

HIGHLANDS REGIONAL



MASTER PLAN  
2008

# Highlands Council Meeting

February 16, 2012



# Highlands Development Credit Bank Minutes



# HDC Bank Initial Purchase Program

- ❑ The HDC Bank created an Initial Purchase Program to acquire Highlands Development Credits (HDCs) with a priority for landowners in a hardship situation. Four Rounds have been completed as follows:
  - ❖ **First Round** – 87 HDCs on 109 acres for \$1,392,000.
  - ❖ **Second Round** – 54.50 HDCs on 80 acres for \$872,000.
  - ❖ **Third Round** – 261.75 HDCs on 144 acres for \$4,188,000.
  - ❖ **Fourth Round** – 93.25 HDCs on 153 acres for \$1,492,000.
- ❑ In sum, this represents nearly \$8 million in offers and should the Bank close on all offers the program will have preserved nearly **500 acres** at approximately \$16,346 per acre.

## Fourth Round - 3 Properties

The HDC Bank approved a resolution, at their meeting on February 2, 2012, making offers to purchase the development rights (HDCs) on:

- A. Block 19, Lot 110, Sparta Township, Sussex County
- B. Block 73, Lot 5 in Vernon Township, Sussex County
- C. Block 40801, Lot 85.01, Rockaway Township, Morris County



**Block 19, Lot 110**  
**Sparta Township, Sussex County**

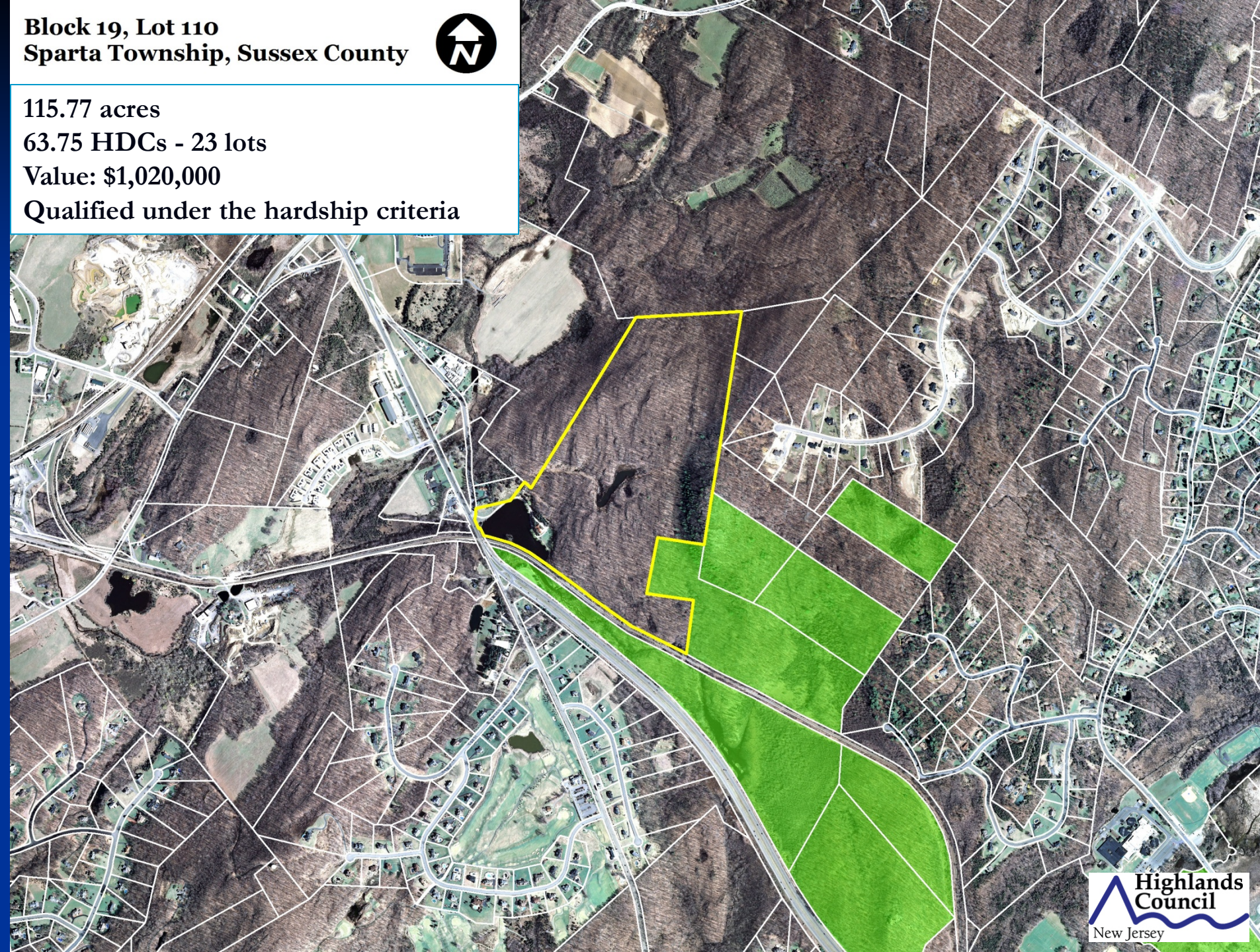


115.77 acres

63.75 HDCs - 23 lots

Value: \$1,020,000

Qualified under the hardship criteria





**Block 73, Lot 5**  
**Vernon Township, Sussex County**

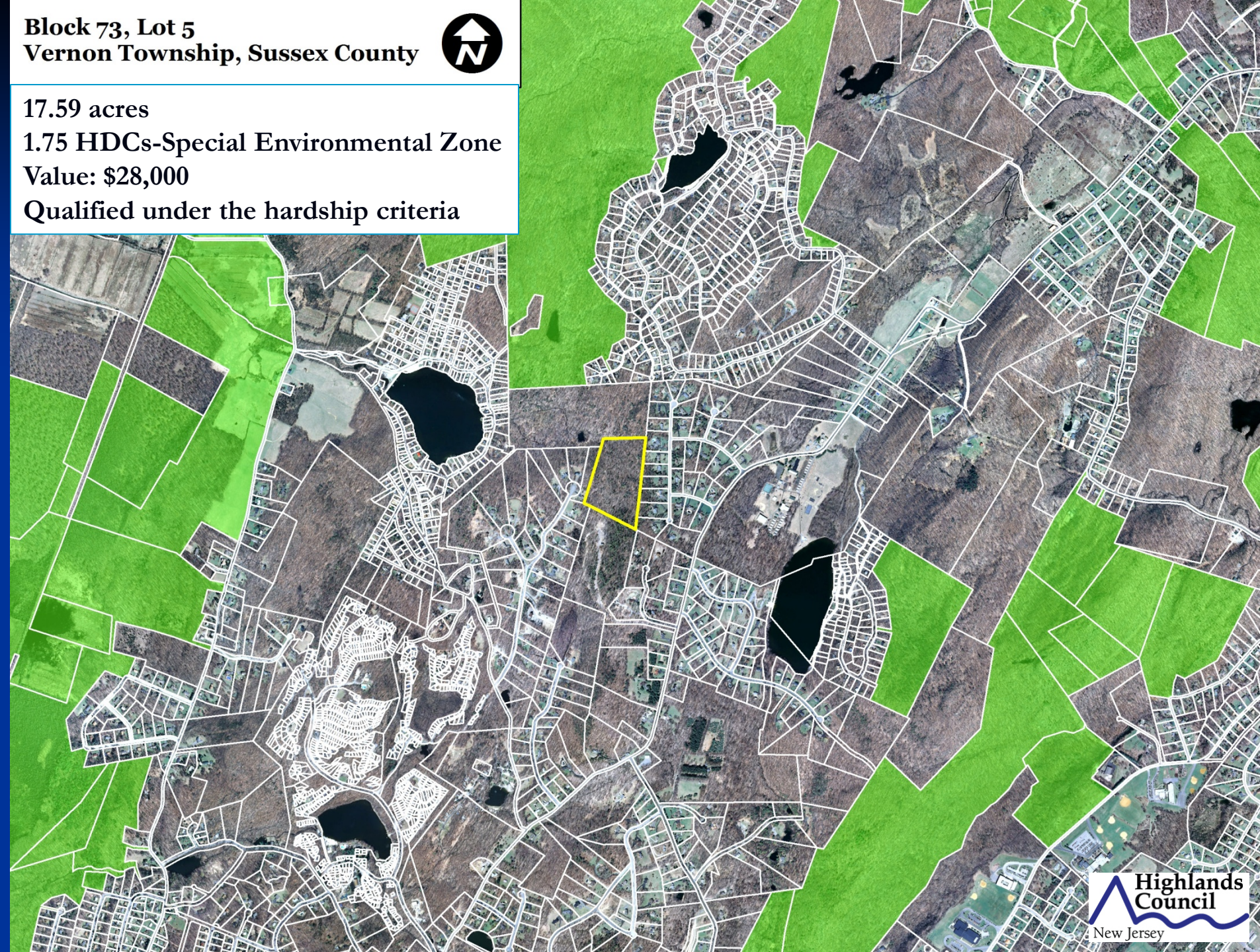


**17.59 acres**

**1.75 HDCs-Special Environmental Zone**

**Value: \$28,000**

**Qualified under the hardship criteria**





**Block 40801, Lot 85.01**  
**Rockaway Township, Morris County**



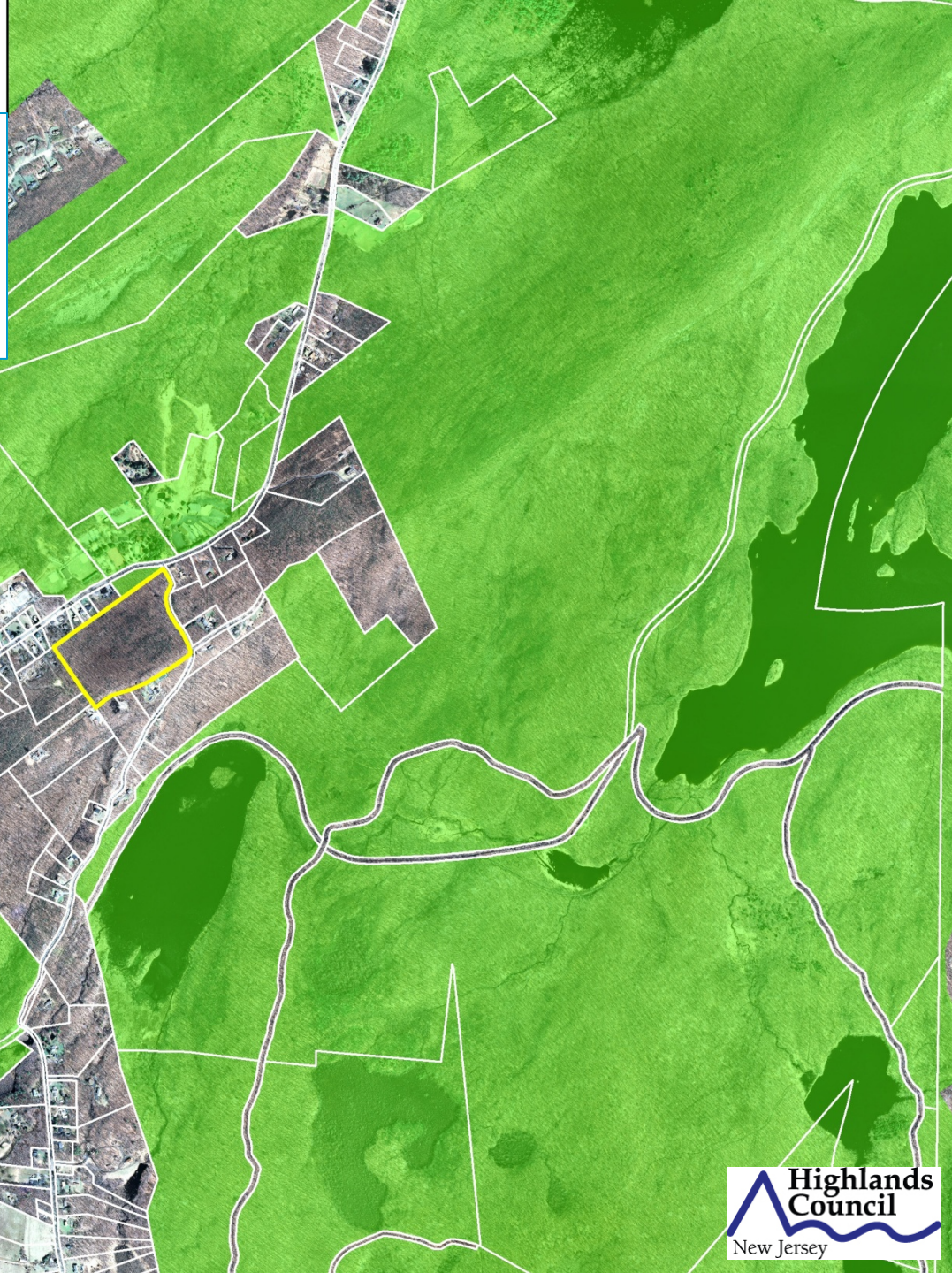
24.73 acres

27.75 HDCs - Special Environmental Zone

5 lots

Value: \$444,000

Qualified as SEZ





# Fifth Round of Initial Purchase Program

The HDC Bank also approved a Fifth Round, with approximately \$1 million in funding remaining, with the following deadlines:

- ❑ **April 27, 2012** – deadline for submitting **HDC Allocation Application** to the Highlands Council if property owner has not already done so.
- ❑ **June 29, 2012** – deadline for submitting **HDC Certificate Application** to HDC Bank where property qualifies for Bank consideration.
- ❑ **August 2, 2012 at 4 pm** – HDC Bank meeting to review applications that qualify for Fifth Round consideration.

