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**Prepared by:**

RCI  
Robert Cirillo, Inc.

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Transcript of proceedings

TENNESSEE GAS PIPELINE COMPANY  
NORTHEAST UPGRADE PROJECT  
NO NET LOSS REFORESTATION PLAN  
PUBLIC MEETING

DATE: August 4, 2011

AT: Ringwood Municipal Building,  
60 Margaret King Avenue  
Ringwood, New Jersey

PRESENTED BY:

STATE OF NEW JERSEY DEP  
DIVISION OF PARKS AND FORESTRY FOREST SERVICE  
BY: MICHAEL V. D'ERRICO, Supervising Forester

TENNESSEE GAS PIPELINE COMPANY

El Paso Corporation

MELISSA DETTLING, Principal Environmental Scientist,  
Environmental, Health and Safety

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in association with

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1 MR. D'ERRICO: Okay. Ladies and  
2 gentlemen, it's a little after 7:00. I was told  
3 maybe we should start. We will go through the  
4 process one more time.

5 Welcome to Tennessee Gas Pipeline  
6 Northeast Upgrade Project No Net Loss Reforestation  
7 public forum. I didn't know how to spell forum, so  
8 I put meeting down. It's a new one, Amy. I got to  
9 start some new material.

10 Anyway, so this is the welcome. We  
11 appreciate you being here. We're going to have an  
12 agenda. We're going to talk about the No Net Loss  
13 Reforestation Act, and then we're going to talk  
14 about the Tennessee Gas Pipeline and NEUP is the  
15 Northeast Upgrade Project for Bergen and Passaic,  
16 and then we'll have questions and statements.

17 So we'll get started, if that's okay.  
18 I'll step over here. One of the things that -- I'm  
19 Mike D'Errico, Supervising Forester for the DEP  
20 Forest Service.

21 One of the things that we do is  
22 community forestry in New Jersey, although I think  
23 we skipped one. The purpose of this slide was to --  
24 I think my pointer actually went. There you go.  
25 It's [communityforestry.NJ.gov](http://communityforestry.NJ.gov). You can find these

1 plans online, Bill. The two plans, the two  
2 Tennessee Pipeline plans. Yes.

3 UNIDENTIFIED SPEAKER: Is that  
4 spelled wrong?

5 MR. D'ERRICO: It's  
6 communityforestry.nj.gov. Wow, you are right. That  
7 was a test, Amy, to see if you knew that. Everybody  
8 else in the place I told ahead of time that I  
9 spelled it wrong. I said, let's see if Amy -- well  
10 Evan, I think we've got to fix that. Write that  
11 down. We're making it a little different tonight.  
12 Thank you, Amy.

13 Community Forestry Assistance Act in  
14 New Jersey, of which we oversee and help communities  
15 in their plant care and management of trees in  
16 cities and towns. And as I told the people last  
17 week at the end, when you see the forestation  
18 relative to cities and towns, you'll know why we are  
19 overseeing that Act and that project.

20 We do many projects and programs  
21 within the Community Forestry Program. One of them  
22 of such is the No Net Loss Reforestation Act. We  
23 license tree experts. We have an assistance program  
24 that we help 566 municipalities in 21 counties  
25 manage their green resource. We catalogue our big

1 trees. We hold Arbor Day and we do lots of other  
2 things as a state entity.

3           That's our -- as you know, what comes  
4 next, this is for Lynn because Lynn didn't see it.  
5 I'm not just a forester, but I'm also a salesman.  
6 So in a public meeting, I try to make sure that  
7 people are here because they care about the forest.  
8 And there are license plates, one of 17 dedicated  
9 plates that support our cause. We have the Treasure  
10 Our Tree license plate. So a little bit of new  
11 information from last night to tonight. It has --  
12 New Jersey is fortunate to have two state trees, not  
13 just one. We have the Red Oak, 1949. That's what  
14 that is in fall color, and 1950 we have the State  
15 memorial tree which is the Flowering Dogwood, and  
16 that was for the men and women of World War II. So  
17 we put them on the license plate.

18           So I did tell them, Lynn, last night  
19 that on my car, I have a Ford Taurus and now it's a  
20 Ford Mustang, and now they understand that but it  
21 went over a lot better last night. I think Amy  
22 actually believed me.

23           What we're going to talk about for  
24 the next couple of minutes is the No Net Loss  
25 Reforestation Act. Originally it was passed in 1993

1 and as I said yesterday, it didn't have a lot of  
2 details. It didn't have a lot of guidance on how it  
3 should be implemented. There was no funding  
4 mechanism identified. The replacement formula was a  
5 one to one. So the size of the trees removed was  
6 not a factor. It didn't distinguish between  
7 seedlings and bigger diameter trees. Replacement  
8 could be anywhere in the state.

9 I remember one under the old law that  
10 the Garden State Parkway had removed some trees up  
11 north and they ended up putting seedlings all the  
12 way down south probably about 75 miles away from the  
13 impact area. So replacement could have been  
14 anywhere under the previous Act.

15 It was amended in 2001, January of  
16 2001, and as a result of an incident that happened  
17 on the Parkway, actually at the PNC Garden Art  
18 Center where they needed some extra parking space,  
19 they went and cut down ten acres of trees and didn't  
20 tell anybody. It was a gravel -- they wanted to do  
21 it as a gravel parking area because they needed more  
22 parking, but before they could do that, it rained  
23 like heck and all the soil that was from that ten  
24 acres filtrated into the Holmdel Creek (phonetic),  
25 which then backed up and all of the towns up above

1 had flooding.

2                   So they revisited the Act and that  
3 was one of the reasons why it went from one acre to  
4 a half acre and some of the upgrades that happened.  
5 That opened the door for changes. The Act had a  
6 better structure and more detail. The funds for  
7 oversight and administration came from the state  
8 entities doing the project. That helped us as a  
9 state entity because now we have a memorandum of  
10 agreement with the state agency and in essence, if  
11 you deforest, you're also going to pay for our time  
12 in administering this, as well as the trees.

