

NJ DEP hearing 9-7-2011

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Full-size Transcript

Prepared by:

RCI
Robert Cirillo, Inc.

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Transcript of proceedings

1 NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 PUBLIC HEARING ON PROPOSED CONVEYANCE OF PROPERTY
3 UNDER N.J.S.A. 13:1D-51, et seq
4 NORTHEAST UPGRADE PROJECT: TENNESSEE GAS PIPELINE COMPANY
5 SEPTEMBER 7, 2011
6 401 EAST STATE STREET
7 TRENTON, NEW JERSEY 07625

8
9 PRESENTED BY:

10 TENNESSEE GAS PIPELINE

11 MELISSA DETTLING, Principal Environmental Scientist

12 DANIEL GREDVIG, Manager, Land Projects Group

13 JERRY CREEL, Consultant, Engineering

14 PENNY E. PAUL, Stakeholder Outreach Coordinator

15 BEFORE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

16 JUDETH PICCININI YEANY, ESQ., Chief

Bureau of Legal Services & Stewardship, Green Acres

17 RICHARD BOORNAZIAN, Administrator, Green Acres Program

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ROBERT CIRILLO, INC.
Certified Court Reporters
182 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 740-1331

1 MS. YEANY: We just wanted to go on
2 the record and say we are going to wait a few
3 minutes and kick things off at 4:15. We have the
4 room until about 6:30, so we'll start our
5 presentation in about 10 minutes. In the meantime,
6 there's maps in the back if you'd like to examine
7 the route, and there are copies of the Power Point
8 presentation that we are going to give today.
9 Thanks.

10 (A discussion takes place off the
11 record.)

12 MS. YEANY: We are going to go on the
13 record. I won't ask if people can hear me, because
14 I can hear myself in the back of the room. I'm
15 Judeth Yeany from the Green Acres program here at
16 the DEP. I'm going to give an overview of why we
17 are here today.

18 Up in front we have some DEP
19 representatives, who I'll introduce in a minute, and
20 some representatives of the Tennessee Gas Pipeline
21 project who will give us an overview of the project.
22 I'm with the Bureau of Legal Services and
23 Stewardship with the Green Acres program, and a lot
24 of you know our program because we acquire land on
25 behalf of the State to be added to our state parks

1 and forest and wildlife management areas. What we
2 also do is when people come to DEP to ask to acquire
3 rights in those properties, we assist the divisions
4 in working their way through those requests.

5 So the reason we are here today is
6 that we have a request pending from the Tennessee
7 Gas Pipeline Company -- is this too loud? We have a
8 request pending from Tennessee Gas Pipeline Company
9 to lease right-of-way through several state parks
10 for the purpose of installing a 30-inch natural gas
11 transmission pipeline parallel to an existing gas
12 pipeline that's been in the park since the 1950s.

13 Tennessee Gas refers to this project
14 as the Northeast Upgrade Project, and as it's
15 currently proposed, portions of the project would
16 cross High Point State Park in Montague Township,
17 Long Pond Iron Works Park in Ringwood Borough and
18 West Milford, and Ringwood State Park in Ringwood
19 Borough and Mahwah Township. As I mentioned,
20 there's a pipeline in the ground in all these
21 locations. It was installed in 1954 under a 50-year
22 easement that was granted by the predecessor agency
23 to the DEP. That easement has expired but it was
24 replaced by a 20-year lease that allows the company
25 to maintain the pipeline in place.

1 At this point we are being asked to
2 lease additional right-of-way to the company to
3 allow for the construction of this new line parallel
4 to the existing line. The reason that we are
5 conducting this public hearing is we have a process
6 we have to follow whenever somebody asks us to
7 convey property, and the statute defines the
8 conveyance as a permanent transfer of more than an
9 acre or leases of 25 years or more.

10 So when we get a request of that
11 nature, we have a process that we have to follow and
12 it's a fairly detailed one, and it involves first
13 that we have to analyze the transaction and write a
14 report for public review listing the pros and cons
15 and advantages and disadvantages of the transaction.
16 We released that report in July, and it's been
17 posted on Green Acres' website. We can give you
18 information about how to find it. And we have
19 already conducted two local hearings on this
20 project, one of them was August 17th in Montague
21 Township and the second one was August 18th in
22 Ringwood Borough. So we are also required by the
23 statute to have a hearing here in Trenton, and this
24 will be the third of the three public hearings that
25 we are going to conduct on this project. In the

1 event the project receives all other approvals that
2 are needed, and there are quite a few other
3 approvals that are needed for the project, in the
4 event it receives all other approvals, the question
5 before us is whether we would agree to the company's
6 request to enter into this lease to use this
7 property.

8 Some of you may know that the
9 construction of intrastate natural gas transmission
10 pipelines is regulated by a federal agency known as
11 the Federal Energy Regulatory Commission or the
12 FERC, and Tennessee had applied to FERC back in the
13 spring for what's called a certificate of public
14 convenience and necessity to obtain approval to
15 construct the project. If a certificate is issued,
16 it would represent an approval by FERC of both the
17 route of the project and a verification that the
18 federal agency believes there's a need for the
19 project.

20 So one of the things we've been
21 trying to make clear is that we don't have
22 jurisdiction over the route necessarily, although we
23 are a participant in the FERC process and are
24 certainly expressing concerns to FERC about aspects
25 of the route that cause us concerns as far as the

1 areas that we regulate, but in the end we don't
2 approve the route, and we do not make a finding of
3 whether there's a need for the project. So for this
4 project to be constructed, the certificate would
5 have to be issued. FERC would make those findings
6 about the route and the need for the project and
7 would still require any other state, federal, local
8 approvals that would be needed for a project of this
9 nature. The certificate doesn't exempt the project
10 from any of those approvals, and there are other DEP
11 approvals that would be needed for this project,
12 most notably through our land use program, but we
13 are not here specifically today to talk about those
14 approvals except as they might ultimately affect the
15 lease that we would enter into for the property.

16 So, as I said, we are participating
17 in the FERC process. We've certainly made filings
18 with FERC expressing related concerns about this
19 project, and we would encourage you to participate
20 in that process to express your concerns about the
21 need for the project or the route. But in the end,
22 if the project gets the federal approval and gets
23 all the other approvals, the question that we are
24 here to discuss today is whether we should enter
25 into this lease.

1 So we are going to have the company
2 give an overview of the project as far as the
3 specific route and the acreages that they are
4 proposing to use. One of the things I wanted to
5 mention is just kind of a terminology issue which is
6 that when you see the slides, they will be referring
7 to permanent right-of-way for the project, but we
8 are proposing to lease this to them. We are not
9 proposing to sell it to them or permanently convey
10 to them. It's the terminology.

11 You'll also hear discussion about
12 temporary work space which would not be included in
13 the lease request but would be handled by us under a
14 separate document called a right of entry. I'm
15 trying to think, so I have with me today Rich
16 Boornazian, administrator of the Green Acres
17 program, and we have other DEP representatives in
18 the audience who are available to answer questions
19 that might come up about other aspects of the
20 project.

21 I'm going to turn this over to
22 Melissa Dettling from Tennessee Gas to introduce the
23 other company representatives to give an overview of
24 the project. I will talk at the end before we open
25 it up to public comments about the proposed

1 compensation for the lease and how we approach that
2 for this project.

3 Anything else you want me to mention
4 before I turn it over? Okay.

5 MS. DETTLING: I'm going to stay here
6 if that works. Can everyone hear me in the back
7 there? Just let me know if I need to speak up any
8 more. My name is Melissa Dettling. I'm the
9 environmental project manager from Tennessee Gas
10 Pipeline working on the Northeast Upgrade Project.
11 Here with me is Penny Paul who's at the end, and she
12 is our stakeholder outreach coordinator. We've got
13 Jerry Creel, who is our project manager, and Dan
14 Gredvig, who's our land project manager.

15 So we are going to go through a
16 project overview and a few other things. We are
17 going to go over some of the items that are in our
18 application and then we'll open it up to questions.
19 If we do have questions, because we have a court
20 reporter here, we'll ask that you try and speak
21 slowly, state your name, spell your last name for
22 her so she can get it in the record for you, but
23 leading into that, I'm going to turn it over to
24 Penny Paul to start out the presentation and I'll
25 pick up from there.

1 MS. PAUL: Thanks, Melissa. Can we
2 have the next slide? As Melissa said, I'm the
3 stakeholder outreach coordinator for Tennessee Gas
4 Pipeline. Tennessee Gas Pipeline is a wholly owned
5 subsidiary of the El Paso Corporation. El Paso
6 Corporation provides natural gas and related energy
7 products in a safe, efficient, and dependable
8 manner.

9 The Tennessee Gas Pipeline system
10 spans over 13,000 miles and we have over 90 billion
11 cubic feet of working gas storage. The pipeline
12 spans from the Mexican border up to the Canadian
13 border, and we supply markets throughout the
14 Northeast including major metropolitan cities in New
15 York, New Jersey and Boston, the Midatlantic and the
16 Southeast. We have over 50 years of experience in
17 pipeline system design, construction and operation,
18 and we are prepared to meet the demands of a growing
19 market with the integrity and commitment to service
20 that has made us one of the safest, most reliable
21 pipelines in the United States.

22 This slide shows which our research
23 has shown, which is consistent with research by
24 industry associations and that of the federal
25 government, that over the next ten years there will

1 be an increase in demand for natural gas, especially
2 in this area. This slide shows in New Jersey
3 specifically over the next ten years there will be a
4 demand of between 400 million and 500 million cubic
5 feet, the high end of that span representing peak
6 months.

7 The benefits of our project, right
8 now the Northeast gas storage struggles to meet peak
9 day winter requirements and strains regional
10 pipeline capacity. This project will help alleviate
11 strain on infrastructure and provide access to
12 natural gas supplies across the country. Access to
13 increased supply will provide supply liability,
14 diversification, price and competition which will
15 benefit Northeast consumers.

16 As was mentioned before, the federal
17 energy regulatory commission requires we show
18 compelling public need. It is our position that we
19 meet that need by transporting natural gas to meet
20 increasing demand for energy in the Northeastern
21 U.S. The project will help alleviate demand by
22 increasing pipeline capacity to the high-demand
23 markets in this area. The project will also assist
24 with the Federal Energy Regulatory Commission's goal
25 of providing more natural gas to markets by

1 providing access to natural gas supplies in the
2 Northeast supply area. Natural gas is a cleaner
3 source of fuel than either coal or petroleum, and
4 this project is consistent with New Jersey Energy
5 Master Plan.

