



NEW JERSEY HIGHLANDS COALITION

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July 6, 2010

Dear Mr. Kotler,

You may be aware that there is a request for a 24 year lease of public lands that will be heard before the State House Commission in an upcoming emergency meeting. The New Jersey Highlands Coalition has several concerns regarding this request by Tennessee Gas Pipeline Company, and we write this letter to bring your attention to these issues in your capacity as Deputy Attorney General. Please address the following matters before the next meeting of the State House Commission addressing this issue is held.

First, there are a number of legal issues that need to be addressed. In testimony provided on Friday, July 2, 2010, before the State House Commission, a lawyer representing Tennessee Gas Pipeline Company indicated that, pending the approval of the lease by the State House Commission, the company would like to begin construction work next month. The No Net Deforestation Act at N.J.S.A. 13:1L-14.4 provides that whenever land at least an acre in size is owned by a state entity and is scheduled for deforestation, a minimum of one public forum must be held 180 days prior to the deforestation of the area. At that meeting, the company's plan for deforestation and reforestation must be presented to the public. To our knowledge this meeting has not occurred, nor has the DEP currently scheduled the meeting to occur. If the members of the Commission are not aware of this unfulfilled legal requirement, we would like to ensure that the Commission is informed of the requirement, and the issue is addressed. We believe that the State House Commission should not take any action toward approval of this lease proposal until the various public bodies involved and the Tennessee Gas Pipeline Company comply with the No Net Deforestation Act by holding the required hearing and giving the public the required amount of time to comment. Please confirm how compliance with this statutory requirement will be achieved. With regard to a separate legal issue, it is unclear when the state provided notice to municipalities that the State House Commission would take action on this lease, and the New Jersey Highlands Coalition would like to ensure that proper notice was given. Please provide a copy of the notice to municipalities. If such notice has not been provided, please confirm that the next State House Commission hearing on this matter will be delayed pending proper notice.

Second, there are some more substantive issues. The infrastructure that the Tennessee Gas Pipeline Company is proposing to install on public lands would remain there for more than 24 years. The existing ROW and infrastructure was installed in 1954 with a fifty year lease, renewed for an additional twenty years in 2004. Why is the lease for this project not reflective of the amount of time the infrastructure will remain on our public lands, which will likely be 50 or even 75 years? We believe the artificially short lease term is reducing the income received by the State and is contrived to avoid compliance with Green Acres requirements.

Finally, at the State House Commission meeting on Friday, July 2, 2010 Senator Joseph Kyrillos was prevented from voting on this issue because he had not been present during public testimony on the lease. If Senator Kyrillos is present, will he recuse himself from voting at the emergency meeting being held in the next 10 business days or will he have to confirm he listened to the tapes from Friday's meeting before participating?

Thank you for addressing these concerns as this lease, if granted, will have major, potentially devastating impacts on one of the most significant environmental resource areas in the state, including the watersheds of North Jersey's largest water supply reservoirs.

Sincerely,



Kate Millsaps
Campaign Coordinator