In The Matter Of:

In Re: State Property To Texas Eastern Transmission

Transcript of Proceedings
April 16, 2012

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ORIGINAL
1  CHIEF YEANY: We're going to get
2  started today.
3  MR. BRUBAKER: Good afternoon. My name
4  is Scott Brubaker from the Department of
5  Environmental Protection, the Office of Permit
6  coordination and Environmental Review. I'm here with
7  Judith Yeany who is the Chief of the Bureau of Legal
8  Services and Stewardship within the Green Acres
9  program, GAP.
10  Thank you for coming.
11  This is an informal meeting. But, a
12  transcript will be generated and posted on-line.
13  This meeting is not required by any law
14  but is intended to give interested parties an
15  opportunity to receive information on and comment on
16  proposed compensation to the State of New Jersey to
17  lease .93 acres of Liberty State Park for 20 years to
18  the SPECTRA energy pipeline.
19  The purpose of this meeting, as our
20  public notice indicated, is solely to receive
21  comments on SPECTRA's proposed compensation to the
22  State of New Jersey for utilizing .93 acres of
23  Liberty State Park for a pipeline right-of-way for a
24  20 year lease and for leasing an additional 1.81
25  acres of temporary or construction work space for one
26  year.
27  In a minute I will ask SPECTRA to
28  provide a brief overview of the proposed project
29  within Liberty State Park and the compensation for
30  leasing the above land.
31  Any comments offered today will be
32  considered as the Department considers the
33  compensation offer for this lease.
34  We will continue to formally receive
35  written comments until May 20th -- April 20th, sorry.
36  However, we will accept comments
37  informally right up to the time when we make a
38  decision on the lease.
39  This meeting comments, comments
40  subsequent to this meeting may be e-mailed to Nancy
41  Lawrence of the Green Acres Program at
42  nancy.lawrence@dep.state.nj.us.
43  After SPECTRA presents the information
44  regarding the project, we welcome your comments on
45  the narrow issue of the compensation proposed.
46  Again, the purpose of this meeting is
47  solely to receive comments from interested parties
48  regarding compensation offered by SPECTRA to the
49  State of New Jersey for the western edge of Liberty
50  State Park with the proposed pipeline project.
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1. In the interests of time, because DEP is not charged with or authorized to rule on the pipeline project as a whole, we will not entertain comments on the project as a whole on techniques of gas drilling or extraction or issues beyond the compensation offered to lease .93 acres of the Park from the State of New Jersey.
2. Please limit your comments to that topic tonight.
3. I will note that DEP, on December 2nd, 2011 issued a land use permit to construct this project. That permit is conditional on the project receiving a Certificate of Public Convenience and necessity from the New Jersey Regulatory Commission.
4. We would ask anyone who would like to speak to please sign up on the list to do so. We will start with any elected officials that are here and, if you do come up to speak, I would ask that you clearly identify and state your name so that our court reporter can accurately transcribe it.
5. Okay. With that, I'm going to ask SPECTRA to come up and give us an overview of the project.

MR. GESSNER: Thanks, Scott. My name is Frank Gessner. I'm the Project Manager for Land and Rights for Texas Eastern. And, I would like to give you a brief overview about when our project could also be licensing temporary. We have our acquisition from DEP in 2010. Texas Eastern filed this application in September of 2011, FERC issued a draft Environmental Impact Statement for the project. October 31st, public comment period ended. On March 16th, 2012, FERC issues a final Environmental Impact Statement for the project. And, in that Environmental Impact Statement they analyzed potential routes through the Liberty State Park.
19. The three routes that they looked at is one, FEIS, which is recommended for review but they also looked at the parking lot, parking lot at the Liberty Science Center as well as the Phillip Street alternative. And, when you look at the three routes, the less impact is, for the permit right-of-way was on the FEIS recommended route which is .93 acres of permit right-of-way.
2. The proposed pipeline is located along the western edge of Liberty State Park adjacent to the New Jersey Turnpike and is also between the Caven Point Road and Bayview Avenue.
3. There is a small portion of property that the pipeline would cross. The filed route will have a permanent impact of less than .93 acres and a temporary impact during construction of 1.818 acres of land which is immediately adjacent to the permanent area along the entire border which of 1,212 acres of land, that Liberty State Park is comprised of.
4. These next series of drawings, this is the parking lot over at the Science Center. And, the actual structure is in this location here. The yellow outline represents the area of the permanent easement or lease agreement. This is an extension of that. This is Johnson Avenue (sic) here. This is the New Jersey Turnpike and the project is adjacent to and alongside the Turnpike. This last one this is Caven Point Road, Bayview Road. And, this property right here is where the lease area is also located.