6 I'm going to turn it over to Melissa
7 Dettling.

8 MS. DETTLING: Judeth wanted to say a
9 couple more things.

10 MS. YEANY: Before Melissa gets into
11 the details of the project, I wanted to mention
12 something just as far as our conceptual approach to
13 this project. Some of you are aware that in 2010
14 there was an approval the Department issued for a
15 project known as the 300 Line Project, and it's
16 currently under construction in North Jersey. When
17 the company came to us for the Northeast Upgrade
18 Project and we started discussing whether we would
19 lease additional right-of-way to them, we tried to
20 set up a framework for this project to make clear
21 that we wanted them to take advantage of all
22 possible opportunities to both avoid the use of
23 state property and where that can't be avoided to
24 minimize the impacts on the state property.

25 So one of the things Melissa will

1 talk about, and you'll see in the diagram, is that
2 the company is considering ways to do that. The
3 numbers, as I mentioned the company has already
4 filed for a certificate with FERC, and to do that
5 they needed to lay out a proposed route and to
6 specify what the acreage would be that would be
7 associated with that route. So the numbers you will
8 see on these slides do represent what we would
9 consider to be a worst case scenario, because they
10 are based on FERC filing prior to us asking the
11 company to examine avoidance and minimization, so we
12 do fully expect that the numbers in any final lease
13 if we do approve this at the end of the of the day
14 would be lower than in the current FERC filing, but
15 until such time as we pin down avoidance and
16 minimization and the company actually amends its
17 filing with FERC, we are relying on the numbers in
18 the FERC filing, so, again, we consider any numbers
19 that are discussed today to be a worst case
20 scenario. We did calculate proposed compensation
21 based on those numbers, but we fully expect them to
22 change before we would ever execute a lease with the
23 company, and that's something that as we go through
24 this process, if we do agree to lease this area and
25 if the numbers are amended, we would certainly share

1 that information prior to obtaining any approvals
2 for the project.

3 So I'll turn it over to Melissa for
4 just an overview of the project.

5 MS. DETTLING: Thank you. Let me go
6 into the project description for the Northeast
7 Upgrade Project. Here is a map that shows, the map
8 that Penny Paul showed before showed the entire
9 natural system for Tennessee Gas Pipeline. This is
10 the pipeline system that is shown here in blue is
11 existing. It's referred to as the 300 Line for
12 Tennessee Gas. The boxes that you see along that
13 system are existing compressor stations that
14 Tennessee Gas operates. The -- they are lines along
15 there that are double blue lines which are areas
16 where the pipeline system has already been or is
17 currently being looped for another pipeline project.

18 There's a pipeline project referred
19 to as the 300 Line Project which is currently under
20 construction, and it had proposed approximately
21 120 -- well, it is building 127 miles of pipeline
22 looping of that system through Pennsylvania and New
23 Jersey currently. The areas that are shown in red
24 on this map are the pipeline loops that are being
25 proposed for this separate project, which is the

1 Northeast Upgrade Project. There's approximately,
2 let's see, 39.6 miles for the entire project, but
3 only a portion of that is in New Jersey, so if you
4 see up here the pipeline loops, that segment's shown
5 in red. The compressor stations that are shown in a
6 pale green are existing. The compressor stations
7 that are shown in pale green up there are existing.
8 We are not proposing to build any compressor
9 stations, but we'll be doing upgrades or
10 modifications at those systems to assist with the
11 increased capacity of the system that will result
12 from the looping of the red segments of pipe that
13 you can see.

14 The pipeline loops that we are
15 proposing are numbered as they fall downstream of
16 the existing compressor stations, so if you read in
17 our reports that they have a numbered loop which is
18 for example Loop 323 or 325, those are pipeline loop
19 segments that fall downstream as we refer to it from
20 our existing compressor station, so Loop 323 that's
21 being proposed for the Northeast Upgrade Project is
22 approximately 16 miles, and seven of that I believe
23 is in New Jersey. Am I right with that? Yes. It
24 crosses the state boundary there.

25 Then Loop 325, which is the 7.6 miles

1 shown to the furthest west is referred to as Loop
2 325 that we are proposing, and there's a triangle
3 there at the end which is an existing meter station,
4 Mahwah meter station, that we are proposing
5 modifications at as well.

6 The project is scheduled to be in
7 service November 1, 2013 if it were to be approved,
8 and, as Penny had stated before, it's proposing an
9 incremental volume of capacity of 636,000 decatherms
10 a day of natural gas capacity. Pipeline looping, as
11 you'll hear us referring to, there is an existing
12 pipeline system, as I stated. Now, we do a review
13 of exactly the capacity that's needed for adjusted
14 project that's being proposed and we look at where
15 the best areas are that we can add either pipeline
16 compression or looping to increase capacity and also
17 reduce environmental impacts by building a new
18 pipeline within an existing corridor that Tennessee
19 Gas already maintains.

20 So to do that, we will tie into the
21 existing system on one end of the pipeline loop and
22 the new loop will run parallel to and adjacent,
23 sharing a portion of the existing easement with the
24 existing system. So you'll have two lines that are
25 parallel, adjacent. This is being proposed as an

1 offset of approximately 25 feet, and it will tie
2 into the existing system on either end if there's
3 not another loop that's there for it to tie into.
4 It allows more gas to run through that area by
5 paralleling and running through the system and then
6 tying back in right where the delivery points are.

7 Here's a model that shows a typical
8 pipeline construction sequence. We'll discuss in
9 the reports different project construction
10 activities that may require different work space
11 needs or timing needs, and so this just gives you an
12 idea. The ideal pipeline construction process would
13 be a sequential process where the crews can move
14 through one following the other doing surveys,
15 staking, clearing, grading, things of that nature,
16 all in an order, and it goes through the way that we
17 would inspect the pipe, put it in the ground,
18 restore it. It also -- this is a good depiction and
19 you can see in the back as well because it gives you
20 an idea when we are discussing work space needs and
21 why we need the work space that we do, where we need
22 to put soil set off to the side, where the equipment
23 needs to work and also where we need to have safe
24 lanes for travel along the equipment as well.

25 The next slide just gives you a

1 general project timeline. As Judy stated we are in
2 the FERC process. We are regulated by them. We
3 entered into a pre-filing process with FERC and
4 we've -- we are well into the pre-filing process and
5 have filed our actual certificate application in
6 March of this year. That's being reviewed. FERC
7 will then prepare an environmental assessment which
8 we are anticipating for them to issue this fall.
9 We've requested a certificate if granted to be
10 issued in January of 2012 which would allow us to
11 commence construction in fall of 2012 and get in
12 service in November of 2013.

13 Now through the FERC process, we do
14 our own environmental analysis. When we submit a
15 certificate application to FERC, we prepare resource
16 reports which show the analysis of field work and
17 studies that we've done. We issue that to FERC.
18 They do a review of it and then make a determination
19 of their own environmental assessment of our data,
20 so throughout the entire FERC pre-filing process,
21 we've been meeting with agencies, doing field work,
22 consulting with agencies and land owners and others
23 to get input on the project.

24 Okay, now we are going to go into the
25 Northeast Upgrade Project where it intersects with

1 DEP-owned state parks. We will be discussing High
2 Point, Long Pond Iron Works, Ringwood State Park and
3 Ramapo Mountain State Park. The next map just shows
4 an overview. You can see the yellow, the black line
5 on this figure is our existing pipeline system. The
6 yellow lines on this are the proposed pipeline loops
7 for the Northeast Upgrade Project, so on the top of
8 the map there you can see the section of Loop 323
9 which would end, we've overlaid on there the state
10 park land that it would be crossing, which is High
11 Point State Park, down toward the bottom here you
12 have Loop 325 and where it would be crossing the
13 Long Pine Iron Works and Ringwood State Park. It's
14 hard to see that there's an access road that is
15 existing that we are proposing to use and that
16 crosses the Ramapo Mountain State Park. We'll show
17 maps with more detail.

18 We'll go into High Point State Park
19 first. As I stated, the line in yellow is the
20 proposed pipeline loop. Along that, it's hard to
21 see in this, but you might be able to see it in the
22 back if you see a close-up of the map, along the
23 pipeline loop that we are proposing we number mile
24 posts. Those are numbers that you can use anywhere
25 along the proposed system to reference crossings of

1 streams, wetlands, anything that we do analysis on
2 it, you'll see it referred to and tied in with a
3 mile post marking, and those are shown on the map.
4 You can see where the portion of the yellow proposed
5 line crosses the shaded High Point State Park area
6 there.

7 MR. MOSS: The yellow, is that the
8 blocks it's going through, the block and lots?

9 MS. DETTLING: Yes, it is, correct.
10 When we go into the next slide, you'll see we have
11 the block and lots here lined out for High Point
12 State Park. The length that each of that block and
13 lot is crossed by the proposed loop and then we've
14 got the calculations for the proposed easement and
15 temporary work space that would be needed for the
16 project and the totals down there at the bottom, and
17 as Judeth said, for the FERC process we use
18 temporary and permanent to refer to either the
19 right-of-way the pipeline will stay in as opposed to
20 the work space that will no longer be maintained by
21 us following the construction, and that's where we
22 are refer to temporary and permanent, but as Judeth
23 stated, it will be a lease in this case.

24 We are also requesting to use access
25 roads, existing access roads, that are in the park,

1 and so we've lined that, these out here and the work
2 space that we'll need to use. In some areas the
3 roads may need to be improved and in some areas we
4 may need to put mats down or improve or do some
5 grading, some graveling and maybe widen some areas
6 for pull-offs, turn-outs and where the equipment
7 will need to be passing, so that's where the acreage
8 comes in there.

9 Next slide shows just a brief
10 summary. We've done in-depth environmental analysis
11 in all of these areas, and you can find more
12 information that we'll give you later in the
13 resource reports that we filed as part of our
14 certificate application, and I've just pulled out a
15 few highlights to go over.

16 The proposed pipeline loop that
17 crosses High Point State Park would cross eight
18 water bodies and 24 wetlands. There are two natural
19 heritage priority sites in High Point State Park
20 that would be crossed by the proposed pipeline loop.
21 Those areas have been summarized also in our report
22 and field surveys were done. Those priority sites
23 were designated and the additional surveys we did in
24 those areas.

