a representative of Tennessee
24 Gas Pipeline Company, and she'll introduce the
25 other company representatives who are here.

1 She's going to describe the project, I'm
2 going to jump in briefly at the end, and then
3 we are going to open this up to public comment.

4 MS. DETTLING: Thank you.

5 As she said, my name is Melissa Dettling.
6 I am the enviromental project manager from
7 Tennessee Gas for the project.

8 We're going to try and probably sit here
9 to go through the presentation, it's lengthy.
10 And then we can take your questions after.

11 So participating in the presentation will
12 be Penny Paul. She's in our outreach group;
13 Dan Gredvig, who is our land manager for the
14 project. Jerry Creel is project manager, our
15 overall project manager. He will be here as
16 support and to answer any questions.

17 And we've got several other team members
18 that are here from several different
19 disciplines and that can answer your questions
20 once we're done going through the presentation.

21 If we sit up here... I'm trying to
22 figure...

23 MS. PAUL: Hi. I'm Penny Paul, the Stake
24 Holder, Outreach Coordinator for Tennessee Gas
25 Pipeline. And Melissa introduced the rest of

1 the team.

2 Just an overview of El Paso. El Paso
3 Corporation provides natural gas and related
4 energy products in a safe, efficient and
5 dependable manner.

6 Tennessee Gas Pipeline is a wholly-owned
7 subsidiary of the El Paso Corporation.

8 (Showing a computerized slide presentation.)

9 MS. PAUL: This shows the Tennessee Gas
10 Pipeline expanse. We span over 13,000 miles of
11 pipeline and have over 90 billion cubic feet of
12 working gas storage that expands from the
13 Mexican border all the way up to Canada.

14 We supply markets in the northeast,
15 including major metropolitan areas in New York
16 and New Jersey and Boston, also the Midlantic
17 and the southeast.

18 We have over 50 years of experience in
19 pipeline system design, construction and
20 operation. We are prepared to meet the demands
21 of the growing market with the integrity and
22 commitment to service that has made Tennessee
23 Gas Pipeline one of the safest and most
24 reliable pipelines in the United States.

25 This graph shows the expected demand over

1 the next decade for natural gas in this region,
2 Pennsylvania, New York, New Jersey, and New
3 York City.

4 As you can see, in New Jersey, we expect
5 over the next ten years the demand to increase
6 400 million cubic feet per day, and even up to
7 500 million cubic feet per day during the peak
8 months.

9 Right now natural gas storage struggles to
10 meet peak day winter requirements and strains
11 the regional pipeline capacity.

12 The Northeast Upgrade Project will help
13 alleviate strain on infrastructure and provide
14 access to natural gas supplies across the
15 country.

16 This increased access to supply will
17 provide supply reliability, diversification and
18 price competition, all of which benefits the
19 consumers in the northeast.

20 As was mentioned before, the federal
21 agency, the FERC, assesses the public need.
22 Right now there is a compelling public need to
23 transport natural gas to meet the increasing
24 demands for energy in the northeastern U.S.

25 And the Northeast Upgrade Project will

1 help alleviate that demand by increasing
2 pipeline capacity to high demand markets in the
3 northeast.

4 It will also assist with the FERC's goal
5 of providing more natural gas to markets by
6 providing access to natural gas supplies in the
7 northeast supply area.

8 Natural gas is a cleaner source of fuel
9 than either coal or petroleum. And this
10 project is consistent with the governor's New
11 Jersey Energy Master Plan.

12 I'm going to turn it over to Melissa
13 Dettling.

14 MS. DETTLING: Can you all hear me if I
15 just speak into this microphone?

16 VOICE: Yes.

17 MS. DETTLING: Okay. Great. I'm going to
18 over the Northeast Upgrade Project overview.

19 What shows here on the map is what we
20 refer to as the 300-line pipeline system that's
21 been existing in this area since the '50s.
22 It's part of Tennessee Gas Pipeline.

23 The blue lines that you see there is an
24 existing 24-inch diameter natural gas pipeline.

25 The boxes that you see there under blue or

1 green are existing compressor stations.

2 There are areas where there are two blue
3 lines, which have a previous project where
4 we'll be looping the existing 24-inch natural
5 gas pipeline with the 30-inch.

6 And the red portions of lines that are up
7 there with mileage numbers are pipeline loops,
8 that I'll go over what a pipeline loop is,
9 that's what's being proposed for the Northeast
10 Upgrade Project.

11 There are five discreet pipeline loops,
12 totaling approximately 39.6 miles. 22 miles in
13 Pennsylvania and approximately 17 in New
14 Jersey.

15 We refer to the loops by numbers. Where
16 the loop falls downstream from our existing
17 compressor station, we number those loops
18 whatever the compressor station number is.

19 In New Jersey, we've got a portion of Loop
20 323 we refer to and Loop 325.

21 Loop 323 crosses the state border of
22 Pennsylvania and New Jersey, half of it is in
23 New Jersey and half approximately is in
24 Pennsylvania.

25 Well, it's approximately ten miles, I

1 believe, in Pennsylvania, and a little over six
2 in New Jersey. And then 7.6 miles of Loop 325
3 is wholly in New Jersey.

4 The project itself is scheduled to be in
5 service in November of 2013, and it will add
6 approximately 636 dekatherms, a thousand
7 dekatherms a day of gas to the system. And
8 approximately 20,000 of additional horsepower
9 is planned at the existing compressor stations
10 that are there in green.

11 So there is an existing compressor station
12 in New Jersey that will have some
13 modifications, but will not be a new compressor
14 station being built.

15 What is pipeline looping? It is a segment
16 of pipeline installed adjacent to and parallel
17 to an existing pipeline system. It connects on
18 either end. And in this case, we're citing at
19 approximately 25 feet off of our existing line
20 so we can utilize the existing easement that
21 the 24-inch pipeline utilizes.

22 The loop itself allows more gas to be run
23 through the system. So it allows for the
24 system to have a higher capacity so we can
25 deliver more to customers.

1 VOICE: They need more seats.

2 MS. DETTLING: Oh, sure.

3 There are few seats up here for those of
4 you that are waiting in the back. There are a
5 couple up front and two there in the middle.
6 So feel free to come in while I'm talking.

7 This board is a little bit larger, if you
8 want to look at it in the back, but basically
9 this board shows pipeline construction. It
10 just depicts, and it lays out here just the
11 different processes that we go and the sequence
12 that a pipeline construction project goes
13 through to put a pipeline in the ground and in
14 service.

15 So it shows how we would start with
16 surveys, staking, clearing trees, grading,
17 trenching. We go through welding of the pipe
18 and testing the pipe for integrity before it's
19 installed, backfilled. And I'm skipping over a
20 few here.

21 But then they do the final grading. And
22 then we'll go through a restoration process and
23 monitoring, which I'll go into in a little bit,
24 too.

25 The next slide is just a little bit of an

1 overall schedule here and a time line.

2 As Judeth mentioned, the FERC is the
3 Federal Energy Regulatory Commission that
4 regulates the natural gas pipeline project.

5 So we've put in here a little bit of a
6 summary of a schedule that we've entered into
7 for the application with FERC to obtain a
8 certificate for the project.

9 We are in the process of them reviewing
10 our certificate application. And that was
11 filed in March of this year. So we're
12 anticipating them to issue an environmental
13 assessment in the fall of this year, and a
14 certificate, if they deem that the project has
15 the necessity and need, in January of 2012.

16 And while that process is going on, as you
17 see on here, we've done field surveys. And
18 we'll be entering into the state, local and
19 federal permit processes with several different
20 state, local and federal agencies.

21 And if all the permits are received and if
22 FERC grants us the certificate, then we would
23 plan to commence construction in the fall of
24 2012 and put the pipe in service in November of
25 2013.

1 So, as Judeth mentioned, we're here to
2 discuss the Northeast Upgrade Project where it
3 intersects New Jersey DEP state parks.

4 So we have a list here of the different
5 state parks that we do cross. And that will be
6 going through specific impacts to those areas
7 proposed for the project.

8 Here is the overview of the map of the two
9 pipeline loops. And it is also on a board in
10 the back if you want to see it closer.

11 On the top corner of the map there, in
12 orange, is High Point State Park, Loop 323 that
13 I mentioned that crosses the state border, and
14 it's approximately six-and-a-half miles in New
15 Jersey.

16 You can see there in yellow where the
17 proposed pipeline loop crosses High Point State
18 Park.

19 And then in green towards the bottom,
20 turquoise kind of, is where Long Pond Ironworks
21 State Park is. That is Loop 325 where that
22 commences, crossing the park there and into
23 Ringwood State Park.

24 Then in dark blue coming down the bottom,
25 it just shows we have a proposed access road,

1 Bear Swamp Road that crosses through Ramapo
2 Mountain State Park.

3 And that has a blown-up map in the back,
4 as well, for you to see.

5 Here's a little blown-up view of Loop 323
6 where it crosses High Point State Park. You've
7 got mile post things.

8 If you want to look through the
9 Ogden-Rooney report, we'll reference mile
10 posts. So they'll start at zero for the
11 proposed loop.

12 So if you want to reference anywhere on
13 the pipeline, you can refer to it by mile
14 posting. And those would be marked on the
15 maps. And then we have lots and blocks
16 identified for the State-owned parcels.

17 Here is a summary table that you can find
18 in the report just for High Point State Park.
19 It has lots and blocks, links of the proposed
20 pipe to run through the park. Each of those
21 parcels -- I apologize -- are proposed permit
22 easements, which would be the new easement for
23 the pipeline that we're putting in.

24 And then we've got temporary work space
25 and additional temporary work space. Now, both

1 of those areas will be restored fully and
2 returned to existing conditions.

3 FERC refers to them differently because a
4 typical construction project is allowed a
5 certain distance of temporary work space,
6 dependent on the size of the pipeline.

7 Anything additional to that that may be
8 needed, where special areas need approval,
9 maybe at road crossings or wetland crossings
10 where you have additional topsoil that you're
11 segregating and need to store somewhere, we may
12 be requesting, and we have to request approval
13 to obtain those additional temporary work
14 spaces.

15 So those calculations were made. And in
16 the green boxes, there's a summary here of the
17 acreage proposed for permanent conveyance or
18 diversion, 11.84 acres.

19 And then the temporary impacts, which
20 would just be work space, would be this 32.70
21 acres.

22 Now, we do restore the permanent
23 easements. All areas will be restored and
24 revegetated and monitored until successful
25 revegetation.

1 And I'll go into later, also we have no
2 net loss requirements for reforestation.

3 The proposed permanent easement just has
4 stipulations for the integrity and safety of
5 the pipeline where we can't have structures and
6 large trees being planted, things that would
7 obstruct us from maintaining and monitoring the
8 pipeline system.

9 In forested wetlands, we do allow trees to
10 grow within the permanent easement up to
11 15 feet from the pipeline.

12 We can go to the next slide.

13 In addition to the acreage that I went
14 over for the pipeline work space, we are
15 proposing to use access roads in High Point
16 State Park. All these roads are existing. We
17 don't plan to build any new roads.

18 So we have identified access roads here
19 and the approximate mile posting and length of
20 affected area of what we're proposing to use;
21 okay.

22 The environmental aspects in High Point
23 State Park, I've done a summary and there's a
24 lot more detail in the report itself, I just
25 some high points in here. No pun intended.

1 But in High Point State Park there is
2 approximately eight water body crossings, five
3 of those are perennial. And I've named just a
4 few of the larger ones. Shimers Brook, Parker
5 Brook and Big Flat Brook.

6 Three intermittent streams, which are
7 unnamed tributaries, are being crossed.

8 We'll have in the report and also in our
9 filing with the Federal Energy Regulatory
10 Commission how we will be proposing to cross
11 these.

12 We'll have designations for -- depending
13 on the crossing width, whether they are minor
14 or intermediate or major water body crossings,

15 Major water crossings will have
16 site-specific plans.

17 In this case, for example, if the
18 crossings are between zero and 15 feet, which
19 are minor, and then 15 to 100, which are
20 intermediate, we'll be planning wherever
21 feasible to cross them dry. Which would mean
22 we wouldn't have wet crossings unless we have a
23 site-specific plan and approval from the
24 agencies.

25 So that would mean that we would either

1 put a dam and pump the water around or we would
2 flume it so that there is continuous flow and
3 we'd never interrupt the flow of the stream
4 while we're constructing

5 There's 24 wetland crossings in High Point
6 State Park, approximately 4700 linear feet.
7 Seven-and-a-half acres of temporary impacts are
8 estimated in approximately 1.3 acres of
9 conversion

10 We don't refer to it as permanent impact.
11 We're not filling a wetland. We don't plan to
12 destroy the wetlands.

13 It will remain a wetland, but where there
14 are forested wetlands, where we're requesting
15 new permanent easement, it will be returned to
16 either emergent or scrub-shrub wetlands. Those
17 large trees won't be allowed to grow back over
18 the pipeline.

19 There are two Heritage Priority Sites,
20 Sawmill Pond Swamp and Mashipacong Bogs. I'm
21 sure I mispronounced that. I apologize.

22 We've done surveys for state and federal
23 rare, threatened and endangered species. None
24 were identified in either of the Heritage
25 Priority Sites.

1 I went into a little more specific of the
2 federal listed species that are identified as
3 being, by the Fish and Wildlife Service for the
4 potential to occur in the park.

5 Though we did surveys for bald eagles, bog
6 turtles, wedgemussels and Indiana bats. There
7 is potential for Big Flat Brook, dwarf
8 wedgemussels was identified as a possible
9 occurrence there, but surveys were done and
10 none were found.

11 No bog turtles were found in any surveys
12 or bald eagles. And we did mist net surveys
13 for Indiana bats and there were no bat captures
14 on High Point State Park.

15 The next slide.

16 So now we're going to go into the Long
17 Pond Ironworks State Park and Ringwood State
18 Park.

19 The next slide has a map of the two to
20 show you in a little more detail where the
21 proposed pipeline, in yellow, crosses those two
22 parks.

23 The park in green there is Long Pond
24 Ironworks and in the blue or purple is
25 Ringwood.

1 So starting first with Long Pond
2 Ironworks. Same as High Point, we've got a
3 summary of the proposed impacts, the permanent
4 conveyance is approximately 4.79 acres and
5 temporary impacts at 6.4 acres.

6 For Ringwood State Park, the proposed
7 permanent conveyance is approximately 10.83
8 acres and temporary impact is 32.288 acres.

9 And then we have access roads. I've put
10 both together here for Long Pond Ironworks and
11 Ringwood. There are six access roads proposed
12 to be used in these parks and approximately
13 35,000 linear feet; 19.72 acres, affected
14 acres.

15 And like I said, that is considering a
16 calculation of the existing road itself that
17 will be used at this.

18 The next slide goes into the environmental
19 aspects on Long Pond Ironworks State Park.
20 There's two water body crossings. Monksville
21 Reservoir is proposed to be crossed in a
22 horizontal directional drill. And the Wanaque
23 River there is approximately 13 feet crossing.
24 So that will proposed to be crossed dry.

25 There are two wetland crossings,

1 approximately 374 feet of wetlands being
2 crossed.

3 There are no Priority Heritage Sites. And
4 I put a summary in here for the federal
5 species. Bald eagles, no known nests within
6 three miles of the park.

7 Bog turtles. There's potentially suitable
8 habitat, but no turtles were found. We did
9 habitat surveys and we did Phase I surveys and
10 then a secondary Phase II survey, and no bog
11 turtles were found in those surveys.

12 There's no suitable stream on the park for
13 dwarf wedgemussels. And there were no bats
14 captured in mist net surveys.

15 The next slide. I'm sorry. I had my
16 notes out of order.

17 Was it Jungle Habitat that was next?

18 VOICE: Yes.

19 MS. DETTLING: Thank you.

20 Here's a figure that just shows Jungle
21 Habitat, which an existing paved area, it's
22 Ringwood State Park, and it's approximately --
23 where do I have --? Here's my slide.

24 The whole property is approximately
25 35 acres. There's some forested acres in the

1 middle that we wouldn't propose to use. So we
2 would propose to use approximately 27.3 acres
3 of this site just where it's existing paved.

4 And the figure shows where it is -- yeah,
5 the pipeline itself is at the far top corner.
6 And that's where Monksville Reservoir is. So
7 it's southwest of Monksville Reservoir.

8 Go to the next slide.

9 Ringwood State Park there are seven water
10 body crossings. Two perennial; Cupsaw Brook
11 and Ringwood Creek. Ringwood Creek is
12 approximately 45 feet there.