13                   The replacement formula more  
14 accurately represents what's removed. So if big  
15 trees are removed, that gets into account. If  
16 saplings are removed, that gets into account, or  
17 seedlings. It doesn't just lump them into one. And  
18 it was developed a hierarchy of trees would be  
19 planted. The locations, there would be a hierarchy.  
20 If it's not on site, it could be off site and these  
21 are the following off-site locations. We'll get  
22 into that.

23                   There is an exception of the law  
24 deemed by the division to constitute standard  
25 forestry arboriculture practices or actively managed

1 existing utility easements, and those would be prior  
2 to the date of 2001. So if there's -- if it's an  
3 existing easement and they're clearing it, that's  
4 okay. If DEP is doing arboricultural practices by  
5 cleaning up the roadside, that's okay. If our  
6 sister agency of Fish and Wildlife is doing wildlife  
7 management, that's okay. And if we are doing  
8 forestry on our Division of Parks and Forest land or  
9 even on wildlife management areas, that's okay. If  
10 you put a parking lot in, then that would come up no  
11 net loss reforestation.

12 It only affects state entities.

13 Those are the DOT, Department of Corrections, our  
14 own department, as you could see with this project.  
15 We have South Jersey -- we have -- I'm trying to  
16 think of some of the other state departments. New  
17 Jersey Transit, that's the one I was trying to think  
18 of. New Jersey Transit when they put parking  
19 garages in. So we've -- we've dealt with about a  
20 dozen different agencies as of right now.

21 We also do commissions and  
22 authorities, the Garden State Parkway, New Jersey  
23 Turnpike is kind of one right now. At the time this  
24 slide was made, they were separate. South Jersey  
25 Transportation Authority, as we mentioned last

1 night, they run the airport down in the Pamona area.  
2 So they're concerned about landing planes and the  
3 heights of trees. Make a big deal of that. So they  
4 come into that.

5 State colleges and universities.  
6 Rutgers is one of them. When they built the  
7 expansion for the new stadium, that was involved.  
8 When DOT put in Route 18 and it went through Rutgers  
9 property, it was on the other side, Rutgers  
10 benefited from that. We've been in Ramapo,  
11 Montclair, Stockton, Kean University. So a lot of  
12 these universities -- College of New Jersey are  
13 developing dormitories -- they're developing parking  
14 garages.

15 These are all -- the Act affects any  
16 land that is maintained or that we have ownership  
17 over. And this is what's important because the  
18 South Jersey Authority there doesn't own that land.  
19 They have an easement over it and so even though  
20 they don't own it, if they cut trees for the purpose  
21 of landing planes, then they have to mitigate that.  
22 And it does affect any project that deforests a half  
23 acre. It used to be back in '93 one acre, but that  
24 was lowered to capture more projects.

25 The reason we're here tonight is

1 because this project deals with one acre or more and  
2 in the law, it was written that between a half acre  
3 and one acre you don't need a public meeting. If  
4 it's over an acre, then you have to have a public  
5 meeting scheduled 180 days prior to deforestation.  
6 The public gets a period of 60 days to make a  
7 comment. And deforestation must be on the agenda.  
8 If you have a project for road widening, the  
9 deforestation must be on the agenda to speak about  
10 it. It can't be lumped into everything else. It  
11 has to be a specific line to talk about the trees so  
12 that you can't be just, well, we're going to put,  
13 you know, ten acres of roadway through here. And  
14 then public comments are submitted to the New Jersey  
15 Forest Service and, in turn, we consider them and  
16 answer those and take into account those comments.

17 In the Act it defines a forest as a  
18 forested area and so as a program, we've come up  
19 with three definitions of a forested area --  
20 established forest, emerging forest and seedling  
21 forest. And these are the ways that you could come  
22 up with the established forest, either a canopy  
23 coverage, which we'll talk about in a minute, or the  
24 good old method of forestry where you do a point  
25 sample to figure out if you have the coverage

1 necessary to make it an established forest.

2           Established forest is a forested area  
3 where the predominant diameters are four inches or  
4 greater. That's measured at four and a half feet,  
5 or diameter breast height four and a half feet. If  
6 that diameter of tree is four inches or greater,  
7 then that would be an established forest. And then  
8 the way that you would figure that out is the  
9 percentage canopy cover is subject to the  
10 reforestation at 102 trees per half acre, and that  
11 would be replaced by two to two and a half inch  
12 caliper trees.

13           So statistically and scientifically,  
14 we've come up with that there are 204 trees per  
15 acre. The growing capacity of an acre -- the  
16 growing capacity of an acre can support 204 trees at  
17 mature size. And so we worked our way back.  
18 Obviously, it's a 102 per half acre and we'll get  
19 into why we do half acre. The law says it's a half  
20 acre or more, and also our grid system is on a half  
21 acre.

22           Emerging forest is any forested area  
23 with trees being less than four inches in diameter,  
24 but larger than seedlings. Seedlings are under 18  
25 inches. The percentage of this forested area is 204

1 trees per half acre and they could be done with  
2 whips or small container trees. So you could get  
3 from that two to two and a half inch caliper trees.  
4 Caliper is measured six inches above the ball,  
5 burlap. So six inches above that ball is two to two  
6 and a half inch caliper. That's how you measure  
7 those trees that you buy off of a nursery or those  
8 shade trees that we like to talk about.

9           These are whips. They're bare root  
10 or container grown. So they're a lot smaller, but  
11 you're replacing a emerging forest. That's less  
12 than four inches in DBH.