25 I put a survey of federally listed

1 species, and some of those also are found in the
2 park. Also in the FERC resource support you'll also
3 find extensive results of state listed species
4 surveys and analysis that's done for habitat.

5 We'll go into the other state parks.
6 This is Loop 325 where it would cross Long Pond Iron
7 Works State Park and Ringwood State Park and where
8 Bear Swamp Road, which is existing that we would be
9 proposing to use, travels through Ramapo Mountain
10 State Park. And same thing with this map. It's got
11 the lots and blocks identified by mile post also.
12 Here's a summary map -- summary layout of the
13 impacts that the project would be proposing on Long
14 Pond Iron Works State Park, and we've done the same
15 analysis for the Ringwood State Park broken out by
16 lot and block for Long Pond Iron Works State Park.
17 And then we've also identified the access roads that
18 we'd be proposing to use and the work space that
19 would be needed on those. Thank you.

20 Long Pond Iron Works State Park we
21 would have two water body crossings, the Monksville
22 Reservoir we are proposing to cross via horizontal
23 directional drill, the one up river. Two wetland
24 crossings, no natural heritage priority sites, and
25 then I've done a summary there of federally listed

1 species potentially occurring and the results to
2 date.

3 We are proposing to construct the
4 entire Northeast Upgrade Project within times where
5 there are no restrictions for tree clearing due to
6 migratory bird restrictions. There is a portion on
7 Loop 323 that will be adhering to a timing
8 restriction for Indiana bats, but that is not in an
9 area where it's crossing the state parks.

10 We are looking at potentially using
11 a pipe yard area that's referred to as Jungle
12 Habitat. It's in Long Pond Iron Works State Park.
13 It's approximately 35 acres in size. Approximately
14 27 acres of that is paved. The remaining area is
15 forested. We would not be proposing to use that
16 area, but it's still under review on whether we'll
17 be proposing to use that for the project. It is
18 part of the application at this time and we are
19 looking into it. There's a figure here that shows
20 you where it lies and it is, as you can see at the
21 top of the map there, you can see where the
22 Monksville Reservoir is so you can kind of get an
23 idea of where it falls in the park.

24 Ringwood State Park we'd be proposing
25 to cross approximately seven water bodies, two

1 perennial, five intermittent, 17 wetlands. There
2 are no natural heritage priority sites, and I've
3 done a summary here of federal species surveys.
4 Ringwood Creek we still have ongoing surveys reports
5 with mussels so you can see even when we enter into
6 the FERC process and we go through all the
7 consultations with agencies we continue to consult
8 with them, and any concerns that are brought about
9 we will continue to do additional field surveys as
10 needed, and if there are species that are identified
11 in those areas, we would do either work space
12 reductions or we may have to change our route to
13 avoid these areas, or we may have to do some type of
14 relocation program or monitoring during
15 construction.

16 Bear Swamp Road as I mentioned, it's
17 an existing road and we are proposing to use the
18 road, it crosses Ramapo Mountain State Forest. We
19 would be proposing to cross approximately 7,000
20 linear feet that crosses through there. There's the
21 figure, you'll see the yellow and black line there,
22 that's the Bear Swamp Road we would be proposing to
23 use it and the orange line that's at the top of the
24 yellow and black is the proposed pipeline for the
25 Northeast Upgrade Project that we'd be accessing

1 with that road. We are only proposing to use it for
2 minimal use, possible improvements to the existing
3 roadbed where needed and side trimming of woody
4 vegetation. We are not proposing to use Bear Swamp
5 Road for heavy construction equipment to be
6 accessing the work space.

7 The next slide is going to go into
8 recreation and trails. The proposed project crosses
9 the Appalachian Trail in High Point State Park at
10 approximate mile post 14. We've prepared a crossing
11 plan specific to that trail. It includes work space
12 reductions and the process that we'll be going
13 through to keep the trail open. When it can't be
14 kept open, it specifically goes into times when it
15 can't, what will be done, whether we'll be having
16 areas where we'll be able to reroute recreational
17 hikers to possibly the Iris Trail which is in that
18 area or we may be able to minimize by just keeping
19 some construction activities when hikers can't go
20 through at the minimum. That's been prepared and
21 given to New Jersey DEP for review, so we are still
22 in the process of getting that plan reviewed and
23 approved.

24 We are also preparing a general
25 trails crossing plan. The list that we have up here

1 are preliminary as is our plan. We are looking into
2 doing the same, a similar plan to what we are doing
3 for the Appalachian Trail where we will be able to
4 identify the trails being crossed, identify the
5 timing that may be needed, safety measures that may
6 be needed and mitigation measures that we'll take to
7 keep the trails open as long as possible and limit
8 the time when hikers will not be able to use it to
9 the bare minimum. The trail plan will also go into
10 ATV use. There will be safety measures that may be
11 taken, working with the state to possibly be putting
12 in some gates and other things which will keep
13 unsafe activities in those areas.

14 State land alternatives. When we
15 were going through this application process, we
16 looked at how could this project be built and if
17 this project could be built without impacting any of
18 these state parks. So to do that, we looked at
19 routes that would be completely avoiding the park
20 itself. So we looked at the map. We put a line on
21 where the pipeline would leave the existing corridor
22 and go around the park to the north and to the
23 south. We then did alternative analysis on our
24 proposed route compared to the two alternative
25 routes and we put numbers together that would show

1 what the distance impacts would be, what the impacts
2 would be to environmental resources as well as land
3 owners, and as you can imagine, by not looping an
4 existing pipeline easement, by not utilizing an
5 easement of an existing corridor, you would have, as
6 you can see, the purple line to the north and orange
7 and black line to the south would have additional
8 mileage as well as additional green field impacts to
9 areas that were not previously disturbed, and all
10 that analysis is in the report comparing what the
11 impacts would be on those alternative routes. We
12 did the same analysis for all three parks and that,
13 all those numbers are in the report.

14 As part of our analysis, we also
15 looked at some other reductions, and I'm going to
16 hand this over to Dan Gredvig to discuss those.

17 MR. GREDVIG: Thank you. My name is
18 Dan Gredvig, and I'm with Tennessee Gas Pipeline.
19 Tennessee Gas Pipeline's proposed plan to further
20 reduce project impacts to the Jersey state owned
21 lands. One of the things that we are trying to do
22 is looking at, as mentioned a number of times, is
23 trying to reduce our footprint, trying to reduce by
24 sliding over our construction footprint to avoid
25 areas of existing non-disturbed vegetation, looking

1 to minimize our impacts within wetland areas,
2 reducing from 100-foot wide right-of-way down to a
3 75-foot wide right-of-way. We plan to follow
4 subject to different plans and different permits and
5 reviews and then we also, when we are looking at
6 reductions and minimizing our right-of-way, we still
7 have to build a safe project and we have to be able
8 to build one that's economically viable for us to
9 construct.

10 On the next slide you can see that
11 we've got our typical construction layout, shows our
12 originally adopted plan of being offset from our
13 existing pipeline. At the bottom of the left-hand
14 side you see the red denotes the area that we are
15 planning to move over to minimize that impact to
16 non-disturbed areas. On the right-hand side we've
17 got our wetlands and preparing zones where we
18 minimize our net down to 70-foot wide right-of-way.

19 Another consideration that we need to
20 be considering during this process is the
21 conservation restrictions. For parcels that are
22 acquired with Green Acres non-profit acquisition
23 funds, the NJDEP holds a conservation restriction on
24 the properties. In addition to the proposed 25-year
25 lease of the lands owned in fee by the State,

1 Tennessee is seeking the permanent release of a
2 portion of these conservation restrictions. The
3 commissioner's approval is required for release of
4 the conservation restrictions. Tennessee is
5 complying with the legal requirements for the
6 partial release in accordance with the act. The
7 parcel that we are talking about is Passaic River
8 Coalition properties. They are encumbered by Green
9 Acres restrictions we are presently negotiating with
10 Passaic River Coalition to come to a -- an agreement
11 on the terms of our compensation offer to them for
12 the release of that easement or those properties
13 across their tract of land. Compensation for that
14 partial release of conveyance restriction across the
15 Passaic River Coalition properties will be satisfied
16 by the compensation for the diversion in accordance
17 with the compensation requirements that meet the
18 act.

19 On the next slide you can see the
20 impacts to the Passaic River Coalition property.
21 We've got the mile post location along our pipeline.
22 We have the tract number and block and lot.

23 The next slide shows the impact of
24 the permanent easement, temporary work space,
25 additional temporary work space and the totals.

1 Turn it back over to Melissa. Thank
2 you.

3 MS. YEANY: You can put that slide
4 back up. For the proposed lease there's three
5 components to the compensation that has either been
6 proposed by the company or requested by DEP at the
7 moment. The first is that there would be a rental
8 payment from the company to the DEP for its
9 occupation of state property, both for temporary
10 work space during the construction period for the
11 project and for the right-of-way itself during the
12 25-year lease for the right-of-way.

13 We have proposed at this time to
14 assess the rental at a rate of 15 cents a square
15 foot. We would anticipate that the construction
16 period would be approximately two years and that we
17 would charge rent for approximately 145 acres of
18 temporary work space during that two-year period.
19 Their number includes the Jungle Habitat acreage
20 which, as Melissa indicated, the company may or may
21 not use, and those numbers are subject to further
22 reduction, but during the time that the project is
23 under construction, we would charge 15 cents a
24 square foot during the construction phase.

25 We would then continue to charge 15

1 cents a square foot for the 25-year duration of the
2 lease and we would apply 2-1/2 percent annual
3 escalation of that rental rate starting in year one.

4 So if you calculate that out using the current
5 numbers as they were proposed to FERC and talking
6 about roughly 30.21 acres of what the company would
7 describe as permanent right-of-way and again
8 approximately 143 -- 45 acres of temporary work
9 space, the maximum rental payment that we would
10 anticipate for that acreage would be \$8.6 million.

11 We've also asked the company to do
12 something that we requested for the 300 Line Project
13 which was to give the State replacement land at a
14 four to one ratio for any areas that are to be
15 occupied by the pipeline under the 25-year lease and
16 any areas of temporary work space that need to be
17 blasted as part of the construction, so we would
18 consider the blasting to be a permanent alteration
19 of the temporary work space and we would subject it
20 to the four to one replacement land requirement,
21 again, using those current numbers, not knowing what
22 the temporary work space numbers might be yet but
23 using the current number of 30.21 acres of
24 anticipated right-of-way, we would be looking at
25 approximately 120 acres that the company would be

1 obligated to purchase and turn over to the State,
2 and we do have concerns and suggestions to the
3 company about the quality of that acreage and where
4 it should be located and hopefully in close
5 proximity to some of their holdings, and we've asked
6 them to consider specific parcels that we would be
7 interested in.