# Status of HDC Allocations

- ❑ The Highlands Council has received HDC Allocation Applications from **78** property owners since launching the program in November 2009.
- ❑ To date, **55 property owners received an HDC allocation** while the **19 property owners** did not receive any allocation. Four applications are pending final review.
- ❑ Properties do not receive an allocation where there is no remaining development potential for which HDCs could be allocated. This may occur because of pre-Highlands Act environmental constraints, access issues, undersized lots, or existing easements or deed restrictions.
- ❑ To date, the Highlands Council has allocated a total of **1,205.50 HDCs** to these properties representing **a total HDC value of \$19,288,000** based upon the \$16,000 initial credit price. The **total acreage** receiving an HDC allocation to date is **2,314 acres**. The **average price per acre is \$8,334**.

# Plan Conformance Update

# Plan Conformance Update

Petitions Submitted: 65 (60 Municipalities and 5 Counties). Of these, 54 have been deemed Administratively Complete & posted to the Highlands Council website (including 2 Counties). Of these, 38 municipal Petitions and 2 county Petitions have been approved:

Townships (23) – Allamuchy, Bedminster, Bethlehem, Byram, Chester, Denville, Franklin (Warren), Green, Hardyston, Holland, Lebanon, Lopatcong, Mahwah, Montville, Mount Olive, Oxford, Pohatcong, Rockaway, Sparta, Tewksbury, Washington (Morris), Washington (Warren), and West Milford

Boroughs (12) – Alpha, Bloomingdale, Bloomsbury, Califon, Glen Gardner, Hampton, High Bridge, Kinnelon, Lebanon, Mount Arlington, Ringwood and Wharton

Towns (3) – Clinton, Hackettstown, and Phillipsburg

Counties (2) – Passaic and Somerset

# Plan Conformance Update

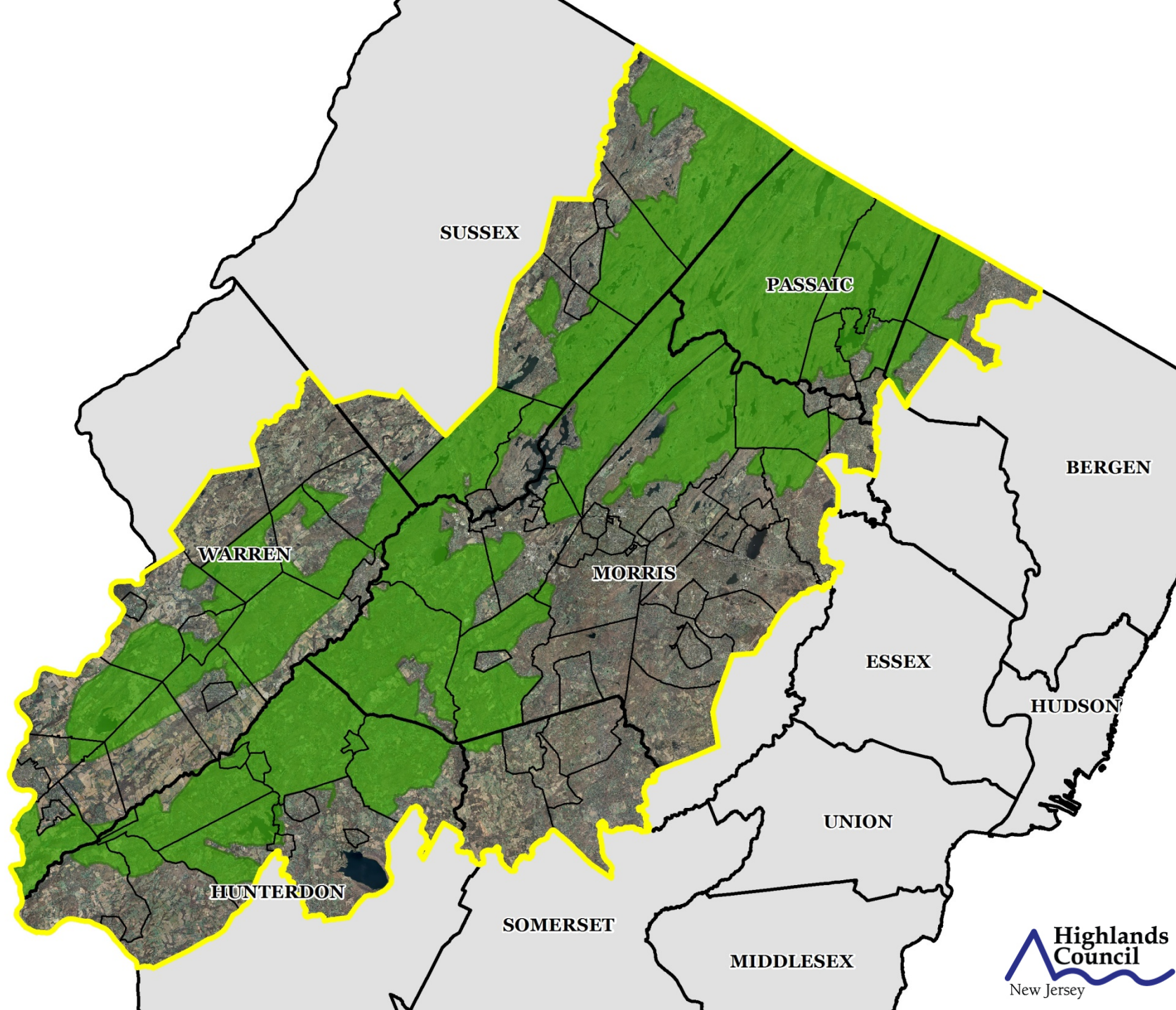
## Pending Petitions:

Today's Meeting (1): Ogdensburg Borough is seeking approval for their Petition for the Preservation Area

Should the Council approve this Petition, the Council will have approved 39 of the 60 municipal Petitions (65% of the total Petitions and 75% of the complete Petitions).

Draft Consistency Reports (11): Townships of Alexandria, Greenwich, Harmony, Independence, Randolph, Roxbury, Parsippany-Troy Hills, Union and Vernon; and the Boroughs of Oakland and Far Hills.





