

NJ DEP 8-3-11

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Full-size Transcript

Prepared by:

RCI
Robert Cirillo, Inc.

Thursday, September 15, 2011

MONTAGUE TOWNSHIP MEETING

RE: NO NET LOSS REFORESTATION PLAN

FOR THE NORTHEAST UPGRADE PROJECT - LOOP 323

BY THE TENNESSEE GAS PIPELINE

PRESENTED BY:

TENNESSEE GAS PIPELINE COMPANY

El Paso Corporation

MELISSA DETTLING, Principal Environmental Scientist,

Environmental, Health and Safety

DATE: AUGUST 3, 2011 @ 7:00 p.m.

LOCATION: MONTAGUE TOWNSHIP MUNICIPAL BUILDING

277 Clove Road

Montague, New Jersey 07827

TAKEN BY: PATRICIA A. FOX, CCR

in Association with

ROBERT CIRILLO, INC.

Certified Court Reporters

182 Columbia Turnpike

Florham Park, New Jersey 07932

973 (740-1331

1 MR. D'ERRICO: Good evening
2 everybody. My name is Mike D'Errico, I'm a
3 supervising forester with the D.E.P. Forest
4 Service. I guess I'm going to be the person
5 kind of hosting the meeting and keeping it
6 on schedule.

7 We do have an agenda that
8 we're going to cover so first up is my
9 welcome, which I'm doing right now. Second
10 up I'm going to talk about the No Net Loss
11 Reforestation Act. Give you a little
12 background. We thought that was a good
13 thing to do is bring everybody up to speed
14 on that. Then the folks from the Tennessee
15 Gas Pipeline will come up and present their
16 plan. The 323 plan which is here in Sussex
17 County. And then as the announcement said
18 for this meeting, we'll take questions
19 and/or statements. And we'll talk about
20 that during the presentation about the 60
21 days and that this is not the only place
22 where you can provide us with your comments
23 but you have 60 days to do that. And then
24 there's lots of things, we have stuff on
25 line which we'll cover and we have

1 addresses, web addresses you know, the whole
2 thing so that you can find out.

3 We are having this recorded
4 and so what you say will be down in print.
5 We're very interested in what you have to
6 say. That's what the purpose of this
7 meeting is. So welcome everybody. There is
8 -- the bathrooms are out here in the hallway
9 so if you need that, just get up and do
10 that.

11 We'll get started so let's
12 see, Evan. If we can -- okay, well, that's
13 who we are. On this website right here.
14 Actually, there's multiple websites, this is
15 the short version. Communityforestry.NJ.Gov
16 will bring you to our front page of our
17 website. On that front page both this
18 project and the one in Bergen and Passaic
19 County are both posted, so the plans are on
20 line. They've been on line since this
21 morning. And you could find the details
22 right there. So we'd like to show you that.

23 I am with the Community
24 Forestry Program. Also I did my career up
25 here at Sussex County, worked out of the

1 office on Route 23 in Franklin Borough and
2 worked in Stokes and High Point with part of
3 my career. So it's nice to get back to your
4 roots as they say. Now I work in cities and
5 towns and so as Donna will see, I'm doing a
6 little commercial here for those but in our
7 program we care for trees and forest in
8 where people live. So it kind of fits in
9 here because where that fits in is that the
10 No Net Loss Reforestation Act is one of our
11 programs, we listen to tree experts. We
12 also have the Community Forestry Assistance
13 Act which helps your community manage their
14 green infrastructure. We do big trees have
15 Arbor Day our Tree City Program. Thank you,
16 excellent. We do a lot of things but we're
17 going to zero in on the No Net Loss
18 Reforestation Act and kind of give you a two
19 minute blip on that.

20 It would behoove me not to
21 promote our license plate. This is our
22 Treasure Our Trees license plate. I'm
23 assuming you're here to talk about the
24 forest and trees so we do have one of these
25 license plates and the sale of those plates

1 go to support our program and provide grants
2 to communities. It looks kind of nice on
3 your vehicle. I use to have a Ford Taurus
4 and I put these on, it became a Mustang, I
5 swear to God. I swear to God it did.
6 That's actually a true story.

7 So the Reforestation Act --
8 I have to get around that thing so I'm going
9 to come over here. I hope you don't mind
10 Patty, I'm going to breathe in your ear. As
11 I shoot you have to shoot the projector, not
12 the laptop.

13 The Reforestation Act was
14 passed in 1993. It wasn't written very
15 well. It was kind of a shell of an act.
16 There was no funding mechanism identified,
17 the replacement formula was a one-on-one and
18 so the size of the trees didn't matter. You
19 know, you could take out big, big trees and
20 you could only get one, one tree back. And
21 replacement could be anywhere in the state.
22 So a state entity like the Garden State
23 Parkway could deforest something in Cape May
24 or Cumberland County and plant trees up in
25 Bergen County.

1 So in 2001 the No Net Loss
2 Reforestation Act was amended, it had better
3 structure with more detail providing a
4 funding for the oversight of the commission
5 and also it provided a formula that more
6 accurately represented what the resource was
7 to be removed. And there is a hierarchy of
8 where trees are to be planted if they cannot
9 be planted back on-site. So it really
10 improved the No Net Loss Act and we've been
11 functioning under that since 2001.

12 There is some exception to
13 the act. And this is built into the law
14 that it constitutes if you do forestry or
15 wildlife management, agriculture practices
16 or you have an actively managed utility,
17 existing utility easement you are then
18 exempt from having to comply with the Act.
19 So if you do forestry it's one thing, if you
20 build a parking lot, that's another thing.
21 If you build a dormitory and we'll talk
22 about all lands and things that the No Net
23 Loss Program affects now. They do affect
24 only state entities.