13 And there are five intermittent
14 tributaries. Seventeen wetland crossings. So
15 approximately 3500 linear feet of wetland
16 crossings.

17 There are no Natural Heritage Priority
18 Sites. A bald eagles survey found no nests
19 within or adjacent to the project area.

20 And then one thing I didn't mention for
21 all the parks, you will be adhering to
22 Migratory Bird Treating Act recommended Fish
23 and Wildlife service clearing restriction
24 dates, which means to avoid impacts to
25 migratory birds, they recommend clearing trees

1 in the fall and winter months, which we will be
2 proposing to do on the entire project in New
3 Jersey.

4 Bog turtles, there were no surveys
5 recommended in the park for bog turtles from
6 the county.

7 Ringwood Creek has potential habitat and
8 they did preliminary surveys. The surveys are
9 ongoing and haven't been completed in that
10 area.

11 And no bats were caught in mist net
12 surveys on Ringwood State Park.

13 The next slide is Bear Swamp Road. We
14 prepared a map that was zoomed in that shows we
15 are proposing to use Bear Swamp Road to access
16 Loop 325 toward the end of the proposed
17 pipeline loop.

18 We would be proposing to use approximately
19 7,355 linear feet that crosses Ramapo Mountain
20 State Forest. The estimated use of the road is
21 approximately 4.06 acres. The road is planned
22 for minimal use.

23 We would be only proposing improvements to
24 the existing road bed as needed and side
25 trimming of woody vegetation as needed.

1 There's the map. We have of it, so you
2 can see the black and white line that goes up
3 through the state forest in Bear Swamp Road and
4 where it reaches the orange line, that would be
5 the proposed pipeline loop.

6 The next slide we're going to go into
7 is recreation trails in the High Point State Park.
8 The proposed pipeline loop crosses the Appalachian
9 Trail.

10 The State of New Jersey owns the
11 property and is operated by the Division of Parks
12 and Forestry. Loop 323 crosses Appalachian Trail
13 approximately at mile post 14.37.

14 150 feet in either direction from the
15 center of the trail itself, the construction
16 right-of-way will be reduced to 75 feet in width,
17 only utilizing 50 feet of the existing maintained
18 right-of-way there. So we're reducing our work
19 space at 150 feet on either side.

20 The existing 300 line pipeline system
21 crosses, and as we stated, the new pipeline will be
22 approximately 25 feet offset from that.

23 Outside of that 300 feet that I
24 mentioned, the 150 feet on either side, that work
25 space will also be reduced. Tennessee will have a

1 variable width construction right-of-way for
2 construction.

3 A work space is required there, with
4 additional temporary work space that we will be
5 requesting in that area because of the construction
6 material that will need a place to be stored.

7 It cannot be stored within 150 feet
8 on either side of the trail because of how reduced
9 the work space is there. So we'll need to be
10 carrying that material out. And that's why
11 additional temporary work space will be needed in
12 those areas.

13 We prepared a crossing plan for the
14 trail and it's been provided to DEP for review, so
15 it's in the review process.

16 It was prepared just to lay out
17 minimization for adverse effects to the trail, just
18 to show that we will be maintaining the trail
19 experience for hikers to a maximum degree, and it
20 would maintaining safety for the hikers during
21 construction and facilitating coordination with the
22 state through out the regulatory process.

23 The trail plan will also include how
24 we will be dealing with having alternative trails
25 for the hikers when there's areas where they cannot

1 cross the pipeline construction area. And sometimes
2 when there's minimal activities going on, we will
3 have safety crews there to escort hikers through.
4 And that's all laid out in the crossing plan.

5 The next slide just goes over 18 --
6 and this is an estimated, we're going through a
7 review any other trails that are being crossed by
8 the parkland. And we've identified 18 trails other
9 than the Appalachian Trail to be crossed.

10 Loop 323 crosses Sawmill Loop and the
11 Iris Trail. The Iris trail is actually a trail that
12 is being proposed as an alternate to the Appalachian
13 Trail when hikers cannot cross at that point during
14 construction.

15 There are 16 trails that we have
16 identified on Loop 325, and they are listed there.

17 The next slide we go into is the
18 General Trail Crossing Plan that we are preparing
19 for any of those other trails that are being crossed
20 by the project. It will talk about mitigation
21 measures that will be put in place for these
22 crossings.

23 Signs will be posted to notify hikers
24 of construction. Once the construction is
25 completed, the right-of-way will be returned.

1 We'll also, as authorized by DEP,
2 Tennessee will be using various techniques to
3 discourage from ATV access, where we have widen
4 right-of-way on those trails. And we'll work with
5 DEP to identify.

6 In some cases, we may be putting
7 fences across. In some cases it may be boulders,
8 rocks across the right-of-way in those areas.

9 The next slide. I put this in here
10 just to show that on any of these parks that we're
11 proposing to cross, we will be adhering to the No
12 Net Loss Reforestation Act.

13 We've prepared No Net Loss
14 Reforestation plans for all of these areas, and
15 those are being reviewed and have been released for
16 public review, as well, and comments, and are posted
17 on DEP's website for you to review.

18 The plans are dated August 2010.
19 They are prepared in conjunction with DEP and just
20 speak to the replanting of temporary and additional
21 temporary work space areas.

22 And where we cannot do any
23 reforestation to the permanent easement areas, it
24 talks about how we will do reforestation off site
25 where DEP identifies on state parks where they may

1 need some reforestation to be conducted that is not
2 on our project work space.

3 If that option isn't chosen by the
4 State, then they can propose for us to do monetary
5 compensation if we don't find enough areas where we
6 can replant off site.

7 The No Net Loss Plan will also talk
8 about specialized methods for reforestation in
9 wetlands, what type of seed mixes, what we'll do in
10 poor suitable soils for planting and what we'll do
11 for hemlocks and oak community restoration.

12 We're going to go into alternatives.
13 So when we are going through these processes, the
14 Ogden-Rooney process, we look into alternatives.

15 The alternative analysis starts in
16 the Federal Energy Regulatory Process. We have to
17 go through several different alternative analyses
18 for these projects, which, also, we have now been
19 able to identify those reviews that have been done,
20 you know, to directly how they relate to these
21 parks.

22 The first though is an overall
23 project, we do no action alternatives. Which means
24 if this project didn't happen, could we meet the
25 need of our customer?

1 And if we didn't put these pipelines
2 in, if we didn't do this work that's proposed for
3 the Northeast Upgrade Project, we couldn't meet the
4 customer need for gas.

5 So if we don't build this, yeah,
6 there will no project.

7 System alternatives, we do an
8 analysis of that, which means can we use the
9 existing systems that are in place now to meet the
10 need of customers that are asking for gas capacity.

11 So we look at, can we just increase
12 compression on our existing pressure stations, can
13 we just put more gas in the system?

14 The analysis identified that, no, we
15 weren't able to use the existing systems that were
16 in place to meet the capacity that the customers
17 were asking for.

18 And then we look at route
19 alternatives. And that means we look at how to get
20 from point A to B in a different way. And we look
21 at, you know, how it impacts landowners, the
22 environment and customers.

23 In this case, we're proposing to, you
24 know, loop an existing pipeline, which is preferred,
25 which is part of our alternative analysis, which is

1 at any instance for a project, you know, go adjacent
2 to some other either utility easement or road
3 easement, and in this case we choose to parallel our
4 existing pipeline system.

5 We look at alternative water body
6 crossings. Like I mentioned for the Monksville
7 Reservoir, we're proposing to drill under it, as
8 opposed to cross it.

9 And then we looked at construction
10 alternatives. You know, reducing work space in the
11 areas that we can, like we said, for the Appalachian
12 Trail, and other things of that nature.

13 The next slide.

14 Here is a slide just showing, for
15 High Point State Park, we did an analysis, if we
16 were to go completely around the state park and have
17 no impact to it.

18 We did an analysis on a route to the
19 north and an analysis on a route to the south.

20 And you go to the next slide. We put
21 numbers together to just show what the impacts would
22 be in comparison to the proposed route or those
23 alternatives.

24 Obviously it would be a green field
25 route, which would not be paralleling another

1 easement, so it would be new impacts to those areas
2 that all the work space would be green field impacts
3 that we wouldn't be able to utilize an existing
4 right-of-way.

5 So it goes over all of the links,
6 wetlands, the water bodies that would be impacted.
7 Some Priority Sites in bald eagle habitat, with
8 turtle habitat, vernal pools and contaminated lakes.

9 We did this analysis as well as the
10 number of residential areas, landowners that would
11 be disturbed if we were to go those alternative
12 routes.

13 And you can see the mileage is
14 longer. The acreage is going to be longer to go
15 around the entire park.

16 The next slide is the exact same
17 analysis for both of the other parks, Long Pond
18 Ironworks and Ringwood. We've looked at routes to
19 the north, which would completely avoid any impacts
20 to the park as well as routes to the south of both
21 of the State-owned lands, including the Ramapo
22 Mountain State Park where Bear Swamp Road runs
23 through.

24 And then the tables that we have
25 following these slides are in the Ogden-Rooney

1 report, lay out all the acreage analysis and impact
2 that would occur if we used the alternative routes.

3 And in all these cases, by using an
4 existing corridor, you can greatly reduce the amount
5 of environmental impact and impact to landowners
6 that don't have existing easements on their
7 properties.

8 I think we can go through both of
9 those. Yes.

10 Okay. I'm going to turn it over to
11 Dan Gredvig to discuss some of the other alternative
12 analysis to reduce work spacing.

13 MR. GREDVIG: Good evening. Like to
14 welcome you all here today, this evening. My
15 name is Dan Gredvig, manager of right-of-way
16 for Tennessee Gas Pipeline.

17 As Melissa said, we wanted to discuss and
18 further describe what Judeth, in her opening
19 remarks talked about as far the goal of both
20 the NJDEP and Tennessee Gas Pipeline, just to
21 try to reduce our impact to the state parks.

22 We are looking at a number of different
23 approaches in order to succeed in making that
24 reduction.

25 You've seen our opportunities or the

1 previous maps that showed what we looked at as
2 far as complete avoidance.

3 It certainly added additional acres and
4 additional impact that would be for green field
5 routes.

6 So going through the park, we looked at
7 reducing the construction techniques or using
8 different modified construction techniques in
9 order to minimize our impacts. And that's to
10 shift our right-of-way to work over the top of
11 our existing pipeline more than we normally or
12 traditionally would.

13 That will result in approximately a
14 ten-acre reduction in our overall impact for
15 State-owed lands.

16 Also in the repairing areas, we are going
17 through wetlands or wet areas, we'd be looking
18 at reducing our work space from the 100-foot
19 typical right-of-way construction width down to
20 75 feet, again, further reducing those impacts
21 in through the riparian zone.

22 Our plan, our reduction plan still needs
23 to go through the final review of the LURP and
24 as we're looking at the threatened and
25 endangered species, that input will add to our

1 constructability review for the project and how
2 we can further minimize our disturbance through
3 the state parks.

4 The plan maintains economic viability. So
5 as we're looking at this plan of reduction, we
6 have to make sure we can meet our customer
7 needs, and at the same time that we can try to
8 reduce the environmental impacts to the state
9 lands of New Jersey.

10 The next slide gives us the opportunity to
11 show both our typical construction and wetland
12 construction, how that reduction would be put
13 into place as we work through this process with
14 the DEP.

15 You can see also the two diagrams help to
16 illustrate the reason for the width of our
17 right-of-way. A number of people may ask why
18 we need such a wide right-of-way, 100 feet
19 wide, 75 feet wide in the different areas.

20 This helps to demonstrate between the
21 topsoil pile, the spoil pile, the ditch where
22 you set up the pipe, the tractors that are
23 needed to set up the pipe in the welding
24 process.

25 You need to be able to leap frog

1 equipment, and so you got to have a passing
2 zone. So that helps to demonstrate, and what
3 we're looking at doing in both of these
4 instances, is shifting that work space over ten
5 feet.

6 Our construction footprint would still be
7 the same, but we would be impacting less virgin
8 land than we would if we left it where we were
9 just completely adjacent to our existing
10 pipeline and not overlapping that existing
11 right-of-way.

12 As part of the process we also have to do
13 a conservation restriction. Judeth at the
14 opening remarks talked about the meeting that
15 was in Bergen County or the state park, Bergen
16 County Park, excuse me.

17 We also had a meeting in Ringwood to deal
18 with the Passaic River Coalition. The Passaic
19 River Coalition has a conservation restriction
20 placed upon their lands because funds were used
21 from Green Acres to purchase that property.
22 And so we need to go through a process that
23 is -- the New Jersey Conservation Restriction
24 and Historic Preservation Restriction Act.
25 N.J.S.A. 13:8B-1.

1 So in addition to the proposed 25-year
2 lease of the lands owed in fee by the State,
3 Tennessee is seeking the permanent release or a
4 portion of these conservation restrictions in
5 accordance with that Act.

6 The commissioner approval is required for
7 the release of the conservation restriction.
8 Tennessee is complying with the legal
9 requirements for the partial release in
10 accordance with the Act.

11 Passaic River Coalition properties are
12 encumbered, as I said previously, and
13 compensation for that partial release of the
14 conservation easement will be made to satisfy
15 the Act requirements.

16 We are currently in negotiations with the
17 Passaic River Coalition for the release of that
18 conservation restriction.

19 The next slide shows the impacts to the
20 coalition property, both giving the mile post
21 location, the track numbers, and the lot
22 numbers that are being affected.

23 Next slide will show and demonstrate the
24 impact, both to the permanent easement, the
25 temporary work space, the additional work space

1 and the total impact acreage that would be
2 affected on that conservation restriction.

3 And finally to close out, we want to make
4 sure that you all have the opportunity to be
5 heard in this process.

6 We ask that through this comment period,
7 which will close on September 1st of this year,
8 interested parties may submit written comments
9 by September 1, 2011, to Kevin Koslosky, Bureau
10 of Legal Services and Stewardship, Green Acres
11 Program, New Jersey Department of Environmental
12 Protection, P.O. Box 412, Trenton, New Jersey,
13 08625-0420.

14 Additional information that can be found
15 on our project at the FERC website. There is a
16 docket number, and that docket number is
17 included not only on this slide, but on the
18 handouts that we had at the front table when
19 you came in.

20 So if there's any questions that you might
21 have, now would be the time to go through that
22 process.

23 MS. YEANY: I just want to address a
24 couple of issues that were raised in Melissa's
25 remarks.

1 I think it's part of the FERC process and
2 part of your normal discussion about these
3 projects to talk about a permanent
4 right-of-way, which I think that's a little bit
5 confusing when we are talking about the context
6 of a 25-year lease.

7 So I did want to emphasize that we do not
8 have a proposal on the table to permanently
9 sell any right-of-way to the company or give
10 them a permanent easement for any right-of-way.
11 We are looking to lease it.

12 But that gets me to my next subject, which
13 is compensation. I mentioned kind of the
14 overall dollar figure at the beginning, but I
15 wanted to explain what we're proposing in the
16 way of compensation for them being able to
17 lease these areas.

18 First of all, any areas that Melissa was
19 talking about being temporary work space,
20 additional temporary work space or access
21 roads would not be leased to the company for 25
22 years. They would be given a right of entry,
23 the ability to use those areas for a period of
24 probably not more than two years during the
25 construction phase of the project.

1 So the lease that we're discussing today
2 would be for any right-of-way associated with
3 the laying of the new pipeline parallel to the
4 existing line.

5 As we've talked about, there has been a
6 pipeline on these properties since the 1950s.
7 In some cases it was there when we purchased
8 the properties.

9 Originally, when the State allowed the
10 project to go through those properties, it did
11 so under a 50-year easement, a term easement
12 that expired in roughly 2004.

13 So the company holds rights to the
14 existing pipeline under a 20-year lease that
15 was executed in 2007. And we'd be proposing to
16 lease additional right-of-way under this
17 25-year lease.

18 So the leases aren't quite going to sync
19 up, but it's the same concept of not giving
20 permanent rights.

21 But when it came to compensation, we do
22 recognize that the typical life of a natural
23 gas pipeline is not 25 years.

24 The existing pipe has been in the ground
25 more than 60 years now, or more than 50, and we

1 don't necessarily expect that the company is
2 going to come through and pull it out after 25
3 years.

4 So we are, as was explained in more detail
5 in the report, we are looking at two different
6 types of compensation.

7 One is just a flat rental based on the
8 square footage that will be occupied by the
9 pipeline.

10 And what they refer to as permanent
11 right-of-way, we have proposed to charge the
12 company 15 cents a square foot in year one of
13 that lease with a two-and-a-half percent escalator
14 for the remaining years of the lease.