SUSSEX

PASSAIC

BERGEN

WARREN

MORRIS

ESSEX

HUDSON

UNION

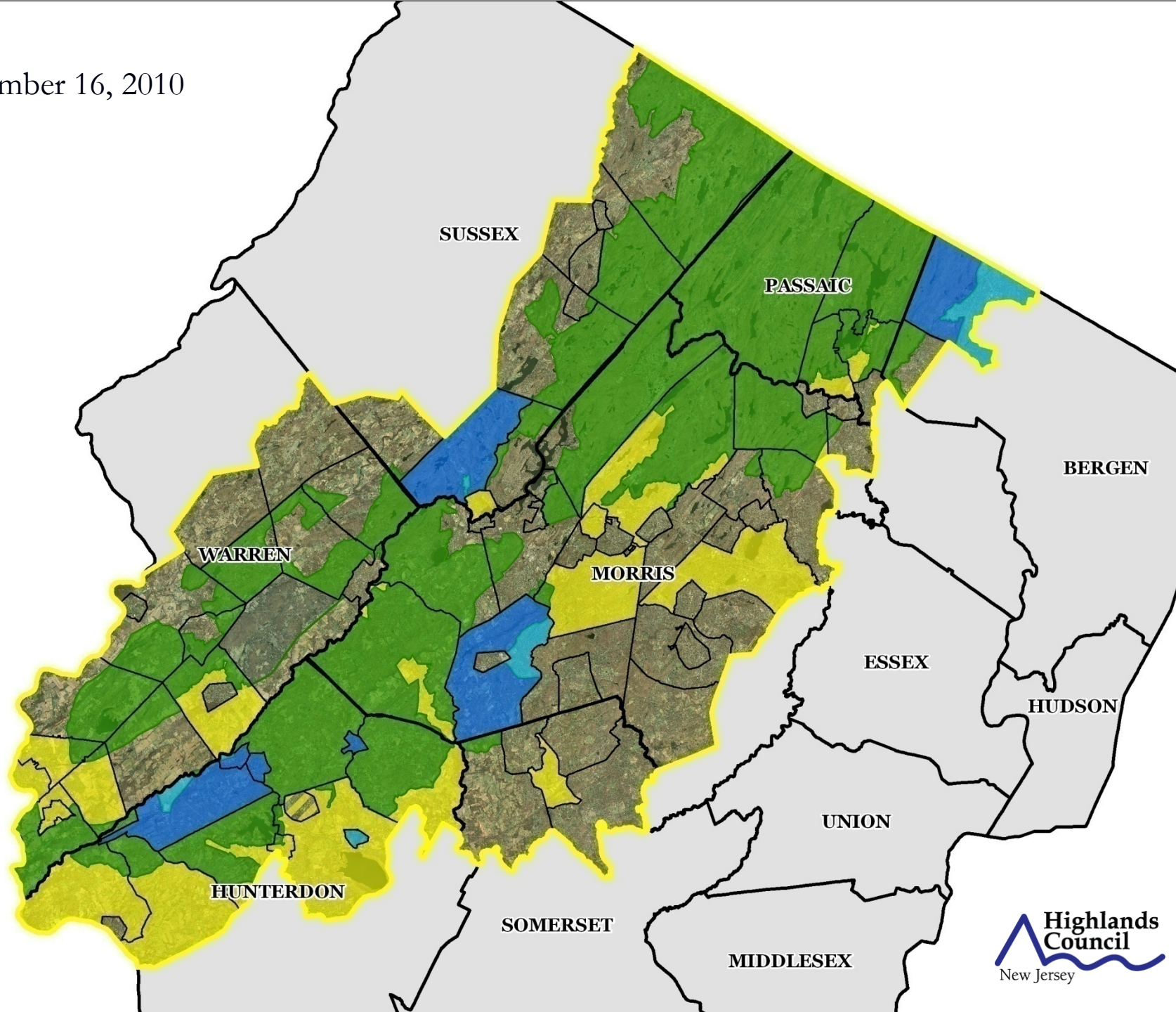
HUNTERDON

SOMERSET

MIDDLESEX

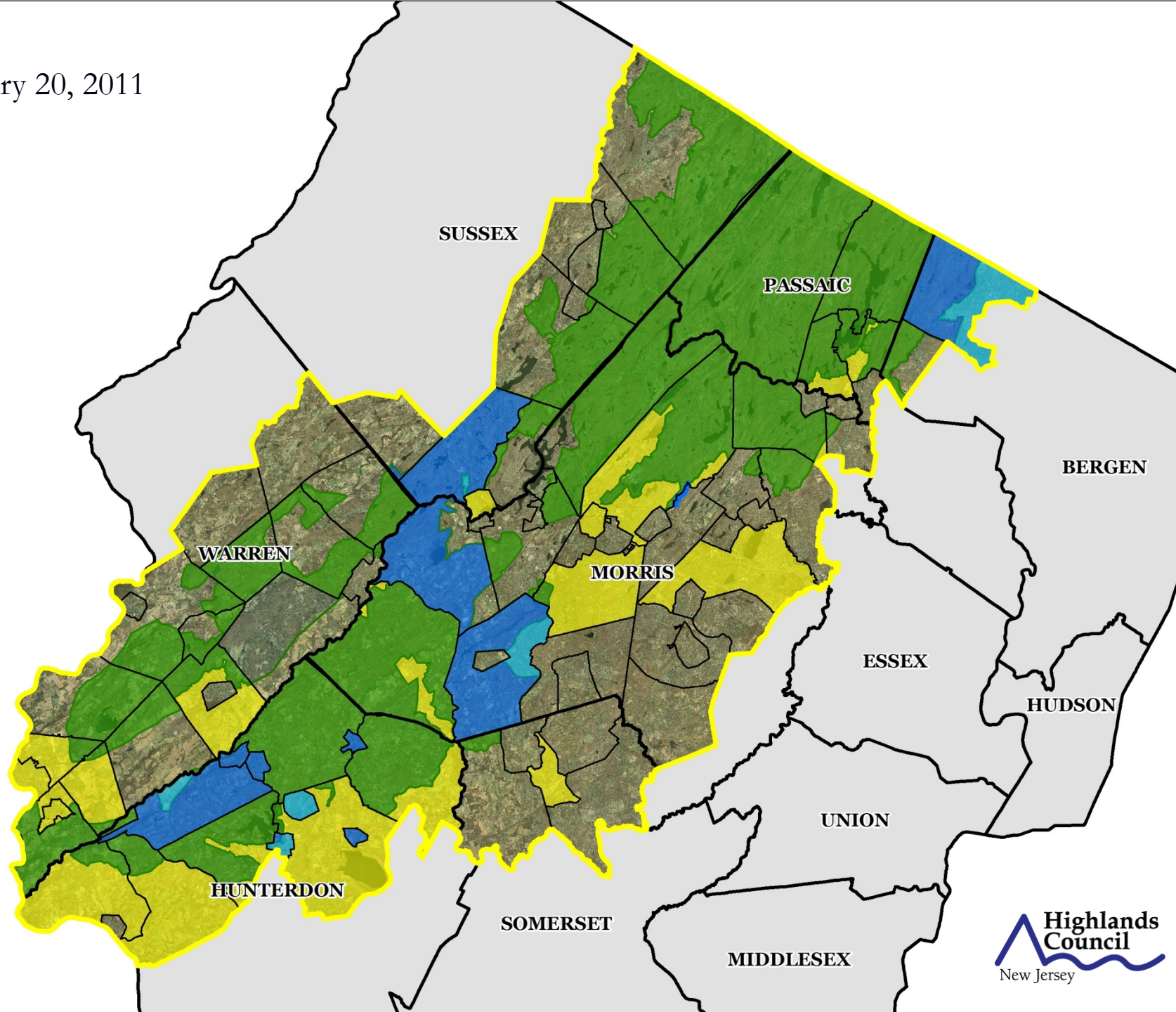


December 16, 2010



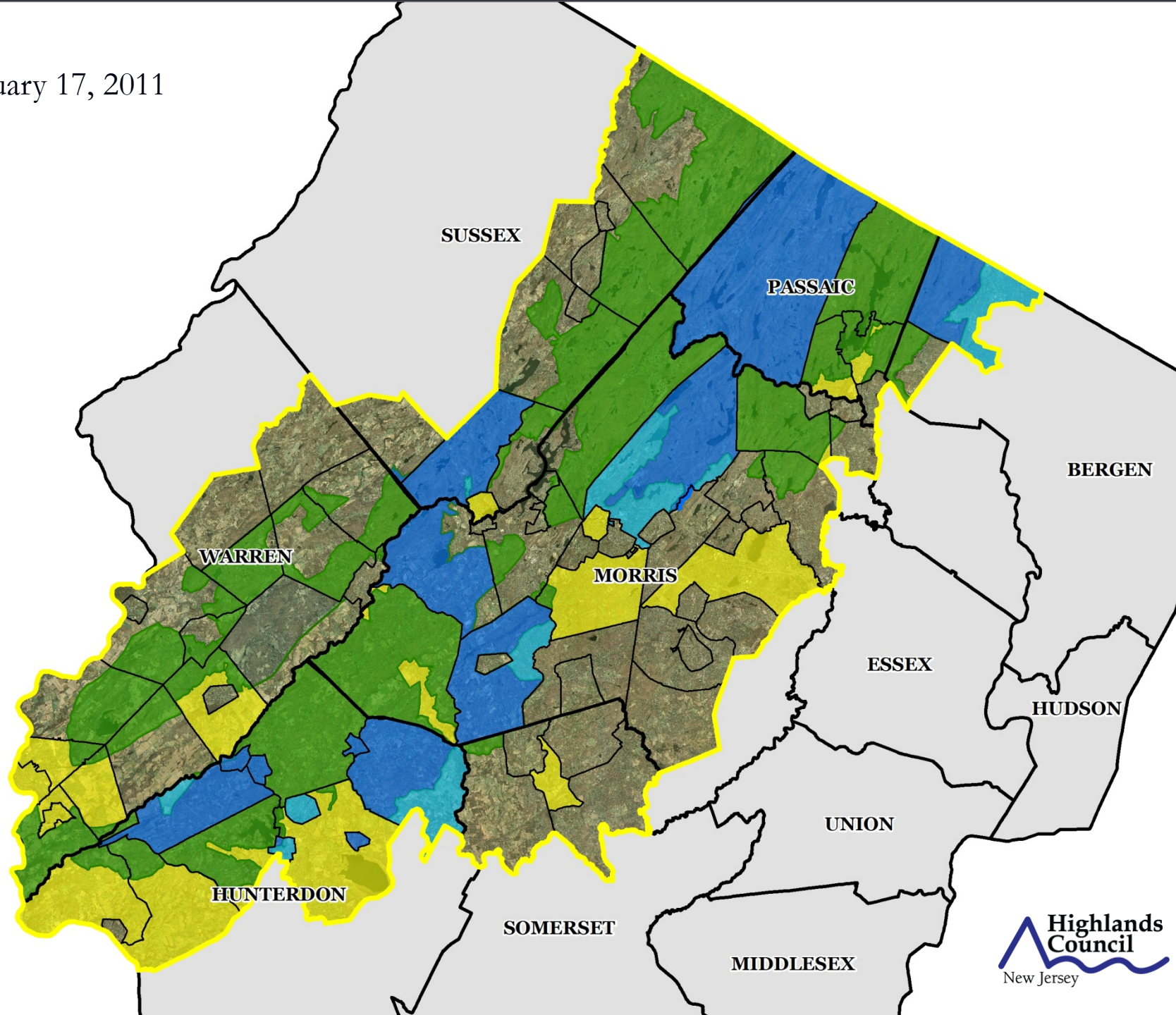


January 20, 2011



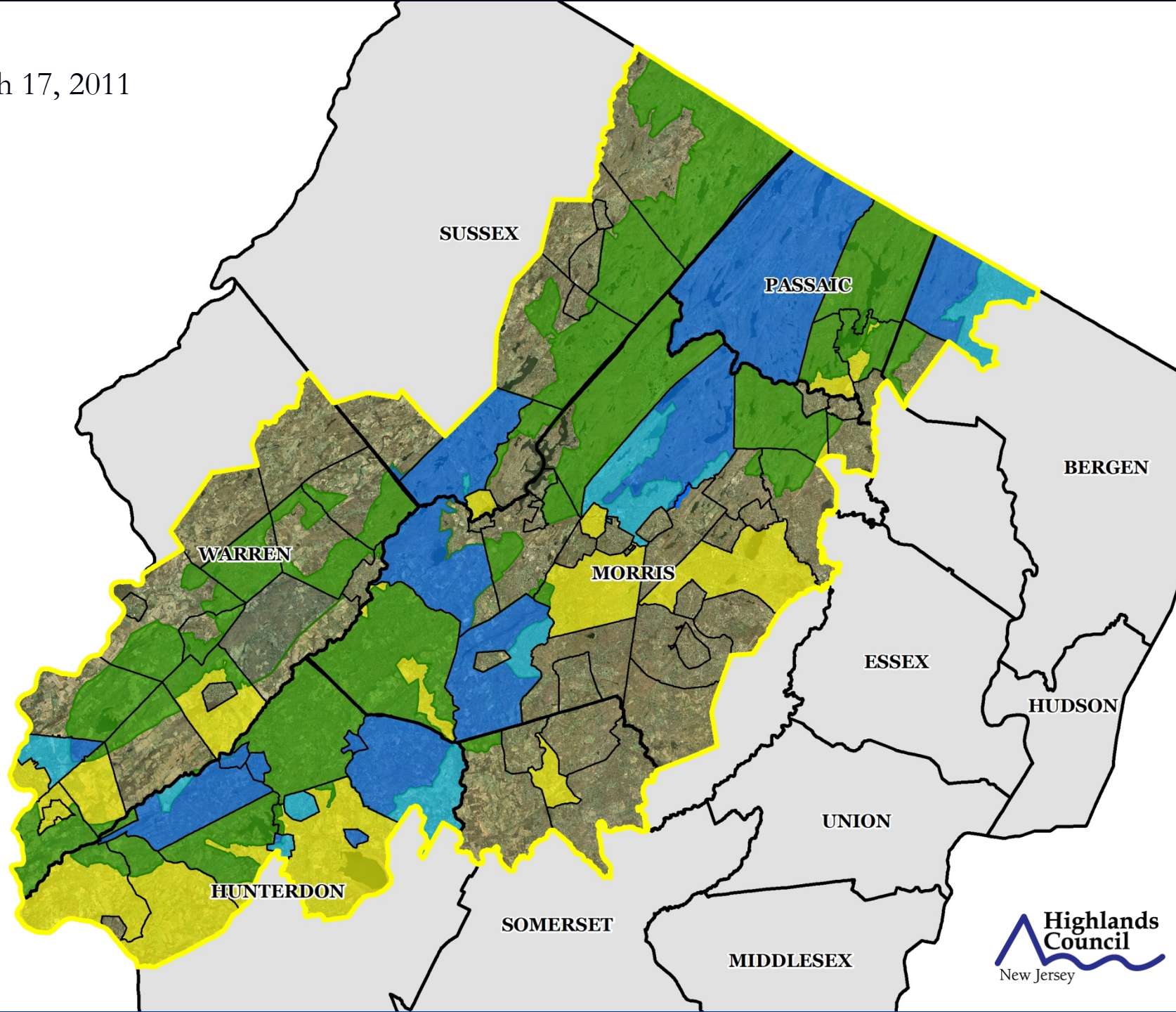


February 17, 2011



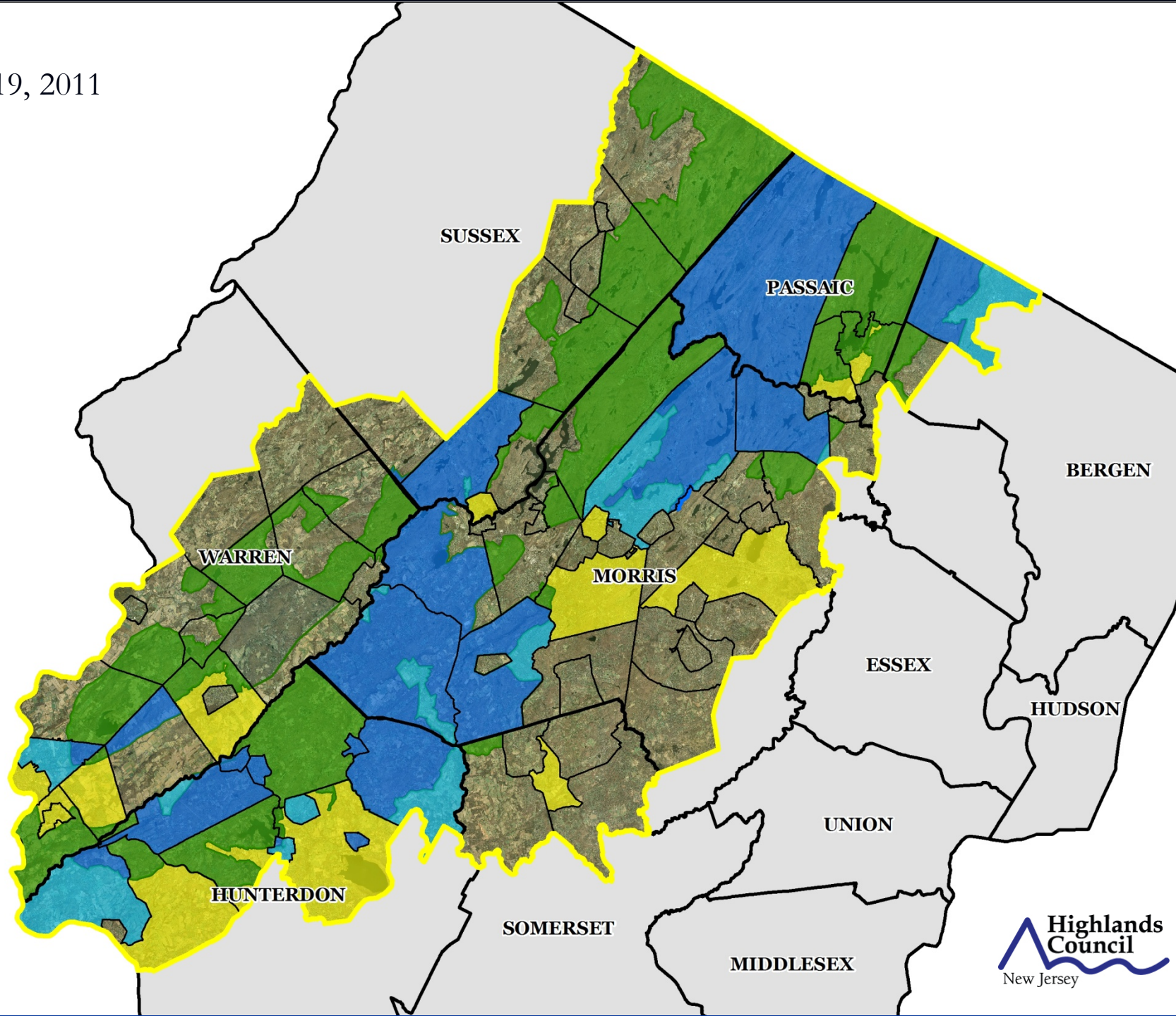


March 17, 2011



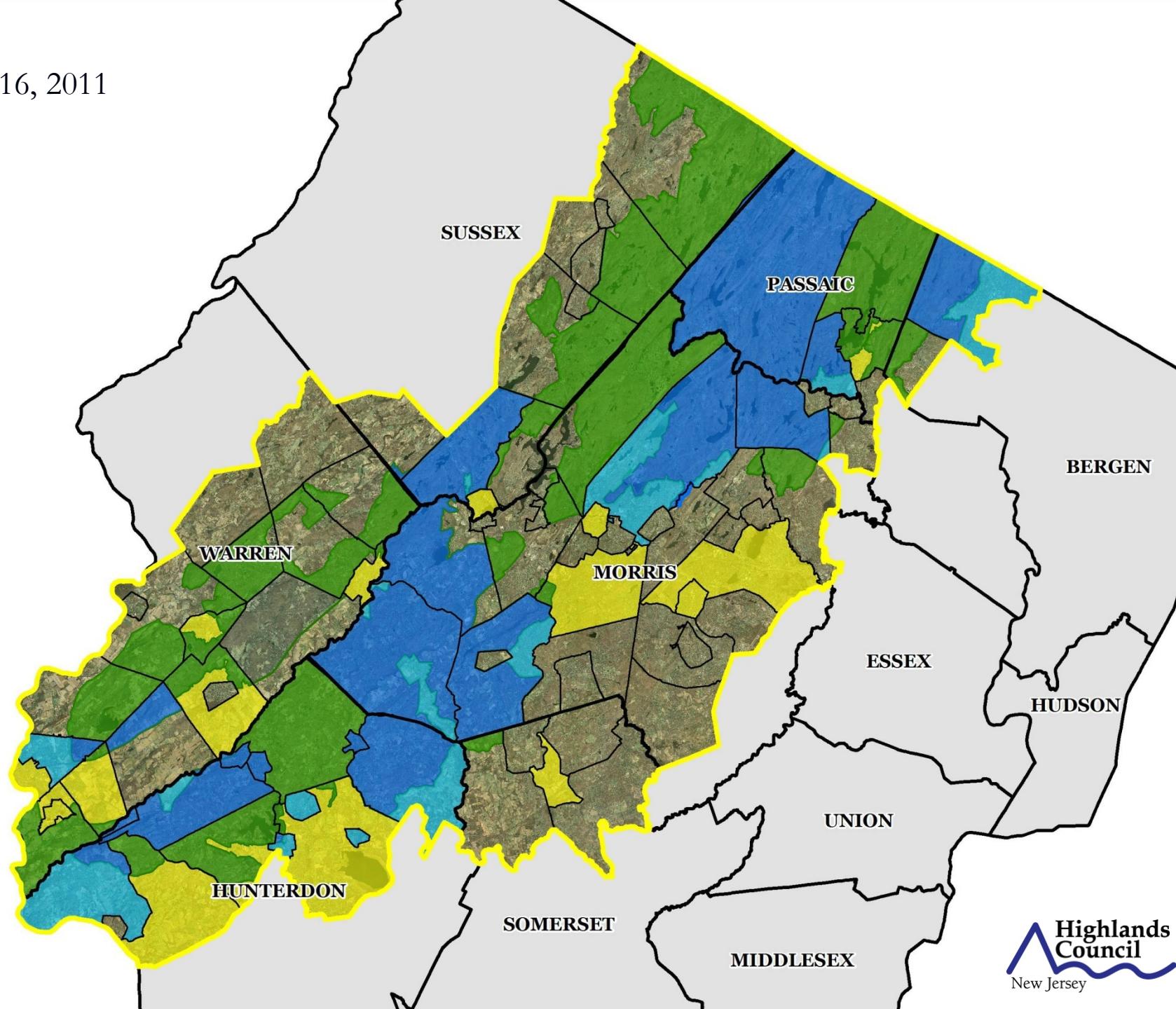


May 19, 2011



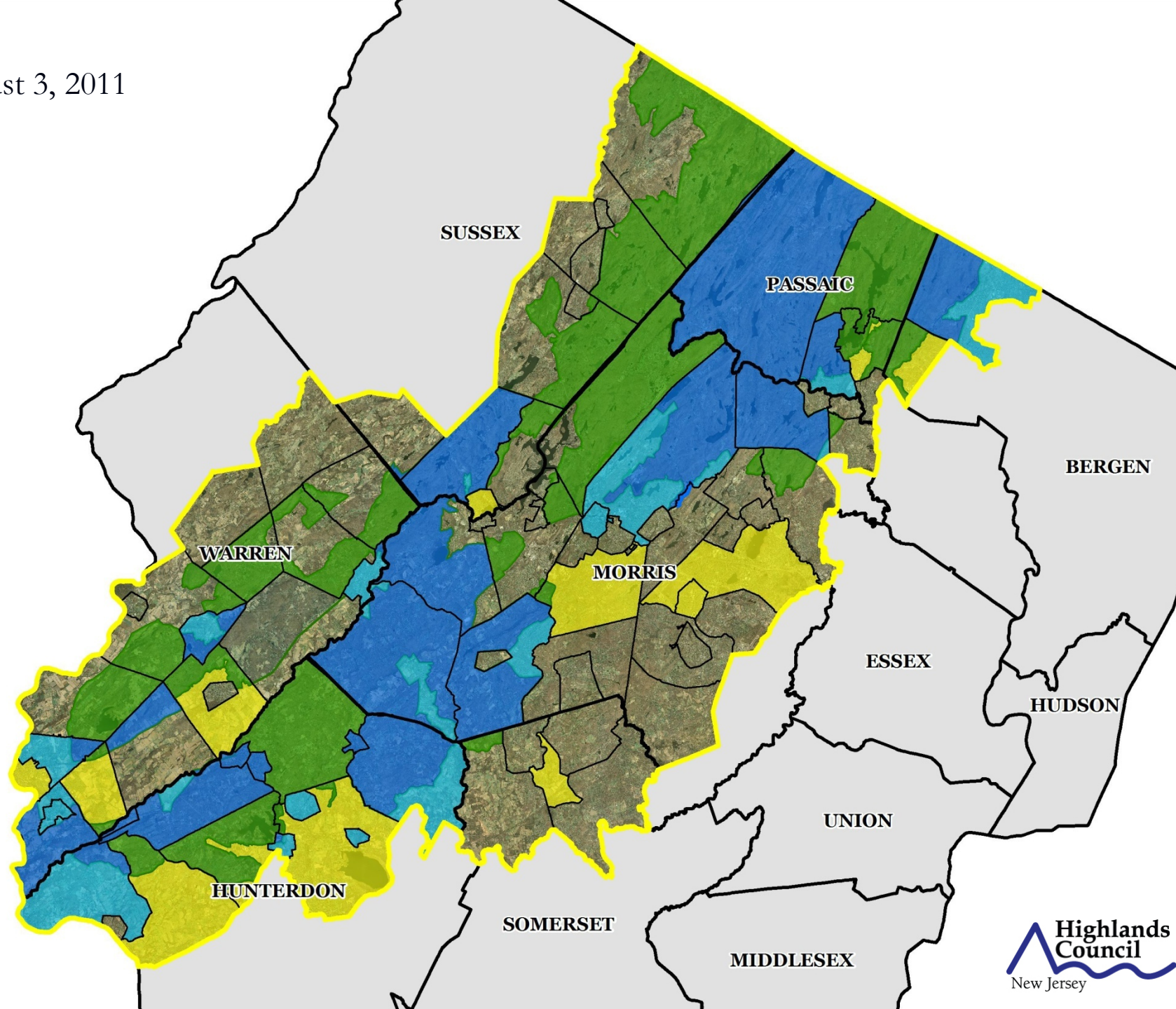


June 16, 2011



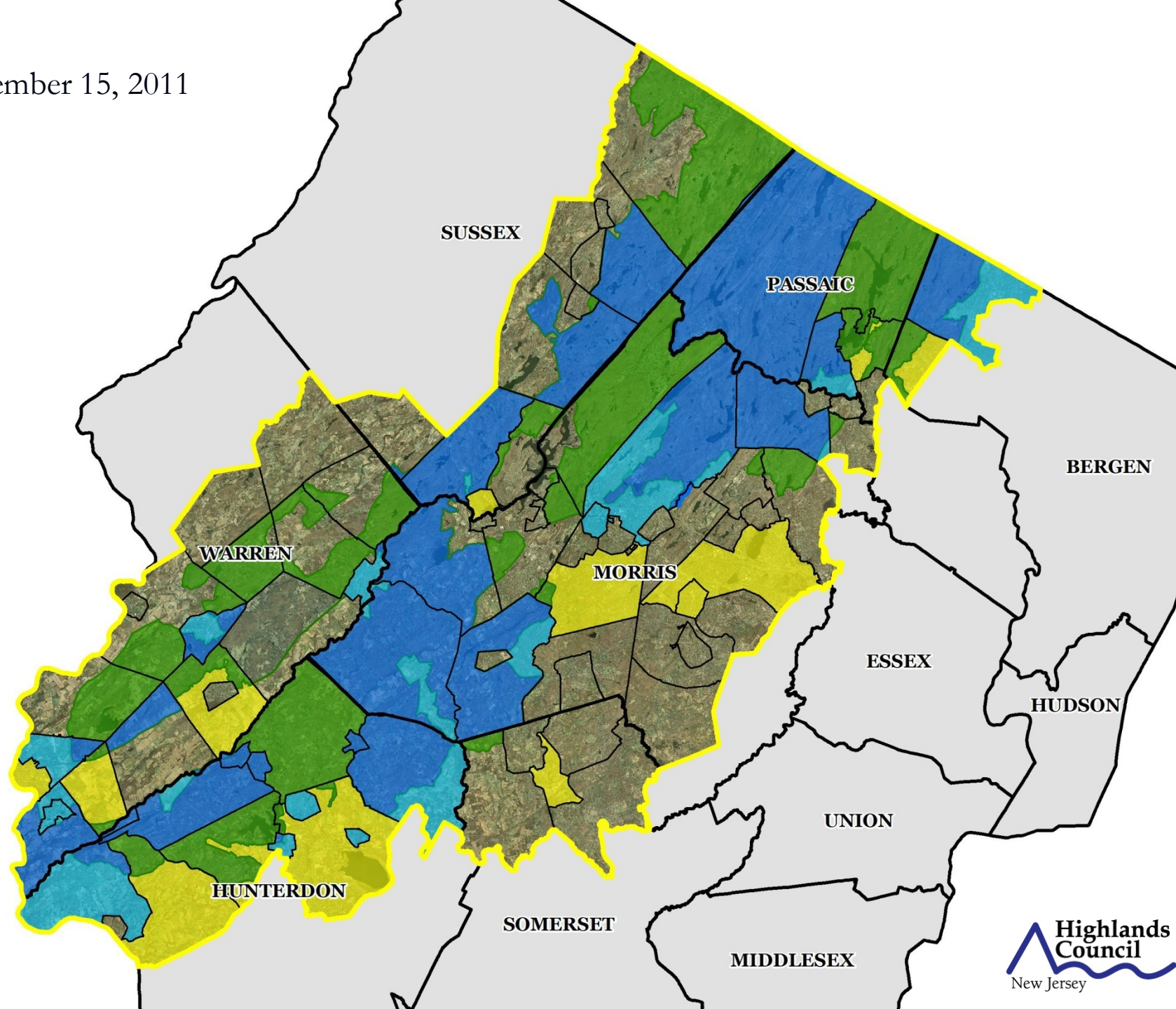


August 3, 2011



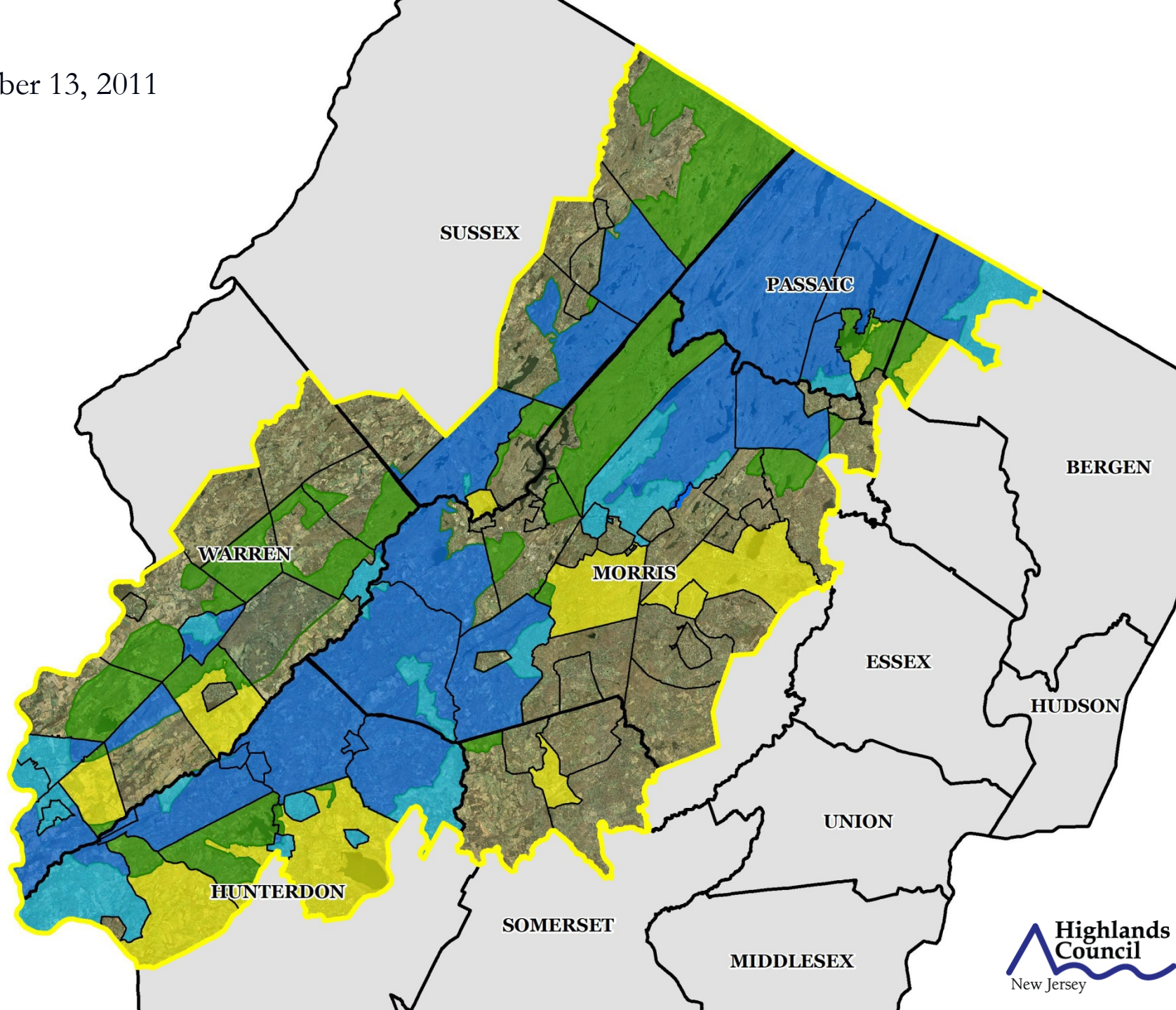


September 15, 2011



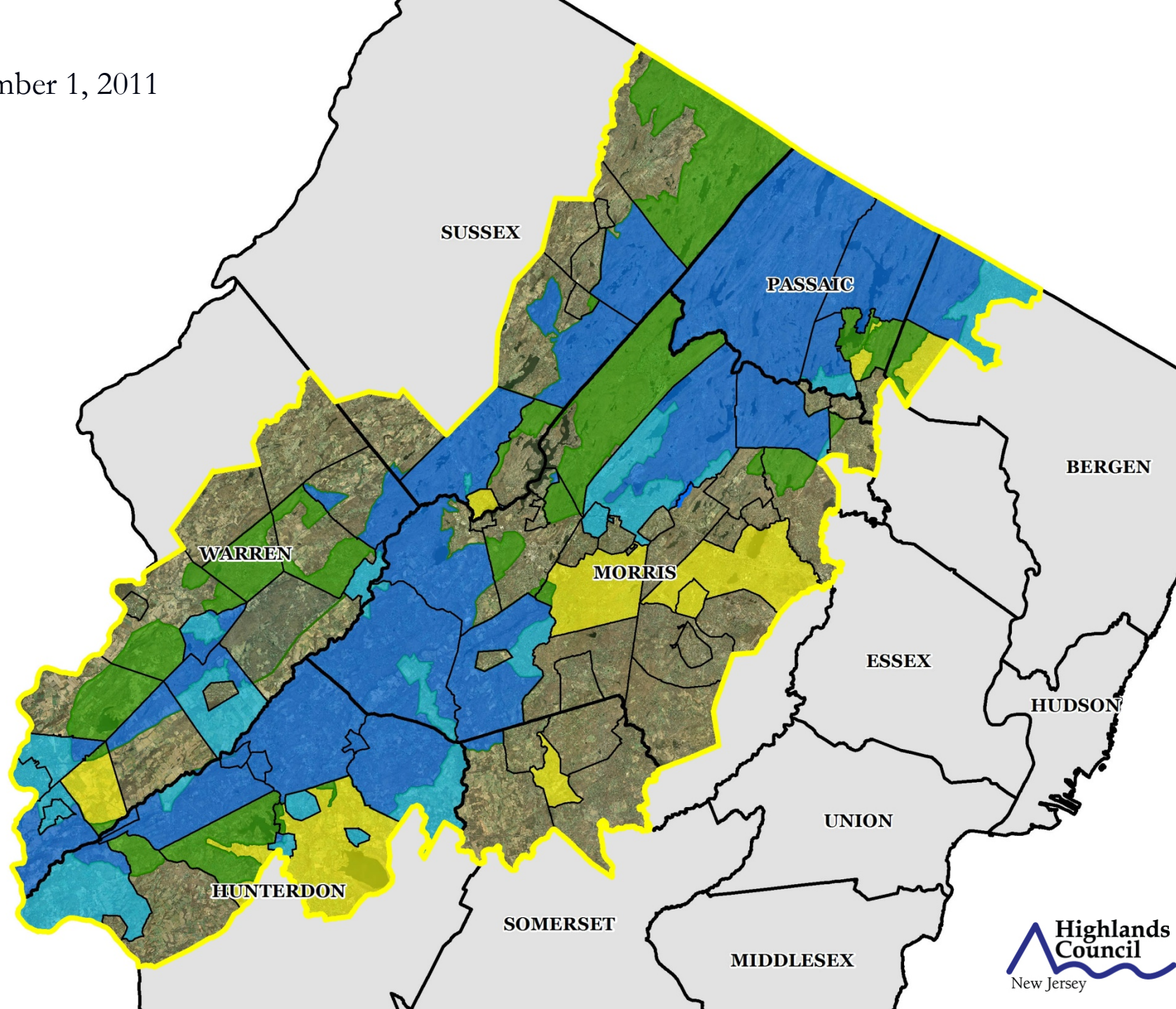


October 13, 2011



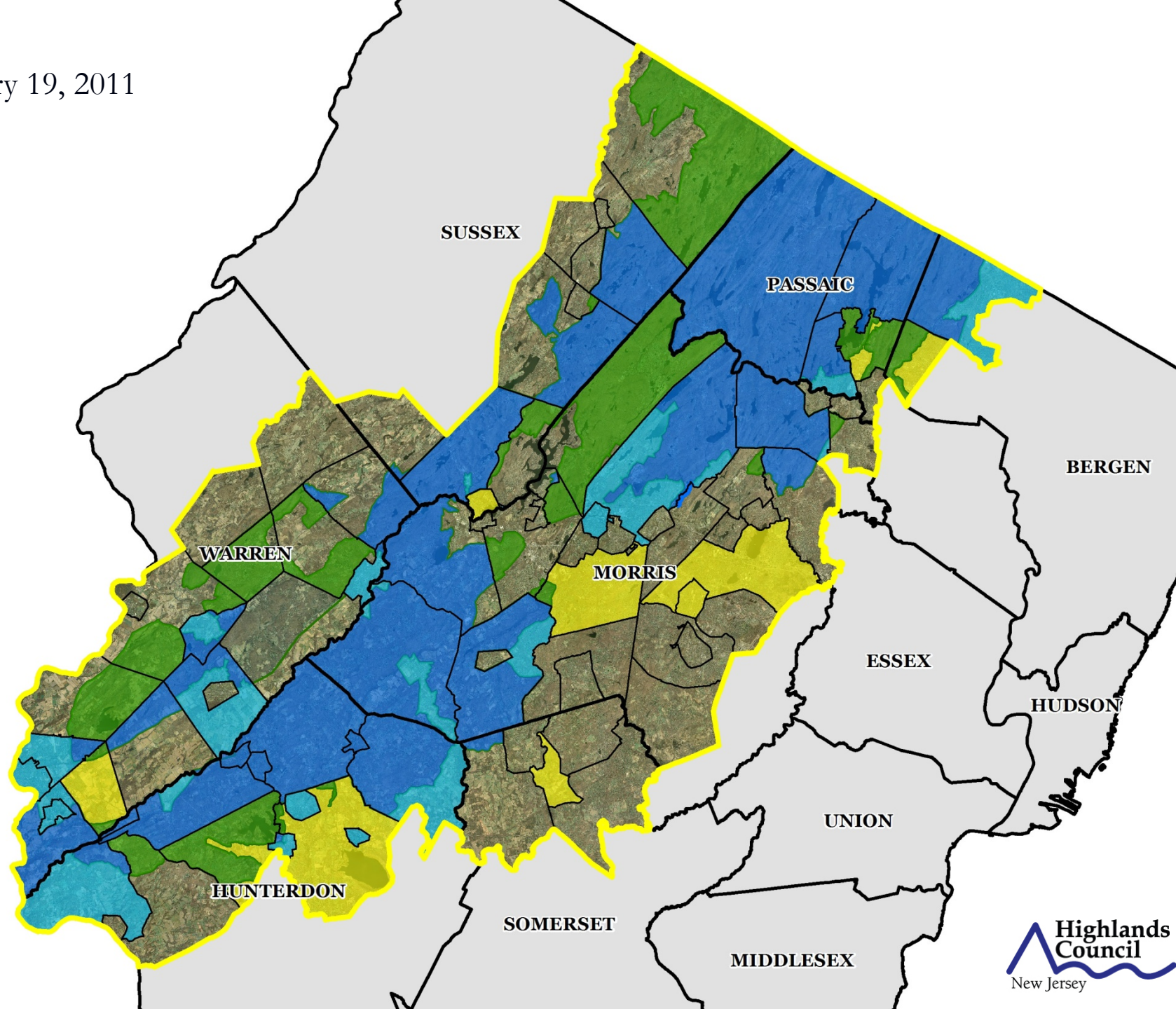


December 1, 2011



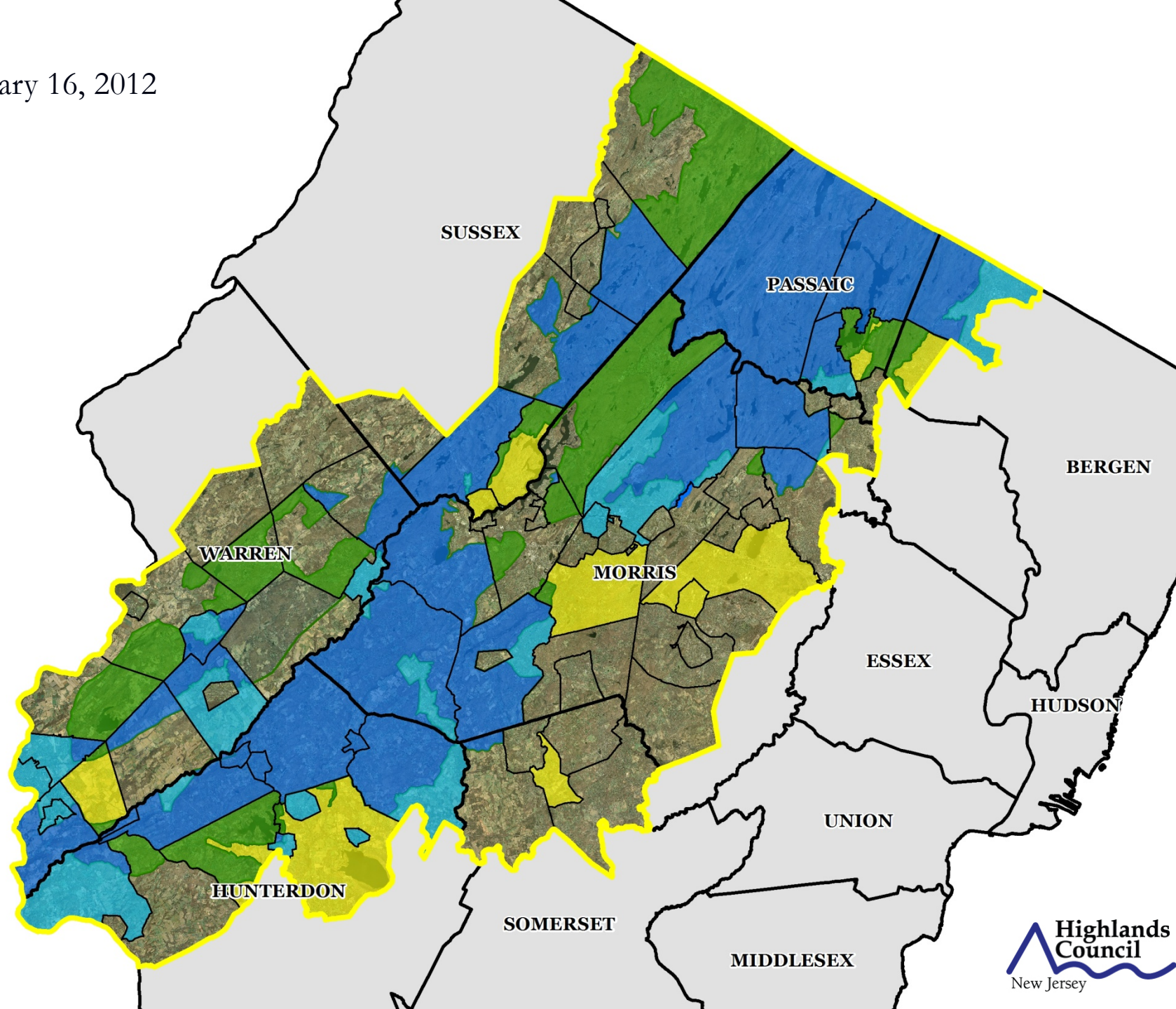