1. Some of the factors that we looked at, when we selected the route or minimizing the impact for the Science Center itself in an overall limiting or minimizing the impact to the State park, we also took into account traffic safety, the Turnpike, which has a prohibition use of its rights-of-way and, last, is the constructability.
2. These next series of slides show very similar -- this is, the red lines represent the limits of the construction area which is the temporary, comprised of the temporary work space as well as the permanent right-of-way.
3. Again, this is Liberty State Park, the Liberty State Science Center parking lot and the building in this location here.
4. This is an extension and the previous slide, as well as this slide here, there are two constructions for the project, 2013. The Science Center as well as Johnson Avenue is slated for construction in 2013.
5. This last one, this is a section that is slated for construction in 2012. Estimated time frame is four weeks to construction.
6. The line in this area, this area here and that, again, is between the Caven Point Road and
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1 Bayview Avenue, FERC is expected to issue a
2 Certificate of Public Convenience and Necessity for
3 the project so we can move forward. Construction of
4 the project is expected to begin in June 2012 and the
5 project will be in service in November 2013.
6 Lastly, talk about compensation,
7 compensation for the proposed 20 year lease and use
8 of the temporary work space is 2.279 million dollars.
9 That's broken up at a 20 year lease at $33,073
10 annually for the .93 acres of the pipeline
11 rights-of-way with an escalation of 2.5 percent each
12 year after the first year.
13 The temporary work space rent for one
14 year is at $65,809 for 1.818 acres of temporary work
15 space and a one time payment of $1,350,924.
16 And, lastly, the tree mitigation that
17 will also be provided as part of the compensation
18 with the NJDEP guidelines.
19 At this point, Scott, I will turn it
20 back over to you.
21 CHIEF YEANY: I just want to add to
22 what the SPECTRA recommended first, the timing and
23 compensation for the project.
24 I'm with the Green Acres Program. And,
25 as many of you know, a large majority of what the

1 State Park does have what we call Green Acres
2 restrictions on the property having been purchased
3 with various grant and bond funds over the years.
4 So, approval of this project, even as a lease,
5 requires approval as what we call a diversion of the
6 parkland and it does require the approval of the DEP
7 Commissioner and a legislative body called the State
8 House Commission.
9 So, ultimately, FERC issues the
10 approvals that are necessary for this project and all
11 the other approvals are obtained, we will take the
12 proposed lease to our Commissioner and to the State
13 House Commission with a compensation we have proposed
14 here or as may need be modified based on comments and
15 public input.
16 At this point, the earliest that we
17 would expect to be able to get those approvals would
18 be June of this year. The commission meets on a
19 quarterly basis.
20 The project doesn't have its
21 certificate yet. It does have certain deadlines it
22 has to meet and, we're trying to work with, with them
23 as far as that goes.
24 But, we would anticipate, at this
25 point, that it would be June when we would be trying

1 to get our approvals if the other approvals are
2 obtained.
3 I think, at this point, we want to turn
4 it over to whoever would like to comment on the
5 compensation proposal and the lease.
6 We have a sign up sheet there.
7 Well, as Scott mentioned, do we have
8 any local officials in the room who would like to
9 testify first?
10 I know we were contacted by some
11 officials of Jersey City but they might be coming to
12 the evening hearing.
13 MR. BRUBAKER: And, also, has everyone
14 who would like to speak, have they signed up and
15 indicated that they would like to speak today?
16 Okay. It looks like I would like to
17 ask Debbie Mans from the New York New Jersey
18 Gatekeeper to come and offer comment.
19 Debbie.
20 MS. MANS: Thanks. My name is Debbie
21 Mans. I'm the Gatekeeper Director for the New York
22 New Jersey Gatekeeper. We're an environmental and
23 conservation group that works in the Hudson River
24 estuary for over 20 years and Greg Ramo is our Deputy
25 Director. And, he has been very active with friends