8 The third component of the
9 compensation would be mitigation measures that we
10 would require of the company above and beyond any
11 that are required by other departments statutes,
12 approvals, permits but which would be intended to
13 provide compensation to the department and to the
14 public for other aspects of the construction of the
15 project that would have an impact on state property,
16 so I am going to turn it over to Melissa to explain
17 it a little more about that, but the general goal
18 there is that there are some construction-related
19 impacts of the project that would not be covered by
20 our other permit programs and by other approvals
21 that might be needed for the project that we would
22 want to see the company provide appropriate
23 mitigation for in an effort to adequately protect
24 the public interest in these properties.

25 So I'll let Melissa explain some of

1 the other kind of key requirements that they are
2 already working their way through and some of the
3 additional measures that might be considered.

4 MS. DETTLING: Okay. So what I've
5 done is I've just done a little summary here of some
6 of the other mitigation measures that we would be
7 proposing for the project and not just proposing,
8 but be required to do. First is No Net Loss
9 Reforestation Act. In any state-owned lands, we are
10 required to follow the No Net Loss Reforestation Act
11 guidelines. We've prepared a No Net Loss
12 Reforestation Plan to outline all of the
13 restoration, reforestation we would be proposing in
14 all the temporary work spaces. In areas we'd be
15 requesting for a lease on our right-of-way, we'll be
16 working with the State to identify areas where we
17 can plant trees and reforest, possibly on state
18 lands outside of our work space. If those areas
19 cannot be identified, then we would be looking at
20 monetary compensation for any trees that couldn't be
21 planted as last resort. That plan was submitted and
22 we have public meetings to present it to the public
23 and it's still I believe -- except they are still
24 out for public comment on those plans. They were
25 dated August 2010.

1 We would also be required to do
2 mitigation for any -- for wetland and riparian zone
3 impacts for fresh water wetlands and flood hazard
4 area permitting that we will be doing with DEP
5 Division of Land Use Regulation, so we have draft
6 mitigation plans that we'll be submitting with our
7 permit applications which have not been submitted
8 with the State at this time. Once they are, we'll
9 be proposing mitigation off-site and on-site
10 mitigation for wetland and riparian zone areas
11 impacted by the project.

12 The next bullet item Judeth already
13 mentioned, which is the land replacement at a ratio
14 of four to one for any new right-of-way areas that
15 would be proposed. We are also going through an
16 appraisal, timber appraisal process to compensate
17 the State for timber value.

18 There's rare species habitat
19 mitigation that will be negotiated. Not all of that
20 have been identified. There are areas that may be
21 impacted. We'll look at either remediation or
22 monetary.

23 Loop 325 of the project is proposing
24 to cross the Highlands region, and we'll be working
25 with the Highlands to do mitigation. I've put an

1 example of Highlands region they have designated
2 resource areas in the Highlands, and so we do an
3 analysis through that through our environmental
4 reporting as well where we identify any resource
5 areas that are being impacted and whether they can
6 be restored and mitigated on-site or whether it's
7 compensation or mitigation that's needed off-site.
8 One is prime groundwater recharge areas. We would
9 be proposing to mitigate a portion of those off-site
10 of the project. There certainly is forest
11 mitigation in the Highlands region but where we
12 cross state lands the No Net Loss Reforestation Act
13 takes precedence over the requirements, so it's
14 still planting and reforestation, but it's just part
15 of the No Net Loss guidelines.

16 So that's just a brief summary of the
17 other mitigation measures that will be taken above
18 and beyond that we'll be taking beyond the lease
19 compensation.

20 MS. YEANY: As I mentioned earlier,
21 this is the third of three public hearings that
22 we've scheduled on this lease proposal. We will
23 leave the record of this public hearing open for
24 another two weeks and we'll accept additional
25 written comment. We have established an information

1 page for this project off of the Green Acres
2 website. If you go to the Green Acres website on
3 the right, there's a box that says what's new.
4 There is a link to the Northeast Upgrade information
5 page, and we have been placing information on there
6 as it's become available to -- the report that
7 you've heard us mention is available there. We did
8 post a copy of the version of the Power Point that
9 was presented at the two local public hearings is
10 now available there. There's some information about
11 the No Net Loss process. We do anticipate that the
12 transcripts of the first two public hearings will be
13 available very shortly, and they will be posted on
14 that website when they are available. We will be
15 working to try to summarize and respond to the
16 public comments that we've received on this
17 proposal, and when those responses are available,
18 they'll be posted there too. We are also going to
19 post any submissions that people make at the public
20 hearings. We haven't compiled that yet from the
21 first two hearings, but we had some photos and other
22 pieces of information submitted that we will make
23 available on the website.

24 Just procedurally, if we decide to go
25 through with this project and this proposed lease,

1 as I mentioned, it requires a lot of other
2 approvals. We initiated the request of discussing
3 whether we should approve this lease because the
4 process we have to go through is pretty lengthy, but
5 we were asked at the previous hearings whether we
6 were somehow fast tracking this or the lease is a
7 done deal, and I can assure you that we are not
8 going to take a lease request to be approved by the
9 Commissioner or State House Commission before the
10 other approvals are in place, and by statute, we
11 cannot seek that approval until 90 days after this
12 hearing is held, so at the earliest that we could
13 even legally take this to anybody to get it approved
14 would be early December of this year.

15 So although we will have to close the
16 record for public hearing so that we can summarize
17 the comments and kind of comply with other
18 requirements of the statute, there certainly will be
19 additional opportunities to give input on this
20 project. Particularly, as Melissa mentioned,
21 there's trails plans being developed that we haven't
22 been able to make available for comment, and if you
23 wanted to be involved in that, let us know. We have
24 the room until 6:30 today. I know that some of the
25 people present have testified at the prior public

1 hearings and we do have your testimony on the
2 record, so to the extent you are able, we'd ask you
3 to either raise new issues or summarize your
4 previous testimony, and as I said, we will make the
5 transcripts available online once we get them from
6 the court reporters, so those will be a matter of
7 public record.

8 I don't think we are going to have to
9 ration time too much, but we will ask you to keep
10 your remarks as brief as possible so we can
11 accommodate everybody's comments.

12 MR. BOORNAZIAN: From the previous
13 two public hearings, one discussion I've heard a lot
14 about is Marcellus shale. What I want to point out
15 is that Tennessee Gas is essentially a
16 transportation company. It doesn't matter where the
17 gas comes from. Marcellus shale and the public
18 hearings happen around any kind of shale production.
19 As you know, there's no shale production in New
20 Jersey at this time. It doesn't really matter where
21 the gas comes from. It could come from Texas. It
22 could come from anywhere along on the map. The blue
23 line could come from any one of those stations along
24 there. It doesn't matter where the gas comes from.
25 What matters is where it goes through New Jersey's

1 public land, so we will -- if you feel the necessity
2 to bring up Marcellus shale, feel free to mention
3 it. We've already heard a lot of comments about it,
4 but this is the wrong venue to talk about where the
5 gas comes from. Tennessee Gas is really the
6 transportation company to get it from some point A
7 to some point B for New Jersey customers. Thanks.

8 MS. YEANY: Okay, we do have a mike
9 up there? If people would like to testify. Thanks.
10 To the extent we can, we are going to try to answer
11 questions on the record. If there's things we can't
12 answer, we'll have to follow up on that, but if we
13 can answer the questions today, we will.

14 Kate, do you want to go first?

15 MS. MILLSAPS: Yeah, I actually had
16 questions but I just want to say -- Kate Millsaps,
17 K-a-t-e M-i-l-l-s-a-p-s, New Jersey chapter of the
18 Sierra Club. It's just really disheartening that
19 again and again officials from the Christie
20 administration come out and defend fracking for the
21 natural gas industry. By banning fracking, we have
22 our DRBC representative who is a DEP employee coming
23 to the DRBC blackmailing them, telling them to adopt
24 natural gas rules before their September meeting,
25 and now we have the Green Acres program telling us

1 that although Williams is buying gas from their --
2 I'm sorry, the TGP is buying gas from their
3 subsidiary in the Marcellus shale to transport it,
4 that has nothing to do with this, but I did have
5 questions actually pertaining to the project.

6 I received email updates on the
7 Barnegat Bay about what Christie is doing and the
8 administration is doing to address pollution
9 problems, storm water management. Would the DEP be
10 able to set up something similar to that major
11 infrastructure? When the No Net Loss hearings are
12 announced, it would just be emailed to us when they
13 come in for their land use permits, we would get a
14 notification that that was submitted. Just so that
15 everybody is on the same page, we all know what's
16 going on.

17 When they came in, when TGP came in
18 previously for their No Net Loss for the 300 Line
19 Project, nobody really knew when the hearings were
20 and they just kind of flew under the radar. We
21 would appreciate if we could have an email list
22 similar to the Barnegat Bay list to let us know
23 since it's a major project.

24 SCOTT: We'll consider that, Kate.

25 MS. MILLSAPS: Thank you, Scott. I

1 did have a concern that in the mitigation
2 commitments it said that for the replacement land it
3 would pretty much follow what happened with the 300
4 Line Project. Would that \$7,500 cap remain in place
5 if no replacement land was identified?

6 MS. YEANY: We haven't committed to
7 any kind of \$7,500 per acre cap for this project,
8 and we are hoping that we have enough of an idea of
9 what the replacement land would be before we would
10 get the approvals before we would get into that
11 discussion.

12 MS. MILLSAPS: I would urge you not
13 to allow that cap to be put in place again. For the
14 access roads, what's, what's the definition of a
15 two-track road? What's the definition of a path? I
16 understand I guess that Bear Swamp Road is on there
17 as a gravel and paved, so what's the distinction?

18 MS. DETTLING: You are asking what
19 gravel paved -- you want us to --

20 MS. MILLSAPS: What exactly type of
21 access road are you proposing to use at High Point,
22 a hiking trail?

23 MS. DETTLING: So you are just --
24 okay. All of them in the park, so if we get a
25 little better idea, I guess Jerry can maybe speak to

1 this better. What we've done in our FERC analysis
2 is identify what the current conditions are, so I
3 think that's what you are referring to.