January 19, 2011





February 16, 2012



# Plan Conformance Update

These 60 Petitions result in 97% conformance in the Preservation Area lands (401,903 acres) and 33% conformance in the Planning Area lands (147,755 acres). Planning Area conformance recently increased with Hopatcong Borough Council voting to include the over 5,000 acres of their Planning Area in their Petition.

❖ Of the 47 municipalities that have land in both the Preservation Area and Planning Area, 25 municipalities (or 53%) have chosen to conform in the Planning Area. Of the Planning Area only towns, 9 of the 36 municipalities (or 25%) have chosen to conform. In total, 34 of the 83 municipalities with lands in the Planning Area (or 41%) have chosen to conform.



# Plan Conformance Update

## Implementation of Approved Petitions:

Implementation Status	#	Municipalities (New in red)
Total Approved Municipalities	37	
Planning Area Petition Ordinance	10	Alpha Borough, Bethlehem Township, Byram Township, Clinton Town, Hampton Borough, High Bridge Borough, Holland Township, Lebanon Borough, <b>Lopatcong Township</b> and Mahwah Township.
Master Plan Re-examination Report	2	High Bridge Borough, Holland Township
Checklist Ordinance	1	Holland Township
Environmental Resource Inventory	4	Byram Township, Califon Borough, High Bridge Borough, Lopatcong Township
Highlands Master Plan Element	2	Califon Borough, High Bridge Borough
Highlands Land Use Ordinance	1	High Bridge Borough

**Passaic County** – has approved the Highlands ERI, the Master Plan Highlands Element, and the Land Development and Land/Facilities Regulations.