25 So this is only state

1 property. Like the Department of
2 Transportation, Department of Corrections
3 our own Department of Environmental
4 Protection commissions and authorities like
5 the Garden State Parkway, the New Jersey
6 Turnpike. South Jersey Transportation
7 Authority that owns some air fields down out
8 of Pomona in South Jersey outside of
9 Atlantic City, our state colleges and
10 university. Those are the entities which
11 they affect. It affects the land that is
12 not only owned by the state entity but also
13 maintained or right-of-way, easement.

14 That South Jersey authority
15 around their airports don't own the land but
16 they have control over that. As through
17 easements. And so when they want to reduce
18 the tree level so they can land planes they
19 have to come to our agency and submit a
20 Reforestation Plan. The thing about this,
21 the update, the amendment it went from one
22 acre down to a half acre. It does affect
23 projects that deforest a half acre or more.
24 That's 208 by 208, correct? Feet. So.

25 Any project that deforests

1 one acre or more, has to have a public form
2 scheduled 180 days before the deforestation.
3 That's why we're here today. Because this
4 project amounts to more than one acre of
5 deforestation. So the legislature said
6 anything between a half acre and a acre you
7 don't need a public form. The department
8 has, you have to go through the process but
9 it's D.E.P. approving that. Here, here it's
10 for public comment that runs 60 days. So
11 starting today and going out 60 days you can
12 do, you can have your public comments.
13 That's where if you go on line you'll see
14 that information and we'll give you the
15 address later on as well.

16 It must be on an agenda so
17 if a project for a state entity is putting
18 up new dormitories on one of the state
19 colleges, they have to have the meeting.
20 Has to have trees on the agenda not just the
21 dormitories. You can't just talk about
22 we're going to put up 180 unit dormitories
23 for our freshman but the trees are also a
24 part of it. Obviously the public comments
25 are submitted to us for review.

1 What is a forested area?

2 I'm going to step up here. I feel like I'm
3 on your shoulder. The definition in the
4 legislation it defines, it talks about
5 forested areas. Forested areas. And so the
6 definition of that is that -- we have
7 created three definitions actually. An
8 established forest, an emerging forest and a
9 seedling forest. This is what I talked
10 about earlier when I said that the law had
11 changed and looked at what the resource was
12 on the site at the time of the
13 deforestation. And we'll talk about these
14 later on because that's how you figure up
15 and establish forest. You do it through
16 canopy coverage or through point sampling.

17 A established forest is any
18 forested area with a predominant tree
19 diameter at breast height 4 1/2 feet greater
20 than 4 inches. The percent of the canopy
21 cover is subject to reforestation has 102
22 trees per half acre. Those are 2 to 2 1/2
23 inch caliper trees. That would be the
24 replacement formula for a half acre that
25 would be removed out of an established

1 forested area.

2 Emerging forest is saplings
3 a size -- not seedlings but saplings, so
4 they are smaller. Any forest area being
5 less than 4 inches but larger than a
6 seedling. Again we do these with whips or
7 small containers. So trying to replace the
8 resource similarly with what's there at the
9 same time. If you do cut down big trees,
10 it's hard to replace them with big trees
11 because you have to wait for them to grow.
12 So we do that through balled and burlap and
13 caliper side.

14 A seedling forest being an
15 area that has come up in seedlings and has
16 been cleared, it's 605 trees per acre or
17 1,210 trees -- 605 per half acre, 1,210 per
18 acre. That's probably about a 6 by 6
19 spacing, something you would see in a
20 Christmas tree farm if you have that image.
21 So those are the three sizes.

22 The way that we determine
23 what a forested area is and establish is
24 that it doesn't have to be a hundred percent
25 tree canopied. The U.S. Forest Service

1 definition of what a forested area is it has
2 to have 33 percent canopy cover. I'll show
3 you that in a second. If an area is being
4 deforested. If it had 33 percent canopy
5 cover or greater, then it's considered a
6 forested half acre. And then that gets
7 counted towards our deforestation number.

8 The same way with an
9 emerging forest. An area has a density of
10 230 small trees per half acre or greater,
11 that's a count. Or seedlings if you can do
12 a -- foresters, people who will go out there
13 you can do a plot and that's how you
14 determine. You don't have to count every
15 seedling on the ground but you can do a plot
16 area, figure up how many stems are there and
17 take it up and expand it to the area you're
18 covering and you can get these numbers.

19 What I show you here is
20 what we call our No Net Loss Grid. These
21 are grids of half acre. These are half acre
22 grids that we have keyed, to the state map
23 the -- which -- the aerial -- help me out
24 Evan.

25 MS. GONZALES: The land use

1 map.

2 MR. D'ERRICO: The land use
3 map that we've keyed on those individual
4 sheets that you get. So you can lay --
5 this grid is permanently laid over them. An
6 entity cannot adjust this grid because of
7 moving and saying we are going to cut this
8 but is that a half acre or not? And we can
9 adjust it so we don't have to get it
10 counted. This is actually keyed into the
11 state. So this is laid over the entire
12 state. So when a state entity goes to work
13 up their plan, they pull this, this grid up,
14 put it over their quad sheets and it's
15 locked in place. That way they can't
16 manipulate it to either add or subtract
17 forest.

18 What's interesting about
19 this, again it's kind of small in the back
20 here but to show you is yeah, if you clear
21 that half acre you can kind of see that
22 that's fully -- this is leaf off. But you
23 can see that there's trees on there. That's
24 leaf off. Here's some kind of evergreen I
25 guess or something like that. You can see a

1 little darker vegetation there. Here's the
2 open field and some individuals.