4 MS. MILLSAPS: Right.

5 MS. DETTLING: We'll identify the
6 current conditions, and, Jerry, I don't know if you
7 want to speak to this. Hiking trail wouldn't be
8 proposed as an access road, but I know there are
9 some roads that are used for minimum use now that we
10 would be proposing to use that may need
11 improvements.

12 Jerry, you can try and answer this
13 better.

14 MR. CREEL: I think all of the access
15 roads are pretty well identified on the drawings as
16 well as when our permanent application goes in it
17 will have all the trails. We have maps of all the
18 trails, and in some cases there are a couple cases
19 where the access road is co-located with a hiking
20 trail. For example at Monks Trail, while that
21 particular trail follows that access road around the
22 Monksville Reservoir edge, it is, in fact, a wider
23 path that is used by vehicles for maintenance by the
24 park, so it's not like it's not an existing access
25 road. We are not taking any simple trails,

1 particularly hiking trails, and then widening them
2 or doing anything like that to use them as an access
3 road. All the access roads are existing roads and
4 two-track versus path is just a characteristic of
5 the road and what it looks like today. Two-track
6 being, you know, it's well-defined where, you know,
7 the vehicles go, and a path being, you know, you
8 don't see those two tracks as well defined, but it's
9 clearly, you know, the width and space available for
10 vehicular traffic and not just a foot path.

11 MS. MILLSAPS: And could you further
12 explain this ten-foot give back at the end of the
13 project?

14 MR. CREEL: Sure. There is an
15 existing 50-foot easement that the 24-inch pipeline
16 is installed in today, and one of the potential
17 mitigations that was considered was a reduction on,
18 of the existing what we would term a permanent
19 easement, permanent lease. It's instead of the 25
20 feet from the center line of the pipe to the edge of
21 the area that is currently being maintained or can
22 be maintained, we have considered a reduction of
23 that 25 feet to either five feet or ten-foot less
24 to, and that would be kind of a give back. That
25 would be the permanent acreage that is currently

1 maintained for the 24-inch pipeline. Part one of
2 the consideration was to just give part of that back
3 and just not maintain that anymore.

4 MS. MILLSAPS: So it's permanent
5 right-of-way now that has no habitat, nothing on it.
6 It's currently being mowed by the company. That
7 would be given back and lessen the acreage that
8 would be purchased for the Green Acres program as
9 mitigation?

10 MR. CREEL: Actually, it's not
11 working that way. It would just be pretty much a
12 one-to-one reduction in the right-of-way, and I'll
13 let others address the compensation piece of that.

14 MR. GREDVIG: It's a good question.
15 Like Jerry said, the ten-foot give back was an idea
16 that we threw onto the table as a way of offering
17 some additional mitigation to the impacts that we
18 were creating with our construction. So far we
19 haven't reached a conclusion or an agreement with
20 the department to determine if that's something that
21 we want to do. It's something that we have as an
22 existing right for our existing pipeline to protect
23 our existing pipeline, and so to give it up, it
24 would mean that we would have less of a buffer on
25 that one side of our pipeline. Something that we

1 are still willing to consider and talk about, but it
2 is still in that stage.

3 MS. YEANY: Perhaps I can ask you
4 whether that's something you would think is valuable
5 as a component. It's something that the company
6 proposed to us. As Dan said, they haven't made a
7 final decision as to whether that's really on the
8 table or not. It hasn't been clear to us whether
9 our constituents feel that has ecological value or
10 any kind of value to it.

11 MS. MILLSAPS: I think we would
12 prefer to see that if this project had to go
13 through, that they bought higher value land instead
14 of trying to cut off on their mitigation commitments
15 by giving back something that's mowed, has
16 herbicides on it instead of having to purchase. I
17 mean, there's obviously nothing that can replace
18 some of these areas under choosing to destroy
19 natural heritage property sites but we would rather
20 have much higher value land than right-of-way.

21 MS. YEANY: That's helpful to know.

22 MS. MILLSAPS: That was all my
23 questions. Thank you very much.

24 MS. YEANY: Just introduce yourself.

25 MR. MOSS: We are going to stay with

1 the Sierra Club. Robert Moss, M-o-s-s, and I'm
2 currently the Green Acres issues coordinator and for
3 the New Jersey chapter, and I do have some things
4 that are a little different from what Kate covered,
5 and first I want to do some housekeeping stuff that
6 came up during the presentation.

7 I would ask the Tennessee Gas people
8 to review their numbers on Jungle Habitat. I didn't
9 get them down -- I didn't get them down exactly but
10 something like 27 acres were paved out of the 35
11 acres total? That sounds much too high to me. That
12 would be about three-quarters of that parcel.

13 MR. GREDVIG: The overall parcel of
14 Jungle Habitat is much larger than what we are even
15 looking at.

16 MR. MOSS: So the 35 acres, it's just
17 the part of it that you are considering?

18 MR. GREDVIG: Yes.

19 MR. MOSS: Okay.

20 MR. GREDVIG: The larger polygon is
21 much larger.

22 MR. MOSS: That's good. I would also
23 just mention by way of impact that that as of ten
24 years ago when I last saw the property, it was
25 crumbling. It is property that is suitable for

1 revegetation with natural vegetation or for
2 recreational fields. I just want to note that.
3 It's not a useless piece of land.

4 The next point, the Appalachian Trail
5 is a national scenic trail, and the a federal law
6 assigns the overall management to the Appalachian
7 Trail Conservancy. I would think they should be
8 consulted. This trail is heavily used by long
9 distance backpackers, and I would think, I would
10 certainly propose that it should not be entirely
11 closed, even for short times. If it's necessary to
12 build a temporary, what do you call it, bridge, not
13 a bridge, but a temporary walking bridge over here.

14 MR. GREDVIG: Or shoe fly around.

15 MR. MOSS: I know the Iron Ridge
16 Trail. That's fine. If that's not possible, rather
17 than close it it should be kept open by some kind of
18 overpass for foot traffic and I do urge you to
19 consult the Appalachian Trail Conservancy. The DEP
20 manages it within DEP land here in New Jersey, but
21 the overall management is at a federal level.

22 MR. GREDVIG: We have had discussion
23 at the federal level. It is, as you say, under the
24 jurisdiction of the New Jersey Department of
25 Environmental Protection, so we are taking our

1 direction and guidance from the DEP, but we are also
2 cognizant of the fact that it needs to be have a
3 plan for crossing, and that's our detailed plan
4 we've prepared and are working towards.

5 MR. MOSS: Please consider foot
6 bridges if necessary.

7 MS. YEANY: Just for the record, the
8 New York/New Jersey Trail Conference representatives
9 attended both of the first two hearings and the
10 Appalachian Trail came up at both hearings. I think
11 they'll be involved in whatever consultation and are
12 keeping tabs.

13 MR. MOSS: Did they say anything on
14 the tabs on the point?

15 MS. YEANY: I think the comments were
16 pretty similar.

17 MR. MOSS: The alternatives analysis,
18 that's such a big topic. I can't go into detail
19 now. I would speak for an hour on that. I would
20 urge that that be reworked a little bit in this
21 presentation, just, for example, and I'm not saying
22 where the alternative routes should be, but in the
23 first slide, and I think this happened in Ringwood
24 too, but High Point the southern alternatives goes
25 through Stokes State Forest, which, for the purposes

1 of DEP's approaching this would have the same status
2 as High Point. That is not an alternative that
3 would solve the problem of avoiding protected land.
4 DEP is considering High Point for this purpose under
5 the same protections as the local things. It's
6 under the Green Acres regulations, but High Point --
7 Stokes State Forest is contiguous to High Point
8 State Park, so going south doesn't get you anything
9 there. I think that also happened in some of the
10 other maps.

11 I would urge you to just reconsider
12 doing that, consider redoing that in some way, and,
13 again, I can't -- my real proposal would be totally
14 unacceptable.

15 The other thing I wanted to go into,
16 I'm a little bit disappointed in some of the ways
17 DEP is approaching at least the some of the ways
18 that have come out in statements both here and in
19 the July report that Judeth mentioned, Judeth
20 mentioned that DEP and this meeting here does not
21 involve the approval of the need for the project
22 which of course is true from the federal point of
23 view. However, she continues specifically the
24 question here is what we are getting at is whether
25 to enter into this lease, whether DEP should enter

1 into any of these leases; however, that depends
2 partly on whether there's compelling public need
3 under our regulations and if that's in the statute,
4 but it's certainly under regulations currently. And
5 that, I don't know all regulations or constitution
6 provision says that is automatically satisfied by
7 FERC approval of the need. And the Club has
8 developed proposed enhancements to the regulations.
9 We are very clear on that that should stand
10 independently of any federal approval, whether
11 there's compelling public need for this project for
12 purposes of diversions. Judeth also mentioned it is
13 not a permanent conveyance, most of it or maybe none
14 of it. However we also want to emphasize, and she
15 did touch on this, any temporary conveyance that
16 involves permanent alterations on the land should be
17 considered for diversion purposes the same as a
18 permanent conveyance.

19 And just one more thing, the July
20 2011 report that Judeth mentions, on page 11, I'd
21 just like to read a section of it and touch on a
22 topic that's my favorite thing that I'm beating upon
23 these days. It says on page 11, "Avoidance of state
24 property by developing new pipeline -- this is
25 referring to alternatives by developing new pipeline

1 corridors would result" -- I'm sorry let me start
2 again. I have ellipses, if you know it by heart.
3 "Avoidance of state property by developing new
4 pipeline corridors would result in the construction
5 of longer loops and cause significantly more impacts
6 to residential areas and areas of environmental
7 concern."

8 Now I want to concentrate on that
9 residential areas. This statement the Club, the New
10 Jersey chapter, the Sierra Club believes is
11 contradicting the purpose going back to 1961 or '62,
12 the purpose of our Green Acres program which is
13 permanent protection. Now, until recently it didn't
14 matter. It's now 2011, we are out of land. New
15 Jersey is effectively at build-out. There are some
16 major exceptions. Peter Kellogg owns 6,000 acres in
17 Hopatcong. He's an exception. There is essentially
18 no -- very, very little open land that's not already
19 protected, and the rest of the land is developed one
20 way or the other. The idea of permanent protection
21 comes into a clash with this reality. We can't any
22 longer say oh, we can't avoid the parks because it's
23 going to impact residential. When we are at
24 build-out, and we are, our goal is permanent
25 protection, the only other choice is if you want to

1 build, you've got to tear something down. I know
2 that's a tough choice and not everybody is getting
3 that yet, but we have to get that now, if we want to
4 keep our open space. We are at the point where you
5 can't just say go get some private land, so that
6 particular aspect of the statement when we look at
7 alternatives, and this is a very general comment.
8 We can't just say avoid something that's already
9 built. As we go on that, will cause us to over a
10 number of decades, not too many decades, lose all of
11 our open space. We have to force people who want to
12 build to take something down, and that's going to be
13 more and more true as we go on. That's what I'm
14 working on. Kate's an employee, I'm a volunteer.
15 Thank you.