# Plan Conformance Update

**Plan Conformance Grant Program:** Following are the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities:

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,839	73
Module 2	\$10,000	\$ 6,963	72
Module 3	\$ 7,500	\$15,352	64
Module 4	\$ 2,000	\$ 3,141	64
Module 5	\$ 2,500	\$ 6,534	56
Module 6	\$ 5,000	\$ 4,455	53
<u>Module 7</u>	<u>\$ 8,000</u>	<u>\$ 7,556</u>	51
Module Subtotal	\$50,000	\$57,840	
 <u>Municipal Response Costs</u>	 <u>\$ 8,000</u>	 <u>\$ 6,122</u>	 35
<b>Plan Conformance Cost</b>	<b>\$58,000</b>	<b>\$63,962</b>	



# Plan Conformance Update

**Plan Conformance Amended Grant Agreements:** Following are the average award amounts for implementation plans based on approved Highlands Implementation Plan and Schedules:

<u>Implementation Plans</u>	<u>Average Amount</u>	<u>Number</u>
Highlands Center/Redevelopment Plan	\$22,105	19
Sustainable Economic Development Plan	\$16,333	15
Wastewater Management Plan	\$3,515	34
Stream Protection & Restoration Plan	\$29,427	26
Lake Management Planning	\$28,750	4
Water Use & Conservation Management Plan	\$58,000	15
Habitat Conservation & Management Plan	\$17,240	25
Agriculture Retention/Farm Preservation Plan	\$11,594	16

# Public Hearing

## Ogdensburg Borough Petition for Plan Conformance for the Preservation Area



# Introduction to Ogdensburg Borough

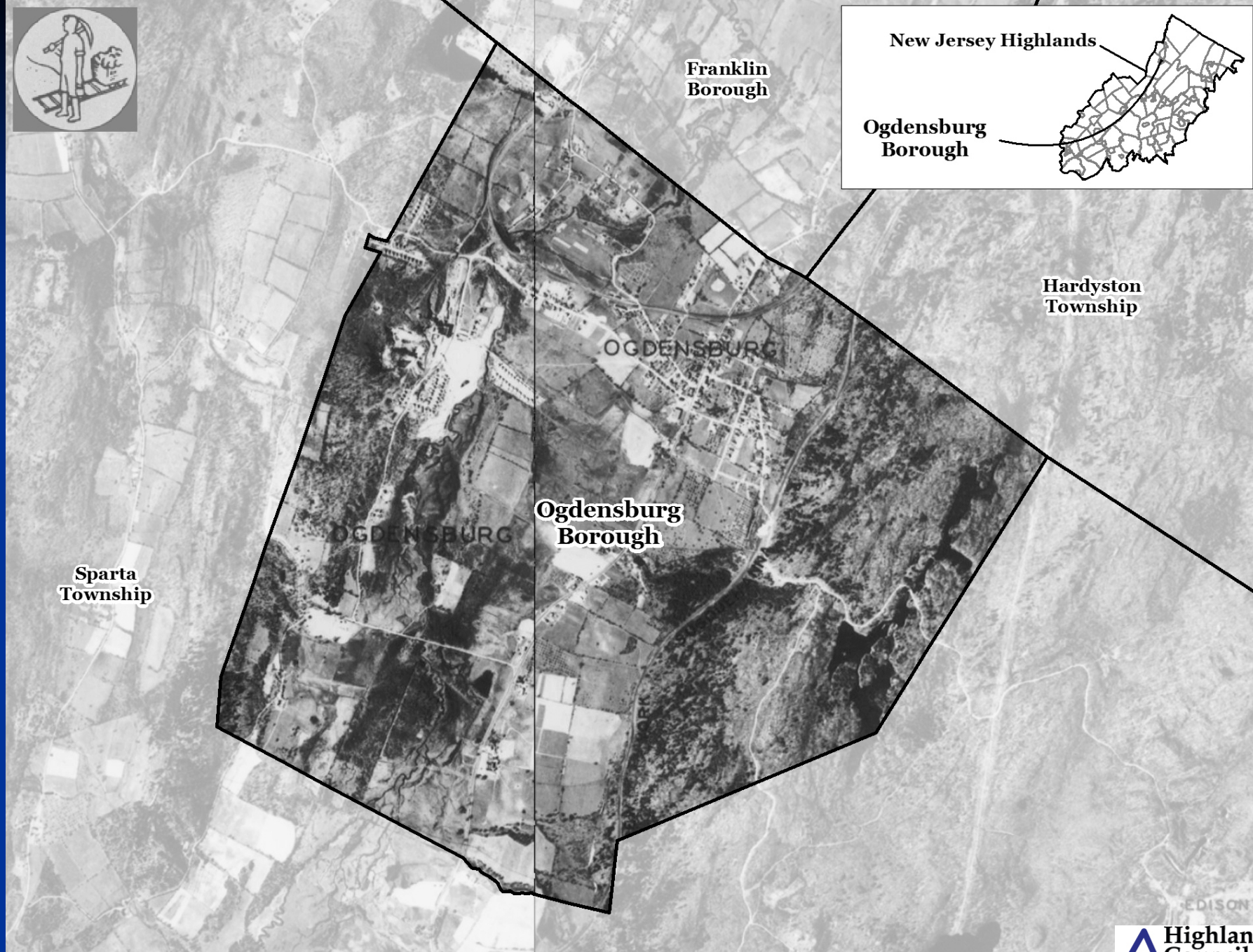
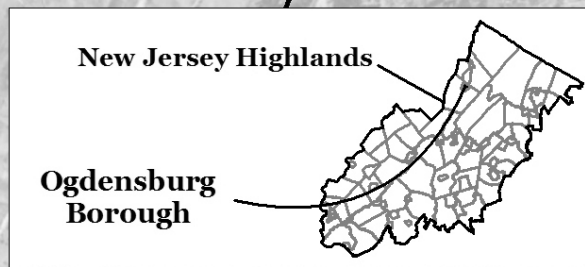


# Ogdensburg Borough

## Significant Highlands Statistics

- Planning Area Lands: 1,240 acres – 86%
- Preservation Area Lands: 197 acres – 14%
- Protection Zone: 902 acres – 63%
- Existing Community Zone: 335 acres – 23% (Roads 6%)
- Wildlife Management Sub-Zone: 114 acres – 8%
- Highlands Open Water Protection: 874 acres – 61%
- Critical Wildlife Habitat: 942 acres – 66%





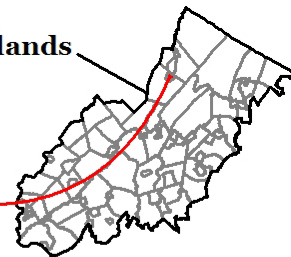
Ogdensburg Borough - 1930





New Jersey Highlands

Ogdensburg  
Borough






Franklin  
Borough

Hardyston  
Township

Ogdensburg  
Borough

Sparta  
Township

### Legend

-  Municipal Boundaries
-  Preserved Lands
-  Lakes Greater Than 10 Acres



# Preservation Area

- **Ogdensburg's Petition** is for the Preservation Area which encompasses approximately 197 acres (14% of the municipality). The entirety of the Preservation Area is either preserved land or water bodies. Accordingly, the various modules were waived or deferred to address this situation.

# Plan Conformance Modules

Petition Requirements	RMP Consistent	Specific Issues
Modules 1-2 Municipal Build-Out Report	X	None
Module 3 Housing Element/Fair Share Plan	Deferred	-
Module 4 Environmental Resource Inventory	Waived	Due to Preservation Area Lands
Module 5 Highlands Element	Waived	Due to Preservation Area Lands
Module 6 Land Use Ordinance	Waived	Due to Preservation Area Lands
Module 7 Petition for Plan Conformance	Waived	Due to Preservation Area Lands



# Ogdensburg Borough's Petition for Plan Conformance

## Public Comments Received

- The public comment period on the Borough of Ogdensburg's Petition opened January 25, 2012 and closed February 8, 2012.

No Public Comments were received during the comment period.

# Recommendation

## Ogdensburg Borough's Petition for Plan Conformance

Staff Recommendation:

APPROVE with the recognition that the Borough will ensure conformance with its constitutional obligations regarding affordable housing.



# Council Deliberation



## Ogdensburg Borough

# Highlands Exemption and Consistency Determination

Tennessee Gas Pipeline Company  
Proposed Amendment to 300 Line Project  
and Northeast Upgrade Project



# Tennessee Gas Application for an Exemption (#11) from the Highlands Act

## Exemption #11 from the Highlands Act:

(11) the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act.

- Exemptions in the Preservation Area are approved by NJDEP in coordination with the Highlands Council who determine consistency.
- Exemptions in the Planning Area are approved by the Highlands Council.

# Exemptions

- Consistent with the RMP (Objective 7F1f ), the Highlands Council assesses the project against: 1) the Highlands Act, 2) the RMP and 3) NJDEP's Preservation Area rules to determine whether the project is consistent with the goals and purposes of the Highlands Act and therefore should be deemed exempt.
- The Highlands Council use a model Consistency Determination tool to assess the consistency of any application. In order for an exemption to be approved, any inconsistencies must be addressed through a Comprehensive Mitigation Plan.



# Consistency Determination



## HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

### PROJECT INFORMATION

Project Name:		Date:
Name of Applicant:		
Areawide WQMP:	WMP:	
Municipality:	County:	
Exempt project? <input type="checkbox"/> No	Project specific amendment? <input type="checkbox"/> No	WMP review? <input type="checkbox"/> No
NJDEP Activity #:	HPAA#:	
Lot and Block, if applicable:		
Sewer Service Area/WWTP Facility:		
Sewer Service Area/WWTP Facility: New <input type="checkbox"/> Existing <input type="checkbox"/> If existing provide the following:		
Proposed Change in Service Area or Wastewater Flow?: No		
NJPDES #:	Permit Discharge (MGD):	
Type of Discharge: GW <input type="checkbox"/> SW <input type="checkbox"/>	Total Proposed Service Area (acres):	
Total Existing Service Area (acres):		
Description of Project:		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input checked="" type="checkbox"/> If yes, percentage? %	Planning Area <input checked="" type="checkbox"/> If yes, percentage? %	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		

Protection Zone <input type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input type="checkbox"/>
Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>		Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>		Wildlife Management Sub-Zone <input type="checkbox"/>

The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; C stands for Consistent, I for Inconsistent, and N/A means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.

### PART 1 NATURAL RESOURCES

#### SUBPART A FOREST RESOURCES

Project Area within Forest Resource Area? <input type="checkbox"/> No			
If yes to above, is there Encroachment into a Forest within Forest Resource Area? <u>NA</u>			
Forest Integrity Value (check one): High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
Regional Master Plan Goals, Policies, and Objectives:	<u>C</u>	<u>I</u>	<u>N/A</u>
Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Project Description and History

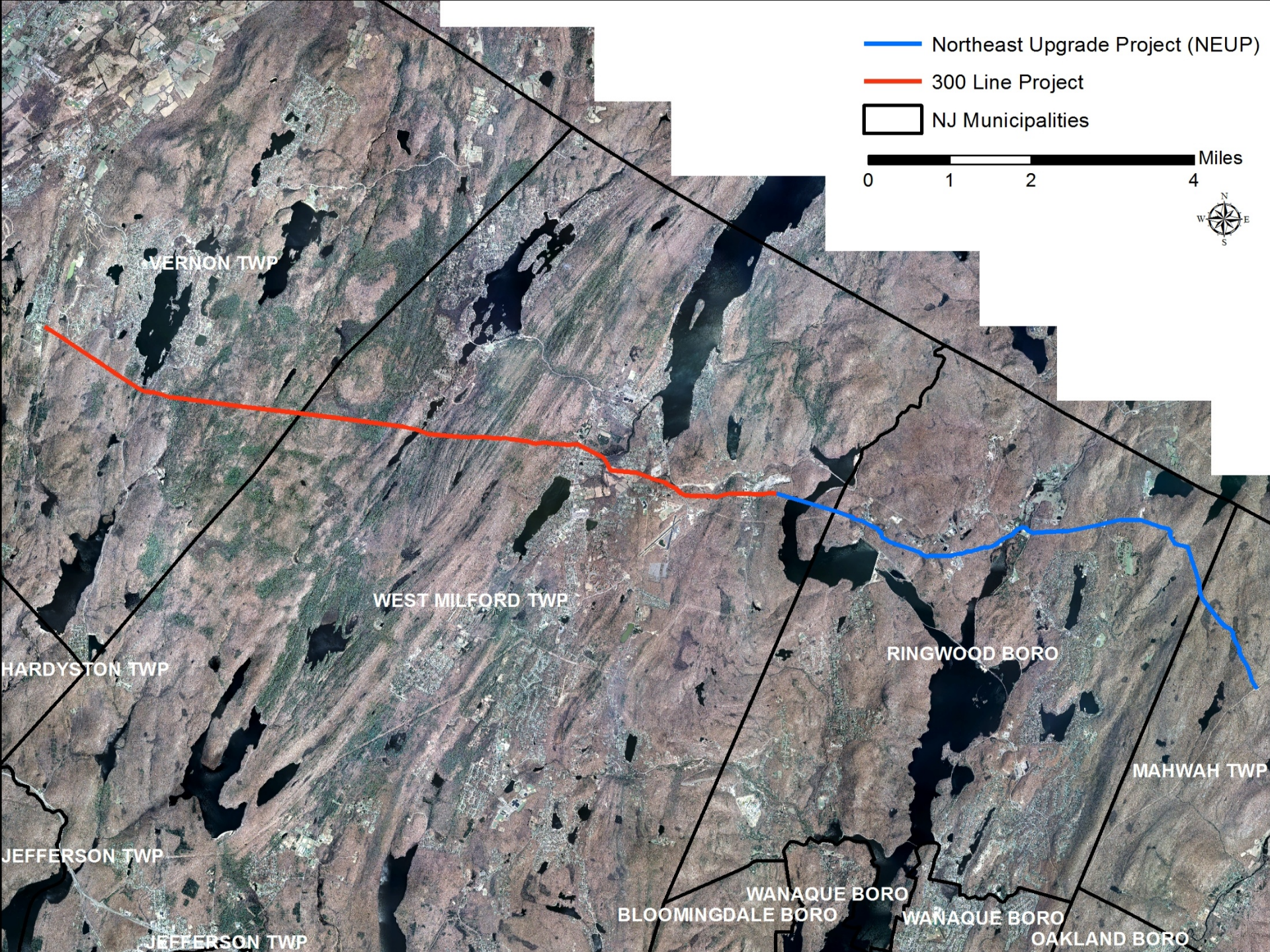
- Tennessee Gas Pipeline Company's "300 Line" is an **existing 24-inch underground natural gas pipeline system**, built in the 1950's, that traverses northern Pennsylvania and northwestern New Jersey. The existing maintained right-of-way (ROW) is 50-feet in width in the New Jersey segment.
- Approximately 15 miles of the **300 Line Project** is located in the Highlands Region (approximately 10 miles in the Preservation Area and 5 miles in the Planning Area);
- **November 12, 2009** - The Highlands Council approved Resolution #2009-56 finding that the 300 Line Project met Exemption #11



# 2009 View of Existing Right of Way (ROW) (established 1950s)







— Northeast Upgrade Project (NEUP)

— 300 Line Project

□ NJ Municipalities

0 1 2 4 Miles





# Project History cont'd

- Consistency was achieved through the applicant's Comprehensive Mitigation Plan (CMP). The Council conditioned the approval upon the implementation of the CMP.
- **July 8, 2011** - Tennessee Gas submits an application to amend the 300 Line Project. Modifications have been proposed since the 2009 determination that the project was exempt from the Highlands Act under Exemption #11.
- **November 2011** – 300 Line Project is in service.