3 So if you get to the one
4 that I want you to focus on is this one
5 right here. You can see that there's an
6 open field here and there's an open field
7 above but there's a forest, there's a band of
8 forest that runs in between there. And when
9 you look at that you have to determine
10 whether or not you have a third of that
11 block is forest cover. In this case it is.
12 And so even though the entire block is not
13 forest cover, that would be considered a
14 forested acre and that counts.

15 If the state entity was to
16 remove that for the building of that
17 dormitory, the building of a parking lot,
18 the building of a road widening that would
19 count as one half acre towards the
20 deforestation and has to be then dealt with
21 on the reforestation side.

22 So that's how we determine
23 and how the state entity determines what is
24 a half acre that's been deforested or not.
25 We may differ, we go back to the state

1 entity and we negotiate if there's any ones
2 in question. But that's what we do as a
3 review.

4 The type of forest area
5 will determine the size of the reforestation
6 stock. If it's an emerging forest we're
7 talking about whips. If it's an existing
8 forest that's greater than 4 inches then
9 we're talking about those 2 1/2 inch caliper
10 trees.

11 Downsizing the
12 reforestation stock is not acceptable we
13 don't permit that. The removal of forest
14 and the submission of width, you can't
15 remove big trees and think the agency can
16 just plant thousands of seedlings. We do
17 substitute and we have substitution for
18 conifers, evergreens and there's -- conifers
19 and evergreens don't get measured in
20 caliper. They get -- plants are measured in
21 height. And so we have a relationship chart
22 that goes between the caliper of trees and
23 the height of the evergreens. So a plan may
24 call for the inclusion of evergreens into
25 the planting and those are not done by

1 caliper. Those are done by height with the
2 equivalency of that.

3 Here we go. We're getting
4 there. The intent of the No Net Loss Act is
5 to compensate the reforestation to be done
6 on the deforestation site or as close to
7 that project as possible. So when DOT does
8 a road widening sometimes it's impossible to
9 put trees back on-site because the purpose
10 of the road widening was to widen the road.
11 So they're not going to cut down more trees
12 to plant more trees. So the law permits
13 this hierarchy of reforestation. First and
14 foremost we try to go back to the state
15 entity and do it on-site. If that's not
16 possible then it's within the effected
17 municipality of which that deforestation
18 occurred. The legislature felt the passing
19 of this Act that the state should be a good
20 steward so the impact on their state lands
21 impact that municipality so that's the idea
22 behind No Net Loss. If you removed trees
23 you either have to put it back on-site on
24 the college, if you can't fit it on site or
25 you can't got to put it back on site in that

1 road widening, you go into that affected
2 municipalities keeping it whole. That's the
3 idea is to keep the municipality whole. No
4 Net Loss is you don't lose the number of
5 trees within your municipality. The
6 benefits that we'll talk about later on. My
7 picture covered that. Or within five miles
8 of the site. If the municipality chooses
9 not to use those trees then we go within
10 five miles of that site that could be on
11 state lands, county land and municipal land.
12 And then if we can't find a location then it
13 could be done anywhere within the state.
14 That's the hierarchy.

15 That off-site reforestation
16 what that is is again when you look at a
17 project and the project just cannot hold
18 either all or some of those trees because in
19 some cases yes, a road widening we can put
20 some trees back on that site but we can't
21 put all of them back. So in some cases we
22 get both on-site and off-site reforestation.
23 So a project may have both.

24 And in this case we offer
25 the state entity an option and that option

1 is that the monetary compensation for those
2 trees can be provided to the New Jersey
3 Forest Service in lieu of the state doing
4 that planting. So they provide us with the
5 monetary compensation for that
6 reforestation.

7 And then we go back out to
8 the municipality. That's why I started my
9 slides with showing our program, the
10 Community Forestry Program within the
11 D.E.P., work with communities every day.
12 566 municipalities in 21 counties are
13 participating. And so if there is a
14 deforestation and it has to go within the
15 municipalities then it's our job to contact
16 that municipality once the state entity
17 decides we can't put that many trees back
18 on-site. Mike, well we can't put all of
19 those trees back on-site so we'll put a
20 portion of it off-site. We're going to come
21 to you, provide you with the monetary comp.
22 You go to the municipality and they have to
23 then do the planting within that
24 municipality. Being held to the same
25 standards that the entity would be. In

1 other words, this is a No Net Loss Program,
2 can't just put the trees in the ground and
3 walk away.

4 It's not concrete. Trees
5 are affected by the weather as we have the
6 dryness, freezing, thawing you know, so
7 these are, the municipalities getting
8 involved with accepting the money has to
9 then have a plan to take care of those
10 trees. We'll talk about that in a second.

11 Just so you know, the
12 monetary compensation approximation is
13 actually this is -- is established forest is
14 about \$31,000.00 per half acre. Emerging
15 forest about \$17,000.00. And seedling is
16 about \$4,000.00. Those trees are worth
17 something. They're worth something to be
18 put back in.

19 So that's what we would
20 look at as we work with that entity. The
21 Reforestation Plan, and you'll hear about
22 that from the Tennessee Gas Pipeline folks
23 in a bit, but these are our specifications
24 that we ask for are the elements of the plan
25 that we ask for that are submitted. You'll

1 find that on line now.

2 When you look at the
3 Tennessee Gas Pipeline again giving a site
4 maps area landscape drawing narrative of
5 what's there, not there, plant list, if they
6 put plans back in and specifications on how
7 to plant and maintain. This is the same,
8 this basically is the same plan that we ask
9 a municipality to do if the state entity
10 doesn't put trees back on-site and provides
11 us with the funding that we then offer to
12 the town. So the town is held to the same
13 thing.

14 Ultimately what you want is
15 a successful project. The land has been
16 manipulated, changed, the reforestation goes
17 in to try to alleviate some of that
18 deforestation that happened and so we want a
19 successful project. Okay.