16 MS. YEANY: If I could respond to a
17 couple of your points. On the alternatives, I mean,
18 we are going to be drawing our own conclusions about
19 avoidance, minimization, how we think the company
20 analyzes the alternatives. We will look at the
21 issue that you raise, but, again, we would encourage
22 you, for purposes of the FERC process, to make those
23 concerns known to FERC if you feel that they haven't
24 adequately analyzed the alternatives.

25 As I mentioned, we are participating

1 in that process. We actually have intervenor status
2 and we are trying to stay involved and influence
3 those discussions.

4 MR. MOSS: Does that mean it's my
5 understanding that it's not eminent domain, so New
6 Jersey could say no, right?

7 MS. YEANY: Certainly the issuance of
8 a certificate would give the company power to
9 exercise eminent domain in certain situations and
10 certainly against private property owners, and we
11 are aware of them having brought condemnation
12 actions against municipalities and counties in New
13 Jersey. There's not a reported condemnation case
14 against the State in New Jersey, so I would consider
15 that could be an unsettled question, but that gets
16 to another point I was going to make to respond to
17 something you said, which is that the regulations
18 you are referring to are local Green Acres diversion
19 rules, and I'm aware of the comments that you
20 submitted as far as how we might strengthen those.

21 Generally we try to apply the same
22 principles to state property. Those rules
23 technically don't apply to this transaction, because
24 this is state property and not local property. We
25 try not to treat the properties differently, but

1 just so you understand that distinction, but the
2 thing is that the whole reason that the federal
3 government is involved in issuing these
4 certificates, at least I believe reflects some
5 finding long ago that there is a public interest and
6 potentially competing public interest involved in
7 these transactions. Otherwise, the federal
8 government wouldn't have seen the need to get
9 involved in siting the pipelines in the first
10 place, so as I said, it's a somewhat unsettled
11 question as to how far that could go against the
12 State of New Jersey, but it has been our
13 understanding in the past that there's a finding of
14 public need involved in the issuance of a
15 certificate in the first place, so --

16 MR. MOSS: Could I just say, that
17 would be if it should come to the extreme case, that
18 would be under existing laws and, federal laws and
19 regulations.

20 MS. YEANY: Yes.

21 MR. MOSS: Not requiring -- okay,
22 that I wasn't clear on.

23 MS. YEANY: Okay, thanks.

24 Jeff, do you want to testify yet.

25 MR. TITTLE: Sure, Jeff Tittle,

1 director New Jersey Sierra Club, and for me, this is
2 a very tough project, very tough location. My
3 family has been in the Wanaque area for the last 80
4 years. I'm a third-generation property owner, so
5 besides all the environmental aspects, I know every
6 piece of this area and I've worked as a volunteer,
7 as a planning board member, as an environmental
8 commission member in saving most of the tracts that
9 we are now desecrating with this pipeline,
10 Muscarelli tracts, Aupau, the Riverview tract. I
11 can go on and on. And so for me -- Tranquility
12 Ridge, Sterling Forest, I can go on and on, Cranbury
13 Pond, Ramapo Land Company. Each and every one of
14 those acquisitions, and many of those acquisitions
15 came at a high price, sometimes politically for
16 people, sometimes for monetary standpoint, but
17 together the State of New Jersey put together the
18 largest area of open space we have north of the
19 Pinelands, and this is a critical area that has been
20 considered environmentally sensitive since the first
21 state plan in 1935 and going way back before.

22 You have to understand that some of
23 these lands are very historic. Many forests that
24 were reforested in this area in the even '90s were
25 actually done by Gifford Pinchon, who was a good

1 friend of the Hewitts who owned most of this land.
2 That was owned by the Ringwood Company, some of the
3 same tracts we are going through. There are a lot
4 of things that have to be looked at from a state
5 perspective as well as a federal. I was head of the
6 local road association. I actually enforced the
7 wider dams so the school bus could pass, and now we
8 are putting pipeline and protection of Long Pond
9 Iron Works and on and on, but going back and Abraham
10 Hewitt, who was the founder of Cooper Union College
11 and who gave the original lands to Ringwood State
12 Park and its decendents, this land was given to the
13 State, those pieces of it, for permanent protection,
14 and you should read his will, because there is
15 intestate protections for the Ringwood Manor
16 properties, including View Shed, it says very
17 clearly, and I've been involved with one of the town
18 of Ringwood and one of the radio stations which is
19 in the View Shed that the view from Ringwood Manor
20 shall not be obstructed, that the waters through the
21 Hewitt properties which are all the Ringwood Manor
22 properties shall always be drinkable and swimmable.
23 This pipeline will be putting pollution into those
24 streams. This project will be putting siltation.

25 Look at Lake Lookout, which I know

1 quite well, and the problem that you see there.
2 Last time I was by Lake Lookout, I saw a black bear
3 going swimming in there and now he's a brown bear.
4 We don't really have them in this part of the
5 country.

6 The other concern that I have is
7 there are a lot of questions that have to be
8 answered. First and foremost, you are going through
9 national historic landmarks. Ringwood Manor is
10 considered by the National Park Service as a
11 landmark the same as Mount Vernon, and that View
12 Shed has to be looked at. The View Shed from
13 Skylands Manor, also a national Manor. Long Pond
14 Iron Works State Park has a national landmark,
15 national historic district, that you are cutting
16 through, and those issues haven't been looked at.

17 In fact, when I was looking at the
18 map, I love the fact they keep using USGS that
19 doesn't show Monksville Reservoir. Shows the
20 properties. Try to figure out where the reservoir
21 is, but you still don't have the reservoir. That's
22 a second issue. Protection of the reservoir in that
23 situation and the impact of siltation.

24 Other questions I have is some of the
25 properties I believe in this area, and my memory may

1 be a little hazy, it's been a 30-year plus battle to
2 save some of the these properties, I believe there
3 were land and water conservation funds used in the
4 acquisition, if there is there's a probation
5 against, see Earl Prucus versus New York State Power
6 Company, circa 1972. There has to be a review of
7 what properties were a potential purchase in the
8 water conservation. I know Congressman
9 Frelinghuysen was bringing those monies in. I said
10 you need to look at the deed restrictions on some of
11 our own properties. There are restrictions.

12 Basically for us, this area of New
13 Jersey, and I'm going to talk about the western
14 half, is really one of the most critical areas. It
15 is the Yellowstone and Yosemite of New Jersey and it
16 gets more visitors, by the way, between the hiking
17 trails, whether it's the Appalachian trails or all
18 the local trails we set up over 90 years ago,
19 throughout the region. More importantly, this is
20 the water supply for 2 million people and how do you
21 get through a reservoir without causing impact? How
22 do you go through a watershed without causing
23 impact?

24 Quite frankly, I believe that these
25 lands are not replaceable. You cannot mitigate for

1 lands that have some of the oldest rocks in the
2 world. You cannot mitigate for the View Shed from
3 Skylands or Ringwood Manor. You cannot mitigate for
4 construction of this pipeline of critical habitat
5 and water supply areas. You cannot mitigate for
6 drilling through reservoirs or through trout
7 streams.

8 Replacement lands, where are you
9 going to get them? What, are you going to go up to
10 the Adirondacks? That is where you find equal
11 values. You go up to New Hampshire and buy land?
12 The point that I'm making is the State of New Jersey
13 has invested billions of dollars in protecting this
14 area. Replacement cost of the Wanaque Reservoir
15 alone would be more than \$2 million. The lands that
16 have been purchased, 75 percent of Ringwood is open
17 space, and even with all that open space, we passed
18 The Highlands Act to protect it on top of that. We
19 upgraded all the streams to C-1 up there at
20 Highlands waters.

21 This is an area that should be off
22 limits for this kind of development. This is an
23 industrialization of the most important water
24 supply, watershed in the State of New Jersey where
25 the public has spent billions of dollars protecting

1 that resource, and now we are putting a pipeline
2 through it that can go somewhere else because it's a
3 speculative pipeline to bring Marcellus shale into
4 New York City. It's not being used anywhere along
5 this corridor. It's being used in other places, and
6 there are other places this pipeline can go. Down
7 Route 80. Over Route 17. Doesn't have to go
8 through the middle of the Highlands preservation
9 area. Doesn't have to go through New Jersey's most
10 important environmental and scenic treasures.

11 And then you go to the western side.
12 Delaware Water Gap, national recreation area. Our
13 only really big piece of open space. We've got
14 Stokes State Forest and High Point, again, important
15 valuable recreation areas that were passed on for
16 generations to be used, not to be destroyed through
17 the gas pipeline cutting through the middle of it,
18 cutting a scar, and it's a scar, and the way I would
19 describe it is you have a bunch of parked new cars
20 and somebody takes a knife and just runs down the
21 side. It's only a little bit of scratch. You do it
22 through a thousand cars, you impacted the value of a
23 thousand cars dramatically because of the wider
24 impact of that little scar. That's what this scar
25 is.

1 So for us, we think that, quite
2 frankly, we are pretty much -- we are very upset at
3 this administration, because they held up the Smith
4 Bill saying that the DEP was coming out with their
5 own regulations. We haven't seen them and yet we
6 are going to push this pipeline through when values
7 haven't been set properly.

8 The Smith Bill was held up, and we
9 haven't seen DEP rules to fix some of the problems
10 we know are there when it comes to mitigation and
11 lease value is a small piece of it. How do you deal
12 with what the impact is going to be? Is there no
13 build alternatives? Is there alternatives that we
14 haven't seen? More importantly, we need to ask the
15 question what's the impact going to be on those
16 resources that the people of New Jersey have
17 depended and paid for to be protected and that
18 people have donated to the State and what their
19 restrictions that may or may not be, there's still a
20 lot of work to be done. This project is the wrong
21 project in the wrong place. Thank you.