15 When you add that all up and you add in
16 also the same 15 cents a square foot for any
17 temporary work space, that's where you get to
18 that 7.8 or the 8.6 million dollar figure,
19 depending on which set of numbers we end up with.

20 As I said, that number could end up being
21 lower if we succeed in minimizing the
22 right-of-way that they need to lease.

23 But we have also asked the company, and we
24 did this for a previous project involving a
25 company, we've asked the company to provide us

1 replacement land for any areas that they're
2 referring to as a permanent right-of-way.

3 So, again, because we recognize the pipe
4 is not likely to be pulled out of the ground in
5 25 years, at the outset of this process, we're
6 saying replace the land.

7 And we're asking the company to do that at
8 a 4-to-1 ratio, which is the typical Green
9 Acres ratio that we applied for replacement of
10 what we would consider to be a
11 privately-sponsored project.

12 So the company will be paying us an annual
13 rental for occupying the land in the state
14 parks if we go through with this lease, but
15 they will also have to identify and purchase
16 replacement land up front as part of this
17 process.

18 We also mentioned in the report that there
19 will be other measures that we would impose on
20 this project to mitigate for construction
21 related impacts of the project.

22 Because we're still working through
23 avoidance, minimization, and evaluating certain
24 aspects of the project, I don't think we can
25 tell you what the full range of those would be.

1 But our goal is to have the company
2 mitigate for any construction-related impacts
3 of the project on our property.

4 And we do have a list available of the
5 measures that we require for the previous
6 project that we approved, but we are still
7 developing them for this project.

8 A typical question we get asked is that of
9 invasive species control. And that's certainly
10 something that we're concerned about as well.
11 FERC imposes some requirements for that that
12 the company can tell you about in more detail.

13 I also wanted to mention about the FERC
14 process. As I said, ultimately interstate
15 natural gas pipelines are highly regulated at
16 the federal level.

17 DEP is actively participating in the FERC
18 process, both as a landowner affected by the
19 project, but also wearing our regulatory hat
20 and having to issue permits for the project.

21 So if you have been to that FERC website
22 and searched the docket number, you'll see that
23 we have already made extensive comments on the
24 company's application. We're going to continue
25 to be involved in that process.

1 So if there are a non-state land aspects
2 of the project that you want to bring to our
3 attention, our office of permit coordination is
4 also involved in this project.

5 Our land use regulation program is
6 involved and they can accept some of those
7 comments and incorporate them into our
8 negotiations.

9 Anything else?

10 Okay. We're going to attempt to ask
11 people to limit their comments to five minutes,
12 at least initially.

13 We want to give everybody an opportunity
14 to speak. And we'll certainly, if we get
15 everybody here and we still have time, we'll
16 accept additional comment.

17 Like I said, please feel free to submit
18 written comments if you don't wish to testify
19 today or if you want to put additional points
20 on the record.

21 We do have a court reporter here, so if
22 you come up to testify, if you could just speak
23 slowly for the reporter but also introduce
24 yourself, spell your last name and if you want
25 to give your affiliation for the record, that's

1 fine, too.

2 We are going to attempt to answer
3 questions on the record to the extent that
4 we're able.

5 If there is something that we don't have
6 sufficient information to answer, we will
7 follow-up with a written response.

8 As I mentioned, we have an information
9 page on this project that you can find by going
10 to the Green Acres website.

11 If anybody wants the web address, I can
12 give it to you at the end of the meeting. And
13 if we have any follow-up questions and answers,
14 we will post that information there.

15 VOICE: Please tell us who you are.

16 MS. YEANY: I did at the beginning. I'm
17 Judeth Yeany, Y-E-A-N-Y. I'm the chief of the
18 Bureau of Legal Services and Stewardship in the
19 Green Acres Program at the DEP.

20 VOICE: Okay. Thank you.

21 MS. DETTLING: Questions?

22 MR. GREDVIG: Please come up.

23 MR. MICHAEL CEE: Hi. How do you do? My
24 name is Michael Cee from Vernon, New Jersey.

25 I wanted to know what the proposal is to

1 do with all the lumber, should they get the
2 permit from the State? What happens to all
3 lumber from our state forests?

4 MR. GREDVIG: We have two things that
5 we're working on with the lumber, one is we're
6 doing a timber appraisal of the value of that
7 timber, and then that compensation will be made
8 to the Department.

9 And then depending upon -- I know the goal
10 is that the timber, once it's acquired by
11 Tennessee, that is used for constructive or
12 beneficial purposes, and we will seek to
13 incorporate that into our plan as best that we
14 can.

15 In some areas, in some locations and
16 depending upon the right-of-way, we may need to
17 chip it maybe to haul it off. We may need to
18 do a number of things besides cording it up and
19 leaving it for firewood.

20 It really comes down to the location and
21 the available space in order to store that
22 lumber so that it doesn't impact our ability to
23 safely construct the pipeline.

24 MR. CEE: Has that been done before,
25 leaving firewood for, say, the residents of the

1 community?

2 MR. GREDVIG: We looked to those
3 opportunities. We need to look at that along
4 our pipeline right-of-way to see where that
5 could be a possibility.

6 It may require additional work space. We
7 would have to work that out, both with the
8 surface landowner and our contractor, to see if
9 that could be done in the context of that area.

10 So to say yes or no right now until we
11 make a plan --

12 MR. CEE: So you mentioned the State would
13 be compensated then if you were to sell the
14 lumber, say, if you take the lumber out --

15 MR. GREDVIG: We do --

16 MR. CEE: -- and get a credit --

17 MR. GREDVIG: We will do an appraisal --

18 MR. CEE: -- for the lumber value.

19 MR. GREDVIG: -- of the timber value, and
20 that value is compensated just like we would
21 with any traditional landowner that we'd be
22 crossing.

23 MR. CEE: Can I ask one more?

24 MR. GREDVIG: Certainly.

25 MR. CEE: Okay. I understand you have

1 your 50-foot right-of-way now. Why do you need
2 a whole 150 feet to just put one more line in?

3 MR. GREDVIG: We looking for an
4 additional -- typically, across the entire
5 pipeline, we're looking for an additional 100
6 feet, of which part of that overlaps with our
7 existing pipeline right-of-way.

8 And so the new area that we're asking for
9 footprint-wise is 75 feet, and we're looking to
10 minimize that as part of this reduction plan
11 that we're looking at with the Department.

12 MR. CEE: Well, it said 100 feet, and then
13 in wetland areas you go down to 75 feet; right?

14 MS. DETTLING: Correct.

15 MR. CEE: So it's only an additional
16 hundred and then in wetlands, 75. And then,
17 plus, you already have the 50; right?

18 MS. DETTLING: And just to mention, the
19 pipeline that we have now, the 24-inch line,
20 will remain in service. So we can't have
21 pipeline activities and equipment running over
22 the hot line.

23 MR. CEE: I see, I see.

24 MS. DETTLING: So our work space can only
25 go to a certain distance from that line.

1 MR. CEE: Oh, I see. How far of a
2 distance is that from between the two lines?
3 That's why you need that extra space.

4 MS. DETTLING: That's why we need that.

5 MR. GREDVIG: That's part of that
6 minimization plan that we're working on.

7 MR. CEE: I see.

8 MR. GREDVIG: To try to see how we can
9 optimize that existing right-of-way to
10 incorporate it into our plan. But the work
11 space is slated to be a hundred feet. We're
12 looking at reducing that to overlap that
13 existing pipeline right-of-way.

14 MR. CEE: But there is a certain distance
15 between the two lines that you have throughout
16 the whole project.

17 MR. CREEL: We're going to have a 25-foot
18 spacing --

19 MR. CEE: Twenty-five feet between the two
20 lines. Okay. Thank you.

21 MR. CREEL: I'm Jerry Creel, project
22 manager.

23 This is a good diagram, it kind of shows
24 the layout. And you'll see that -- here's the
25 existing pipe.

1 MR. CEE: I see.

2 MR. CREEL: And so we've got 25 feet --

3 MR. CEE: Between the two --

4 MR. CREEL: Between the two lines. And so
5 the 75 feet is what is needed. Of the total of
6 a hundred feet includes the overlap on the
7 existing right-of-way.

8 And one of the things that we're
9 attempting to do is to shift that over a little
10 bit more, by ten feet, just to minimize a
11 little bit more how much room -- how much
12 temporary work space on previous undisturbed
13 land that we use, as well as the permanent
14 amount of area that we're going to maintain
15 through the park.

16 MR. CEE: How much space did you use on
17 the first line? You had the 20 -- you had the
18 line in and then you --

19 MR. CREEL: Well, there was 50 feet.

20 MR. CEE: Fifty feet in its entirety --

21 MR. CREEL: Permanent.

22 MR. CEE: -- for the first --

23 MR. CREEL: Permanent. I wasn't here in
24 '55, so I couldn't tell you for sure, but it
25 took more than just 50 feet to start with.

1 MR. CEE: Okay. I see, I see. Okay.

2 Thank you.

3 MS. DETTLING: Thank you.

4 MS. BRICK: My name is Debra Brick from
5 Sandyston.

6 We were in South California recently this
7 past year and one of the towns nearby, a gas
8 pipe -- gas line exploded in the town, caused a
9 horrible fire.

10 So I'm wondering if your company has ever
11 had any gas pipeline explosions?

12 MR. GREDVIG: Yes. I mean, the answer is
13 yes. The thing that we want to emphasize with
14 natural gas pipeline construction, we are
15 trying to use all safety with our construction,
16 with the pipe, with the welding, with the
17 inspection, the 24-hour monitoring over our
18 pipeline.

19 The pipeline that you're referencing in
20 California, can't speak to its pipeline
21 maintenance, how it is jurisdictionally, I
22 believe it's an intrastate pipeline versus
23 this being an interstate pipeline system.

24 The requirements that we need to follow
25 for our construction and our operation of

1 maintenance are governed by the U.S. Department
2 of Transportation and the Pipeline Hazardous
3 Material Safety, the PHMSA.

4 So all of the construction that we put
5 into this pipeline will be to ensure, as best
6 that we can possibly can, the safe operation
7 for not only the construction but the operation
8 of the pipeline.

9 MS. BRICK: Okay. Where and when did you
10 have an explosion?

11 MR. GREDVIG: I can't answer -- I mean,
12 right off the top of my head, I don't --

13 MS. BRICK: You don't know?

14 MR. GREDVIG: Yes.

15 MS. BRICK: I see. And are you getting
16 any gas through this pipeline from fracking,
17 from the fracking process in Pennsylvania that
18 they are doing? Is some of this gas from the
19 fracking?

20 MR. GREDVIG: Yes. Some of our customers
21 that have signed up for capacity have these
22 holdings that are within the Marcellus Shale,
23 and that gas would then be coming onto our
24 pipeline. But since --

25 MS. BRICK: But you're not going to do

1 any --

2 MR. GREDVIG: Since we are not in the --

3 MS. BRICK: Drilling.

4 MR. GREDVIG: -- drilling end of it or
5 production end of it, we will not be -- we
6 can't answer really where that gas is all
7 coming from.

8 We just know that our customers have
9 signed up for capacity in our pipeline.

10 MS. DETTLING: We are just transporters.

11 MS. BRICK: Thank you.

12 MS. DETTLING: Another question?

13 MS. BUDZ: Bev Budz, Vernon.

14 Did the existing pipeline that was in
15 Wawayanda State Park, when we walked it, which
16 we are safety certified to do because we took
17 the class with El Paso, was 30 feet for the
18 original 26 or 30-inch pipe. They replanted.
19 And when we originally walked up there, before
20 they started taking all the trees down, it was
21 the 30-foot. Now when you go up there it's
22 200 feet.

23 And I have pictures I'd like to give
24 everybody, if you don't mind, just to let you
25 know what is going on in our town and what

1 we're looking at.

2 (Handing out pictures.)

3 MS. BUDZ: You might not be able to see
4 this from the road. Just to let other people
5 know that they used the word "minimal" a lot,
6 and our -- what I have here in front of me is
7 the paperwork that was given to Vernon in 2009
8 saying 75 feet, 100 feet wetlands.

9 We had 150 feet of our wetlands that has
10 been taken out. Tons and tons of trees are
11 gone and our forests look terrible.

12 And I was told that only a third was to be
13 mitigated. Legally, only a third has to be
14 mitigated.

15 We had a mud slide last night in Vernon,
16 Great Gorge Village. People might not know
17 that, but if you drive by, it's a mess. I want
18 people to be aware of the other side of what it
19 is.

20 I understand the need for natural gas, but
21 there is a price for that, and people need to
22 know that once you take it, you can't put it
23 back. You can't fix it.

24 And that needs to be addressed. It's not
25 Disneyland. You're not selling Disneyland.

1 MR. GREDVIG: Thank you.

2 MS. BUDZ: I would like, if anybody wants
3 to read or look, pass it around. Just to get
4 an idea of what it sounds like now, this is
5 what it's going to look like later.

6 MS. DETTLING: I'll just say when you go
7 on -- for the Northeast Upgrade Project, when
8 you go on the Federal Energy Regulatory
9 Commission website, we alignment sheets which
10 layout our proposed work space.

11 Once we are granted a certificate we can't
12 use an inch outside of the proposed approved
13 work space that's laid out specifically on all
14 those alignment sheets.

15 So you can see specifically the work space
16 we're requesting in any area.

17 VOICE: You call this respect?

18 MS. YEANY: If I can address one issue.

19 I mean, as far as it not being Disneyland,
20 I think the DEP was pretty frank in the report
21 that we issued on this transaction in saying
22 that we didn't feel this project was
23 particularly advantageous for us as a property
24 owner.

25 So, you know, we're not trying to sugar

1 coat the impacts in any way. And the segments
2 of the pipeline that are on state property are
3 not in any way exempt from permitting just
4 because they are crossing state property.

5 So I don't know specifically what is going
6 on in Vernon. I don't know if it's in
7 exceedance of what was approved or not, but
8 because we're well aware of what the impacts
9 are is exactly why we asked the company to go
10 through the exercise of minimizing the
11 right-of-way.

12 So, you know, we do know what this project
13 will mean. And we feel we're setting the bar
14 pretty high for compensation because of that.

15 MS. BUDZ: How do you put a value on that?

16 MS. YEANY: It's tough.

17 MS. BUDZ: It's forever.

18 MS. YEANY: It's very tough, but that's
19 exactly why we're asking for replacement land
20 for the right-of-way, even though we're talking
21 about a lease today.

22 MS. BUDZ: But you have eight major
23 species in Vernon, at least two are plants, six
24 are animals.

25 Red Shoulder Hawk's nest right there.

1 MS. STARK: My name is Terry Stark. I
2 live in Fredon. Pretty much a native of Sussex
3 County most of my life.

4 I just have a couple questions. Is the
5 website -- where or at your website, what
6 website is that? Where I can find data, I
7 guess, about the increased -- the actual
8 increased demand for natural gas? Where would
9 I find that?

10 MS. DETTLING: Yes, in the presentation
11 there's a link to the FERC website where all
12 our project information is in there and you
13 follow the document number.

14 MS. PAUL: Also northeastupdateproject.com
15 is a project-specific website. And there's
16 also a study by the Bloustein School of Rutgers
17 that note the full details of the benefits and
18 the needs --

19 MS. STARK: Do you happen to know the year
20 of that study by any chance?

21 MS. PAUL: It was done this past year.

22 MS. STARK: Oh, I'm sorry. Does anybody
23 know that docket number of the top of your head
24 real quick? I only got half of it.

25 VOICE: It's right up there on the sign.

1 MS. STARK: Oh, okay.

2 MS. YEANY: I will say that when you put
3 that docket number into FERC's E-library, I
4 believe you have to leave off those last three
5 zeros to find the information.

6 MS. STARK: Okay.

7 MS. YEANY: We had some people saying they
8 were having trouble finding information. The
9 three zeros that are sub-docket.

10 MS. STARK: Also, before I forget. Some
11 people seemed to be surprised about that term
12 about "fracking," and I suggest that if you
13 don't know what "fracking" is that you start to
14 become a little bit familiar with that because
15 they might be the transporters, but that's a
16 whole 'nother issue, fracking, the
17 hydro-fracking underground, which, you know,
18 I'm not an expert on, not even close to it, but
19 you need to start checking that out because,
20 you know, apparently that is a lot of
21 contamination going on in the water, the left
22 over -- you know, however that process happens.
23 So that's a huge thing.