20 I apologize. I tried to do
21 my title on the side so I can blow this up
22 big. When you scan stuff you can't
23 manipulate it. But this is our process.
24 What I wanted to point out here is that a
25 state entity submits it to us, there's also

1 a review and comment by a group of people
2 called the New Jersey Community Forestry
3 Council. This is a council that is
4 appointed under the Community Forestry
5 Assistance Act. There are 20 members that
6 get appointed. What they do is there's a
7 committee that also reviews these plans. So
8 it's not just the Forest Service. The
9 D.E.P. Forest Service. But a group of
10 people that have tree interest. They may be
11 arborists, foresters, a municipal person,
12 they have interest. They might be just an
13 interested citizen that serves on the
14 council. They get to help review these
15 plans and give us perspective as well.

16 So this comment period
17 about this public forum is really a second
18 half to it because really the council is the
19 public sitting there looking at these
20 projects making sure. And in some cases
21 helping us to identify some flaws that may
22 be in a plan. Maybe too much of one plant
23 material, maybe something that could be
24 substituted. Maybe something that's not
25 working right out there in the field and

1 they let us know in the way of a tree.

2 That's in here.

3 Ultimately our state
4 forester signs off on it. Once that's
5 approved then the state entity can go
6 forward and harvest those trees and the
7 process starts where we do the compensation
8 for it.

9 One of the things that
10 leads towards meeting the standard of what
11 we do as a state entity, the forest service
12 is that we do these inspections. And we try
13 to inspect the project while it's ongoing.
14 Then we have an annual inspection because
15 we're talking about two years where we want
16 this successful establishment of planting
17 trees. Some people will tell you that it
18 takes five years to plant a tree. The first
19 year you plant -- plan, plan, not plant.
20 The second year you plant. Then you have
21 three years of maintenance. Then after that
22 time then you can you know, if you have a
23 little dry summer you can hopefully get
24 through it.

25 So what we feel and what

1 we've seen is that these inspections help to
2 address the shortfalls that may occur cause
3 we're going to talk about percentages now on
4 making this meet the intent of the
5 legislature which was a No Net Loss.
6 Remember, put trees in the ground and 20
7 years later we want to come back and
8 hopefully have those trees still in the
9 ground. Doing all the benefits and the
10 values of what trees and forest give us in
11 our society today.

12 The reforestation project
13 will be inspected after two years to
14 determine the health and vitality of the
15 plant stock. And will be considered
16 complete only if the project meets or
17 exceeds these percentages. So that existing
18 forest, 95 percent of the plant stock when
19 we go out there has to be alive. And the
20 whip and container has to be 90 percent and
21 seedlings 80 percent.

22 Now you're seeing our role
23 as the forest service is to help these
24 agencies by inspecting these projects along
25 the way and making adjustments as things are

1 going on and hopefully at the end having
2 this success rate. When the legislature
3 says how is this law working? We want to
4 see results. We can show them we're holding
5 up to those standards. Obviously we're
6 holding up to the public because if an
7 entity removes trees to build then they are
8 required to maintain these and be confident
9 that they're going to complete that because
10 of their original plan. So what the plan
11 said two years before that and said we're
12 going to do this actually comes a reality.
13 That's the idea is to make it reality.

14 There we go. The
15 reforestation project will be considered
16 complete when after two years those
17 plantings are good. And that's the key. So
18 those entities are then held to that and
19 during that time they may have to replant
20 trees. They have to have contingency plans
21 within the plan to talk about if they do
22 fall under that, what happens.

23 We're coming to the end
24 here. And then I'm going to turn it over to
25 our folks from the Tennessee Gas Pipeline.

1 Again, I think the
2 legislature saw that as anything even with
3 forests in our communities and towns is that
4 trees provide benefit. And in a road
5 widening, a building construction project we
6 can say the "B" word which is
7 beautification. You were worried, weren't
8 you Amy? Amy, I could see Amy's face here.
9 For a second there she was like the "B"
10 word?

11 You know we talk about
12 beautification and when we sell trees you
13 know we can sell trees as yeah, it's going
14 to make that roadway, that parking garage,
15 that dormitory look and feel better. And
16 obviously there's a lot to be said about
17 that. But there's also additional benefits
18 that come along with a tree canopy cover and
19 we're learning those in the way of the
20 social, economic and environmental benefits
21 like cleaner air, you know, storm water
22 control, make people slow down a little bit
23 you know, you can kind of narrow down the
24 roadway. So there's a lot of benefit to why
25 we want to maintain a No Net Loss with our

1 municipalities. So I try to tell our state
2 entities who deforest like our DOT, like our
3 state colleges, it's a positive thing to do,
4 not a negative thing to do. And they should
5 get kudos for doing that and in turn be held
6 as a steward of that community because they
7 exist within communities. Our state
8 colleges are in towns and cities. And so
9 they ought to do that. That's one of our
10 promotions that we do.

11 And I would be remiss if I
12 didn't sell our license plate again. And
13 end it that way. I'm going to stop now.
14 We're going to have questions and answers at
15 the end and comments. So I ask the
16 Tennessee Pipeline folks to come up.

17 MS. GONZALES: So people
18 know what the hard copy looks like we have
19 two copies for viewing purposes. So if you
20 don't want to look on the internet, here it
21 is.

22 MR. D'ERRICO: Right. Here
23 it is. We've asked to put one in the
24 township here, in the municipal building and
25 we'll put one at the public library as well,

1 a hard copy. Obviously you can go on line
2 and go through as you see fit to what you
3 want to do.

4 Okay, I'm going to turn it
5 over to Melissa.

6 MS. DETTLING: Yeah, if
7 you -- hopefully everyone signed in like Amy
8 said. Also in our presentation there's a
9 link to where you can go to the plan just as
10 he had posted.