22 MS. YEANY: This is probably a good
23 time to give our reporter a quick break. We'll
24 reconvene in 10 minutes.

25 (A brief recess is taken.)

1 MS. YEANY: We are going to go back
2 on the record in the interest of not ending too late
3 so people can get home.

4 Just to respond to a couple of
5 different points that Jeff Tittle raised in his
6 testimony, I think one of Tennessee's consultants is
7 going to give a little guidance on the land and
8 water conservation issue, and, Jeff, I also wanted
9 to point out some of the issues that you raised as
10 part of national historic landmark status.

11 It's my understanding, and the
12 company will correct me if I am wrong, that cultural
13 resource surveys and historic review are part of the
14 FERC process. I believe some of that is probably
15 already covered in the resource reports that they've
16 filed. If the information is incomplete or you
17 disagree with the analysis, again, I think the
18 appropriate place to comment on that would be the
19 FERC process through SHIPO who is also participating
20 in the FERC process, but I wanted to put on the
21 record it's not that the issues have been completely
22 ignored. If you want to ask the questions, come up
23 to the mike.

24 MR. TITTLE: Yes, I understand that,
25 and -- but first we need to have the inventorying of

1 the LWCF lands. Secondly, yes, but you own those
2 lands. There are a national historic landmarks that
3 are owned by the State of New Jersey, and the State
4 of New Jersey DEP has a role separately from SHIPO,
5 separately from the National Park Service.

6 MS. YEANY: Okay, I understand the
7 point. As I said, one of the company's consultants
8 is going to address the status of the land and water
9 issue.

10 MR. HEENEHAN: My name is Mike
11 Heenehan. I'm an environmental consultant hired by
12 Tennessee Gas Pipeline to do the jurisdictional
13 determinations, and part of that work was to review
14 all the title for all the parties, but one of the
15 things I was requested to do was to look at the
16 status of the land and water conservation funded
17 properties. I have had extensive conversations with
18 the Green Acres program whom I used to work for for
19 27 years the department for 37 years. I'm very
20 familiar with the diversion and conversion process.
21 If a property that is funded partially with land and
22 water conservation funds is impacted by a project
23 such as this one, under the National Park Service
24 rules and regulations, there's a conversion process
25 which is very much similar in a sense to the

1 diversion process. My understanding is a lot of our
2 rules came out of the Land and Water Conservation
3 Project rules and we will very shortly be discussing
4 these parcels we believe that are encumbered with,
5 under the six set boundary portion of the federal
6 regulations and are considered land and water
7 conservation funded properties.

8 We will be confirming our properties
9 with not only Green Acres but also the National Park
10 Service. As I understand the process, having gone
11 through it when I worked for Green Acres, actually
12 NJDEP will be the shepherd of the project, the
13 application that we will submit to Green Acres, to
14 the National Park Service, and so a lot of what the
15 National Park Service requires in terms of
16 application information is very much similar to or
17 identical to what Green Acres requires under their
18 diversion process.

19 So to answer Mr. Tittle's
20 requirement, there's a prohibition -- as I
21 understand it, there isn't a prohibition. It's
22 called conversion versus a diversion, and under the
23 Green Acres rules we'll be compensating for the use
24 of the Green Acres encumbranced land, and also the
25 land and water conservation fund will require that

1 the state do that. Their requirement is one-to-one.
2 We already stated we are going to go four to one
3 plus the lease, so I hope that goes to answer your
4 question that you had.

5 MS. YEANY: Thanks. I think we have
6 a couple of other members of the public present.

7 Does anybody else wish to testify?
8 Maybe I should have asked that question before we
9 took a break then. I think it was helpful to get
10 some of that additional information on the record.

11 Okay. I think what we are going to
12 do, I don't think we tied an end time for the
13 hearing. I think we are going to close the record.
14 I think I will stick around until at least 6:00 and
15 I think we'll have other staff available until 6:00,
16 and we'll see if anybody else has anything they want
17 to add to the record or shows up today and then
18 we'll close the record once again.

19 As I mentioned, we'll be accepting
20 written comments for at least two more weeks. If
21 something occurs to you after that two-week period,
22 please feel free to contact us and let us know what
23 your concerns are. You should check our information
24 page on our website to see what additional
25 information we place there, and we thank you for

1 testifying today. Yes?

2 MS. LEWIS: I have a question. I
3 don't want to testify.

4 MS. YEANY: Do you want it captured
5 on the record.

6 MS. LEWIS: Sure.

7 MS. YEANY: Come to the mike and
8 introduce yourself.

9 MS. LEWIS: Yes. Pam Lewis from
10 Watchung, New Jersey. I was at the Montague hearing
11 and I did enter testimony.

12 MS. YEANY: Having traveled to
13 Montague, I appreciate you traveling down here.
14 It's about the furthest corner of New Jersey you can
15 get to.

16 MS. LEWIS: Yes. I've been going
17 both ways. It's worth it. I'm so upset about this
18 whole situation, and I wanted to hope and pray that
19 there's going to be the right course of action. I
20 came to ask about Lake Lookover, and Lake Lookover,
21 according to this article in the North Jersey
22 dot-com website said, "Heavy rain forced mud into
23 pristine lake," so there is a whole issue going on
24 up there, and it says that the DEP came down and
25 that this lake has been -- all the silt came into

1 the lake and muddied it up since March, okay? We
2 heard that from the Vernon environmental
3 commissioners that came last -- to the Montague
4 hearing, that they had pictures of devastation that
5 has happened there with mud slides from the last
6 rains, and also with oily film all over the, some of
7 the streams where they had put telephone poles, they
8 said had creosote, and so now I understand that not
9 only is Lake Lookover muddy, it's gone since
10 Hurricane Irene, and that the mud has now -- that's
11 not in this article, but it was told to me by
12 someone who saw it, that it has contaminated four
13 other ponds, okay? So I would like to know what you
14 know about that, Judeth, and what the DEP is doing
15 and what is the responsibility?

16 I mean, this is the beginning, this
17 is the beginning introduction of this company to our
18 state. This is pristine area that they took on and
19 I was told that they have integrity. I was told
20 that at the last meeting, but I have not seen that
21 they put the necessary precautions. You know, it
22 says here, they put in, they put in turbidity
23 curtains, heavy tarps to trap the sediment but they
24 broke during the recent heavy rainfall, and there
25 was another thing with silt. Silt barriers, they

1 were described as cheese cloth like material held in
2 place by poles. Were completely demolished.

3 MS. YEANY: A couple things. I
4 haven't personally been to the area since the
5 previous hearings, and I'm going to have to ask
6 Jerry Creel to describe what's happening on the
7 ground. I am aware in very general terms that the
8 department, both our enforcement program and other
9 programs in the department, have been keeping close
10 tabs on both the previous incident, what was
11 referred to in the previous hearings as landslide
12 activity and then certainly in anticipation of the
13 hurricane I was informed that measures, specific
14 measures, were being taken essentially to batten
15 down the project as best as could be done in the
16 time that everybody had to try to prevent further
17 damage, so I'll ask Jerry to describe what the
18 outcome of that was and what his specific
19 interactions with the department have been.

20 I mean, I think what you are
21 referring to as far as the sedimentation is the same
22 thing Jeff was referring to, about the brown bears,
23 it's the same issue.

24 MS. LEWIS: That pond is gone now.

25 MS. YEANY: I don't personally know

1 if that's true.

2 MS. LEWIS: Jerry, have you been
3 there so you can comment?

4 MR. CREEL: I haven't been there
5 since the hurricane.

6 MR. GREDVIG: I was there yesterday.

7 MS. LEWIS: Did you see that it was
8 gone?

9 MR. GREDVIG: No, it's there. When
10 you say gone, I don't --

11 MS. LEWIS: It's just filled in with
12 mud. The pond has disappeared.

13 MR. GREDVIG: No.

14 MS. LEWIS: And it's gone into the --
15 the pond water and the sediment has contaminated
16 four other ponds that are nearby.

17 MR. GREDVIG: As the flow continues
18 from Bare Fort Waters into Lake Lookover, into Mount
19 Laurel and Upper Mount Laurel and Upper Greenwood
20 Lake, as that water flows and as there was some
21 siltation in the lake system, it was going to travel
22 along with that flow of water, so there is some
23 siltation. We are meeting with those affected
24 parties, not only with DEP but also with the lake
25 associations, that are affected in that area, and

1 try to find a way to remediate that problem, but the
2 lake is not gone. I mean, it's still there.

3 I was there yesterday. There was
4 heavy rainfall. Lake is still there.

5 MS. LEWIS: What did you do
6 personally on behalf of the company to prepare for
7 Hurricane Irene?

8 MR. CREEL: Well, we did a lot of
9 things, and let's just go back before the hurricane
10 and talk about that --

11 MS. LEWIS: Okay.

12 MR. CREEL: -- and focus specifically
13 on what we call the Barefoot Waters crossing.
14 Barefoot Waters is a water body just upstream of is
15 it Lake Lookover?

16 MS. LEWIS: Lake Lookover.

17 MR. CREEL: Lake Lookover.
18 Downstream of Lake Lookover are a couple of other
19 lakes and ultimately gets to the Upper Greenwood
20 Lake, so there's several water bodies downstream of
21 that. Prior to the time we had a really significant
22 eight inches of rainfall type rain event. Also
23 prior to the hurricane, about three weeks ago, I
24 guess, August the 16th. Prior to that time, we had
25 been working on our crossing of the Bare Fort Waters

1 wetland area, and in addition to the environmental
2 control devices or DCDs as they are called, you
3 mentioned turbidity curtains and silt fence and hay
4 bales and filter cloth and all of those kinds of
5 things.

6 In addition to what we would normally
7 put for that crossing, we had and actually had to go
8 back and get permission from agencies to put in
9 additional environmental controls, specifically
10 turbidity curtains, downstream of the work area
11 where we were crossing Bare Fort Waters. There was
12 on, and I guess August 16th was the date, 15th,
13 there was a huge rain that we had that overcome the
14 environmental controls in that area, and as a
15 result, the muddy water or the turbid water, if you
16 will, that existed at the point of the crossing was
17 overrun by the amount of water coming through the
18 watershed, and it pushed water, muddy water, turbid
19 water, cloudy water, however you want to describe
20 it, discolored, into Lake Lookover, okay? That was
21 a big rain.