24 I have a question about the existing
25 pipeline under the Monksville Reservoir, and

1 I'm sorry, is Wawayanda, if anybody knows the
2 Monksville Reservoir?

3 MALE VOICE: Long Pond Ironworks. No,
4 it's not.

5 MR. GREDVIG: It's Long Pond.

6 MS. STARK: Okay. Can anybody tell me if
7 the existing pipeline already runs under that
8 reservoir, which, you know, reservoir, drinking
9 water --

10 MR. CREEL: Yes, yes, it does.

11 MS. STARK: It does. Is that in use and
12 gas is flowing through that now?

13 MR. GREDVIG: Yes.

14 MS. STARK: Could you comment on just the
15 monitoring and inspection? Is water taken,
16 water samples? How do we know -- you know,
17 especially, you know, such...

18 MR. GREDVIG: The pipeline integrity is
19 checked -- to answer a couple of your
20 questions.

21 One is we monitor that pipeline 24 hours a
22 day, seven days a week.

23 We monitor the pressure, we operate the
24 gas flow that is coming into that pipeline and
25 out of the pipeline so that we know and account

1 for the gas at all times.

2 Secondly, we comply with the corrosion
3 protection, the requirements underneath the
4 U.S. DOT requirements for safely operating the
5 pipeline.

6 That requires us to do periodic inspection
7 not only of the surface of the pipeline, which
8 we do aerially, but we also do an internal
9 checking of the pipeline for anomalies.

10 We put what's called an intelligent tool
11 inside the pipeline. That pipeline tool is
12 able to run through the inside and be able to
13 tell us whether we have any anomalies, line
14 loss, welds that may be of question.

15 And with that, then we can go and excavate
16 or explore for that.

17 That pipeline that's underneath the
18 Monksville Reservoir has been there since 1955.
19 To the best of my knowledge, we have not had to
20 do any excavation in that area for that
21 pipeline and have had no anomalies or any line
22 loss.

23 And then we're also doing the inspection
24 of the pipeline to make sure that its
25 integrity, both from pipe to soil surveys --

1 we've got to do those to make sure that we're
2 not having any line loss, and we could do that
3 through testing the pipe at intervals along the
4 pipeline.

5 MS. STARK: What is the pipe itself,
6 material?

7 MR. GREDVIG: Steel.

8 MS. STARK: I guess -- I'm sorry.
9 Melissa, a quote she said, "We never interrupt
10 the flow of a stream." Is that correct? Did
11 you say that?

12 MS. DETTLING: When we do a dry crossing,
13 which I mentioned. Though in areas, streams
14 where we can pump -- where the flow is at a
15 limit where we can put dams on either side of
16 our construction work space and pump the water
17 around the entire work space.

18 In other dry crossings we're able to put a
19 flume pipe in. It's almost like putting a dam
20 in and we've got large pieces that allow the
21 water to run through a pipe. So it continues
22 from one side of our work space to another
23 while we are putting the new pipeline in.

24 MS. STARK: Thank you.

25 MR. GREDVIG: Thank you.

1 MR. INGUI: How are you? My name is Chris
2 Ingui, I-N-G-U-I. I'm the New Jersey program
3 coordinator for the New York/New Jersey Trail
4 Conference.

5 A quick background of what we do. We
6 build and maintain hiking trails in much of New
7 Jersey and New York. Mainly with volunteers.

8 And so, first off, our main concern is
9 recreational trails. That's why we even exist.
10 And we appreciate what the volunteer community
11 does, and myself, do appreciate the mitigation
12 as far as keeping trails open that you promised
13 year round.

14 And Wawayanda State Park, as Jerry and I
15 were just discussing, we did have two trail
16 crossings that were closed for over six months.
17 And that was a big issue, blocked users from
18 using the park. And I know you guys were
19 talking about that, and using the trail. It
20 also prevented our maintainers from keeping the
21 trail open.

22 However, if you guys can promise to keep
23 those trails open by whichever means is
24 necessary, be it by a bridge, that would be,
25 you know, very much appreciated. And that's

1 was my understanding, that you guys would be
2 able to keep the trails open.

3 Year round it's blasting or when the
4 safety is concern.

5 MR. GREDVIG: Right. During that time
6 when the actual installation of that pipeline
7 needs to go across that trail, and during that
8 excavation of the ditch line, it will have to
9 be closed, but it will be appropriately signed
10 and we will use the plan that we've outlined.

11 MR. INGUI: Very good.

12 And another thing we had discussed, I had
13 met with Jerry as well as certain members of
14 DEP and the ATC. We'd also -- last month, we
15 had discussed also any structures that were on
16 the trails, be it side hilling or erosion
17 devices.

18 You guys would also, as you said in your
19 presentation, be able to replace those to
20 prevent runoff and eroding of trails.

21 We appreciate that and we appreciate the
22 reforestation efforts. I believe you have a
23 50, was it, survivability plan where you guys
24 would replace any trees that died within that
25 period of time; is that correct?

1 MS. DETTLING: Yes, we'll be monitoring
2 for a minium of three years, until we reach a
3 successful growth and then it'll continue past
4 three if it hasn't been reached.

5 MR. INGUI: Okay. There were some
6 concerns though that I'm getting from our
7 volunteers and our membership that I did want
8 to voice to you.

9 Mainly that -- well, first would be that
10 in 1950, or in the '50s, when this pipeline was
11 first put down, certain things didn't exist
12 that exist now.

13 Things like the invasive species outbreak
14 that we're having, plant species. There is a
15 lot more of them now. Things like a lot more
16 ATVs. Things like a lot more people using the
17 parks and enjoying the parks. Drinking the
18 water. That kind of thing.

19 As far as invasive plant species control,
20 monitoring, treatment is concerned, could you
21 go over your plan for that?

22 MS. DETTLING: Yes. We have an invasive
23 species management plan that we have submitted
24 with our FERC process, and there's a section in
25 the No Net Loss Plan as well.

1 We went through and did our field surveys.
2 We identified where there's areas of invasive
3 species, not just weeds now, that are
4 preexisting. So that prior to construction we
5 can go through and try and do some treatment.

6 And following construction, they will be
7 doing some spraying, and we have our herbicides
8 and other spraying measures.

9 We'll also be doing, when we go through
10 and do our monitoring efforts, and if they are
11 identified, we will also be actively removing
12 them if there are areas that we find.

13 We're also looking into any other measures
14 that we can do. There are some areas where we
15 may have wash stations for the equipment, if
16 there's an area identified that's sensitive.

17 The equipment will always be cleaned when
18 going from one park to another and other areas,
19 we won't be bringing debris from site to site.

20 So those are the measures that are all
21 outlined in the agency management plan.

22 And it also discusses where our operation
23 and maintenance crews will also continue
24 spraying through our maintenance plan once the
25 construction is done.

1 So our operations team also continues
2 invasive species management on our pipeline
3 right-of-ways when the project restoration is
4 complete.

5 MR. INGUI: Now, that goes beyond the
6 three-year limit for that transplant of trees.
7 That's throughout the 25-year --

8 MS. DETTLING: Correct.

9 MR. INGUI: -- lease that you would
10 monitoring that.

11 MS. DETTLING: That's correct.

12 MR. INGUI: Okay. The other issue was ATV
13 incursions on the trails and the parks in
14 general. There is a lot more of them out
15 there. And if building those scree walls, the
16 fences in them to prevent initial access across
17 those -- where the, I guess, the right-of-way
18 would exist, that is great thing and we
19 appreciate you doing that.

20 But if you have ever been to some of these
21 areas where the pipeline currently exists,
22 these guys get in regardless. You're going to
23 put in a scree wall, and it will help, it will
24 deter some, but people are going to get
25 through.

1 There's an element out there that wants to
2 get into these parks, and once they're in there
3 they get on the trails, and they cause immense
4 damage and destruction to the recreational
5 trail system there.

6 And I hope that that is considered in the
7 mitigation that will be given to the State, not
8 just to block them out, but possibly some money
9 to help enforce this kind of an issue for us.

10 This is some of the stuff that the
11 volunteers have brought to my attention.

12 The last thing that I wanted to bring up
13 is an issue that we really have nothing to do
14 at the trail conference with, and that's the
15 financial mitigation that you guys will be
16 giving to the State.

17 I believe the figure between 7 and 8
18 million dollars for the lease is what is being
19 tossed around right now. And that 15 cents per
20 square foot?

21 MR. GREDVIG: Yes.

22 MR. INGUI: Does anybody know -- and I
23 don't know. I'm just curious, does anybody
24 know what a residential property is per square
25 foot?

1 MR. GREDVIG: Don't have any idea.

2 MR. INGUI: Per acre?

3 MR. GREDVIG: Per acre, it really is going
4 to depend on where it is and what's on it.

5 MR. INGUI: Okay.

6 MR. GREDVIG: And a lot of different
7 variables for a per acre price.

8 MS. YEANY: We explained in the report
9 that we came up with 15 cent per square foot
10 based on the analysis that we're doing in
11 general of these linear projects and what we
12 should be charging for those leases.

13 I don't know the answer to your particular
14 question, but I can tell you that it was
15 approached as more of a commercial value than a
16 residential value.

17 And, you know, we will be releasing more
18 information to the public very soon about our
19 methodology for that. So, I mean, I think you
20 can just tell by what the number ends up being
21 that it's a significant number, even though 15
22 cents seemed like...

23 MR. INGUI: Well, I'll tell you why I
24 brought that up.

25 MS. YEANY: Okay.

1 MR. INGUI: It was mainly because, you
2 know, residential property is owned and used by
3 a couple people. These parks are used by
4 millions. And it's our hope that, as reflected
5 in the cost of the mitigation and compensation,
6 not that it should be doubled or tripled, we
7 think it should be more than that.

8 Because the park property is used by a lot
9 more than five people, like in a residential
10 property, or even a thousand people like in a
11 commercial property. It's exponentially more
12 than that.

13 And the damage done esthetically is going
14 to be lasting. People don't go to parks to see
15 this kind of scar on the property. People are
16 going to talk about it.

17 And it's no different than if you own
18 great ocean side property and you've got a view
19 of the coast line and then Donald Trump comes
20 in and he puts a huge, huge, wrecking ball
21 right in front of your property, if he values
22 your property, it affects you wanting to go
23 there.

24 And from what I'm being told and also from
25 my personally beliefs that should be

1 considered.

2 MS. YEANY: Well, we definitely share that
3 concern and, unfortunately, that's something
4 that's really hard to quantify. But that is
5 part of what prompted us to talk about
6 replacement land with the company, because we
7 recognize that the areas that they would refer
8 to as permanent right-of-way are just not going
9 to be the same.

10 And there will be an impact on the overall
11 state park that you just can't compensate for
12 in monetary terms.

13 So even though the localized impact of the
14 construction is going to be very significant,
15 at the end of the day we hope that the total
16 area available to the public use will increase.

17 So, you know, we hope that there will be
18 something significant -- you know, we're not
19 looking just any old areas for replacement
20 land. We want something close by and
21 ecologically valuable. So we're still working
22 our way through that.

23 MR. INGUI: That being said, you know, we
24 do appreciate the research that you've done.
25 And we do appreciation the mitigation you've

1 come up with so far, but as you can tell, it is
2 a sensitive issue for us, so...

3 You know, we look forward to be able to
4 work with you.

5 MS. YEANY: Thanks.

6 MR. GREDVIG: Yes.

7 MR. GUIMES: My name is James P. Guimes,
8 G-U-I-M-E-S.

9 Ma'am, you work for the State?

10 MS. YEANY: Yes.

11 MR. GUIMES: Now, my biggest question here
12 is not so much the pipeline, you're charging
13 rent to the State.

14 MS. YEANY: We would be charging --

15 MR. GUIMES: You're charging rent to the
16 pipeline, I beg your pardon.

17 MS. YEANY: Correct.

18 MR. GUIMES: Okay. Now, High Point State
19 Park, 10,000 of its acres were given to the
20 State of New Jersey as a gift. Anything that's
21 done in High Point State Park or any other
22 state park is done with taxpayer dollars.

23 My question to you is: Any rent that you
24 charge or any fees that you charge to the
25 pipeline, do they go into the general fund or

1 do they go specifically to the state parks
2 affected?

3 MS. YEANY: We have proposed to allocate
4 the rental between two accounts that would
5 benefit the state park service.

6 Ringwood State Park has a revolving
7 account that it is used to finance projects in
8 Ringwood itself. And the rest of the revenue
9 is proposed to be dedicated into the parks.

10 I'm going to say this for all, but I
11 believe it's the operational account for the
12 state parks.

13 MR. GUIMES: But it's specifically
14 earmarked to the state parks?

15 MS. YEANY: That's what we're proposing.
16 I mean, ultimately our Commissioner and the
17 State House Commission has to approve that.

18 MR. GUIMES: The reason I asked that
19 specifically is, I happen to be involved in the
20 park. I consider High Point State Park like my
21 family and my home.

22 And while we need the pipeline, we don't
23 need for High Point State Park to generate
24 revenue to Trenton without it benefiting High
25 Point State Park, specifically 10,000 of those

1 acres in the park were a gift to the State.

2 Thank you.

3 MS. YEANY: Thank you.

4 MR. HELBING: I'm Mike Helbing,

5 H-E-L-B-I-N-G. Hardwick, New Jersey. I

6 represent a lot of groups, but I'll go with

7 Metro Trails, New Jersey Non-profit

8 Corporation.

9 I'm really concerned that everything

10 mentioned, I've gone through all your

11 paperwork, it leaves out the National Trails

12 System Act of 1968 and 1984 when it was

13 updated.

14 I commend you for trying to keep the

15 Appalachian Trail open because it even says in

16 the Act that it would take an Act of Congress

17 to be able to close it.

18 But in Section 3, Part 4 of the National

19 Trails System Act, it also says that connecting

20 trails are also protected, for various reasons,

21 alternate access to it.

22 So one of them you've identified, the Iris

23 Trail, as being an alternate route. We have a

24 resource that's impacted here that where now

25 people that are coming through, not everybody

1 is going to hike from Maine to Georgia or do a
2 multi-day trip.

3 A lot of people don't have a friend, they
4 can come out and park the car at one end and
5 walk to the other. You're eliminating a loop
6 that was a very popular thing for people who
7 live on Deckertown Turnpike. That was
8 something that they could do.

9 No loop opportunities are in existence on
10 the opposite side of that road within an easy
11 walk.

12 So there is -- there's that.

13 And I was wondering what plans might
14 have -- will all the trails try to remain open?

15 MR. GREDVIG: Part of our plan, as we
16 tried to share tonight, was that to the extent
17 that our construction activity, whether it be
18 digging a ditch across the trail, it will have
19 to be closed during that point in time.

20 When we're laying the pipeline into that
21 ditch and backfilling it, it will have to be
22 closed.

23 Outside of those specific times, it is our
24 goal to leave that trail open and passable
25 whether by a shoe fly or mat crossing, you

1 know, to safely allow the crossing over that
2 pipeline ditch so that we are leaving it
3 permanently closed for that period of time of
4 the ongoing construction activity.

5 MR. HELBING: Could you address then some
6 of the discrepancies between what it says in
7 the National Trails System Act, as opposed --
8 like, for example, you have that you're going
9 to have, like, 150 feet on it, when it actually
10 says, Page 14, No. 4, states that on public
11 lands surrounding the foot path will be at
12 least 1,000 feet made up of primary zone of 400
13 feet and a secondary zone of 600 feet centered
14 on the existing foot path.

15 The secondary area may be extended if
16 there are extraordinary features.

17 For example, your spot in High Point State
18 Park, an extraordinary feature could be the
19 slope there.

20 Below that slope, there's actually a
21 glacial eratica, Tripod Rock that's off trail.
22 It's within that the corridor, but most people
23 don't know that it's there. It's an incredible
24 piece of geological history.

25 So why was it in all of this paperwork

1 that something huge, the National Scenic Trails
2 Act, which seem to me should be like the Ten
3 Commandments of everything you do around the
4 trail system is left out completely?

5 MS. DETTLING: Yes. For the Appalachian
6 Trail plan that we're following, there is an
7 MOA that was prepared that DEP, along with all
8 the agencies, including the National Park
9 Service and Wallkill Refuge, the Trail
10 Conservancy, the Department of Transportation,
11 they have guidelines in that MOA.

12 There are restrictions to there being
13 structures and things put in those areas. We
14 will not be putting any structures in those
15 areas. We will be working through it and
16 returning it.

17 So structures, as it's stating are
18 permanent features that we will be building as
19 in roads or structures, are not being done in
20 those areas, which is specifically called out
21 in the MOA.