11 I'm Melissa Dettling with
12 Tennessee Pipeline Company. I'm an
13 environmental project manager. I'm going to
14 go through the presentation with you. We
15 have several other people who are from our
16 project team. When I'm done we can answer
17 any questions you have. If there's anything
18 we can't answer tonight we'll make sure we
19 get back to you if you did sign in hopefully
20 and we'll have all your information here so
21 we can make sure we respond to any questions
22 you have that we can't answer tonight.
23 Hopefully that won't be the case.

24 MR. D'ERRICO: These two.
25 This one and that one. So I think it's the

1 bottom one and there's a pointer if you
2 want.

3 MS. DETTLING: Great.
4 Thank you. Let me know if at any point you
5 can't hear me. I'm going to try and talk
6 slowly so we can get everything down because
7 I have a problem with that sometimes.

8 Like I said, Tennessee Gas
9 Pipeline Company, our project is called the
10 Northeast Upgrade Project. That overall is
11 a large project and I'll explain all the
12 aspects of it. There is one loop that we'll
13 be discussing specifically tonight. We
14 refer to it as Loop 323. It's in this area.
15 We'll be talking about the No Net Loss
16 Reforestation Plan for that loop for the
17 state property that that loop affects.

18 Here's an overview of the
19 Northeast Upgrade Project as a whole. The
20 blue lines up there depict our existing
21 pipeline system. It's called the 300 line
22 pipeline. The boxes up there with the
23 numbers refer to compressor stations that
24 are existing. The red lines that are shown
25 there are showing the pipeline loops that we

1 are proposing for the Northeast Upgrade
2 Project. So we're proposing pipeline loops
3 some of them are in Pennsylvania, we have
4 two here. We have three pipeline loops in
5 Pennsylvania. One pipeline loop that
6 crosses the state boarder of Pennsylvania
7 and New Jersey and one pipeline loop that is
8 wholly in New Jersey. The pipeline loop
9 that we'll be discussing tonight is Loop
10 323, the section that's right here after the
11 state line. The project itself is scheduled
12 to be in service in November of 2013. It
13 will add an incremental value volume of gas
14 of 636,000 dekatherms a day. It's
15 approximately 39.6 total miles of looping.
16 That includes everything in Pennsylvania and
17 New Jersey. 22 of the miles are in
18 Pennsylvania. 17.6 are in New Jersey. And
19 there will be an incremental 20,000
20 additional horsepower that will be added in
21 the area.

22 MR. D'ERRICO: Bottom one.

23 MS. DETTLING: Here we go.

24 Wasn't pressing hard enough.

25 On Loop 323 the proposed

1 loop crosses High Point State Park. I'll
2 just say first of all, which I didn't
3 mention, a pipeline loop, as we refer to it,
4 is a pipeline that we are proposing to add
5 adjacent to and parallel our existing
6 pipeline. So we utilize any existing
7 rights-of way that's there to minimize
8 impacts. And we put -- tie -- the pipeline
9 loop ties in on both ends to the existing
10 pipeline system and allows more capacity to
11 run through the system in this area. For
12 this project and generally we offset the
13 pipeline loop 25 feet from our existing
14 line, keep it as close as we can to utilize
15 the existing right-of-away to minimize
16 impact.

17 The project will require
18 additional workspace and easement to allow
19 for the new pipeline to be put in place. So
20 the High Point State Park area where we
21 cross Wantage and Montague in Sussex County.

22 Here's a map that just
23 depicts the pipeline activities that we're
24 proposing in New Jersey as a whole. Here's
25 High Point. So here's our Loop 323 that

1 we'll be discussing here tonight. This just
2 shows the other loop, Loop 325 as we refer
3 to it. That crosses Long Pond Iron Works
4 and Ringwood State Park. This is an
5 overview of all of the Northeast Upgrade
6 Project activities in New Jersey.

7 Here's a closer map of the
8 project where it crosses High Point State
9 Park. It's approximately 4 miles, I
10 believe, that crosses the park. The park's
11 shown there in the orange. And we have some
12 of these maps in back too that you can look
13 at a little closer.

14 MR. D'ERRICO: Take it to
15 the top one, it goes back.

16 MS. DETTLING: There we go.
17 Went a little too fast.

18 We're here to discuss the
19 No Net Loss Reforestation Plan for those
20 proposed project activities. I have a typo
21 here. The Reforestation Plan is actually
22 dated now August 2011, not 2010. So I
23 apologize. It was prepared in conjunction
24 with New Jersey D.E.P., Division of Parks
25 and Forestry and the Forest Service per the

1 No Net Loss Reforestation Plan that was just
2 described to you. It discusses the
3 replanting of the temporary workspace and
4 additional temporary workspace that will be
5 needed for the project.

6 We refer to "temporary
7 workspace" and "additional temporary
8 workspace," they're terms used by the
9 Federal Energy Regulatory Commission that
10 regulates natural gas projects.

11 Temporary workspace is what
12 we refer to as any workspace typical a
13 hundred foot workspace corridor we are
14 allowed for the construction of a gas
15 pipeline. Additional temporary workplace
16 may be needed in areas where there are road
17 crossings or outside of wetland crossings
18 where we need to segregate topsoil and have
19 a place for soil. We may need areas
20 referred to as "additional temporary
21 workplace. We have to justify why we need
22 any of those areas that are greater.

23 The plan also describes
24 off-site restoration and compensation that
25 will be required for areas where we will

1 need new pipeline easement which will be
2 permanently -- permanent impacts that cannot
3 be reforested. We have specialized methods
4 explained in the plan for forested wetlands,
5 upland forest, seed mixes that may be used.
6 Areas where we'll be planting with moderate
7 or poorly suitable soils for planting. And
8 Eastern Hemlock and oak community
9 restoration will be addressed.