22 At that point in time, the siltation
23 impacts were generally limited to Bare Fort Waters
24 areas and Lake Lookover. In addition to going back
25 and beefing up the environmental controls that were

1 in place beforehand, before the hurricane came, we
2 all recognized that, you know, we could expect a
3 really significant rain event and to have potential
4 for the same kind of thing happening after the
5 hurricane, and so not just at Bare Fort Waters, but
6 all along the construction area we looked at and
7 looked at with frankly the departments, especially
8 the land and water inspectors were out with our
9 folks, and we looked at and in fact beefed up a
10 number of areas of controls to prepare for what we
11 expected to be a big rain event associated with the
12 hurricane.

13 During the hurricane or during the
14 subsequent rain event, the water that had been
15 muddied and the Bare Fort Waters water body and Lake
16 Lookover was essentially swept downstream, if you
17 will, and has gone as far as Upper Greenwood Lake,
18 so there is some turbidity now in Upper Greenwood
19 Lake.

20 Dan met with the Upper Greenwood Lake
21 folks last night. They had a directors meeting, and
22 we discussed, you know, a number of possible
23 mitigation strategies. They -- I think the biggest
24 concern for those folks is the sediment load in the
25 lake and displacing water and having a shallow lake

1 and having that affect their value, and they've
2 already gotten a dredging program underway, and, you
3 know, one of the options would be for us to
4 participate in that to the extent that it is
5 proportional to the amount of silt that we, you
6 know, could be attributed from our project and we
7 are taking turbidity measurements and calculating
8 silt loads and trying to determine, you know, how
9 much impact that we've had on the water body and to
10 work with both the DEP and the local stakeholders to
11 really, you know, come up with a mitigation plan for
12 that. That's how it's transpired over time.

13 MS. LEWIS: Okay, well, it sounds
14 like you are acting with good intentions.

15 MR. CREEL: We are certainly --

16 MS. LEWIS: On top of it, you are on
17 it.

18 MR. CREEL: We are on top of it and
19 certainly -- we certainly wish it, you know, that
20 kind of event hadn't occurred while we happened to
21 be making that crossing and while all of that stuff
22 stirred up, but, you know, the circumstances of the
23 timing and the big rain event, the hurricane, just
24 conspired against us to, you know, result in that
25 kind of impact. Certainly not, you know, the kind

1 of thing you'd expect to see during normal times.

2 MS. LEWIS: Yeah, well, I know. You
3 are right. These are not really normal times.
4 There's a lot of weather-related craziness going on
5 all over our country, and I think we can expect more
6 and we need to be proactive on thinking about how we
7 can avoid future devastation while you are there. I
8 would hope that you are working really hard on that.

9 I just wondered, since this lady
10 Elaine Buckman, the chairman of the Lake Lookover
11 Property Owners Association, said that this pristine
12 small lake started to have the sediment in March,
13 so --

14 MR. CREEL: You know, to be fair, I
15 wouldn't dispute that from a perspective of any and
16 all. There's a couple of contributing streams to
17 that water body, and we did have one small source
18 stream where the DCD in that particular water body
19 had failed and created, you know, a small amount of
20 turbidity entering into the lake, but it was, you
21 know, it was really a small amount. It was there,
22 so, well, we've had turbidity since March, well,
23 yeah, a little bit, but the big event was the August
24 15th rain event that really caused the problem.

25 MS. LEWIS: Well, as I said in my

1 last time before this panel, I really would like you
2 to change directions on this project and scrap it
3 and find another alternative. But while you are
4 here, I really hope that you will work real, real
5 hard to make sure that there's no more impact to
6 where you are currently building.

7 MR. CREEL: And I understand you are
8 from the Montague area?

9 MS. LEWIS: No, I'm not. I'm from
10 Watchung. I actually drove an hour and a half to
11 that meeting.

12 MR. CREEL: I assumed you were from
13 the area.

14 MS. LEWIS: I live in a very pristine
15 Watchung Reservation.

16 MR. CREEL: If you would look, we
17 have some pictures, actually of Holiday Lake, which
18 is right there in the Montague area, and if you look
19 at the picture of Holiday Lake currently, after the
20 hurricane event, it looks a lot worse than Lake
21 Lookover does, and there's no pipeline construction
22 activity in the area.

23 MS. LEWIS: As long as long as you
24 are the caretakers over there, we are going to pin
25 it on you when things are not right.

1 MR. CREEL: Well, that's okay. We'll
2 take it. We'll take it.

3 MS. LEWIS: Okay, thank you.

4 MR. CREEL: Yes, Jeff?

5 MR. TITTLE: Since we've had this
6 problem at Lake Lookover, has anyone at DEP Division
7 of Parks and Forestry taken a look at Terrace Pond
8 since it's on the same area on the other side of the
9 ridge and it's an area there is no outlet. If
10 there's any flow of mud, it does drain into that
11 area. There's also some fairly high quality wells
12 in that area, so that should be an area that the
13 division should be looking at. It's Lake Wawayanda.

14 MS. MAHON: The Division of Parks and
15 Forestry has been out on inspections. We also have
16 an hourly employee who regularly inspects all
17 different locations.

18 MR. TITTLE: This is not directly
19 next to the pipeline.

20 MS. MAHON: Understood. I can follow
21 up on that for you. Steve Ellis keeps us pretty
22 informed, the regional superintendent there.

23 MR. TITTLE: Terrace Pond is a very
24 unique glacier. It's purple cliffs, but it's sheaf
25 flow off the cliffs and goes down to the lake and

1 there's no outflow. The area could be silted up.

2 The other point I also wanted to make
3 earlier but forgot was the environmental injustice
4 impacts of going through the upper Ringwood areas
5 and the impacts from the pipeline in taking the
6 lands across from the area and the impact
7 potentially of any kind of blasting to the toxic
8 site that's there. There's a lot of problems
9 through that stretch of pipeline. That's the
10 perfect environmental injustice. Superfund site,
11 two gas pipelines, electric power lines with the
12 pipeline cutting through will have an impact, and I
13 know Commissioner Martin's very much concerned about
14 looking at environmental impacts.

15 When you are also looking about
16 mitigation other things, you should be looking to
17 try to help the upper Ringwood community as part of
18 the mitigation.

19 MS. YEANY: Thanks.

20 MR. TITTLE: One of the reasons you
21 don't want the pipeline through steep slopes.
22 Whatever you can't run off runoffs. 30 percent
23 slope, there's no B&P that works.

24 MS. YEANY: Come on up.

25 MR. CEE: Thank you. I had quick

1 question, I guess, for Judeth. Michael Cee, C-e-e.
2 When will those minutes be available to the public?
3 I think it's a concern I think that the people that
4 couldn't make it should be able to review this
5 before September 21st, your cutoff date. What is
6 the delay?

7 MS. YEANY: The court reporter was
8 actually affected by power outages related to the
9 hurricane. I didn't want to get into that if I
10 didn't have to. We had expected to have the
11 transcripts by now, and certainly if anybody feels
12 that they are not available online in time to meet
13 that 21st deadline, you should let us know. As I
14 said, we are not allowed by statute to get this
15 approved by anybody until December of this year at
16 the earliest, and the way the other permits are
17 lining up, I don't know how that's going to play
18 out.

19 MR. CEE: Isn't the comment period to
20 the public cut off by the 21st, September 21st?

21 MS. YEANY: We needed to set a
22 deadline. We couldn't leave it completely
23 open-ended, and part of that is because we have to
24 summarize the comments to the extent we've received
25 them to let the commissioner and the chair know what

1 has transpired up until now, but certainly any
2 comments that we receive after that, I mean,
3 anything we have before us before we ever write this
4 up and recommend a course of action to the
5 commissioner we are going to take into account all
6 the information we have in front of us, so, you
7 know, we didn't want to set a deadline of November,
8 but it's not going to be a strict cutoff of the
9 21st.

10 Certainly if things come up for
11 review in the transcript you might want to make us
12 aware of, Kevin Koslosky would be the appropriate
13 point of contact to get your comments in to us.

14 MR. CEE: Not for me, but the general
15 public, when do you think that will be up there on
16 the site?

17 MS. YEANY: I'm told we would get it
18 within the next four or five days.

19 MR. GREDVIG: We hope to have it by
20 this Friday is what our hope is.

21 MS. YEANY: I have to log a couple of
22 things to get things posted.

23 MR. CEE: Is that like a pdf file?

24 MS. YEANY: Yes. We anticipate
25 making it available as pdf.

1 MR. CEE: Maybe by the weekend?

2 MS. YEANY: I then have to turn it
3 over to somebody to ask them to post it. I would
4 guess early next week.

5 MR. CEE: 9, 10, 11, 12, people that
6 couldn't make it should be able to review this. A
7 selected few that can't get here at 4:00 from the
8 other part of the state, for instance, would like to
9 see.

10 MS. YEANY: We struggle with the
11 timing of the hearings. We try to have them at
12 night so the people that work can attend. We tend
13 to schedule the Trenton hearings during the day
14 because the people who tend to comment at the
15 Trenton hearings are the non-profits and the people
16 who do this work during the day. So we try to make
17 it so that people can attend one or the other.

18 But anyway, going back to the point
19 about the transcript, we are trying to get them out
20 there as quickly as possible, but if anyone feels
21 they need more time to comment, they should let us
22 know.

23 MR. CEE: Can you put that on the
24 website?

25 MS. YEANY: Sure.

1 MR. CEE: That would be great because
2 of the delay in getting the transcripts. That would
3 be great. Thank you for your time.

4 MS. YEANY: Thanks. Unless anybody
5 else wants to testify, I guess I will officially
6 close the record this time and I believe it's about
7 6:08 that we are going off the record. Thanks.

8 (Whereupon the proceedings were
9 concluded at 6:08 p.m.)

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C E R T I F I C A T E

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2
3 I, DONNA BRUNCK, a Certified Court Reporter of
4 the State of New Jersey, authorized to administer
5 oaths pursuant to R.S.41:2-2, do hereby certify that
6 the foregoing is a true and accurate transcript of
7 the testimony that was taken stenographically by and
8 before me at the time, place and on the date herein
9 before set forth.

10 I DO FURTHER CERTIFY that I am neither a
11 relative nor employee nor attorney nor counsel of
12 any of the parties or attorneys to this action, and
13 that I am not financially interested in the action.

14 I DO FURTHER CERTIFY that the within
15 transcript format complies with Rule NJ ADC
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