13           A seedling forest is any forest where  
14 the trees are seedling size. That's 18 inches or  
15 below. And it's 605 trees per half acre or 1210  
16 trees per acre. That's at a spacing of six by six.  
17 So every six feet you put a tree and you have that  
18 row and six feet over, and that would be a spacing.  
19 So that spacing equals about 1210 trees per acre to  
20 fill that spot up.

21           Remember that that's 1210 trees as a  
22 seedling. Whether we say that's a mature forest,  
23 the capacity of an acre to hold is -- so it's 204  
24 trees. So from the seedling, what we're assuming is  
25 competition will take over, like the natural forest

1 does, and you will end up with that amount of trees  
2 for growth. You might even end up with more. An  
3 acre can hold more than that, but the capacity of  
4 maximum growth and maximum health of the forest  
5 would be at that range.

6           The established forest is an area  
7 that has 33 percent canopy cover or 40 percent basal  
8 area. That's that sampling method that we talked  
9 about. Forestry and natural resource professionals  
10 to be determined.

11           This canopy cover can be done on  
12 aerial photos using the grid system, which I'll talk  
13 about in a minute. But 33 percent. So an area  
14 doesn't have to be a hundred percent canopy cover in  
15 order to be considered to be an established forest.  
16 This definition comes from the U.S. Forest Service  
17 and we use that.

18           An emerging forest has to have a  
19 density of 230 small trees and that's doing a  
20 sampling that a resource person can do. You don't  
21 have to go through a whole acre and count, though  
22 you could do that, but you could take a sample and  
23 count it out. Same with seedling. You can do an  
24 estimate to determine if these are a forested area.

25           This is a no net loss grid. For

1 those that were here last night, this is what I  
2 tried to show the public, that this is a grid that  
3 is locked in on our quad maps. So when the agency  
4 brings up the aerial photograph that they're going  
5 to use, this grid is actually locked on to the maps  
6 of New Jersey so you can -- the agency cannot adjust  
7 it to make it less forested or more forested. These  
8 grid lines are permanently on the aerial photos and  
9 that locks in it so that the agency then can use  
10 this to measure whether they have a 33 percent  
11 canopy cover in one of these half acre grids. These  
12 are half acre grids. And as I said last night, if  
13 you look at this one here, this is leaf off, but  
14 these are all trees here. There's some dark stuff  
15 here which may be an indication of some evergreens.  
16 But this is leaf off. So what I showed was that if  
17 you're looking at the forest in that acre, you could  
18 say a hundred percent that's a no acre, that's a  
19 half acre that we deforest. But if you look at this  
20 one right here, you could see there's part of the  
21 field on the bottom, part of the field on the top,  
22 and in the middle is a band of trees. At 33 percent  
23 you would calculate that, that particular one, and  
24 that most likely would be a half acre of  
25 deforestation. You would have to claim for the

1 whole half acre, not just 33 percent.

2                   And likewise, if you took another one  
3 that was right here and you take some of the trees  
4 out there, it's not a 33 percent. So that would not  
5 count towards the deforestation. We think that was  
6 fair, and most agencies seemed -- they all seem okay  
7 with that and it seems to be the fair way of  
8 calculating what a deforestation half acre is using  
9 this grid system.

10                   Remember we talked about the  
11 differences between the two additions of the law,  
12 the early one and the later one. Reforestation  
13 sizes are included in the new updated amended  
14 version. The type of forested area will determine  
15 the size of the reforestation stock. So if we're  
16 talking about an emerging forest, seedling forest  
17 existing, they will determine the type of stock that  
18 then the agency that did the deforestation has to  
19 put back in on site.

20                   Downsizing the reforestation stock is  
21 not acceptable. So we will no longer accept  
22 seedlings for an existing forest. We no longer will  
23 do that.

24                   In some cases I think we have worked  
25 with some of the agencies to look at steep slopes,

1 rocky soils. You know, there's a lot of factors  
2 involved. While this is part of our guidelines, the  
3 agency has and will continue to be open to the  
4 conversations with those using agencies when they  
5 deforest. But for the most part, we don't want to  
6 see seedlings when there's an existing forest there.

7           As I said to you last night, there is  
8 a conversion factor for evergreens or conifers. And  
9 some of the cases that we've had for the  
10 reforestation projects it's called for the  
11 replacement of evergreens as a screen. They are  
12 used very effectively that way. Evergreens are not  
13 measured by caliper. They're measured by height,  
14 and so we have a chart that takes the caliper and  
15 the amount -- those caliper, two to two and a half,  
16 and equate that to evergreens at a certain height.  
17 Evergreens are sold four to six to eight feet.

18           Welcome. We're going over the  
19 Reforestation Act. We're halfway through that and  
20 then right after this, we're going to get into the  
21 project itself.

22           Reforestation locations. The  
23 uniqueness about the new version, the amended  
24 version is that it takes into account the hierarchy  
25 of where the trees should be planted. The intent of

1 the No Net Loss Act is to compensate reforestation  
2 to be done. It is for reforestation to be done on  
3 the deforestation site or as close to it as  
4 feasible. The legislature said that they would like  
5 to see the trees to be put back on site. If not,  
6 then as close as possible within that area. And a  
7 hierarchy was developed.

8           Again, the idea behind no net loss is  
9 that the state agency is doing an impact to that  
10 property within the municipality. The legislature  
11 said that that reforestation should go back on site.  
12 As we mentioned last night, when you have a road  
13 widening project and it's a linear road widening  
14 project and there's not enough room to put the trees  
15 back on site because of the road widening work  
16 itself, then a state agency can choose to do it  
17 within the affected municipality.

18           So the hierarchy goes on the project  
19 site itself; within the affected municipality;  
20 within five miles of the site on state, county and  
21 municipal lands, or on state lands within the state.  
22 So that's the hierarchy as we go -- as we go  
23 through. So as an agency overseeing this, we work  
24 with that entity that deforests to see if they could  
25 put the material back on site. If they could put

1 some but not all, then they can put it -- they have  
2 a choice of putting it into the affected  
3 municipality next. Maybe they do -- they can't put  
4 it all. They can't put any back on site because of  
5 that road widening. They don't want to cut down  
6 more trees to put more trees in. So the affected  
7 municipality would be then approached to possibly  
8 take these trees.