10 First I'll go over the
11 deforestation activities. It's limited to
12 an approved workspace. When I talked about
13 temporary workspace and additional temporary
14 workspace, we get authorization to only use
15 a very specific area. We can't go out and
16 work wherever we'd like. So when you see
17 our alignment sheets and proposed workspace,
18 that's an area we'll be specifically held
19 to. We even have to identify any access
20 roads we'll be using even if they are
21 existing. Once we're approved of those
22 spaces we'll stay in those areas. Nothing
23 can go outside of those areas.

24 In areas where stumps can
25 be left in place within wetlands we'll do so

1 unless it's an unsafe working condition,
2 then they will be removed. We try, even
3 when trees are taken down, to keep as much
4 soil stabilization as possible.

5 The deforestation
6 activities will be conducted in compliance
7 with any migratory bird or Indiana bat
8 clearing restrictions that are imposed. So
9 there are certain times of year where we are
10 agreeing to cut the trees down so there
11 aren't impacts to migratory birds. In some
12 areas on Loop 323 we'll be restricted to a
13 time period for Indiana bats. Nothing has
14 been identified that we would be impacting
15 but it's just a safeguard to minimize the
16 changes of any impact to the species.

17 Tennessee prepared an
18 Environmental Construction Plan, as we
19 referred to it, basically identifies all the
20 best management practices we're going to use
21 throughout the construction of the project
22 as a whole. In this case specifically for
23 our deforestation process. It's included in
24 the No Net Loss Plan for your reference
25 there as well. It talks about the

1 implementation of erosion controls for
2 example and measures that we'll take to
3 prevent the spread of invasive species. It
4 also has monitoring activities, the way that
5 we will do our monitoring restoration.

6 Okay.

7 Our Reforestation Plan

8 details. We'll also have a wetland
9 mitigation plan that will be implemented so
10 in the areas where we got forested wetlands
11 impacts under Flood Hazard Area Control Act
12 and Freshwater Wetlands Protection Act.

13 Tree species replanting will be developed
14 for wetlands and open water buffer zones. A
15 separate mitigation plan for how we'll be
16 restoring those that will be identified in
17 the No Net Loss Plan because there are
18 different requirements for those.

19 Forested land assessment

20 and forested community type assessment, the
21 discussion had earlier, is using the grid
22 works of the 33 percent. We use the process
23 to come up with acreage that we would be
24 proposing to reforest for the project.

25 Approximately 19.27 total acres of

1 additional temporary and temporary
2 workspaces are proposing to be reforested
3 for the project. 8.41 acres is what's
4 estimated new easement that we will be
5 requesting that cannot be reforested due to
6 safety requirements that we maintain our
7 existing pipeline easement. We have to be
8 able to monitor it, have a line of sight and
9 no root systems growing near the pipes that
10 can have any impact on the integrity of the
11 pipeline system. For those areas we'll be
12 doing off-site restoration as discussed,
13 plantings if possible. If that cannot be
14 done, as discussed, there will be monetary
15 compensation. That's what we'll be working
16 with the state on for guidance from them.

17 Once you go through the
18 grid work analysis you also look at
19 community type so you can make sure what's
20 being planted in those areas match what's
21 out there and use the community types. We
22 want to closely match what's surrounding
23 those areas. Here's just an example, I know
24 he showed -- this is an example of how we
25 can use the grid work and put pipeline

1 workspace with the grid work over our
2 proposed pipeline workspace to identify the
3 forest communities, the 33 percent cover of
4 forest so that we can then equate exactly --
5 it's hard to see here but when you look in
6 the plan all of these colors will identify
7 what forest community type is there. Here's
8 just another example. So in between when
9 you look at the shaded blocks that's
10 depicting what the proposed, an example of
11 what a proposed pipeline workspace limits.
12 You can see exactly what will be planted
13 where. When we go back to do this you will
14 be able to look at a mile post at any point
15 and see what type of forest community was
16 there and what's being planted.

17 Here's a summary table of
18 the acreage impacts once we did our grid
19 work analysis. So of the total acreage list
20 of forest impacts there was 27.68 estimated
21 acreage of forest impact for the project in
22 High Point State Park. Of that subject to
23 No Net Loss Reforestation, 19.27 acres.
24 8.41 acres of that will be new permanent
25 easement that we will be mitigating for

1 off-site. Either through planting or
2 monetary compensation.

3 Over here where we have the
4 less than 33% grids there's a total acreage
5 of .33 acres in the grid work that would not
6 be subject No Net Loss but that we are
7 planning on replanting. So even though some
8 of that grid work had forest that wouldn't
9 have been subject to the 33%, we're going to
10 reforest it anyways. The 0.26 that wouldn't
11 have been subject to, that's a new permanent
12 easement. That's the only acreage that
13 wouldn't be reforested of the less than 33%
14 grid area.

15 Is there any questions on
16 these numbers while we're here? No. Okay.

17 So the Reforestation Plan
18 details. Here's just an example of some
19 restoration methods that you can read about
20 that will be address. Temporary and
21 permanent erosion control measures speak to
22 silt fence installation. Whenever we're
23 crossing wetlands or streams we'll be
24 putting in trench breakers, slope breakers,
25 all erosion control measures. So once the

1 trees are taken out during construction
2 before we can reforest the area we do
3 everything to prevent any type of erosion
4 occurring in those areas. We limit mature
5 tree cutting and stump removal wherever
6 possible. Restore preconstruction contours
7 and grades. Specialize wildlife forage seed
8 mixes are used. Then we also have specific
9 rates and application guidance for lime
10 fertilizer, seed and mulch. Do it all in
11 consultation with D.E.P. Sometimes it's
12 requested we not use it, sometimes it's
13 requested that we do. So we make sure the
14 property itself, that we work in conjunction
15 with the property to make sure that we're
16 restoring it as they would like it to be.