22 The type of activity that we'll be doing
23 is not in violation of that.

24 MR. HELBING: Well, some of the stuff,
25 even if it's in the MOA or MOU or whatever

1 there is between the State, it's actually
2 written in a lot of that, that it has to act
3 within the parameters established by the
4 National Scenic Trails Act.

5 So I'm still kind of upset that that isn't
6 even given any thought.

7 And on a similar to note to that, too, on
8 the handout you have, Page 32, EP 32 -- or if
9 anybody wants to have a look -- you're missing
10 one on here.

11 I'd also like to mention, of the 18 trails
12 mentioned, 16 of them do make a connection with
13 the Appalachian Trail. And so from my
14 interpretation of the National Scenic Trails
15 Act, they should also fit under the area that's
16 protected.

17 But you're missing one of them, the
18 Highlands Trail. That actually has a federal
19 designation as well. It was the National
20 Millennium Trail in 2000.

21 That's 150-plus mile trail system that
22 goes from Storm King Mountain in New York, all
23 the way to Riegelsville, New Jersey, marked all
24 the way through. And it actually goes beyond
25 in either direction.

1 But this is now 150-mile section is the
2 park that's considered complete, marked and
3 open to public. But it seems like it's kind of
4 conveniently left out.

5 It mentions Hewitt Butler Trail, because
6 in that section, there's only a few hundred
7 feet of it that are co-aligned with the Hewitt
8 Butler Trail.

9 It seems like the Highlands Trail is the
10 more prominent one in the area, but it's also
11 the one with the federal designation.

12 So it gives me kind of a sour taste about
13 it that it seems like with the National Trails
14 Act and with the National Millennium Trail,
15 these areas that receive extra protections,
16 they're kind of conveniently left out.

17 MR. GREDVIG: During Melissa's
18 presentation and discussion, she captured the
19 list that was here is just what we have been
20 able to capture to date.

21 We have not completed our complete due
22 diligence of the route and its crossing of any
23 trails. We have yet to complete that, and so
24 we will continue along that.

25 We have also, in discussions with the

1 Department of Environmental Protection, the
2 DEP, have been talking about the trails and how
3 we are going to go through the process of
4 addressing the trails as part of the lease
5 document and what needs to be done.

6 So that, again, hasn't been finalized, how
7 we are going to get through that entire
8 process. So this a work-in-progress.

9 And if we missed a trail, we certainly
10 appreciate the fact that you have brought it to
11 our attention, but I also want to reconfirm
12 that we haven't completed that analysis.

13 MR. HELBING: Well, the last question that
14 would be, because there is such an incredible
15 resource impact here, is there anything down
16 the road that you're looking at doing beyond
17 the revegetation of the areas, you know, maybe
18 give the trail conference a grant or anything
19 like that for all the time that it's taken away
20 from them being able to maintain and the public
21 being able to use it?

22 What do you stand to gain, really? What
23 do we stand to gain from this?

24 MR. GREDVIG: The trails, as they cross
25 through the state park, obviously, we need to

1 work with the state park to make sure
2 that we're -- or the state lands, that we're
3 addressing the trails appropriately, like I
4 indicated.

5 If there is a request or something that
6 you would like to further along to us, we'd be
7 more than happy to take that under
8 consideration.

9 This is the first discussion or suggestion
10 of that request, and so we're always open to
11 those kinds of requests. Not promising
12 anything, not saying that we can do anything,
13 but we certainly want to make sure that we're
14 addressing them appropriately not only for
15 public but for the state lands.

16 MR. HELBING: Okay. I just ask please
17 look at the National Scenic Trails Act and make
18 sure you're in conformance with that.

19 That's all. Thank you for your time.

20 MS. YEANY: Thank you. That was great.

21 MS. TERHUNE: Martha Terhune,
22 T-E-R-H-U-N-E, Frankfurt.

23 First I'd like to ask why you don't know
24 what happened in Vernon? Is this the first you
25 heard of it?

1 MR. CREEL: I know.

2 MS. YEANY: What I hadn't heard of was any
3 allegations that somehow the right-of-way width
4 was wider than it should have been. I
5 certainly was aware of the slide activity.

6 MS. TERHUNE: Okay.

7 MS. YEANY: And it's not clear to me if
8 what you were showing us was on private
9 property or state, so I didn't really want to
10 comment on that.

11 MS. TERHUNE: Does it matter if it's close
12 by a pipeline whether it's on private or state?

13 MS. YEANY: From certain perspectives, no,
14 obviously, so...

15 MS. TERHUNE: Are they planning on
16 repairing it?

17 MR. CREEL: Yes.

18 MR. GREDVIG: Yes. We are currently
19 working on the resolution of that situation as
20 we're sitting here tonight and ongoing, right
21 as soon as the event happened, we have been
22 aggressively trying to address that freak
23 rainstorm that happened that ended up --

24 MS. TERHUNE: There are a lot of those
25 lately.

1 MR. GREDVIG: Yes, there are.

2 MS. DETTLING: Jerry, do you want to speak
3 to that?

4 MR. CREEL: Well, yes, let me try to speak
5 to that.

6 Jerry Creel, the project manager. I
7 was -- in fact, I stayed at the resort last
8 night. I came up yesterday, we found out -- I
9 think it was Monday afternoon about three
10 o'clock or so.

11 We experienced as a part of the new
12 construction activity we're building the pipe
13 up the hill adjacent to the ski resort over
14 there, and it's a very steep hill. And
15 construction is in progress, and a lot of the
16 fresh backfill over the pipeline ditch, the new
17 pipeline ditch, and the refill of the cut where
18 the pipeline right-of-way was made to install
19 the pipe, after a pretty significant rainfall
20 event, we had a mud slide.

21 And the mud basically slid down the hill
22 and into the streets. And I think there were
23 actually three streets that had some mud that
24 ran over.

25 And I think our contractor did a pretty

1 good job of getting out there and clearing that
2 pretty quickly.

3 When I left earlier today, the situation
4 was certainly stabilized. The streets were
5 cleaned up and additional cleanup work was
6 going on.

7 And what our plan to do is, look at what
8 happened and to complete the construction that
9 is in process right now.

10 And to ensure that the restoration is done
11 properly, we've got to work with our contractor
12 and some additional engineering support to come
13 in and make sure that our plan going forward to
14 finish that construction and getting that
15 hillside put back the way it was and get
16 restoration underway.

17 We've got to make sure that when we do go
18 back and do that, that we don't have a repeat
19 event of that kind. So we're working on that.

20 We're very much aware of what happened on
21 the ski slope and we're working on it right
22 now.

23 MS. TERHUNE: As long as you are. I have
24 a question of who prepared the projected need
25 for natural gas? Is there anyone here, or do

1 you know anything about that?

2 MR. CREEL: That is a commercial question,
3 and I don't know the answer to that.

4 MS. STARK: Well, you told me that it was
5 in the FERC, that we could find --

6 MR. GREDVIG: Commercial need.

7 MS. TERHUNE: My question is, a lot of
8 businesses, towns, counties, schools, private
9 homes are turning to solar power.

10 Did you take that into account, because
11 they won't need your natural gas then?

12 MR. GREDVIG: What we do as a transporter
13 of natural gas is, we look to customers that
14 come to us and say they need additional
15 capacity.

16 We look at our system to see how --
17 evaluate our system to see how we can
18 accommodate that transportation.

19 They look at short-term projections,
20 long-term projections, current needs,
21 conversions, all kinds of different needs for
22 natural gas.

23 And then they step up and they sign a
24 contract that says that they need so much
25 capacity.

1 MS. TERHUNE: So you're going on contracts
2 already signed?

3 MR. GREDVIG: This expansion project is
4 100 percent subscribed, the contracts have been
5 signed for the capacity to ship the additional
6 volume of gas.

7 MS. TERHUNE: Okay. What about the people
8 that are going to drop natural gas for solar
9 power? Have you taken that into consideration?

10 MR. GREDVIG: We necessarily would look at
11 that as a trend from our company-wide, but it's
12 really our customers that we serve that are
13 providing -- the local distribution company
14 that provides that service to the people that
15 may be turning to solar or maybe changing to
16 alternate forms of power.

17 And they are the ones that are still
18 coming to us and asking for capacity on our
19 pipeline.

20 MS. TERHUNE: I question that. Okay.

21 Now, replacing land with what? If you
22 have to replace land?

23 MS. YEANY: What we're talking about doing
24 is whatever the final number is for the area
25 that would be leased to the company for what

1 they describe as permanent right-of-way.

2 They would then have to locate four times
3 the acreage elsewhere, purchase it, turn it
4 over to the State.

5 MS. TERHUNE: It's only if it's a
6 permanent right-of-way, which you said it's not
7 going to be.

8 MS. YEANY: Well, no. Any areas to be
9 leased, would be replaced at a 4-to-1 ratio.

10 MS. TERHUNE: With people's homes and
11 stuff in the area or?

12 MS. YEANY: No. What I'm talking about is
13 if you picture the existing pipeline, that
14 slide where the right-of-way is going to be
15 widened, we are going to tally up all that
16 acreage.

17 And at the end, I'm just using very rough
18 numbers, but my recollection is you're probably
19 talking about 30 acres right now that we would
20 be leasing to the company for 25 years.

21 That is what the number ends up being,
22 it's being taken or occupied by the company in
23 the strip alongside the existing pipeline, but
24 they would then have to multiply that by four
25 and purchase, using that example, 120 acres

1 elsewhere to turn it over to the State.

2 We would incorporate it into the state
3 parks.

4 MS. TERHUNE: So basically what you're
5 saying is they are ruining the land, they are
6 putting the pipeline on it so they've got to
7 replace it with something else.

8 MS. YEANY: Well, certainly, we think they
9 will be occupying it for more than 25 years, so
10 that's...

11 MS. TERHUNE: Ruining it for 25 years.

12 MS. YEANY: Yes. Your words, not mine.

13 MS. BUDZ: Let's be honest. You know,
14 let's really be honest. They are ruining our
15 land for money, for their profit.

16 MS. TERHUNE: It's for money. That's the
17 whole thing, it's all for money.

18 MS. BUDZ: I have to speak one more time.
19 Bev Buds, Vernon.

20 Melissa, you mentioned that there was
21 invasive species, about, like, plants being
22 taken from one area, being brought into
23 another.

24 Well, when you cross 32 wetlands -- or 32
25 bodies of water that they will be crossing for

1 this particular project.

2 When you cross the water, how do you do
3 that? How do you cross the water? What do
4 they lay down?

5 MS. DETTLING: Are you talking the
6 wetlands?

7 MS. BUDZ: Yeah, what do they lay down to
8 take the machines over it?

9 MS. DETTLING: They're usually the timber
10 mats.

11 MS. BUDZ: Timber mats.

12 MS. DETTLING: We refer to them.

13 MS. BUDZ: Right. I've -- of course, I've
14 been up there extensively, walked quite a bit
15 of it. Mike Helbing has taken it out.

16 So this is the deal. They use railroad
17 ties basically, and they take them from site to
18 site to site, and they use them until they fall
19 apart and crumble.

20 And this is what we've been told, and I've
21 taken samples, and we've seen it.

22 These railroad ties are picked up from
23 South Jersey and brought up in here to Vernon
24 and put in our wetlands. And then they're
25 picked up from Vernon and then they're brought

1 up here. And anything along the way is going
2 along with them.

3 Okay. And you know it's true, because
4 they reuse them. They're recycling them.

5 Okay. So anything that they happen to pick up
6 in another area, they're going to be laid down
7 in the water that they're going to be used in.

8 They're not putting new ties down for
9 every project and every water source that they
10 cross; correct?

11 MS. DETTLING: I don't know if Jerry wants
12 to address that.

13 But I know we -- when we have contracts or
14 a contract, when we have a contract with a
15 contractor -- I don't know if that's the
16 wording in there, but we have requirements for
17 mats that are brought to our project, that they
18 are be new to our project and they be clean and
19 not coming from another project.

20 MS. BUDZ: Well, it doesn't happen in
21 Vernon, because we got the ickiest, oldest
22 ready to fall apart mats that came from
23 anywhere.

24 We've got pictures of them on trucks being
25 hauled in. They're not new. They're moved

1 from place to place to place. We were told
2 that numerous times.

3 We have samples of them. They're leaching
4 creosol. And our wetlands up there are
5 suffering. We have oil in our wetlands up
6 there, and it's either from two things, the
7 trucks or it's coming out of those logs.

8 Okay. That's another issue. So that is a
9 very major concern.

10 If anybody's concerned about water
11 crossings that are going to be happening in
12 this area, okay, the things that are being laid
13 across the water are going to be carrying
14 everything that they were ever in before. Any
15 land that they laid on, they're going to be
16 bringing it into another area.

17 So is there a possibility of invasive
18 species? Absolutely. Absolutely. It's a
19 fact.

20 MR. GREDVIG: We will not deny that fact
21 that there is the chance of either invasive or
22 noxious weeds that may grow along our pipeline
23 right-of-way.

24 And we have committed to a plan that says
25 that we will treat those invasive or noxious

1 weeds.

2 MS. BUDZ: Okay. Well, you're in the
3 wetlands and water travels. So guess what,
4 that water is not going to sit there, it's
5 going to take everything and it's going to keep
6 on going.

7 The reason that you don't block it up is
8 so the water can flow. So anything that is
9 sitting in it is going to flow. It's not going
10 to be right there at your disposal to spray it.

11 You're going to walk around with a squirt
12 bottle? No, that's how it is. I'm sorry.
13 That's not the way it is.

14 And if you want to take a walk up to
15 Wawayanda State Park, any of you, this will be
16 going on Sunday.

17 I think maybe you should see what's
18 happening so you can have a clearer view of
19 what you're presenting to these people and
20 what's going to happen to their land. And it's
21 just a fact. It's reality.

22 MR. GREDVIG: Thank you.

23 MS. BUDZ: You're welcome.

24 MR. INGUI: One other question. Chris
25 Ingui, the trail conference coordinator.

1 The number -- disregarding that number
2 that you had given earlier, that 7 to 8
3 million, is that pretty fixed at this point?

4 MS. YEANY: No, I would say it's not. As
5 far as the formula how we are going to
6 calculate it, I would say it's fixed, but we're
7 waiting to find out what the final acreage
8 figures are before we would propose a final
9 number.

10 MR. INGUI: It is a possibility that it
11 could be more?

12 MS. YEANY: We'd need to have a basis for
13 that. It's not what we're proposing.

14 MR. INGUI: Is it likely?

15 MS. YEANY: I would say not.

16 MR. INGUI: Is it possible that it could
17 be less than seven, depending on...

18 MS. YEANY: Well, it would be directly in
19 proportion to the acreage leased.

20 MR. INGUI: Okay.

21 MS. YEANY: So we don't anticipate
22 changing the formula.

23 MR. INGUI: All right. Just based on the
24 unlikelihood of it being more than 8 million,
25 I -- personally -- I'll have to take off my

1 staff hat to say this.

2 But basically, I know you guys are making
3 a lot money off of this thing, and 8 million
4 dollars seems pretty small compared to the
5 amount of profit you guys are going to be
6 pulling in.

7 And judging from the outrage you guys are
8 hearing here, I think that should be taken into
9 account and that there should be a lot more
10 money given to the State.

11 Because it's going -- these impacts are
12 lasting. There is going to be a lot of damage
13 done. And there's people that can help fix
14 that, but we're going to need the money to do
15 that.

16 And that's basically all I wanted to say.

17 MS. YEANY: Thanks.

18 (Applause.)

19 MS. QUIGLEY: Althea Quigley,

20 Q-U-I-G-L-E-Y.

21 You can study the bog turtles and the
22 eagles and the mussels. Have you thought of
23 the impact of taking down all these trees on
24 just all the other wildlife and endangered
25 species?

1 I mean, we're talking about taking down a
2 lot of trees, and it's the home of many, many
3 animals and birds. Do you consider that?

4 MS. DETTLING: The resource reports that
5 we've prepared for FERC does an extensive
6 analysis of all wildlife, whether it's rare,
7 threatened or endangered, and the habitat
8 that's in place that will be impacted.

9 There's also an environmental assessment
10 that will part of the Ogden-Rooney report.

11 So, yes, I just did a high level of the
12 federal species that were surveyed, but the
13 report itself has a very extensive analysis of
14 all the surveys that were done and the
15 analysis, and the work space that will be
16 restored and the years that will be monitored
17 and what will be replanted.