9           The off-site reforestation, money can  
10 be transferred to the New Jersey Forest Service in  
11 lieu of that particular state entity doing the  
12 planting. And this is a law that the agency can  
13 provide us with the monetary compensation for the  
14 deforestation to the State Forest Service, and then  
15 in turn, we will grant the money out to the  
16 municipality and monitor the project. A lot of the  
17 agencies are doing that now. Especially ones that  
18 the project -- the reforestation cannot go back on  
19 site or a hundred percent of that cannot go back on  
20 site. They have chosen to do that. They get signed  
21 off on that amount of trees and then it's our job to  
22 work with that municipality to get the reforestation  
23 done.

24           Just to give you an example of the  
25 monetary compensation and established forest, those

1 are the ones four inches and greater, would be about  
2 \$31,000 per half acre. An emerging forest is about  
3 \$17,000, and that seedling forest is about \$4,000  
4 per half acre. That's the monetary compensation if  
5 an agency cannot put it back on site.

6           The reforestation plan that we ask  
7 the agency to come up with are site maps, the aerial  
8 photography, a landscape drawing, a narrative about  
9 what's there, what's not there, what's going to  
10 happen, in this case the community, plant list that  
11 goes into the plan, what was existing there, maybe  
12 Hemlock, maybe some species of trees that -- the  
13 native species that we want to put back, the plant  
14 list that's going to be developed and the  
15 specification for planting and maintenance.

16           What's important is the maintenance  
17 side of it as well. As I told you last night, it  
18 takes five years to plant a tree. The first year  
19 you plan, the second year you plant, and then the  
20 next three years you take care of that tree.

21           Again, when you scan documents in,  
22 you can't blow them up. So I put my heading on the  
23 side, but the important thing here is that this is  
24 our -- this is our flow chart that shows the process  
25 of the no net loss reforestation. When I bring this

1 out to show the public, right here in the middle is  
2 the New Jersey Community Forestry Council. This  
3 council was established under the law under the New  
4 Jersey Forestry Act. It's a member of public  
5 council that serves the department on trees and  
6 community forests. In the no net loss law, they get  
7 to review and assist the State Forestry in the  
8 review of the no net loss reforestation plans and  
9 make recommendations to the State Forestry on  
10 whether to accept or not.

11 So in reality, this is a public  
12 meeting that reviews and allows the public to look  
13 at the plans, but every month our Community Forestry  
14 Council actually does that for us in that they get  
15 to review the plans and then make recommendations  
16 back. There's some professionals on there in the  
17 nursery industry. There's professionals in the  
18 agriculture, soil people, and lots of times they  
19 have good comments about plant material, about  
20 certain things and it only is to make the project  
21 better.

22 The process goes through and what I  
23 show you down here is that it's ultimately approved  
24 by our state forester. Once our state forester  
25 signs the letter of approval, then the state agency

1 can go forward and deforest and the process then  
2 starts.

3                   What's important, I put this slide in  
4 to show the public that during the process of the  
5 replanting, that we as an agency try to get out  
6 there with these inspections at the initial planting  
7 and then there's an annual planting, the two annual  
8 plantings. Because remember, after two years,  
9 there's a level threshold of success that has to be  
10 met as part of the law and so as such, we do  
11 inspections to help that agency with their  
12 groundwork. We think the ones that we have been  
13 involved in where we've started at the beginning  
14 here and worked our way through make the better  
15 project. We have a better success rate and I think  
16 in the long run, both the Agency and Forestry  
17 Service makes out because it's a good project and  
18 the project gets established after two years and we  
19 meet those criteria.

20                   The reforestation protection and care  
21 method. It says that after two years, the health  
22 and vitality of the plant stock has to be met or  
23 exceed the minimum listed below. That is that  
24 existing forest when you replant it. Ninety-five  
25 percent survivability out there and the whip and

1 container, which is the emerging forest 90 percent,  
2 seedling stock has to be 80 percent. Those are the  
3 minimum. So our foresters go out and inspect those  
4 properties. Like I said to you earlier in the  
5 previous slide, one, two years, and then we give  
6 feedback to the using agency telling them where they  
7 are and they have to make adjustments. In the plan,  
8 there usually is written if these minimums are not  
9 met, how they would meet those survival rates. And  
10 after two years, if they meet the survival rate, we  
11 sign off on it and it's a done year. Again, the  
12 intent of the legislation was that the impacted  
13 municipality, the impacted area, as a state agency  
14 being a good steward, an environmental steward, if  
15 you make an impact and you remove those steps from  
16 the trees, then after two years those are back as a  
17 no net loss. And the benefit of being a no net loss  
18 project, you have to have these minimum survival  
19 rates. And it will be considered complete and  
20 acceptable when the actual survival rates meet after  
21 two years.

22 For us as we talk to our state  
23 agencies about the benefits of participating and for  
24 the public, it's additional benefits of tree  
25 planting. And, of course, last night this is where

1 I got Amy involved with the "B" word and she thought  
2 that was pretty neat. I could see her eyes going,  
3 what is he talking about? The additional benefits  
4 of a roadside construction where we're looking at  
5 beautification, beautification, right, we're putting  
6 trees back along that construction. We're trying to  
7 beautify that community, that state highway.