1 of Liberty State Park for a number of years.
2 I'm also speaking today on behalf of
3 Hackensack River Keeper. Captain Bill Sheehan is the
4 River Keeper up there. And,
5 The Gatekeeper opposed the pipeline and
6 opposes any impact to Liberty State Park.
7 However, if this is approved, we New
8 Jersey Turnpike at comparable leases arrangements for
9 urban parks. I think there's a wide range of lease
10 arrangements that the Green Acres department does.
11 And, we need to have more consistency.
12 We know preserving land in this area,
13 that it's so much more valuable up here because of
14 the resources that we have fewer of and the more
15 people that use it. And, so, I think we need to take
16 a hard look at the compensation, if it does get
17 approved, that's coming into the park.
18 We also need to understand the
19 ecological impacts. So, if it's an upland wetlands,
20 is there different compensation for those types of
21 services that we will have temporary loss or
22 permanent loss of in this park that belongs to the
23 people.
24 Our final point that we wanted to make
25 was that any money, if this does get approved, must
come back to Liberty State Park. It is not for the
general coffers of the State. And, when it comes
back into the Park, it must be for capital costs and
it's not to replace State dedicated operating funds
that should be going out to our public parks. And,
we New Jersey Turnpike at making sure that it's going
towards the improvements at the park.
Thank you very much.
Mans, M A N S.
CHIEF YEANY: We're not going to be
able to respond to every comment necessarily. We
might not know all the answers. But, I just wanted
to respond to a couple of comments the Gatekeeper
made.
In general, DEP is trying to achieve a
lot more consistency in setting rates for its leases.
And, some of you may have seen that last August there
was a report called the Interagency State Lease Task
Force report that had a number of recommendations for
how we should handle leases, particularly utility and
infrastructure corridor leases. That report set kind
of a base rental of 15 cents a square foot for the
majority of DEP leases. But, it also articulated the
principle that if you were operating in a high rent
area, high value area, as we see here in Jersey City,
that those rates need to be adjusted.
So, the number that you're seeing here
for this project was based on an actual appraisal of
the property and represents essentially 10 percent of
the property value which is, as we understand it, a
standard appraisal assumption as far as setting rent
versus purchase price.
So, we're looking at a 10 percent in
Year 1 of the actual appraised value of the property,
then adjusted at 2 1/2 percent each year.
So, we have tried to address the first
point you made.
If you have comments, if that's the
appropriate number or not, of course we'll take them.
Of course, where the money might go and
what it will be used for, our objective is to apply
it to a project in Liberty State Park. We have not
identified a specific project. We would welcome
impact on what that project should be.
I think we're at a little bit of a
debate, whether it would be a capital project or what
we would call a green project for, of a restoration
project because we have corporate business tax money,
CBT money for some of our capital projects. And, we
have a whole priority system associated with that.
So, I'm not sure that our initial
thought is to apply it to a capital construction
project. But, if you would like to give us
additional comments on that in writing, we will
certainly consider whatever you propose.
Okay. Who was next on the list? We
don't have anyone else who checked off the box for
wanting to testify. But, we have a second sheet
going. So, if anyone wants to come up, come on up.
MR. TITTEL: Thanks. Thank you, Jeff
Tittel, Director of the New Jersey Sierra Club.
And, I'm here today because, you know,
quite frankly, the Sierra Club has a 120 year history
of trying to protect open space and park lands.
We're here today because Liberty State
Park is not only one of the most used State parks in
the country, it's also a symbol for the people of New
Jersey and our gateway not only to the Statue of
Liberty but to Ellis Island which is the gateway to
America.
So, we're in this historic rail
terminal because this is the place where so many
got to see the rest of the country. This is
where America started. Because, when people came to
the Lower East Side of Manhattan after going through