18 MS. QUIGLEY: But the animals are going
19 away. You're taking down the trees

20 MS. DETTLING: And we have a reforestation
21 plan --

22 MS. QUIGLEY: Yeah, but --

23 MS. DETTLING: -- for replanting.

24 MS. QUIGLEY: What happens in the
25 meantime, until you plant those trees?

1 MS. DETTLING: Then they'll just be not
2 using the work space that we're utilizing --

3 MS. QUIGLEY: You're taking --

4 MS. DETTLING: -- for the project.

5 MS. QUIGLEY: 125, 300 feet of a lot.

6 That's a lot of trees taken down.

7 MS. DETTLING: And our work space is not
8 300 feet, but...

9 MS. QUIGLEY: Well --

10 MR. GREDVIG: That is part of the analysis
11 that we need to do through this whole process
12 both for the Federal Energy Regulatory
13 Commission and for the DEP, is to determine
14 what resources are being impacted and what
15 mitigation is appropriate for that impact to
16 those resources.

17 And will trees come down? Yes, there is
18 no way to avoid removing trees for the
19 construction of this project.

20 And so we need to look to try to minimize
21 as much as we can and incorporate that into our
22 plan.

23 And then, as Melissa just mentioned,
24 working through the mitigation plans for
25 reforestation, replanting, all of those

1 processes, in order to make sure that we have
2 the minimal amount of impact, trying to
3 minimize that impact.

4 MS. QUIGLEY: But in the meantime, where
5 do the animals go?

6 MR. GREDVIG: That is a tough question to
7 answer. All I can say is, from my 30 years of
8 experience with natural gas pipelines and
9 construction, we have crossed through forests,
10 we've crossed through prairies, we have crossed
11 through habitat for a myriad of different
12 species and they are still prevalent and still
13 in those areas.

14 Just like from 1955, when we built the
15 original pipeline, those species are still
16 there because they are of a concern to us
17 today.

18 So it would be my assumption that after we
19 get done with construction they are going to be
20 there like they were after our 1955
21 construction.

22 MR. TRIPP: Dom Tripp, T-R-I-P-P,
23 Lambertville, New Jersey.

24 I'm a volunteer trail maintainer up here
25 in High Point and you mentioned that there

1 would be times when trails would have been
2 closed when you're laying the pipe and digging
3 it. You said it would be a limited time.

4 Can you give me an example of what a
5 limited time frame you would be closing a
6 trail?

7 MR. GREDVIG: Jerry, I'll defer to you
8 please.

9 MR. CREEL: Yes.

10 Take for example, crossing the Appalachian
11 Trail where we have a special crossing method
12 plan for that. We're leaving a section of the
13 pipeline unencumbered as the main pipeline
14 builders come through. We're going to have a
15 separate crew so that it minimizes the amount
16 of time that the Appalachian Trail would be --
17 you know, inhibited from the being used. You
18 can use our trail to go around. That's one of
19 the alternate methods that we came up with.

20 But only a two or three-day period, that
21 section of that activity will be done and
22 completed and the trail is back open again.

23 So if the access way on either side of the
24 trail -- and I think that was one of the things
25 that was an impact on Wawayanda State Park,

1 those two trails up there that were not left
2 open, if you plan that in advance and if you
3 plan to leave access on both sides so that the
4 trail can be approached, can approach the
5 pipeline right-of-way, then as the crossing is
6 made, then it's only a couple days of time for
7 that particular one activity.

8 Now, if there is trenching and blasting
9 that has to be done because of rock that may
10 take more time. Just to have enough time to
11 drill and set the explosives and do the blast
12 and then excavate the pipe.

13 And certainly as a safety thing, we would
14 want to exclude hikers from the area during
15 that period of time.

16 MR. TRIPP: I think that you were talking
17 about the Appalachian Trail in your comments.
18 We have 20 some crossings.

19 MR. CREEL: I can't tell you a specific.

20 MR. TRIPP: I'm just curious.

21 MR. CREEL: You want an amount of time, an
22 order of magnitude, it's days instead of
23 months, if we do it right.

24 MR. TRIPP: If you do it right.

25 MR. CREEL: Yes. If we plan it properly

1 and understand, for example, the trails that
2 we've identified, if there are other trails
3 that we haven't identified, then we won't know
4 what they are so we include those in the plan.

5 MR. TRIPP: I'm glad you said, "If we do
6 it right," because that would lead me into my
7 next comment for the DEP.

8 I know that there is a plan and a process
9 as to how to do this and if everything goes
10 according to plan, you know, it will be a
11 wonderful world.

12 My concern is what happens when things
13 don't go according to plan. I know the State
14 and I commend this gentleman for saying, I
15 mean, right now you're dealing with the DEP,
16 but the people that you're impacting are the
17 people in this room plus the ten of thousands
18 of people that use these parks and what I want
19 to know is if anything goes wrong, how do we
20 get compensated?

21 For example, when we're out there, is it
22 just going to be gas flowing through the
23 existing pipeline, I assume during
24 construction, if there is an accident, if there
25 is an explosion, half the mountain, God forbid,

1 burns done, what are the remedies? And again,
2 this is a question of DEP, what are you going
3 to build into the contract so that we get
4 compensated for negligence?

5 MS. YEANY: Well, the lease that we
6 talking about will essentially kick in post
7 construction. It will cover the maintenance
8 and operation of the pipeline moving forward.

9 We included in our report a list of all
10 the other approvals, at least that we are aware
11 of, that are required for the project. And
12 chief among those from our perspective are the
13 ones that are needed from our land use
14 regulation program and certainly any permits
15 that are issued by land use that apply to the
16 construction of the project, will have plenty
17 of provisions associated with them.

18 I'm pretty sure that the incidents that
19 we've been talking about at Vernon and
20 elsewhere, the DEP enforcement is involved in
21 responding to those and evaluating the
22 consequences of what those are going to be.
23 Even though the company had whatever response
24 they had, there will be follow-up from a DEP
25 enforcement perspective.

1 If there is a scenario that you describe
2 with a massive amount of damage, I can't say
3 for sure, but my gut would be that we're the
4 property owner and we have the same rights as
5 any other property owner to claim damage to our
6 property and we would pursue whatever other
7 judicial remedies that we had available to us.
8 That's when we would get the Attorney General's
9 office involved in protecting our interests.

10 MR. TRIPP: Right. But I guess what I'm
11 trying to say is that I'm hoping we can build
12 in some of these mitigating items into the
13 lease itself. So that afterwards you don't
14 spend years in court arguing back and forth.
15 You know, who did what and how much the
16 compensation is going to be. Maybe some of
17 these items we can address up front.

18 Say if this happens, you're responsible
19 for that and you get them to agree to it,
20 because my other question was, you mentioned
21 road beds and improvements to existing road
22 beds. The roads up in the park weren't built
23 for vehicular traffic. They are built for
24 passenger cars. And in just looking at some of
25 the equipment that you'll be using, it looks

1 like there is going to be a lot of wear and
2 tear on some of the secondary highways. So who
3 determines after this thing is built, if the
4 roads are all beat up and they need
5 replacement, I hope that we don't have to take
6 the money to repair the roads out of the lease
7 payments. I think that should a separate item.
8 And I don't think that's been addressed in
9 terms of -- I means it's been addressed. As
10 they determined or as needed, I'm wondering who
11 makes the determination that repairs or
12 improvements are needed?

13 MS. YEANY: We certainly would let the
14 company address that with more specificity, but
15 restoration is a component of whatever
16 permission we would give them to use the access
17 roads.

18 As far as building some of that into the
19 lease, it wasn't something that was suggested
20 to us.

21 I'm thinking our DEP or FERC or somebody
22 probably has some jurisdiction over major
23 mishaps or pipelines or if you know anything
24 about that, I would address that.

25 MR. GREDVIG: As far as the roads that we

1 are looking to use, state lands, we are
2 inspecting those along with the DEP. Either we
3 have or we anticipate doing that prior to the
4 use of it so we can determine what use is
5 authorized.

6 The majority of all of the heavy pipeline
7 construction equipment goes up and down the
8 pipeline right-of-way. Once it gets on the
9 right-of-way, it stays on the pipeline
10 right-of-way.

11 The use of the roads will be authorized
12 whether it's through the leasing agreement that
13 we get, the right of entry agreement that we
14 get with the DEP. We will have to evaluate
15 what the roads are like, what the condition is
16 like and if we tear up that road, we have to
17 fix it.

18 Now, as far as the state, county, federal
19 highways, we're responsible to only carry loads
20 that are authorized either by weight limit,
21 length limit and height limits and we have to
22 abide by those requirements otherwise we have
23 to get a special permit for that. And that
24 special permit ties us to any damage that might
25 be done to that road.

1 MR. TRIPP: Just one other question. In
2 Wawayanda, I heard they started the
3 construction before the lease was signed. Are
4 you aware of that?

5 MS. YEANY: Nothing happened about that
6 lease being --

7 MS. MAHON: We had a right of entry.

8 MR. TRIPP: Is that a lease?

9 MS. MAHON: It is a temporary lease.

10 MR. TRIPP: So what I heard, particularly
11 in the park you will repair the damage to the
12 roads caused by your --

13 MR. GREDVIG: Our construction activity.

14 MR. TRIPP: By what you did?

15 MR. GREDVIG: Yes.

16 MR. TRIPP: And I wasn't sure of your
17 response regarding if they burn half the
18 mountain down. Is there a way that we can
19 build any provisions into the lease so that
20 once there is a catastrophe, we don't have to
21 start in terms of square one in terms of
22 litigation.

23 MS. YEANY: Well, I think we certainly
24 discuss this suggestion back in Trenton. It
25 wasn't something that was suggested to us

1 before. And I'm sure that the company would
2 argue other jurisdictions that they would be
3 accountable to if there were a pipeline
4 catastrophe.

5 MR. TRIPP: Okay. I just want them to be
6 accountable to the ten of thousands people that
7 use the park.

8 MS. YEANY: As I said, we would not be
9 giving up any rights as property owners to
10 prosecute any damage to our property that goes
11 beyond them onto the pipeline. So leasing this
12 out doesn't alter that.

13 MR. TRIPP: And the reason I keep bringing
14 it up and I'm harping on it is because it took
15 25 years to settle the Exxon Valdez incident
16 and there was no question that Exxon was
17 negligent from the third day.

18 It just took a long time for the people to
19 be compensated and I would not want that to be
20 the case with respect to High Point State Park.

21 MS. BATKO: Alicia Batko, B-A-T-K-O of
22 Montague.

23 I have several and environmental concerns.
24 Shimers Brook and the Big Flat Brook that were
25 mentioned are both classified streams and they

1 both egress from High Point State Park. Shimers
2 Brook comes into our community. And they Big
3 Flat Brook also flows into Sandyston. It's
4 primarily a trout stream that is being used. I
5 think what is happening in Vernon, because I
6 heard from a colleague there also, you know, we
7 have a lot of these rain storms and things.

8 There is an impact and you can't repair
9 the damage to the classified streams. You
10 can't come down stream and re-dredge. The
11 areas down by me are part of the Big Flat Brook
12 that are part of the nature conservatory, and
13 after the rain last night, I hadn't seen the
14 Big Flat Brook that high in quite some time.

15 So you have to have some plans in place to
16 cut off, you know, any overflow or any damage
17 of the soil coming into these streams before
18 these accident happens.

19 Just as the lady from Montague also
20 mentioned, yes, you are going to reforest, but
21 do you have to have an idea of how long it
22 actually takes to have a full reforestation of
23 the areas that you cleared where you've done
24 these projects in other areas?

25 I mean in High Point State Park it's not

1 as it was shown, a tree here or there. It's
2 fully-forested. High Point is the highest
3 point in Montague Township.

4 If we get a heavy rain storm with all
5 these trees cleared, it's going to come
6 straight down into our community and when
7 Tennessee Gas first came, there was 5 to 600
8 people and now we are close to four thousand
9 and most of them are right in the path of the
10 Tennessee Gas Pipeline in the country club.

11 So that community is going to be impacted
12 because I can't address the other half of that
13 project but your right-of-way goes through that
14 community.

15 MR. GREDVIG: To answer your question
16 question about reforestation. You are correct.
17 When we take down a tree, we are not going to
18 be able to replant it with a tree with the same
19 size and location. That is why we do the
20 reforestation program so that we get trees to
21 come back over time, but then that's why we
22 also do the 4-to-1 mitigation in order to
23 acquire additional lands that have the same
24 resource quality, trying to get the same
25 resource quality so that those lands can be put

1 back into the catalog of managed lands by the
2 state park to offset that mitigation.

3 MS. BATKO: We are already at about 70
4 percent federal and state of nonprofit off the
5 tax role. So if the state comes in and takes
6 another 120 acres from us, what we can gain as
7 a tax land? It will effect this community in
8 ways that you cannot repay.

9 MR. GREDVIG: That acreage that we're
10 talking about though is split among of the four
11 state parks that we're crossing so anywhere
12 from Ringwood to Ramapo to Long Iron and High
13 Point.

14 So we will work with DEP to identify
15 replacement lands in more one place than the
16 other, but that is a process that we need to go
17 through.

18 MS. BATKO: In terms of the money coming
19 to DEP through to the lease process, I have
20 lived in this community since '81. I've seen
21 the lost of the Couser Mansion.

22 I've been going up to High Point State
23 Park and I know there's been a loss of staff
24 because of the state cutbacks overall, but I
25 really think the funds should be filtered back

1 with a priority to the parks that are being
2 affected because it not only affects them but
3 it affects the communities around them.

4 As the gentleman has said, it's people
5 that come up here. If we lose even for a brief
6 period people coming up, because Route 23 is
7 not a wide route with construction and trying
8 to come in with these access roads being
9 affected, it will impact people coming into the
10 park overall.

11 So the surrounding businesses that profit
12 from the people coming here are also going to
13 be affected. So for us to have High Point
14 restored to the way it was in terms of
15 maintenance and staffing, because actually High
16 Point has grown because there is additional
17 lands offered and I know that there's
18 properties that in are not contingent to
19 Ringwood State Park on the mountain that, at
20 this point, are sitting and not being cared for
21 that need attention. So for that we would
22 definitely want some consideration.

23 MS. YEANY: Well, obviously we share that
24 concern. Park funding has been a topic of
25 discussion the last few years.

1 I will say that even though we wouldn't
2 seek out a project for this nature for the
3 revenue that it presents, if we find ourselves
4 forced to accept a project because of how the
5 federal regulatory schemes are set up, we see
6 that as providing a source of revenue for
7 sustainable state park strategy. So we're
8 trying to make the best of it for the park
9 system.

10 MS. BATKO: There has to be some type of
11 enumeration. Now the question I have is,
12 because I know there is two Natural Heritage
13 areas, Mashipacong Bog and the Saw Mill Swamp.
14 I didn't initially didn't even know what those
15 meant.

16 I've actually been in contact with Green
17 Acres to find out. So I'm really curious
18 because the way it was explained to me is these
19 Natural Heritage areas are set up specifically
20 because there are some unique environmental
21 conditions there, so how is nothing being found
22 that needs protection in those areas?

23 MS. YEANY: I'm going to let the company
24 answer that question, because I'm not out there
25 in the field looking at these things. But it's

1 generally an area designated because of
2 particular resources.

3 If you could address that.

4 MS. DETTLING: It is addressed
5 specifically in the report as well and I am not
6 a botanist so I can't remember their scientific
7 names, but there are rare plants species that
8 were specifically identified and in both the
9 Natural Heritage areas on both these and we did
10 extensive surveys specifically for those
11 species that were identified as per the
12 designation and we clearly state -- we have our
13 survey corridors that are much larger than our
14 proposed work space.

15 So all of those results are in the report
16 and they are in the proposed work space or
17 adjacent areas.

18 MS. BATKO: I know there was a landowner
19 in town who when the surveyors came from the
20 company to look for the bog turtles even though
21 he has wetlands, he happened to be an
22 environmental educator and he had to show them
23 how to find the bog turtle and that's one of
24 the areas the bog turtle mitigation finally did
25 occur. I'm hoping they had the same

1 sensitivity they were doing in the other
2 locations.

3 MS. DETTLING: For most species, I can't
4 say for every single species that we surveyed
5 for, but for the bog turtle, they have to be
6 qualified herpetologists that are approved to
7 do the surveys.

8 We submit our survey protocol as well as
9 resumes for the certified surveys depending
10 upon the survey. If they are botanists or
11 whatever, they are approved as part of our
12 survey protocol that goes to the federal and
13 state agencies prior to the survey work.

14 MS. BATKO: All I can tell you is he told
15 me he didn't know what he was doing.

16 MR. GREDVIG: DEP verifies our surveys
17 that we've done.

18 MS. STARK: I just want to comment. Terry
19 Stark again.

20 I just came across a publication here that
21 is put out by foodandwaterwatch.org. In this
22 state they are headquartered in New Brunswick.
23 They have an office in Washington.