8 Remember, we're talking about state land. So in  
9 that case, it's a state highway and we're trying to  
10 add beautification. The public doesn't distinguish  
11 between a state highway, a county highway and a  
12 municipal highway. They just know you're in this  
13 town whether you're on your way to the shore,  
14 whether you're on your way to one of the cities to  
15 see a sporting event. It is a town. So that's --  
16 that's some of the traditional we are moving ahead  
17 and we know that the urban forest, the community  
18 forest provides us the forest, provides us with  
19 many, many social, economic and environmental  
20 benefits -- clean air, storm water control. There's  
21 so many things. Calming effect, making people  
22 perceive differently when you enter into a  
23 tree-lined street, a tree-lined area.

24 So what we talk about to our state  
25 agencies is that this is a positive program that

1 puts them in a good set of light and a good light as  
2 we go forward. So that's the idea here.

3 We're going to wrap this up. That's  
4 the salesman again. We do have to treasure our  
5 trees. The important thing here is I noticed last  
6 night and I made sure I went back and changed it,  
7 the public notice it says within 60 days the public  
8 can make comment. It should be sent to our field  
9 office, which is in Somerset, New Jersey. I think I  
10 had the Trenton address on that last night. So I  
11 put that up there. It is the field office at our no  
12 net loss office that we work out of. That is the  
13 actual address and the phone number. So there we  
14 have it.

15 We'll take questions in a little bit.  
16 We do have that on the agenda. Questions and  
17 statements. But I'm going to turn it over to  
18 Melissa now.

19 MS. WOLFE: If comments are sent to  
20 the Trenton office, will you get them?

21 MR. D'ERRICO: We get them and  
22 transfer them to our field office who compiles and  
23 makes sure we answer them. We do answer. We  
24 answered all of the public -- if we do questions, we  
25 do respond to them. And like I said, in some cases,

1 people bring up good ideas.

2 UNIDENTIFIED SPEAKER: If it does  
3 come from the Trenton office, we still take it under  
4 60 days.

5 MR. D'ERRICO: We're going to switch  
6 over to Melissa now who's going to talk specifically  
7 about the project itself. So just take a second  
8 here.

9 MS. DETTLING: My name is Melissa  
10 Dettling. I'm the environmental project manager for  
11 Tennessee Gasline Company for the Northeast Upgrade  
12 Project. We're here to discuss the portion of the  
13 Northeast project in New Jersey referred to as Loop  
14 325. So I'll go through, once I get to the mapping,  
15 and show you exactly where our discussion point will  
16 be.

17 We're going to discuss here the  
18 reforestation plan for the sections of Loop 325 that  
19 cross state-owned lands, or maintained.

20 Here's an overview map of the  
21 Northeast Upgrade Project. The blue lines that are  
22 shown up here, they show the existing pipeline  
23 system that Tennessee Gas has had actively working  
24 here in the area since the '50s, and there are some  
25 areas where the pipeline has been looped.

1                   The red lines that you can see up  
2 there are the proposed pipeline loops for the  
3 Northeast Upgrade Project. There are three loops  
4 that are in Pennsylvania. One that crosses the  
5 state border into New Jersey, and one that's wholly  
6 in New Jersey. The Loop 325, which is the 7.6 miles  
7 that's all in New Jersey, is the one we're going to  
8 be discussing tonight.

9                   The project is set to be in service  
10 in November of 2013. It will have an incremental  
11 volume of gas of 636,000 dekatherms a day. The  
12 entire project, like I said, all the loops that I  
13 discussed are approximately 39.6 miles, 22 in  
14 Pennsylvania and 17.6 in New Jersey. And the boxes  
15 up there with numbers, the blue and green are  
16 existing compressor stations. We will be making  
17 some modifications to existing compressor stations  
18 which will add an additional 20,620 horsepower to  
19 the system.

20                   Here's a summary of the state lands.  
21 On the 325 Long Pond Iron Works State Park, North  
22 Jersey District Water Supply Authority property, and  
23 the Ringwood State Park. Here's an overview map of  
24 all Northeast Upgrade Project facilities that are  
25 proposed in New Jersey. So Loop 323, that we

1 discussed last night at a different meeting, was  
2 High Point State Park, and then Loop 325 here on the  
3 map on the right is where we cross Long Pond Iron  
4 Works, Ringwood and the North Jersey Water Supply  
5 district properties.

6 Here's a little blown up area of the  
7 properties that we're discussing tonight. The  
8 proposed pipeline loop is shown here with mile posts  
9 and lot and block information, if you'd like to  
10 reference that. Here's just a little bit more blown  
11 up area of the parks themselves, Long Pond Iron  
12 Works, and Ringwood. We'll go over the impact  
13 acreage in a table where it's a little bit better to  
14 see it all together, but the proposed forest impacts  
15 are 20.99 acres of temporary work space, an  
16 additional temporary work space.

17 When we refer to that, we're  
18 referring to work space that's needed to put the  
19 pipeline in construction. We have an area that's  
20 approximately 100 feet that we're allowed -- that we  
21 refer to as temporary work space for pipeline  
22 construction. Any areas beyond that which we refer  
23 to as additional temporary work space must justify  
24 the use of those. Those are typically at road  
25 crossings. If we're boring a road and we need extra

1 work space for soil storage, if we're crossing a  
2 wetland where we neck down our work space and we  
3 need additional space outside of that wetland for  
4 topsoil storage, those areas is where we request  
5 additional temporary work space and that's where we  
6 refer to it as the ATWS.

7           These are the additional properties  
8 in Long Pond Iron Works and Ringwood just blown up  
9 here with the lots and blocks identified and the  
10 pipeline with loops crossing that you can refer to.

11           Another slide here, North Jersey  
12 Water Supply Authority property. Here approximately  
13 mile post 3 in the project between the parks we have  
14 approximately 2.7 acres of temporary and additional  
15 temporary workspace impact, and approximately .91  
16 acres of right-of-way, and we refer to that. That's  
17 a new permanent easement that we're requesting to  
18 expand on our existing easement that will not be  
19 reforested due to safety reasons. We can't have  
20 trees planted over the pipeline for pipeline  
21 integrity, as well as maintenance reasons.

