



NEW JERSEY HIGHLANDS COALITION

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October 26, 2012

Mr. Steven Jandoli
New Jersey Department of Environmental Protection
Green Acres Program
Mail Code 501-01, PO Box 420
Trenton, NJ 08625
Steve.Jandoli@dep.state.nj.us
Submitted via email

Re: Notice of Application for Conversion of Lands Acquired with Land and Water Conservation Funds located within Block 82.13, Lot 57.01 in Clinton Township, NJ

Dear Mr. Jandoli,

The undersigned organizations oppose the proposed conversion of land acquired through the Land and Water Conservation Fund (block 82.13, lot 57.01) in Clinton Township for Transcontinental Gas Pipeline Company's (Transco) Northeast Supply Link Project (NESL). Not only is it inappropriate to propose development on parcels that are constrained by numerous and valuable environmental resources, it is also inappropriate to develop land that has multiple layers of protection through preservation for the sole benefit of private companies. That conflicts with all of the benefits of preserving land.

While this parcel is in the Planning Area of the Highlands Region, it is designated as part of the Protection Zone due to its many Highlands resources -- including the High Riparian Corridor Integrity Score, Critical Wildlife Habitat, and the Prime Groundwater Recharge Areas. The Highlands Regional Master Plan (RMP) states that land in the Protection Zone "consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes." The RMP clearly holds that, "[l]and acquisition is a high priority in the Protection Zone and development activities will be extremely limited..." Parcels within the Protection Zone are more worthy of protection than they are of development. Indeed, Hunterdon County saw the value in this property long before the Highlands Water Protection and Planning Act was even passed and in 1974, chose to preserve this parcel as part of the South Branch Linear Park.

It is reprehensible that this pipeline company has once again chosen this area for pipeline construction. The company has made a cynical and strategic decision that pursuing a route across public land is the easiest and least expensive route for them, no matter the environmental or public constraints on it. Since 1974, this parcel area has been recognized as providing an important ecological resource and now has multiple layers of protection through its designation as a preserved parcel -- Transco's plan to place a pipeline directly through this protected parcel is a direct and purposeful assault on those protections.

Transco should not be granted a conversion for this land. Frequently, we hear the argument that the NESL should have precedence because pipeline easements existed before the land was preserved. But bad planning should not beget bad planning. We now have the tools and we *should* have the foresight to prepare plans for our State that will not further degrade our dwindling environmental resources. There are plenty of degraded corridors in New Jersey -- if this pipeline must be constructed, it should be constructed through any of those areas. Transco has chosen not to explore these alternatives because they

are cost-prohibitive. But it will be more cost-prohibitive to repeatedly damage the land that provides clean drinking water to more than a million people in New Jersey. Step 3B-2, d. of the conversion proposal indicates that the applicant, “undertook an extensive needs and alternative routing analysis” and that,

“As required by the FERC regulations implementing NEPA at 18 C.F.R. §380.12(1), Transco provided an Alternatives Analysis (Resource Report 10) that was part of the Environmental Report submitted with the FERC Certificate application for the NESL Project. Transco 2011a. In the August 2012 EA, FERC prepared a comprehensive Alternatives Analysis.”

However, the referenced EA/Alternatives Analysis completed by FERC *does not include* any of the alternatives included in this proposal. Additionally, the proposal does not include an analysis of the potential use of either Horizontal Directional Drilling (HDD) or the Direct Pipe Method, methodology to be employed elsewhere in the Project purportedly to reduce damage to environmentally sensitive and protected areas.

The Environmental Screening Form (ESF, Step 6 of the Conversion Proposal) claims that there will be minor or no impacts to the environment, the aesthetics of the area, recreational opportunities, the economy, etc. We recognize that this proposal is only for the parcel protected by funding from LWCF, but to say that this project will have a limited impact on the environment is shortsighted and simply incorrect. We continue to urge government at every level to look cumulatively at these pipeline construction projects. It is particularly detrimental to review these projects parcel by parcel; and while reviewing these projects at a regional level offers a more comprehensive picture of the impacts associated with their development, we request that regulators also review these projects at an industry level. When these pipeline projects are considered across the entire industry we start to see the negative impacts associated with hydraulic fracturing (fracking), pipeline construction, and the treatment of wastewater used in fracking. In this way, there would be no denying the negative impacts caused by this project – the ESF of this conversion alone is meaningless and will be unable to conclusively determine that there will be little to no impact associated with development of the NESL.