24 I think to sort of answer my own question,
25 this is not really a new story. This is not

1 new. It's the same old thing and the dollar is
2 the bottom line and about the increased demand.
3 I am going to look, I remember going to your
4 project and skimming through it. This is what
5 it says right in front of me here in this
6 publication I just mentioned.

7 "Major Investments in US Shale Made by
8 Foreign Companies." There is at least seven
9 here. In the last couple years, huge money
10 we're talking here invested in this shale. Not
11 for us, not for our state, probably not even
12 for New Jersey. Not even for New Jersey.
13 Norway is mentioned. The United Kingdom, the
14 Netherlands, Australia. And I'm talking
15 billions not even millions of dollars here,
16 Japan, Indian and, of course, China.

17 So I suggest you go to the website and
18 check out the fracking. That's the bottom
19 line. I mean everybody's concerns are all very
20 good. We always have concerns. Not that
21 anybody really cares about us. About how many
22 trees we're going to be losing or how much mud
23 is going to come into our yard. We're the
24 little people. Nobody gives a crap about that.
25 It's about how much money the people at the top

1 are going to make and that's the same old
2 story.

3 (Applauds.)

4 MR. GUIMES: Actually when you build a
5 pipeline, I guess you have a certain period of
6 time where you can't operate; is that correct?

7 MR. GREDVIG: That we can't construct?

8 MR. GUIMES: In the dead of winter.

9 MR. GREDVIG: Well, we prefer not to build
10 in the dead of winter.

11 MR. GUIMES: Now, the reason I mention
12 that is I'm involved with High Point State Park
13 and the Appalachian Trail. We got the hikers
14 from the Appalachian Trail possibly June
15 through August and there are no hikers.

16 So the business about this sweat about
17 closing the Appalachian Trail, you've got a
18 window of possibly six or seven or eight months
19 where you can close the trail and nobody but
20 the ducks would know; okay? That is one.

21 And No. 2. Forgive me. Honestly, I'm an
22 old crank. However, if we're worried about
23 China and Japan and the people in New England
24 need natural gas. Who the hell cares who is
25 going to make the money?

1 You charge them the right fee every other
2 state charges them the right fee, you be sure
3 the park gets the money and that's business.
4 That's the world.

5 You buy a car and where is the
6 transmission made? In Mexico. The president
7 is campaigning in a bus that was built in
8 Canada.

9 I'm sorry. I'm talking like an idiot but
10 I get upset.

11 Everybody has to make money. If you don't
12 like the Chinese to make money, then don't buy
13 anything in China.

14 VOICE: Everything is made in China.

15 MR. GUIMES: Well, whose fault is that?

16 MS. LEWIS: Pam Lewis from Watchung, New
17 Jersey and I'm a volunteer with the Food and
18 Water Watch out of Washington D.C.

19 We've been dealing with a lot about the
20 fracking and since I watched the movie Gas Land
21 in February, this has been a major issue in my
22 life, because the fracking process is very
23 polluting to the earth.

24 The water and the air has been polluted in
25 over 30 different states and especially right

1 now in Pennsylvania in the Marcellus Shale.

2 The EPA, two weeks ago just came out with
3 their air quality determination on fracking,
4 which is instead of just going vertical down
5 into the earth to get gas, they are going
6 sideways and they are blowing up with pipe
7 bombs and putting over 600 proprietary
8 chemicals into the earth, including benzene,
9 and sand and milligrams and milligrams of
10 gallons of water, fresh water that the fracking
11 industry is taking from our aquifers. So this
12 is a process that you are promoting through
13 your gas pipeline.

14 Now, New Jersey, I'm finding out, we have
15 three pipeline lines coming through. We have
16 not only yours, we have the Spectra one that is
17 trying to go through Jersey City; okay, which
18 they are protesting. And we also have
19 Transco's that is coming in through Clinton,
20 Union Township and Franklin and I went to that
21 meeting about a month ago and it was one of the
22 worse meetings I ever went to in my life
23 because they want to go right through people's
24 communities, right through their culdesacs and
25 they already sit on top of two pipelines and

1 Transco's wants to put a 42-inch pipeline over
2 there for this loop and you want to put another
3 one on top of your existing one, okay, and
4 Spectra wants to put one in a metropolitan
5 place where there is so many people; okay.

6 Now, do we remember in Edison in 1992, the
7 pipeline that blew up was Spectra's; okay? So
8 what do we know about what they would find,
9 okay, for blowing up New Jersey that people
10 could see from six miles away and just destroy
11 Dermwood's Townhouses. Do you know what
12 happened?

13 MS. YEANY: No, I don't.

14 MS. LEWIS: Because I think that is a good
15 question; all right. Because there was the
16 pipeline in Allentown that just blew up
17 recently. I don't know whose it was.
18 California just blew up. These things happen.
19 There was one in Virginia that was also
20 Spectra, I believe.

21 There's also leaking of pipelines. And I
22 know that Transco, which is not your company,
23 but they were fined over two million dollars a
24 few years ago for leaking into the water, okay,
25 PCBs. So they had to clean it up their

1 pipeline and their compressor stations.

2 Now getting what to what the EPA just
3 ruled the other day, two weeks ago, they
4 finally decided to comment on this fracking and
5 what they said from their office was that every
6 fracking well puts 23 tons of volatile organic
7 compounds into the air. And regionally this is
8 contributing to smog, which is giving people
9 asthma, heart attacks and sudden visits to the
10 hospital and what the EPA said is that the
11 fracking industry will clean it up and they
12 will have to reduce it by 25 percent and they
13 said that they can do this that the technology
14 is out there and that these leaks are not only
15 coming from the fracking wells themselves, but
16 through pipelines through compressor stations
17 and processing stations.

18 So New Jersey currently does not have any
19 fracking wells and our legislature just signed
20 a ban, okay, very heroically, I was there, to
21 ban fracking here. We don't have much Marcellus
22 Shale but we have Utica Shale, and you know
23 what, they want that too.

24 It's just a matter of time before we have
25 the frackers here, all right, because they are

1 so damn greedy that they just don't know what
2 to do. This is the boom like the gold rush of
3 the Wild West of California. So this is what I
4 see and it's really heart breaking.

5 You have customers. Who are they? Are
6 they United State's customers? Are they
7 European customers? Who are these people,
8 these drivers that you say, these customers
9 that they have this gas that they want to bring
10 to market? Why? We're supposed to be changing
11 from the polluting ways of coal and oil.

12 And by the way, the fracking is not
13 cleaner than coal and oil. They are putting
14 tremendous amounts of methane into the
15 atmosphere, which for those of us that do think
16 that the earth is warming especially the Artic.

17 You know, now people can go through the
18 whole Bering Strait in ships that they couldn't
19 do for the first time in the history of the
20 world. Things are melting dramatically.

21 So whatever you want to not call it,
22 methane is the most powerful greenhouse gas on
23 the planet. It is way worse than carbon
24 dioxide, and the fracking industry is creating
25 that and that's natural gas. That is who you

1 are.

2 (Applauds.)

3 MS. LEWIS: Are you patriots or are you
4 foreign terrorists? That's what I really want
5 to know. Because you are destroying our
6 country and it's like you have no conscious.

7 You have a gas line here already, use it.
8 This is our parks. We don't want our parks
9 destroyed.

10 Somebody gave 10,000 acres. I'd love to
11 shake that person's hand. That was supposed to
12 be protected from people like you. I don't
13 know how come the DEP and the State of New
14 Jersey just looks the other way. Seven million
15 dollars is no kind of money. No kind of money
16 to do this to us, to hurt the State, to put us
17 at risk, to possibly blow us up, to have mud
18 slides in a place that never had mud slides
19 before.

20 MS. BUDZ: Our town is 78 percent
21 protected. Now it's a disaster. It's a
22 disaster.

23 MS. LEWIS: There should be not one more
24 movement on this project until this is
25 mitigated and figured out and understood

1 because this is the tipping point. This is
2 like the canary and the coal mine to tell you
3 this project should not go forward. It should
4 go anywhere but this park because this is a
5 sacred trust.

6 And wish I was a lawyer because I'd go
7 over that thing that you said. Maybe I'm going
8 to find a lawyer and pay him to go over it with
9 a fine tooth comb because I bet there's things
10 in there that would stop you in your tracks.

11 I have a lawyer friend that wanted me to
12 ask a couple of questions. And she's right now
13 in New York fighting against the frackers that
14 want to come in and destroy New York State just
15 like they destroyed Pennsylvania.

16 So your pipelines are enabling these
17 people to keep destroying our country and
18 especially Pennsylvania.

19 Okay. She said, What kind of insurance do
20 you have for this project? What kind of
21 bonding measures are put in place for
22 catastrophes? And is there any escape clauses?
23 Like an Act of God, because, you know, more and
24 more we're just having these rain storms,
25 hurricanes, tornadoes. This is the way it is

1 now, whether you want to call it God or not.

2 So she said that that is a very typical
3 way that people who want to make a lot of money
4 put the little Acts of God in there so they
5 don't have to pay up.

6 So you need to anticipate damages from
7 massive storms throughout this project. That's
8 what I want to know.

9 What is the insurance? What is the
10 bonding? How much does it cover? And do you
11 have escape clauses like this Act of God kind
12 of stuff that you're going to say, It's not our
13 problem. It was God.

14 MR. GREDVIG: The lease agreement has not
15 been drawn up yet between DEP and Tennessee Gas
16 Pipeline. And until that document is drawn up
17 and to know what the requirements are of DEP of
18 Tennessee for both the insurance and the
19 bonding, I can't answer that.

20 MS. LEWIS: Okay. What would you like to
21 see? The guy out there, I think it was you,
22 whoever it was who said, yes, I'm Tennessee Gas
23 Pipeline.

24 I said, Whose side are you on?

25 He said, I'm on Tennessee Gas Pipeline's

1 side. Whose side are you on?

2 I said, I'm on the side of nature, okay,
3 I love this earth.

4 So he said, We do everything with
5 integrity, okay, we care for nature, too.

6 So I think you should prove that and be
7 very specific and fix what is going on in her
8 neighborhood that you've already started, okay,
9 fix it so that it's really real and not just a
10 whole bunch of talk.

11 Do you understand the ramifications of
12 what you're doing? Have you ever gone into
13 somebody's state parks like this in any other
14 state and ripped it to shreds and bulldozed it
15 and displaced creatures and contaminate water.

16 MR. GREDVIG: El Paso Corporation has
17 almost 40,000 miles of pipeline within the
18 United States. So across our company, we have
19 built many pipelines in many different resource
20 areas and had to address the same concerns that
21 you are addressing here today and we provided
22 for insurance and bonding, resource protection,
23 mitigation, trying to address, as best that we
24 can, all of the issues that you have brought up
25 here today.

1 And until we get through and conclude the
2 final lease document and the documents with the
3 DEP or with any other surface landowner that we
4 have to cross, I couldn't tell you what the
5 final numbers are going to be or where we're
6 at. We're still working on the minimize of our
7 impacts in trying to determine all the
8 mitigation requirements for our project, so
9 that is a work-in-progress.

10 MS. LEWIS: Okay. So there will be
11 bonding. Do you have any idea what a typical
12 bonding would be for a project like this?

13 MR. CREEL: I don't know that we can
14 answer that question.

15 MR. GREDVIG: It really comes down to our
16 negotiations or the requirements the State or
17 any entity that we're crossing.

18 MS. LEWIS: So then I'll ask you, are you
19 going to make sure that those things are in the
20 contract that we're protected and the
21 safeguards are in place for Acts of God and all
22 this other stuff, these crazy rainfalls.

23 Yeah, we had six to eight inches the other
24 day, okay, this is becoming more and more
25 commonplace.

1 MS. YEANY: We do require insurance as
2 part of our leases. And if you or anybody else
3 want to comment on what that insurance should
4 cover and what the appropriate levels of
5 coverage are, we'll take that into account.

6 MS. LEWIS: I'll talk to my friend who is
7 an attorney and maybe she can give you an idea
8 on that.

9 MS. YEANY: That would be great.

10 MS. LEWIS: I think that's it for now. I
11 appreciate the opportunity to speak to you
12 because I think that you have to put a human
13 face on what you're doing.

14 I do have another question. Why can't you
15 just leave the parks alone and go those two
16 other alternatives, which I didn't have a
17 chance to look at those, why did you rule those
18 out?

19 MR. GREDVIG: You're talking about the
20 alternatives that we showed of complete
21 avoidance of all the state parks.

22 MS. LEWIS: Yes.

23 MR. GREDVIG: Two things. One is the
24 green field route. There is no existing
25 pipeline. There is no existing thing to

1 follow. There is no existing disturbance so we
2 have to do a complete new alignment that would
3 have to go out and around.

4 We would have more disturbance, more acres
5 of disturbance. More resource concerns, I'm
6 assuming, that would be just because we'd be
7 skirting around the edge of the state park. We
8 would have the same concerns that you're
9 addressing right now and the fact that we would
10 not be parallel with our existing facility.

11 That is why we opt to keep our operation
12 and our construction in an area where it's
13 already been previously disturbed so that we
14 can cauterize that activity.

15 MS. LEWIS: But those properties are not
16 affecting our water supplies; right? Are there
17 wetlands involved?

18 MS. DETTLING: Yes.

19 MR. GREDVIG: Yes, there would be streams
20 and wetlands and uplands and forests and
21 everything else that would have to be crossed
22 as an avoidance of the state parks.

23 MR. CREEL: Alternative analysis, okay,
24 criteria for that. Impact on existing land
25 uses and that's particularly residences and

1 commercial businesses, those kind of things,
2 farmland. Environmental impacts. Very
3 important. Wetland impacts, construct-ability.

4 Can we build a pipe there and cost? Yeah,
5 cost, it is. Last and probably least, but
6 cost, too.

7 What we have done is made an analysis of
8 the alternatives that are available to
9 accomplish the project and we have proposed
10 what we believe is the best balance and the
11 best answer to minimize the impacts for the
12 project and part of the scoping process, for
13 example, is to get other input into that
14 process.

15 So if you think there is a different route
16 that is better then, by all means, put that
17 forward. And I understand that you may choose
18 the no construction alternate and you can voice
19 that opinion about it as well, but that's kind
20 of how the alternative analysis works.

21 MS. LEWIS: It just seems like why are all
22 these different pipelines including yours
23 making a race through New Jersey here? What is
24 a big deal here? Why aren't we going for wind
25 and solar and geothermal and other things? And

1 why can't we just use the natural gas, the
2 pipelines we have? Why does everybody want to
3 build bigger and better gas lines for Marcellus
4 Shale? Why do we have three?

5 Why can't you people share and do the
6 least amount of damage to our state and land
7 and compromising our water and the dust that
8 you will create with all of your bulldozing in
9 the air? Who is going to want to hike in the
10 forest with all kind of particles of dirt
11 floating and around and dust? People don't
12 want that.

13 People come there because they want fresh
14 air. They want to hear the birds and they want
15 to smell something sweet like when I got out of
16 my car from Watchung, I smelled a sweetness in
17 the air. That's why people come to the forest
18 to get away from the drudgery of life and they
19 want to be re-inspired and fill their lungs
20 with sweetness and nature. That's good for
21 mental health. That's good for all the people
22 that are just trying to make all things work in
23 our crazy society. You're jeopardizing that
24 with this project.

25 That's like sacred in these state parks

1 and you're not respecting that and I would ask
2 you to do that. I'd ask you to really look it
3 over, search your soul and have a talk with
4 whoever your higher power is; okay.

5 Thank you.

6 (Applauds.)

7 MR. GREDVIG: Thank you.

8 MS. TERHUNE: Martha Terhune.

9 You're speaking of this as if it's a done
10 deal. Is it?

11 MS. YEANY: No, it's not. But I need to
12 emphasize that unlike other types of projects
13 that my post on state property, this role of
14 the Federal Energy Regulatory Commission is not
15 insignificant. If they decide that there is a
16 need for this project and they approve a route
17 for the project, the Company has condemnation
18 authority against private property owners. It
19 is not entirely clear what their powers are --

20 MS. TERHUNE: It's a disgrace.

21 MS. YEANY: Well, that's a decision that
22 was made by Congress long before any of us were
23 around.

24 MS. TERHUNE: I believe that it should be
25 reversed. It's a disgrace.

1 MR. GREDVIG: It's the Natural Gas Act.

2 MS. YEANY: Yes, the Natural Gas Act. So
3 someone made a decision about that long before
4 any of us.

5 MS. TERHUNE: That can be reversed.

6 MS. YEANY: Well, and I encourage you to
7 speak to Congress about that.

8 MS. TERHUNE: I will. It's called eminent
9 domain.

10 MS. YEANY: Don't discount that there is
11 another agency involved in this.

12 MS. TERHUNE: I think there is too many.
13 That is half the problem.

14 High Point does not have a pipeline, does
15 it?

16 MS. YEANY: I believe it does.

17 MS. TERHUNE: It does? I did not know
18 that.

19 I wish you would just say no. Use what
20 you have. Forget about adding anything else.
21 Because we're not going to need it. Solar
22 power is getting more popular and geothermal.
23 You are not going to need natural gas.