22           So here, as Mike discussed, the No  
23 Net Loss Reforestation Plan. The plan we prepared  
24 for this project for New Jersey State lands, the  
25 plans are dated August 2011. They are prepared in

1 conjunction with DEP Division of Parks and Forestry  
2 Staff, and the New Jersey Forest Service No Net Loss  
3 Reforestation Program Guidelines. They go over the  
4 replanting of temporary workspace and additional  
5 temporary workspace, as I described, and off-site  
6 restoration or monetary compensation of the new  
7 permanent easement impacts, depending on hierarchy  
8 that Mike discussed where we'll look for properties  
9 to replant. And if that's not done, then we may  
10 need to resort to monetary compensation, if that's  
11 requested.

12           The plan goes over specialized  
13 methods for paulustrine forested wetlands, upland  
14 forest seed mixes, how we will restore in moderate  
15 to poor suitability of soils for planting, and how  
16 we'll address Hemlock and oak community restoration.

17           We'll start by going over  
18 deforestation. The deforestation will be limited to  
19 approved workspace. When I refer to that, the  
20 Federal Energy Regulatory Commission regulates  
21 natural gas pipeline construction. When we design a  
22 project, a proposed project and workspace, we have  
23 to have a very specific workspace, including access  
24 roads identified and approved through all the  
25 regulatory processes that need to go through NEPA

1 and the FERC approvals. We cannot have any type of  
2 materials or activity outside of those areas. No  
3 soil, no people, no equipment, nothing can go  
4 outside of the approved work space.

5 Stumps during deforestation will be  
6 left in place within wetlands, unless it's a safety  
7 issue and we need to be working and have a safe  
8 condition over that, and then over the trench line  
9 where we need to, obviously, be trenching to put the  
10 pipe in to be reattached.

11 Deforestation activities will be  
12 conducted in compliance with Migratory Bird Treaty  
13 Act, timing restriction recommendations for tree  
14 clearing. So we will be deforesting the entire Loop  
15 325 within recommended timing restrictions so there  
16 are no -- to minimize any potential impacts to  
17 migratory birds.

18 What I had on here last night which I  
19 don't have tonight is Indiana Bat Clearing  
20 Restrictions. None have been recommendd by the Fish  
21 Wildlife Service for this loop. If that changes, we  
22 will revise the plan to include that, but there are  
23 other areas in New Jersey for our no net loss  
24 reforestation where we will have a recommendation  
25 for. The bat restriction falls close with the

1 migratory bird restriction and we'll be following  
2 that as well.

3 MR. SHUART: There was bat colonies  
4 at the Ringwood Manor and at the Skyland Manor.

5 MS. DETTLING: Really? We did  
6 surveys. We had no captures.

7 We will be following -- we will be  
8 complying with the Migratory Birds Treaty Act. So  
9 we will be clearing in the fall, which is not  
10 outside of the Indiana Bat Clearing recommendations.

11 Tennessee's Northeast Upgrade Project  
12 Environmental Construction Plan was prepared to  
13 identify all the best management practices during  
14 construction that we'll be following during these  
15 clearing activities, including the implementation of  
16 erosion and sediment controls, and measures that  
17 will be used to prevent the spreading of invasive  
18 species.

19 A wetland mitigation plan will be  
20 implemented for the forested wetland impacts under  
21 Flood Hazard Area Control and Freshwater Wetland  
22 Protection. Tree species will be replanted and  
23 developed for wetlands and open water buffer zones.  
24 And specialized seed mixes for restoration in  
25 wetlands, riparian zones and open water buffer

1 zones.

2                   Forested Land Assessment and Forested  
3 Community Type Assessment to determine acreage  
4 impacts. So the grid works, that Mike discussed,  
5 not only do we look at, like he said, the amount of  
6 trees that are there, but we look at the size and  
7 the community type so they could be replaced  
8 accordingly.

9                   On the properties that we're looking  
10 at tonight, we determine approximately 23.69 acres  
11 of additional temporary and temporary workspace that  
12 will be reforested under the No Net Loss  
13 Reforestation requirements; 9.15 acres, the total  
14 acreage for the new permanent easement that we'll be  
15 requesting. No reforestation will be occurring in  
16 those areas and so we'll be looking to do off-site  
17 reforestation or monetary compensation.

18                   And community types have been  
19 identified by milepost of the pipeline and are  
20 covered in the plan on the reforestation mapping.

21                   Here's just an example. So as you  
22 can see, the state grid mapping, we've overlaid it  
23 over the proposed pipeline workspace so that we can  
24 identify the acreage and the community types that  
25 we'll be reforesting. The maps, as you look down

1 here, show the community types which is where the  
2 color grids are.

3 Here's another example of the  
4 community types shown. The grid works over our  
5 proposed pipeline workspace.

6 Here's the summary table where we've  
7 broken out the acreages that have been identified.  
8 The 33 percent or greater grids that will be subject  
9 to No Net Loss Reforestation, the acres identified  
10 here, Long Pond Iron Works State Park and then the  
11 North Jersey District Water Supply Authority. So we  
12 have total acreage established of forest shown. We  
13 have total acreage of reforested subject to no net  
14 loss. And then we have it broken out the acreage  
15 that's the new permanent easement that will be  
16 requested that will not be reforested.

17 We also showed on here the grids that  
18 are less than 33 percent of forest. And those total  
19 acreage that would not have been subject to  
20 reforestation under no net loss, we will be  
21 reforesting those areas anyways. So it shows the  
22 acreage is there. The acreages that are under 33  
23 percent in the grid works that are the new permanent  
24 easement, those numbers are shown, which we also  
25 will not be able to reforest those acreages.