Further, our main concern with this conversion proposal is that the major crux of the proposal is not included for review. We are expected to comment on the terms of this conversion proposal when replacement land has yet to be identified. The entire section regarding compensation for this conversion is deficient. There is no information available regarding how much money the State will receive in exchange for this conversion and no information demonstrating how or where the state will use this money to purchase replacement land. The proposal stipulates that

“as compensation for the release of this restriction, Transco will compensate NJDEP with a sufficient amount of money to be used towards the acquisition of replacement land (1:1 ratio)...The replacement land will be of at least equal fair market value and of reasonably equivalent usefulness and location to that being converted, as required by Section 6(f)(3) of the LWCF Act.”

The Department of Environmental Protection (NJDEP) has committed to identify replacement land within one year of the approval of this conversion. How will a fair and appropriate decision be made if the NJDEP and the public have no idea what will be received as replacement land if the conversion is granted? In addition, the proposal claims that

“the replacement land identified and ultimately acquired by NJDEP will satisfy the [State Comprehensive Outdoor Recreation Plan] SCORP, in that it will more than compensate for the loss of open space by providing future public recreational use and/or conservation of natural resources that are important to protecting New Jersey’s bio-diversity and the quality of life in New Jersey.”

How can this be a legitimate claim when there have been no parcels proposed for replacement land? If the replacement land is not identified now, how is it known “that it will more than compensate for the loss of open space?” In addition to an important piece of this proposal lacking specific compensation details, the applicant has the audacity to request an expedited approval of the conversion request, citing state-mandated tree clearing restrictions. In addition to our request to deny this conversion proposal, we also ask that this company *not* be allowed to pressure a decision on a deficient proposal when our State’s invaluable resources are at stake.

If and when the time comes to negotiate the terms of compensation for replacement land, we ask that the entire 2.219 acres (the total permanent and temporary easements) be leveraged instead of just the 1.228 acres that would be maintained as permanent Right of Way. There is sufficient evidence to support claims that “temporary workspace” is anything but temporary. Land in the temporary workspace will no longer be able to perform ecosystem services due to loss of vegetation and excessive soil compaction. No amount of mitigation can fully restore land impacted by the activities associated with pipeline construction. Because of this, we ask that the entire 2.219 acres of workspace be considered permanently impacted and be included in the calculations if replacement land is considered.

Due to our many concerns regarding construction of the NESL and this conversion proposal in particular, we are strongly requesting that this proposal be denied. It is inappropriate to propose major developments on land that has federal, state, and county protections through preservation with public funds. This application is deficient in that it lacks important details regarding replacement lands. We request that priceless public land *not* be traded for the construction of an unnecessary and unwanted pipeline that would only benefit one private company. Thank you for this opportunity to submit comments.

Sincerely,

Erica Van Auken, Campaign Coordinator
New Jersey Highlands Coalition

Jeff Tittel, Director
New Jersey Chapter of the Sierra Club

Bill Kibler, Director of Policy & Science
Raritan Headwaters Association

Jim Walsh, Eastern Region Director
Food & Water Watch

Nancy Rumore
Fight the Pipe

Matt Smith
350 NJ

Greg Gorman
MAPLE (Multi-State Alliance Promoting Lasting Energy)
Dale Hardman, President
NO Gas Pipeline

Laura Dempsey
Save the Park

Harriet Shugarman, Executive Director,
ClimateMama

Paul Kaufman
GreenFaith

Joellen Lundy, President
New Jersey Friends of Clearwater

Diane Wexler
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Miriam MacGillis, Director
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