17 The four species replanting
18 matrices by community type, as I stated
19 through the mapping. As you saw, we
20 identify the forest communities that are
21 being impacted and we'll have specific
22 seeding requirements for those areas or
23 planting requirements. The replanting
24 methods and sizes, as was discussed earlier,
25 dependent on the site and the site

1 limitations will either be 2 to 3 inch
2 caliper balled and burlapped, whip sized
3 individuals or seedlings. I'll go through
4 some a little more specifics on all three of
5 those.

6 And then we just have on
7 here we have seen in other projects that
8 we're attempting to harvest from
9 construction workspaces some Hemlock
10 seedlings prior to land clearing and use
11 qualified nurseries to do that. If that is
12 a opportunity for this project we'll also
13 plan to do so.

14 Topsoil segregation during
15 construction for restoration will be used as
16 much as possible. Some of the rocky area's
17 have not a lot of topsoil. So we segregate
18 as much as we can so that we can use it
19 after. There is some opportunities to bring
20 in topsoil when we do restoration. Some
21 properties they wouldn't, you know, don't
22 like you to do that but we'll work with the
23 property.

24 The 2 to 3 inch caliper
25 balled and burlapped individuals. There

1 will be 204 individuals per acre, where
2 accessibility and soil conditions allow. It
3 depends on the ruggedness of the landscape
4 and linear distance of the project. If it
5 limits the use of balled and burlapped
6 specimens we may just have better
7 opportunity to use them at roadways.

8 It will allow faster
9 reestablishment within areas frequented by
10 the public.

11 Limiting factors are
12 shallow depth of bedrock, very or extremely
13 stony soils, steep slopes and accessibility
14 for trucks and heavy equipment. And the
15 proximity to access roads is key for
16 supplemental watering needs. We need to be
17 able to get to these easily and water them a
18 lot. Whip sized individuals which is the 2
19 to 3 feet tall and containerized. The
20 guideline states for 1,210 individuals per
21 acre to reach statutory tree replacement
22 factor stem count of 408. And that accounts
23 for dead loss. It's more appropriate for
24 rugged landscape and linear just for the
25 linear distance of this type of project. It

1 allows for faster reestablishment. Steep
2 slopes or stony soils and accessibility for
3 trucks and equipment are less limiting
4 factor here when planting the whip sized
5 specimens. Limiting factor include extreme
6 shallow depth of bedrock and presence of
7 extremely stony soils.

8 Then we have seedlings.

9 One to two feet tall bare root stock. Same
10 1,210 individuals per acre. More
11 appropriate to extremely rugged landscapes
12 and long distances from availability of
13 equipment access points allows for faster
14 reestablishment of forested cover while
15 accommodating landscape and limitations.
16 Doesn't need to be quite so accessible for
17 you know, daily watering as the balled and
18 burlapped would. Appropriate for areas
19 where extreme shallow depth to bedroom,
20 steep slopes, stony soils and accessibility
21 for trucks and equipment are limiting
22 factors. It's going to likely be
23 implemented in conjunction with specialized
24 seed mix containing tree species seeds.

25 Then we're going to get

1 into the maintenance schedule. Once these
2 plantings are done we'll be doing
3 maintenance for a minimum of three growing
4 seasons. So three years. There will be
5 inspections four times per season throughout
6 the year to make sure that we're seeing the
7 growth throughout the year. And if there
8 are any problems we can catch it early.
9 Supplemental watering as needed depending on
10 rainfall. There may be use of water
11 polymers which allow for more water to be
12 kept in that you know, for the plant to use.
13 Mulch will be used for the balled and burlap
14 specimens throughout the three year
15 maintenance period. There will be control
16 of any weeds coming in when we're doing the
17 monitoring they will be taken out. All
18 balled and burlap specimens shall be
19 supported. Balled and burlap specimens will
20 be maintained in a plum position and
21 monitored for insects and diseases. In
22 areas where there are signs of heavy deer
23 browsing and damage to the vegetation,
24 measures will be taken to protect the new
25 plants. We may need to do fencing,

1 repellents, bud caps. And we may need to
2 use deer resistant species if necessary.

3 Slow release fertilizers
4 may be applied the first growing season.
5 Not in wetland areas though. And pruning as
6 necessary to remove damage, dead or infested
7 branches. The survivorship will be
8 monitored for success. We'll be monitoring
9 throughout the year for three years. And if
10 success is not met, we'll continue
11 monitoring after that.

12 Quantitative sampling will
13 determine the type and quantity of woody
14 species colonizing the construction
15 right-of-way. And so we'll also be making
16 sure that we're not just looking at the
17 percent that's growing but that it's also
18 meeting the needs of what we planted and
19 matching the community around it.

20 There we just have the
21 survivorship percentages that were gone over
22 earlier. And restoration will be considered
23 successful once we meet those criteria and
24 like I said, we want it to visually and we
25 want to have the density and cover with the

1 adjacent area. We want it to match what was
2 there before. Annual monitoring report
3 shall be prepared and provided to the
4 Division of Parks and Forestry. If actual
5 stem counts fall short then we'll develop a
6 supplemental plan to rectify the situation.
7 Anything that doesn't meet the survival rate
8 shall be replaced within 120 days. And
9 we'll make sure notification -- within 120
10 days of receiving notification from New
11 Jersey Forest Service. Inspection and
12 replacement planting shall continue same
13 time frames we discussed before until the
14 survivorship rate is met.