1                   Is there any question on the acreage?

2                   The Reforestation Plan Details goes  
3 over the restoration methods. Temporary and  
4 permanent erosion control measures, as I discussed;  
5 that we limit mature tree cutting as practicable,  
6 and stump removal wherever we can. We restore area  
7 to pre-construction contours and grades, and we'll  
8 use specialized wildlife forage seed mixes. Lime,  
9 fertilizer, seed and mulch rates and application  
10 will be in consultation with DEP.

11                   Some properties request that it not  
12 be used and we comply with whatever the requests are  
13 of those properties.

14                   Forest species replanting matrices  
15 are prepaid by the community types, as I showed you.  
16 You'll have planting mixes that are laid out in the  
17 plan that can -- you can look at the grid work  
18 mapping that shows community -- that shows the  
19 community types, and then there will be a seeding  
20 matrix that will correspond to those communities.

21                   The replanting methods and individual  
22 sizes vary by the site limitations. And like Mike  
23 went over, we'll go over the requirements for the  
24 balled and burlapped and the whips and the  
25 seedlings.

1 I put in here a section on the  
2 Hemlock and oak community special considerations. I  
3 changed the slide from last night. We had in our  
4 plan for previous projects that we will be  
5 harvesting for Hemlock seedlings our workspace prior  
6 to deforestation to be used. We didn't find that it  
7 was feasible in other projects. So I put in here  
8 that we may. If it's not possible, then we will be  
9 going to nurseries to be getting Hemlock species for  
10 planting for the project.

11 So for the two- to three-inch caliper  
12 balled and burlapped individuals, we'll be  
13 proposing, as required, the 204 individuals per  
14 acre, where accessibility and soil conditions allow.

15 Now, the ruggedness of the landscape  
16 and linear distance of the pipeline in question  
17 limits the planting of species to areas adjacent to  
18 roadways. You have to get to them frequently to  
19 make sure you're watering regularly. Where we've  
20 got everything restored, we need to be able to get  
21 to these very frequently and easily. So the  
22 limiting factors include the shallow depth of  
23 bedrock, very or extremely stony soils, steep  
24 slopes, and accessibility for trucks and heavy  
25 equipment. So the proximity of the access roads is

1 very key for the supplemental watering.

2           The whip sized individuals, two to  
3 three feet tall, containerized 1210 individuals per  
4 acre to reach statutory replacement factor stem  
5 count of 408, while accounting for dead loss. More  
6 appropriate to rugged landscapes and linear distance  
7 to the project. It allows for faster  
8 re-establishment of forested cover while  
9 accommodating the landscape and limitations. Steep  
10 slopes and extremely stony soils, and accessibility  
11 for trucks and equipment are less limits for these  
12 when factoring the planting whip-sized specimens.

13           All terrain vehicles can be utilized  
14 to facilitate hauling and staging activities and  
15 planting completed via foot traffic and simple hand  
16 tools.

17           The limiting factors include  
18 extremely shallow depths to bedrock and presence of  
19 extremely stony soils.

20           Seedlings, which are the one to two  
21 feet tall bare root stock, 1210 individuals per  
22 acre, statutorily planting density using tree  
23 replacement factor identified in the guidelines.

24           It's more appropriate to extremely  
25 rugged landscapes and longer distances from

1 available equipment access points. It allows for  
2 faster re-establishment of forested cover over  
3 natural successional processes while accommodating  
4 landscape and limitations for this project. It's  
5 appropriate for areas where extreme shallow depth to  
6 bedrock, steep slopes, and very or extremely stony  
7 soils and accessibility for trucks and equipment are  
8 limiting factors.

9           So all terrain vehicles, again, can  
10 be utilized to facilitate hauling and planting  
11 activities, likely implemented in conjunction with  
12 specialized seed mix containing tree species seeds.

13           So the maintenance schedule, like  
14 Mike discussed, will be conducted for a minimum of  
15 three years. We'll have four inspections per  
16 season. Supplemental watering weekly when seasonal  
17 rainfall is insufficient to maintain proper soil  
18 moisture. We may use water polymers, which assists  
19 in keeping moisture there for a longer period of  
20 time. Mulch ring to 36 inch diameter and three-inch  
21 thickness will be used for balled and burlapped  
22 specimens.

23           Tall growing weeds will be controlled  
24 to prevent adverse competition. All balled and  
25 burlapped specimens shall be supported by stakes and

1     guy wires.

2                     To continue the maintenance schedule,  
3     all balled and burlapped specimens will be  
4     maintained in a plumb position, not with an M but a  
5     B. All balled and burlapped specimens will be  
6     monitored for insects and disease and will be  
7     diagnosed and treated on a case by case basis.

8                     If there are heavy signs of deer  
9     browsing damage to vegetation, measures will be  
10    taken. We may be able to put fencing in, put bud  
11    caps during dormant season using repellents and  
12    ultimately replanting with deer-resistant species.

13                    Slow release fertilizers will be  
14    applied to the balled and burlapped specimens at the  
15    end of the first growing season to the trees within  
16    uplands. Fertilizers will not be used within  
17    wetland areas. And pruning will be done as  
18    necessary to remove the damaged, dead or insect  
19    infested branches.

20                    Survivorship monitoring and success  
21    rates. That was discussed earlier by Mike as well.  
22    Annual monitoring and survivorship and calculation  
23    of success rates will occur in all reforested areas  
24    for a minimum of three years following the  
25    completion of the replanting.

1                   Quantitative sampling will determine  
2 the type and quantity of woody species colonizing  
3 the construction right-of-way, including planted and  
4 volunteer species.

5                   So we'll be looking for not just  
6 percent cover or percent of successful growth.  
7 We'll also be looking at the community types that  
8 were meant to be planted and those that are thriving  
9 to meet what's the community types surrounding the  
10 workspace.