24 MS. YEANY: As we just mentioned, we
25 encourage you to address those comments to FERC

1 as far as their analysis of the project.

2 MS. TERHUNE: To who?

3 MS. YEANY: The Federal Energy Regulatory
4 Commission.

5 MS. TERHUNE: Too many acronyms.

6 MS. YEANY: FERC.gov.

7 MS. TERHUNE: Thank you.

8 MS. YEANY: Anybody want to comment who
9 hasn't been on the record yet? I don't know
10 how long we have the room for.

11 Anybody who hasn't had a chance to comment
12 before?

13 Anybody else?

14 VOICE: I wanted to speak in Ringwood
15 tomorrow. I am allowed to speak at both
16 locations.

17 MS. YEANY: Sure.

18 FEMALE VOICE: I live in West Milford --

19 MS. YEANY: State your name for the Court
20 Reporter.

21 MS. WOOD: My name is Margaret Wood. I
22 live in West Milford, New Jersey and the
23 pipeline just went through my town and I have
24 pictures of it and the devastation that it has
25 caused. I'd like you to have those.

1 (Handing out pictures.)

2 MS. WOOD: Excuse me. I'm afraid of
3 public speaking. I'm very nervous but I'll try
4 to get through this.

5 I want to thank you for giving me the
6 opportunity to speak here today.

7 My background is, I have a master's degree
8 in aerospace engineering and I worked in the
9 aerospace industry for 15 years.

10 My background compels me to look into the
11 signs of global warming, but today I come to
12 you as a board member of the Lakeland Unitarian
13 Universalist Fellowship.

14 The Unitarians have a covenant to affirm
15 and promote the respect for the inter-dependant
16 web of all existence of which we are a part.
17 The inter-dependant nature of life requires us
18 to take action against global warming and to
19 support sustainable energy that does not leave
20 toxins in our environment.

21 When the pipeline was conceived, little
22 was know about the hazard of fracked gas. The
23 full life cycle of the greenhouse gas footprint
24 had not been calculated. Since then there has
25 been new evidence. Since then that calculation

1 has been done.

2 I'd like to enter into your record a paper
3 called the Methane and Greenhouse Gas Footprint
4 of Natural Gas from Shale Formations by Robert
5 W. Wholeworth, Rene Santoro and Anthony
6 Ingraphia.

7 I'd like to just read three paragraphs
8 from the abstract and two paragraphs from the
9 conclusion and then enter the whole things into
10 your record.

11 The abstract says, "We have evaluated the
12 greenhouse gas footprint obtained by high
13 volume hydraulic fracturing from shale
14 formations. Focusing on methane emissions.
15 Natural gas is composed largely of methane and
16 3.6 percent from 7.9 percent of the methane
17 from shale gas production escapes into the
18 atmosphere inventing leaks over the lifetime of
19 a well."

20 "These methane emissions are at least
21 30 percent more and perhaps more than twice as
22 great as those from conventional gas. The
23 higher emissions from shale gas occur at the
24 time that wells are hydraulically fractured."

25 "As methane escapes from the flow back

1 return fluids and during drill out following
2 the fracking. Methane is a powerful greenhouse
3 gas with a global warming potential that is far
4 greater than that of carbon dioxide
5 particularly over the time horizon of the first
6 few decades following emission. Methane
7 contributes substantially to the greenhouse gas
8 footprint of shale gas on shorter times scales
9 dominating it on a 20-year time horizon."

10 "The footprint for shale gas is greater
11 than that for conventional gas or oil when
12 viewed on any time horizon, but particularly so
13 over 20 years. Compared to coal, the footprint
14 of shale gas is at least 20 percent greater and
15 perhaps more than twice as great on the 20-year
16 horizon and is comparable when compared over
17 100 years."

18 So going to gas is stupid. It's not a
19 transition fuel away from global warming. It
20 will get us deeper into global warming. It
21 will get us closer to the tipping point.

22 Now the two paragraphs from the
23 conclusion.

24 "The large greenhouse gas footprint of
25 shale gas undercuts the logic of its use as a

1 bridging fuel overcoming decades if the goal is
2 to reduce global warming. We do not intend
3 that our study be used to justify the continued
4 use of either oil or coal, but rather to
5 demonstrate that substituting shale gas for
6 these other fossil fuels may not have the
7 desired effect of the mitigating climate
8 warming."

9 "Finally, we note that carbon trading
10 markets at present under value the greenhouse
11 warming consequences of methane by focusing on
12 a 100 year time horizon and by using
13 out-of-date global warming potentials for
14 methane. This should be corrected. And the
15 full greenhouse footprint unconventional gas
16 should be used in planning for alternative
17 energy futures that adequately consider global
18 climate change."

19 As the Department of Environmental
20 Protection, you're supposed to protect us from
21 greenhouse gases. You are supposed to protect
22 us from global warming. How are you doing that
23 with this? This is worse than coal.

24 Since the decision to build the pipeline
25 was made there has been new evidence showing

1 that global warming has been occurring at a far
2 greater pace than was previously expected. The
3 evidence is all around us.

4 Polar ice is melting at a far great pace
5 than was expected. There is flooding in the
6 Midwest. A lot of that is due to the melting
7 of the ice from the Rocky Mountains. This
8 flooding has reached the foot steps of Fort
9 Calhoun's Nuclear Power Plant. They are using
10 sand bags to keep the flood water out of the
11 spent fuel rod containment area. The flooding
12 exists in localized areas on our minute men
13 missile bases. This is creating hazards for
14 our country's security.

15 I am a citizen of West Milford in the New
16 Jersey Highlands. Two weeks ago I was driving
17 home from Wawayanda State Park and I was
18 shocked to see a huge gas pipeline going
19 through center of West Milford. I have done
20 some research on this pipeline and I know that
21 it is part of the Tennessee Gas Company 300
22 Pipeline Project.

23 I know that much of the purpose of this
24 pipeline is to gather fracked gas from the
25 Marcellus Shale that is now being drilled in

1 Pennsylvania and will soon be drilled in the
2 lower tier of New York State.

3 The plan of the Tennessee Gas Company is
4 to use New Jersey to create pipelines to
5 transport this gas to the East Coast. I have
6 my own personal suspicions that from there it
7 be shipped overseas.

8 And Dr. Anthony Ingraphia, a fracking
9 expert who wrote that paper, along with his
10 colleagues also agrees that this is probably
11 the plan, to ship the gas overseas.

12 I spoke to business owners in West Milford
13 that had their property torn up and the trees
14 lines removed. The general mood of the
15 citizens was one of deep depression. They told
16 me they had no choice but to comply because if
17 they didn't, eminent domain would be used
18 against them.

19 A heard a lecture given by Dr. Anthony
20 Ingraphia, who is a professional engineer and a
21 fracking expert. He said that there will be
22 leakage of the toxic fracking fluids into the
23 gas pipelines. This fluid is extremely toxic
24 containing chemicals like benzene. Much of
25 these chemicals not biodegradable so the toxins

1 will be with us for a very long time.

2 It is a well known fact that three percent
3 of all gas that enters the pipelines will leak
4 out. That is the national average. When that
5 gas comes from fracking, then you can expect
6 that some of the toxic fracking fluids that
7 flow through the northern New Jersey pipelines
8 will also leak out.

9 The people of West Milford were not told
10 this when they were forced to submit to
11 Tennessee Gas under threat of eminent domain.

12 The local press has not revealed this to
13 the citizens. These pipelines will be built
14 through several of New Jersey's Highlands
15 lakes. As already mentioned, pipelines leak
16 three percent and this will occur in the lake's
17 wells. Water does not stay put. Water flows.
18 it flows down hill. Down hill from the
19 Highland Lakes is the Newark Water Supply. So
20 Newark's water might experience this
21 contamination as well.

22 Since some of these fracking fluids are
23 not biodegradable and they flow with the water,
24 you can expect that they will spread to other
25 communities. The gas industry receives heavy

1 tax breaks and subsidies. At first you might
2 get the false impression that solar and wind
3 power and other renewables are not affordable
4 compared to gas and coal.

5 But this would be a misconception, if the
6 heavy tax breaks and subsidies given to the gas
7 industry were removed, then you would see how
8 quickly solar and wind power and other forms of
9 energy become competitive.

10 The plan to use methane gas as a
11 transition energy as we move away from coal is
12 a mistake. Three percent of methane gas leaks
13 out of pipelines. Methane gas is 70 times more
14 deadly as a greenhouse gas than carbon dioxide.

15 People mistakingly believe that it is only
16 half as deadly as coal, because one BTU of
17 methane when burned produces half the CO₂
18 byproduct than one BTU of coal produces, but
19 that is not the whole story.

20 As I just told you, from that paper, due
21 to leakage at the frack site, there is about a
22 seven percent percentage leakage of the methane
23 gas and then the greenhouse gas goes up beyond
24 coal. They didn't know when they planned this
25 pipeline. They know it now. The plans must be

1 changed according to your level of knowledge.

2 You have to look at all the other carbon
3 costs involved as well. It takes a lot of
4 energy just to get the Marcellus gas out of the
5 ground. There are the costs to the environment
6 that is destroyed. There are the costs to the
7 water supply that becomes polluted.

8 T-Boone Pickens understands these costs,
9 maybe that's why he invested in the bottle
10 water industry as well as the gas industry.

11 You don't want to create a situation where
12 we have to drink bottled water. There will be
13 medical costs as the toxins take their toll
14 overtime. All of these costs needs to be taken
15 into account.

16 We at the state cannot afford to use dirty
17 fracked gas as transition fuel. We need
18 legislation saying that fracked gas will not be
19 permitted in New Jersey pipelines.

20 The pipeline construction is funded by the
21 Act that put Americans back to work. But this
22 funding needs to stop because the jobs are not
23 going to the citizens of the local communities.
24 These jobs are sought by construction workers
25 who follow the pipeline project as it moves

1 from state to state.

2 If the states want to control costs and
3 stop all subsidies to the gas and coal
4 industries, we can't afford to have methane gas
5 used as a transition fuel. It will only delay
6 the true conversion that is really needed to
7 clean sustainable energy.

8 The recent increase in global warming
9 dictates that we cannot afford this delay. We
10 are at the tipping point. We cannot afford to
11 scale back renewable energy goals. We must
12 reduce our use of fossil fuels not increase
13 them if you plan to have human life continue on
14 the planet as part of the inter-dependant web of
15 existence.

16 (Applauds.)

17 MS. YEANY: Does anybody else want to
18 testify?

19 MR. CEE: Can I ask a question from here?

20 MS. YEANY: Sure.

21 MR. CEE: Is the Court Reporter from the
22 Town of Montague or who is she hired by?

23 MS. YEANY: We would have normally wanted
24 a transcript of here, but, of course, we
25 wouldn't want to attain that at DEP's expense.

1 We don't even have funds for that. So the
2 company has hired the reporter to give us the
3 transcript.

4 MR. CEE: Oh. Tennessee Gas Pipeline
5 hired this court reporter. I see.

6 MS. BUDZ: Where would the public get it?

7 MS. YEANY: I hadn't really considered it,
8 but I was thinking earlier in the hearing that
9 as soon as that is available, we will post that
10 on that web site.

11 MS. BUDZ: On what web site would that be?

12 MS. YEANY: I've alluded to that a couple
13 times.

14 If you go to the Green Acres website,
15 which is www.nj.gov/dep/greenacres.

16 MS. BUDZ: Is it in writing?

17 MS. YEANY: I have no place to write it.
18 I was hoping there would be.

19 If you go to the New Jersey Green Acres
20 website, you'll, find on the right-hand side of
21 our website, we have a little box that says
22 "What's new" and there is a link there that's
23 says "Proposed lease to Tennessee Gas," and
24 anything we have about this project, as it's
25 become available, we have been trying to post

1 it there and make it available.

2 MS. BUDZ: How long until you think it's
3 available?

4 MS. YEANY: I actually don't know. I know
5 this is going to be a long transcript. So I
6 don't know what the reporter has promised the
7 company.

8 MR. CEE: Would we see a pdf file
9 possibly?

10 MR. GREDVIG: About two weeks.

11 MS. YEANY: Right. I don't know what your
12 arrangement is with the reporter, but even if
13 we receive it in a paper format, we can scan
14 and post it there.

15 MR. CEE: I have your name, but what is
16 your title?

17 MS. YEANY: I am Chief of the Bureau of
18 Legal Services and Stewardship for Green Acres.

19 VOICE: Do you have a business card?

20 MS. YEANY: The Court Reporter has it. If
21 you want to see it afterwards, I think I have a
22 couple of extra. Just see me afterwards.

23 VOICE: With the transcript, what if
24 things have been left out or whatever, is there
25 a way to amend it?

1 MS. YEANY: Well, in my experience Court
2 Reporters are pretty accurate, but if you
3 notice a discrepancy, let us know about it.

4 I mean the Court Reporter is an
5 independent part of this transaction. She has
6 no vested interest.

7 MR. CEE: She's being paid by Tennessee
8 Gas Pipeline.

9 MS. YEANY: Right. But my understanding
10 is, they have standards they have to uphold.

11 MS. BUDZ: The State should have paid for
12 it.

13 MS. YEANY: If I would have to pay for a
14 court reporter, I would have to bid it out and
15 identify funds from taxpayer funds.

16 MR. CEE: That's why our property taxes
17 are the highest in the nation. That's not
18 important to the community and the State to
19 hire a court reporter for the destruction of
20 our state parks?

21 MS. YEANY: Court reporters are a
22 regulated industry. They have standards they
23 have to uphold. If they produce inaccurate
24 transcripts, there are consequences beyond
25 this. I'm not going to assume that there is

1 not going to be an accurate record of this
2 hearing.

3 FEMALE VOICE: I don't think that she will
4 change it, but they may change what she wrote.
5 How do you know that?

6 MS. ROY: The transcript will come as a
7 pdf file.

8 MR. GREDVIG: It comes directly from --

9 MS. YEANY: This is Christine Roy, who is
10 an attorney, who represents Tennessee Gas.

11 MS. ROY: If it's sealed, there is no way
12 we can change what is in it.

13 MR. GREDVIG: You can't edit the file.

14 MS. YEANY: I think we've been through
15 that.

16 MR. GREDVIG: Yes.

17 MS. YEANY: I think we are going to close
18 the meeting now.

19 MALE VOICE: Who is actually running this
20 meeting? Because you walk-through the door and
21 you have people breathing down your neck
22 handing you bullshit information.

23 MR. HEENEHAN: You don't need to swear.
24 It is inappropriate.

25 MS. YEANY: This is a DEP hearing. We

1 have the company here to give information about
2 the project. But it's our hearing. We're
3 required to conduct it. I'm not sitting here
4 because --

5 MALE VOICE: It's a sloppy run hearing.

6 MS. YEANY: Okay. Thanks.

7 I'm going to close the record at 10:05.

8 We have another hearing tomorrow night in
9 Ringwood also at 7 o'clock at the Ringwood
10 Municipal Building and then the third hearing
11 is September 7th in Trenton.

12 As I said a couple times, you're welcome
13 to submit whatever comments you want in writing
14 to become a part of the record and we'll take
15 those under advisement.

16 I thank you.

17 (Meeting adjourned at 10:05 p.m.)
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C E R T I F I C A T E

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I, KAREN GAGLIARDOTTO KOCSIS,
a Certified Court Reporter of the State of New
Jersey, authorized to administer oaths pursuant to
R.S. 41:2-2, do hereby certify that prior to the
commencement of the examination, the witness was
sworn by me to testify to the truth, the whole truth
and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a true and accurate transcript of the
testimony as taken stenographically by and before me
at the time, place, and on the date hereinbefore set
forth.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney nor
counsel of any of the parties to this action, and
that I am not financially interested in the action.

I DO FURTHER CERTIFY that the within
transcript format complies with Rule NJ ADC
13:43-5.9.

Karen Gagliardotto Kocsis, CCR
License No. XI01560