15 Now for new right-of-way
16 impacts which I discussed which cannot be
17 planted. That, for the High Point State
18 Park Loop 323 is approximately 8.41 acres.
19 We'll be looking to do either off-site
20 restoration of those areas or monetary
21 compensation where we cannot plant. And
22 then like I said, for the on-site
23 reforestation we'll be doing it for the
24 grids that are over 33% as well as the grids
25 that were less than 33% which is the

1 additional 0.33 acres. On-site restoration
2 projects shall be subject to availability
3 and recommendation. So we'll be working
4 with the state to find areas where they'd
5 like for trees to be planted. We want these
6 areas to be suitable for planting so that we
7 have you know, good success of the project.
8 So we're going to look for areas that we
9 think are suitable for these plantings if
10 not talk about compensation, I put a rough
11 number up here but I think it was what you
12 had put on there with the -- I think you
13 came out to 30,000 per half acre.

14 MR. D'ERRICO: Right.

15 MS. DETTLING: So our
16 numbers are matching up.

17 MR. D'ERRICO: It is.

18 MS. DETTLING: Like we
19 stated before, we're going to have a copy of
20 the plan that we're leaving here. I'm going
21 to take one, we'll have it available for you
22 at the library. Then in the presentation
23 that you can copy that, you can take home
24 here's the link where you can find it
25 available on the website.

1 So now I am going to open
2 up to questions. We've got several people
3 here from our project team that can answer
4 any question that you may have.

5 MR. D'ERRICO: We'll leave
6 that up for you so you can, if you haven't
7 had a chance to get that into your mind, it
8 will be there. And the agenda said that --
9 in the public notice said that you have for
10 comments and/or questions I guess it's
11 statements, the word in the public notice
12 was statements. So I think that's important
13 to know that as well. So it's now 8
14 o'clock, or 5 minutes to 8. We're scheduled
15 to be here till 9. And again, you can find
16 one or two ways, you can do it now, which we
17 welcome or you have 60 days to file those
18 notices with us so -- or those statements.
19 We also have some of our staff here as well
20 that can talk about Hemlock and rocky soils
21 and tree species and all that kind of stuff
22 so.

23 MS. DETTLING: Do you have
24 any questions? Okay.

25 MR. D'ERRICO: That was

1 pretty good.

2 Yes, sir there we go. This
3 gentleman is going to break the silence.

4 MR. SCHIERLOH: Jerry
5 Schierloh, S-C-H-I-E-R-L-O-H. Just some
6 additional commentary on Hemlock. Since
7 Hemlock trees seem to be a challenged
8 species here in New Jersey for a variety of
9 reasons, what specialized -- we saw a little
10 information about specialized treatment
11 relating to restoration of Hemlocks but
12 maybe a little more information on that.

13 MR. D'ERRICO: Okay, Jack?

14 MR. SHUART: As that
15 project --

16 MR. D'ERRICO: This is Jack
17 Shuart, our regional forester for North
18 Jersey.

19 MR. SHUART: Tennessee
20 Pipeline Company has agreed most of the
21 Hemlock lies within the fish and wildlife
22 lands on these loops, not a lot on High
23 Point State Park. There is some, I think it
24 came out to be a little over three acres,
25 that was listed as Hemlock protection.

1 We've tried a couple different things.
2 Unfortunately last year was a bad year for
3 Hemlock seed. We were unable to gather any.
4 Originally they were going to gather and
5 propagate seed from the site. We looked at
6 a couple different areas from here to the
7 Bear Fort Ridge with no luck. So that
8 didn't work out. Then they were going to
9 try to gather seed, but that doesn't count
10 under No Net Loss and the deer don't leave
11 us many. So I think it's going to come down
12 to they're looking at off-site sources to
13 acquire from. As far as nursery stock goes,
14 whether it's seedling or larger caliper.

15 MS. DETTLING: That's
16 correct.

17 MS. MAHON: Then the plan
18 would be to take them to our nursery.

19 MR. SHUART: No, I think as
20 far as they'll acquire them from local
21 sources then plant them out as the plan
22 requires so we can minimize handling.

23 MR. D'ERRICO: I believe
24 that we are doing some Hemlock down at the
25 nursery. I know Jack, that would be

1 something to see where that seed source came
2 from. Whether it might be adequate for this
3 project as well.

4 MR. SHUART: I don't know
5 if it is or not.

6 MR. D'ERRICO: Maybe we can
7 look into that. Could I have your address
8 maybe, just your town. Do we need a town?

9 (Discussion with court
10 reporter.)

11 MR. D'ERRICO: There's a
12 sign-in sheet. We appreciate if you sign in
13 and tell us that you were here.

14 Anybody else have a
15 question? Wow.

16 MS. MAHON: You did such a
17 good job explaining.

18 MR. D'ERRICO: It is
19 important, we certainly appreciate everybody
20 coming out. It's raining and we do get wet
21 so we hope that that was an effective use of
22 your time to see that. We encourage you to
23 go on the website, they're posted right on
24 the front page. That book and a half that
25 you saw and all of those diagrams. All the

1 diagrams that Melissa had shown are in
2 there. Very effectively and you know.
3 Other than that, if nobody has any other
4 questions, I think we can adjourn.

5
6 (Whereupon the proceeding
7 concludes at approximately 8:00 p.m.)
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C E R T I F I C A T E

1
2
3 I, PATRICIA ANN FOX, a Certified Court
4 Reporter of the State of New Jersey, CERTIFY that
5 the foregoing is a true and accurate transcript of
6 the proceeding as taken stenographically by and
7 before me at the time, place and on the date
8 hereinbefore set forth.

9
10 I DO FURTHER CERTIFY that I am neither a
11 relative nor employee nor attorney nor counsel of
12 any of the parties to this matter, and that I am not
13 financially interested in this action.

14
15 I DO FURTHER CERTIFY that the within
16 transcript format complies with the Rule NJ ADC
17 13:43-5.9.

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