11                   Results will be compared to  
12 predetermined threshold success criteria. As Mike  
13 discussed, that's in the net no net loss guidelines.  
14 And restoration shall be considered successful if on  
15 visual survey the density is similar to the cover of  
16 non-nuisance vegetation to the adjacent undisturbed  
17 land.

18                   Annual monitoring reports will be  
19 submitted to the NJDEP Division of Parks and Forest  
20 at the end of each growing season. If actual field  
21 stem counts fall short of the predetermined  
22 threshold values, Tennessee will develop  
23 supplemental plans in conjunction with the  
24 appropriate state and federal agencies.

25                   Areas that don't meet the minimum

1 survival rate percentage shall have all unhealthy  
2 stock replaced within 120 days of receiving  
3 notification from New Jersey Forest Service. And  
4 inspections and replacement plantings shall continue  
5 with the same time frames until minimum survival  
6 rates are achieved.

7           So the new permanent right-of-way  
8 that I discussed that we'll need for the proposed  
9 pipeline, which cannot be reforested for safety  
10 reasons as well as operation and maintenance, we  
11 need to be able to maintain a line of sight to  
12 monitor our pipeline, and we also can't have root  
13 systems within a certain distance of our pipelines  
14 that are underground for integrity reasons.

15           So those areas that could not be  
16 reforested we'll be mitigating. So part of that  
17 that I just put under here is we do plan to reforest  
18 anything within the half acre grids that have less  
19 than 33 percent of forest cover that would not be  
20 required under the No Net Loss guidelines. Anything  
21 that's not reforested will either have off-site  
22 plantings or monetary compensation as the last  
23 resort, if no lands are identified for replanting  
24 possibility.

25           Off-site restoration projects are

1 subject to availability and recommendation by DEP  
2 Division of Parks and Forestry, and Fisheries and  
3 Wildlife. Tennessee will work with the Division to  
4 identify and conduct suitable off-site restoration  
5 projects.

6 As I stated, monetary compensation  
7 will be the last option and it will be per the  
8 requirements of the No Net Loss guidelines.

9 We put the website on here that you  
10 can check, and we have two Ms. We're happy to  
11 answer any questions that you might have. Thank you  
12 for coming tonight.

13 MR. D'ERRICO: As you know, the  
14 agenda calls for, and so does the public notice,  
15 that the next hour or so we can take comments and/or  
16 questions and/or statements from the public. The  
17 public does have 60 days to give their comments to  
18 us. The two projects, the one in Sussex County and  
19 the one here in Bergen/Passaic County are both on  
20 this website, spelled correctly so you can find  
21 them. They are there right up in front so when you  
22 first go on to the front page, that whole document,  
23 the plan that's in the back on the counter, we are  
24 going to leave a copy of that plan here in Ringwood  
25 Borough Hall, and we also are trying to get it -- we

1 will be getting it to the library as well. We did  
2 that with the other site as well in Sussex County so  
3 that the public can have paper access if they don't  
4 have this as well.

5 So we open it up for any questions.  
6 As you can see, we are keeping a record of the  
7 meeting and your questions will be taken for the  
8 record as well.

9 MR. SHUART: Jack Shuart, State  
10 Forest Service.

11 Have the permanent access roads that  
12 will be left after construction been final mapped  
13 yet? And how many of those are in the temporary  
14 work zones, the acreage corrections?

15 MS. DETTLING: Right now we're not  
16 proposing any new permanent access roads. There's  
17 only one, the Mahwah Meter Station, which is an  
18 aboveground facility, has an existing road, Bear  
19 Swamp Road, there. And if improvements are needed  
20 we'll be working with, you know, landowners to do  
21 those. But we're not planning on using any heavy  
22 equipment on that road. So we're planning to use it  
23 as is and we're not planning to build any new roads.  
24 So all the access roads that we are proposing to use  
25 for the project have been identified.

1 MR. SHUART: Okay. I work for the  
2 State Forest Service. I was wondering if it was  
3 going to be mapped, the availability of that  
4 information to them.

5 MS. DETTLING: They are, yes,  
6 absolutely.

7 MR. SHUART: Be careful on that Bear  
8 Swamp. It's a C1 classed native brook trout that  
9 runs on that road.

10 MS. DETTLING: We talked about it and  
11 I don't think the bridges that are on that road will  
12 even support any construction activity.

13 MR. SHUART: The main bridge was  
14 condemned a year ago at the base of the mountain.  
15 They wouldn't even allow a school bus to cross it.

16 MS. DETTLING: We're discussing using  
17 just light traffic that's authorized to use the road  
18 now to access the meter station facilities that  
19 are --

20 MR. SHUART: There was another access  
21 road that comes down from Route 17 from New York  
22 State, comes through the Old Ramapo Company lands  
23 that was used by the last logging company that  
24 worked up in that area on the north end of Bear  
25 Swamp. It crosses just down the hill from the

1 telemeters.

2 MS. DETTLING: If at any time there's  
3 other access road needs, we'll have to identify that  
4 and add them to the plan because right now the way  
5 they have it set, they've identified all the access  
6 roads that we're planning on using right now. All  
7 of them are existing.

8 MR. D'ERRICO: Any other questions,  
9 statements that need to be said?

10 Well, again, we appreciate you all  
11 coming out. Again, the material is online so you  
12 can get a handle on and actually see those maps and  
13 those kind of things, and we want to thank you all  
14 and we'll see you next time.

15 (Hearing concludes at 8:01 p.m.)

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C E R T I F I C A T E

I, DIANE AMORESANO DiTIZII, Certified  
Realtime Reporter, a Notary Public and Certified Court  
Reporter of the State of New Jersey, Certificate No.  
XI01674, do hereby certify that the forgoing is a true  
and accurate transcript of the proceeding as taken  
stenographically by and before me at the time, place  
and on the date hereinbefore set forth.

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

I DO FURTHER CERTIFY that I am neither a  
relative nor employee nor attorney nor counsel of any  
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