# Installed and Restored ROW - Mountain Creek Ski Resort, Vernon Township





# 300 Line Project Modifications

- Length reduction for 300 Line Project by 1.29 miles and reduction of temporary workspace.
- 16 additional temporary access (existing) roads for use during construction.
- Pipeline route modification to avoid two timber rattlesnake dens.
- ❖ Project modifications will not result in increased land disturbance.
- ❖ Highlands Council Resolution for amendment - Mitigation Plan amended for Quarterly Report specifically on Highlands Comprehensive Mitigation Plan .

# Exemption Application for the Northeast Upgrade Project

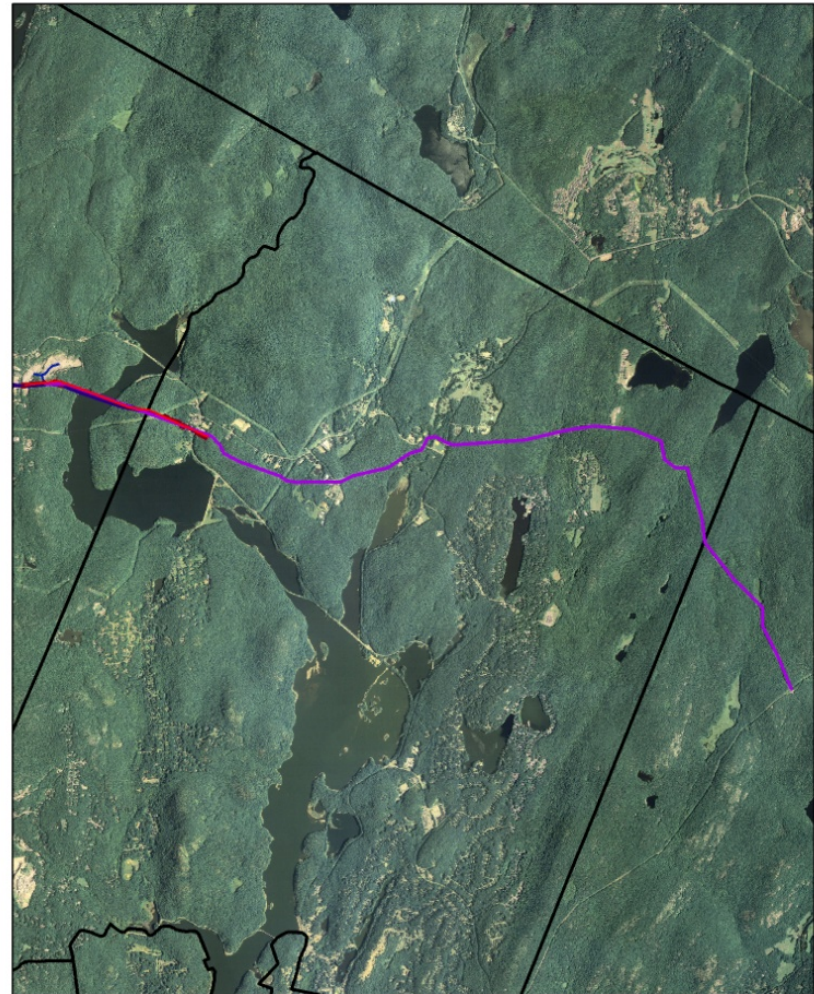
7.6 mile upgrade of the existing ROW



# Northeast Upgrade Project

- July 8, 2011- Tennessee Gas submits an application for the Northeast Upgrade Project (NEUP).
- Upgrade of 7.6 miles of new pipeline adjacent to existing line. This connects the already constructed loop pipeline to the Mahwah metering station.
- Red = 1.29-mile segment previously approved for 300 Line Project under Monksville Reservoir.

Tennessee Gas Pipeline- Northeast Upgrade



# Mahwah Metering Station

## View to east of existing ROW





# Mahwah Township

## View to north of existing ROW





# Ringwood Borough

## View to north of existing ROW





# Monksville Reservoir

## View to north of existing ROW



# NEUP Project Description

- Proposed project commences in West Milford , extends through Ringwood, and terminates in Mahwah (7.6 miles) and includes the following elements:
  - **Pipeline/ROW** – proposed 325 Loop Segment located at 25-ft offset from pipeline in existing 50-ft ROW; 75-ft permanent ROW.
  - **Temporary Construction Workspace** – additional 25-ROW for “typical 100-ft wide construction ROW.” Other work space as approved for staging areas, equipment etc.
  - **Access Roads** – existing public roads and 13 existing private roads (re-grading and vegetation trimming).



# NEUP Project Description

## continued

- **Pipe and Equipment Storage Yard** – Two areas for pipe storage and contractor staging – Tilcon Contractor Yard and Tilcon Pipeyard.
- **Meter Station** – upgrades to existing meter station located in Mahwah Township.
- **Main Line Valves and Pig Receiver** – install tie-in valve assemblies at each end of the pipeline loop segment to integrate the loop sections into the existing system. Further, “pig receiver” (i.e., a pipeline component used for removing an inline inspection tool or other device from a pressurized pipeline) constructed at the project terminus in Mahwah.

# Need for NEUP to be determined by FERC

- Federal Energy Regulatory Commission (FERC) is currently reviewing the application for a certificate of public convenience and necessity.
- FERC is reviewing certificate application pursuant to the applicable provisions of the Natural Gas Act and FERC regulations.



# Report on construction of the 300 Line Project

Photos during construction  
Photos taken on site visits

# January 26, February 6 and 8, 2012

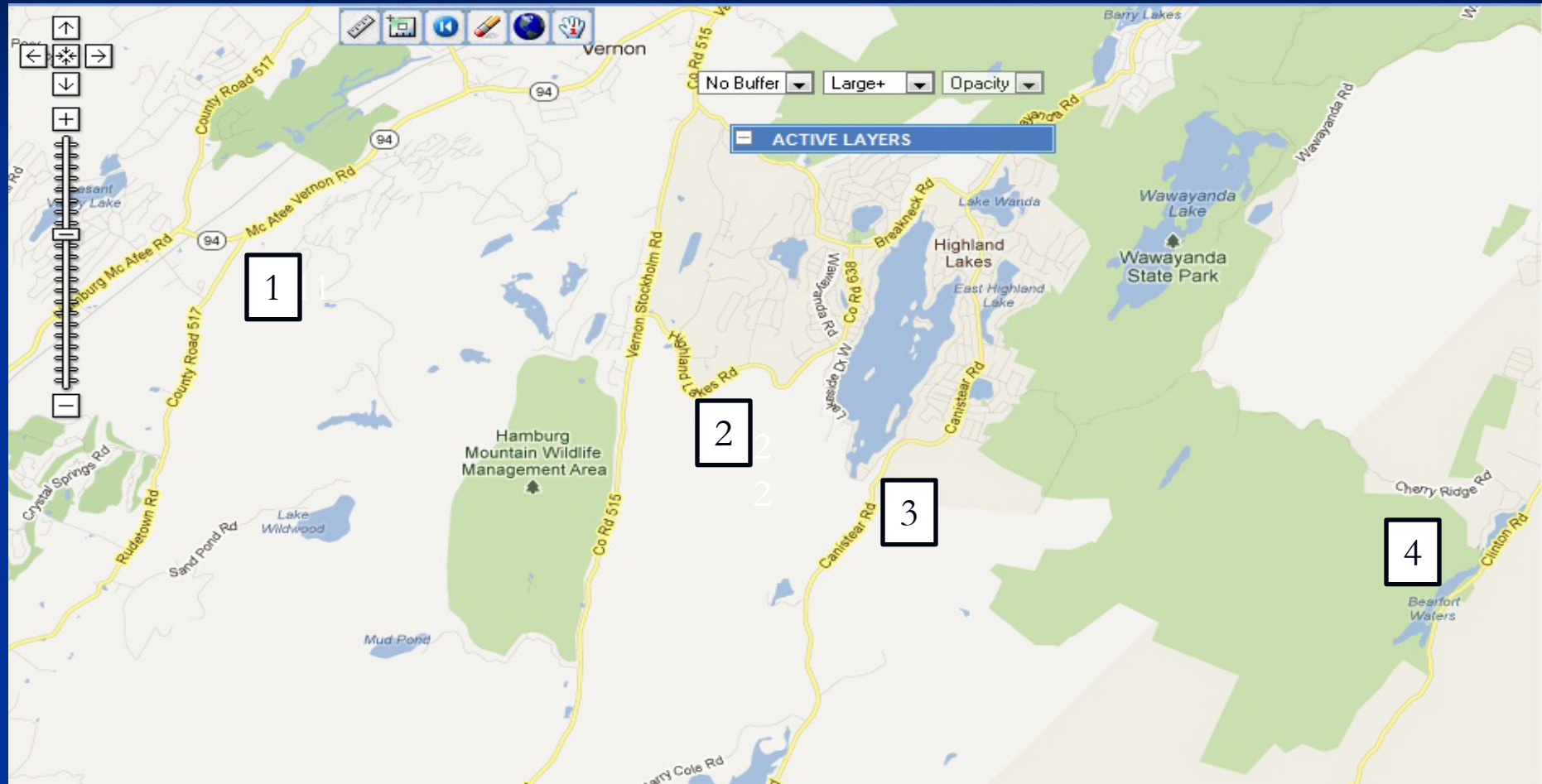
## Highlands Council Site Visits - 300 Line Right of Way

Project visited at sites determined by Highlands Council staff, in response to issues raised at the Highlands Council meeting on January 19, 2012:

- 1) Mountain Creek Ski Resort, Vernon Township, from Route 94
  - location of the steepest portion of the Right of Way (ROW) workspace
  - Restored ROW
- 2) Highland Lakes Road, Vernon Township
  - Horizontal Directional Drill Entry and Storage Pad
  - Restored ROW
- 3) Canistear Road, Vernon Township
  - Blasting site along ROW
  - Typical access roads
- 4) Clinton Road, West Milford Township
  - Bearfort Waters crossing
  - Valve control station and restored ROW
  - Lake Lookover



# February 6 and 8, 2012 Highlands Council Site Visit Vernon and West Milford Townships



# 300 Line

## Mountain Creek Ski Resort



# Mountain Creek Ski Resort – Vernon Township

## During construction view to southeast (upslope)



# Mountain Creek Ski Resort – Vernon Township

During construction view to southeast (upslope)





# Mountain Creek Ski Resort – Vernon Township

## Stabilized and seeded



# Mountain Creek Ski Resort – Vernon Township

## Stabilized and seeded



Site visit



# Highland Lakes Road Horizontal Directional Drill Staging Area Entry Pad

The Horizontal Directional Drill Pad and Staging Area was approved by FERC to extend for an additional 100 feet of temporary work space beyond both sides of the 100 foot ROW. Restoration and reforestation will occur on that additional , temporary work space.

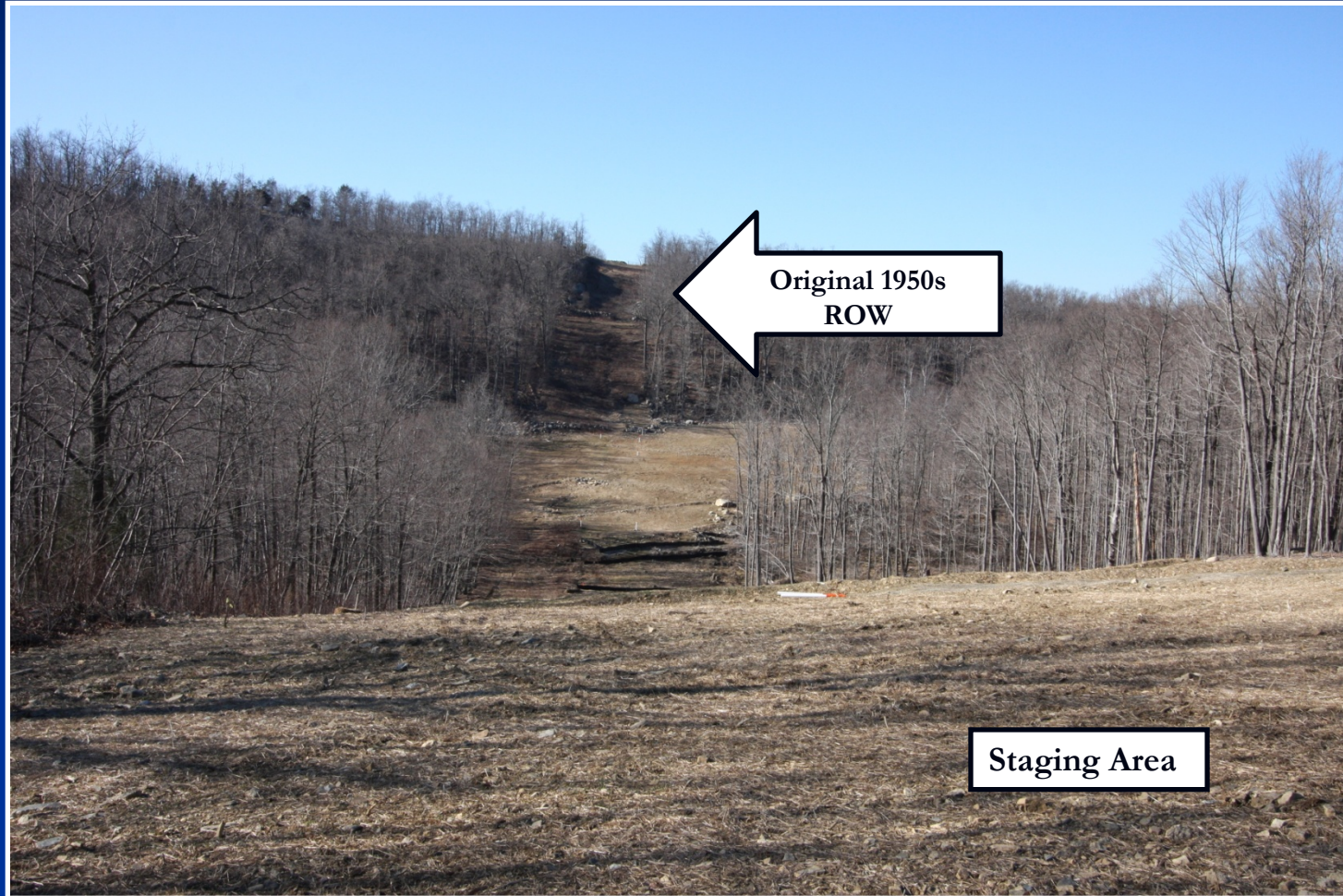
# Highland Lakes Road – Vernon Township (Newark Watershed)





# Highland Lakes Road – Vernon Township (Newark Watershed)

## Horizontal Directional Drill (HDD) Entry Point and Staging Area – view to east



Site visit



# Highland Lakes Road Vernon Township (Newark Watershed)

## HDD Entry Point and Staging Area – view to west



Site visit



# Canistear Road Vernon Township

# Canistear Road, Vernon Township (Newark Watershed)

## View to the west - restored ROW across wetland complex





# Canistear Road, Vernon Township

## Improved Access Road





# Canistear Road, Vernon Township (Newark Watershed)

## Stabilized slope and restored ROW, view to east



Construction ROW width reduced in wetland complex  
to protect the resource



**Clinton Road  
West Milford Township  
Bearfort Waters and Lake Lookover**

# Clinton Road, West Milford Township

## Bearfort Waters ROW crossing

### Stabilized slope and restored ROW, view to south





# Bearfort Waters ROW crossing, West Milford Township

## View to west into Wawayanda State Park





# Bearfort Waters ROW crossing, West Milford Township

## View to east, toward Clinton Road





# Lake Lookover, West Milford Township

## View to northwest



# Lake Lookover, West Milford Township

## View to west from Clinton Road

Turbidity levels were measured regularly at Lake Lookover. The table below presents turbidity measurements from early September 2011 to January 2012.

Date	NTU*
9/1/11	18.0
9/17/11	22.2
10/14/11	38.10
10/20/11	24.0
10/29/11	13.0
11/23/11	11.1
12/23/11	2.02
1/27/12	7.58



\*NTU – (Nephelometric Turbidity Units) – a measure of turbidity as determined by an instrument called a nephelometer that measures the amount of light scattered by particles suspended in a water column. Lakes that are considered relatively clear in the United States can have a turbidity up to 25 NTU (Nathanson, 2003).



# Bearfort Waters ROW crossing, West Milford Township

Valve control station, (new valve on right) view to west

Note: There are automatic safety control shut off valves on both lines



# Comprehensive Mitigation Plan



# Comprehensive Mitigation Plan

- Tennessee Gas proposes to implement the following elements in the Comprehensive Mitigation Plan (CMP):
  - Forest Management Plan (planting meets No Net Loss Act)
  - Open Waters and Riparian Areas Plan (monitor for 3 years or until wetland revegetation is successful)
  - Steep Slope Construction Plan
  - Critical Habitat Mitigation Plan
  - Carbonate Rock Plan
  - Water Resources Quantity Protection Plan
  - Water Quality Protection Plan
  - Historic, Cultural, Archaeological and Scenic Resources Plan
  - Contingency Plan
  - Land acquisition for unavoidable impacts (over 160 acres)

# Land Acquisition and Protection for Unavoidable Impacts

- **Forests** - 15.83 acres of permanent forest impacts and 86.1 acres of temporary forest impacts (total of 101.93 acres). Commitment to reforestation and the acquisition and preservation of mature forest land to mitigate for unavoidable forest impacts.
  - *Temporary disturbance*: 86.1 acres. A disturbance : mitigation ratio of 1.25:1 required; target is **107.6 acres of land acquisition**.
  - *Permanent disturbance*: 15.83 acres. A disturbance : mitigation ratio of 2.5:1 required for forests of medium quality; target is **39.5 acres** but applicant proposed acquisition of 50 acres designated as Highlands Forest Resource Area.
- **Prime Ground Water Recharge Areas** – 9.9 acres of permanent impacts and 52.4 acres of temporary impacts to Prime Ground Water Recharge Areas. The applicant proposes to achieve:
  - Restoration of the site to maintain pre-construction hydrology.
  - Use of slope and trench breakers to slow down the flow of water and increase stormwater infiltration.
  - Identify and mitigate soil compaction.
  - Acquire and to protect an area of land within a designated Prime Ground Water Recharge Area. **Minimum acquisition of 16 acres.**



# Implementation Plan

- Construction of project and implementation of CMP contingent upon FERC approval.
- Applicant has developed an Environmental Construction Plan (ECP) specifically for project.
- Following FERC issuance of certificate, applicant will file Implementation Plan with FERC.
- Implementation Plan includes all construction, restoration, and monitoring requirements including requirements of CMP and ECP.
- Compliance will be monitored by FERC's independent environmental inspectors with weekly summaries to Highlands Council and quarterly reporting specifically on Highlands CMP implementation.

# Tennessee Gas

## Public Comments Received

- Public comment period on the project opened December 21, 2011 and closed January 6, 2012.
- Public Comment and Response Document was posted to the Highlands Council Website in advance of the Council meeting on January 19, 2012.
- The Highlands Council heard additional public comment at the meeting on January 19, 2012.
- The Highlands Council postponed action on the two resolutions and numerous Council Members visited the site.
- A Supplemental Comment and Response Document to address issues raised by members of the public and Highlands Council members was released on February 13, 2012 and posted on the Highlands Council website.
- Highlands Council review of recent submissions.



# Pipeline Approval Process

- Project will only commence if approved by FERC
- NJDEP can permit it in one of two ways:
  - Exemption #11
  - Highlands Preservation Area Approval
- Highlands Council must determine whether or not the Highlands Comprehensive Mitigation Plan is a condition of project approval under Exemption #11.

# Staff Recommendations

Recommendation for Highlands Council to provide finding to NJDEP stating that the project would be consistent with the goals and purposes of the Highlands Act with the following conditions:

- That the Comprehensive Mitigation Plan be revised to address all identified issues.
- That the applicant incorporate its findings and commitments regarding Prime Ground Water Recharge Areas.
- That the applicant address short-term impacts of construction activities on rare, threatened and endangered species as well as vernal pool habitat.



# Staff Recommendations (continued)

- That the applicant must continue to coordinate with SHPO regarding the identification of archaeological resources (to address the issues identified in the December 29, 2011 correspondence from SHPO to FERC). The Highlands Council determination on this project is conditioned upon satisfaction of SHPO requirements.
- That the applicant provide to the Highlands Council the qualifications of all Environmental Inspectors that would work on the project site prior to commencement of any on-site activity.
- That the applicant coordinate with the Highlands Council to conserve lands in the vicinity of the project that would provide appropriate mitigation for temporary and permanent impacts to forests.

# Staff Recommendations (continued)

- That the CMP be modified to assess the potential impacts of foreseeable but low-probability events, such as major weather or other catastrophic events. The CMP shall include a contingency plan to address such events and their impacts, including pre-planning, event management, restoration and reporting protocols to NJDEP and Highlands Council.
- That the applicant will post a performance bond (or modify the existing performance bond posted for the 300 Line Project), to ensure completion of the individual plans of the CMP. Commitment to development and implementation of the CMP would be a condition of the Highlands Act Exemption #11.
- Based on the information available at the time of review, additional project design by any agency may result in alterations to the project, which may result in greater impacts to Highlands Resources. The applicant shall modify the CMP and mitigation requirements appropriately to satisfy additional mitigation based on the same methods provided in the Consistency Determination.



# New Information for Public Comment

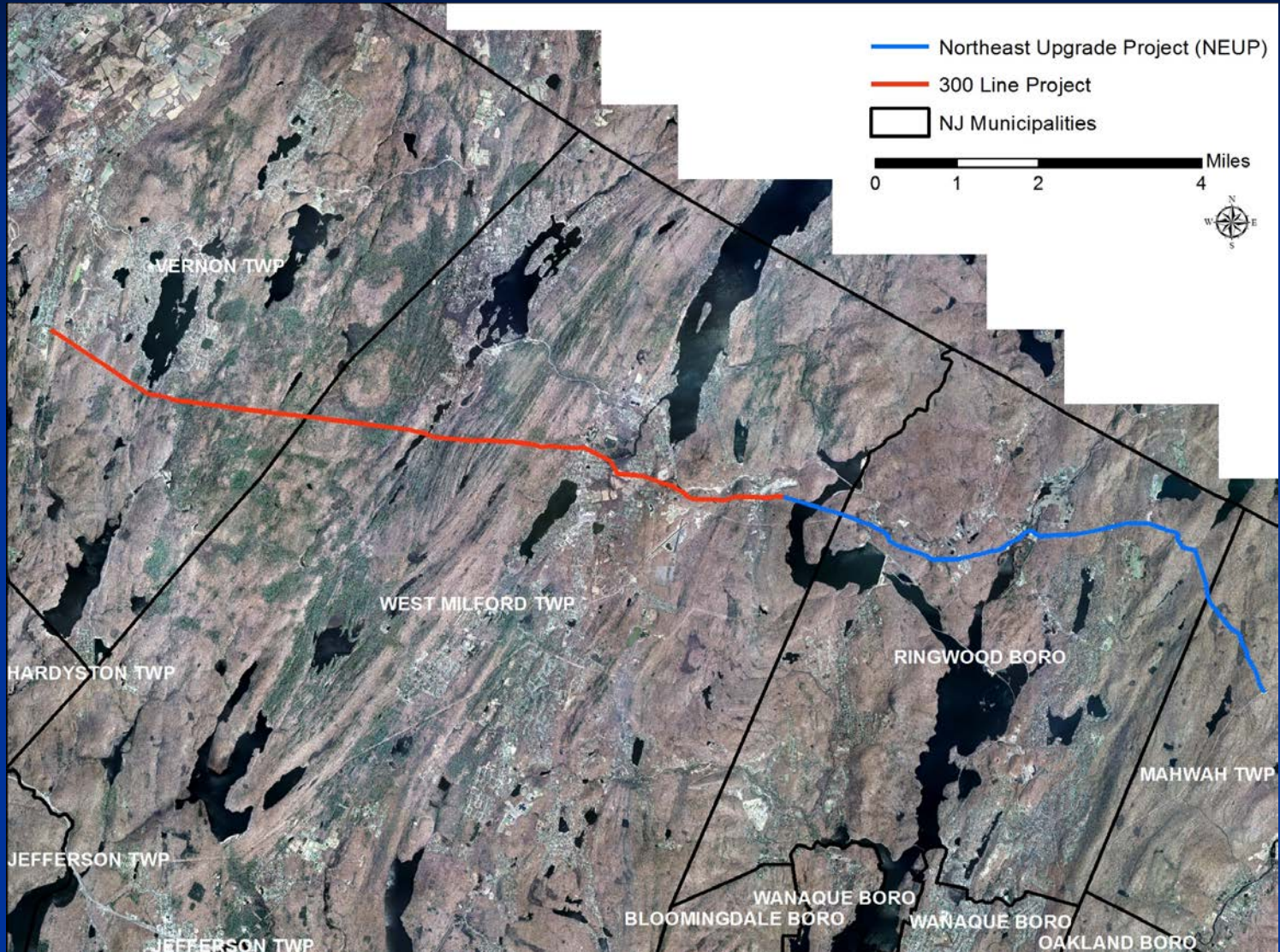
- 300 Line Project and NEUP:

- Highlands Council Site Visits
- Environmental Inspector Reports will provide a quarterly reporting on Highlands Council CMP to address continuing restoration requirements

- NEUP:

- Replanting in accordance with No Net Loss Forestry Act (N.J.S.A. 13:1L-14.1 et seq.), which governs deforestation and reforestation by State agencies

# Council Consideration





HIGHLANDS REGIONAL



MASTER PLAN  
2008

# Highlands Council Meeting

January 19, 2012