Ellis Island, this is where they came back across the
river to get on trains to go to the rest of the
country.
So, we're really here at the gateway of
the country.
And, I think that this pipeline, from a
couple of different reasons, we believe does not
belong in the State Park. We believe, quite frankly,
that they should be looking at alternatives and that
even though the amount of land that's been diverted
is a small amount, it's still an amount that's too
much, especially when there are alternatives that
they can look at away from the park.
And, we also understand the history of
this place. This was another place that was famous
in American history because of Black Tomorrow.
During World War I, there was the largest, at that
time, man-made explosion ever. It was an accidental
explosion when the ammunition that was being stored
here for sending overseas to our troops in World War
I blew up.
We don't need a pipeline in the same
exact area. History may not repeat itself but why
risk it.
Secondly, we're concerned that the
1. pipeline itself is one of three heading onto six
2. pipelines that are coming into this region. We
3. already have Transco Company, Tenaco. We know
4. Algonquin is going to get expanded. We know Texas
5. Eastern is going to be expanded. And, just over the
6. border they're already constructing the Millennium.
7. One pipeline might make sense but six? It's not the
8. purpose of this line.
9. And, I think it's a great name, SPECTRA
10. because it's a spec pipeline. No one knows if it's
11. necessary. It's about a race to try to get gas to
12. New York City, not about taking care of New Jersey's
13. energy needs.
14. We're also concerned that the pipeline
15. itself will undercut New Jersey's very advanced and
16. very progressive clean energy program because if you
17. get a wash of cheap gas, it's going to undercut
18. renewable energy, solar wind. And, instead of
19. looking to the green technology of the future, we're
20. sticking to the fossil foolishness of the past.
21. We're concerned that this gas is coming from
22. Pennsylvania, from areas of Pennsylvania where
23. they're developing more shallow shale, what is known
24. as fracturing.
25. And, I know this is not the purpose of

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1. this hearing, but the State agency cannot look
2. narrowly in the box. They have to look at the broad
3. secondary and cumulative impacts.
4. And, this administration has made a
5. commitment to look at impacts. So, this will concern
6. marcellas shale exploration in Pennsylvania. And,
7. years from now, it could be used to help Utica shale
8. explorations which is in New Jersey, in the Skylands
9. regions. The impact to the water supply, 15 million
10. people, including 3 million people are part of this,
11. a secondary impact and that we're very much concerned
12. about.
13. We're also concerned that if this is a
14. public land, that it was purchased from Public Trust
15. back 40 years ago. There was plans to develop a lot
16. of this property. It was saved by then Mayor Jordan
17. to be an asset under, originally, Governor Cahill for
18. all the people of New Jersey, developed by Governor
20. This is one of the most visited parks.
21. This is held in trust for all of us. And, we believe
22. that the current formula that's in place for
23. diversions does not properly fit this site.
24. We believe that the costs, per acre, it
25. is way low. If this was a piece of prime land, just

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1. like the Goldman Sax property, a mile from here on
2. the Gold Coast, would go over ten times per acre,
3. over a million dollars per acre.
4. Secondly, the New Jersey Turnpike
5. Authority, when they lease land, do it for about
6. $1.50 a square foot. This is less than that. This
7. is about half of that. So, we don't believe that
8. this is a good deal for the people of New Jersey.
9. Financially, we think it's a bad deal.
10. We don't believe the State is being properly
11. compensated for this, this property.
12. And, again, this is a park where
13. 5,000,000 people a year visit. It's an asset for
14. everyone in this country. It's a place where people
15. come from all over to look at the beautiful New York
16. skyline, to look at the Statute of Liberty, to visit
17. the Statute of Liberty and Ellis Island, to remember
18. the victims of 9/11.
19. A pipeline, we believe, is a violation
20. of that Public Trust. It's a violation of this land
21. that was put aside for all of us to use. And, as
22. John Mere (sic) said, open space is nature's
23. cathedral to man.
24. And, we believe that this pipeline is a
25. desecration of that cathedral. This land that

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1. belongs to all of us.
2. A paraphrase of Woody Guthrie, who said
3. that this land belongs to you and me, not SPECTRA.
4. Thank you very much.
5. MR. BRUBAKER: I'll continue to remind
6. you folks, if you're coming in, please sign in if you
7. would like to speak today. We have a sheet up front.
8. Now I'd like to ask the Deputy Mayor to
9. come up and speak. I'll let you pronounce your own
10. name, sir.
11. MR. MUKHERTI: It's Raj Mukheri,
12. Deputy Mayor of Jersey City and here to provide
13. comments on behalf of Mayor Jeremiah T. Healey who
14. cannot be here today. And, I provide these comments
15. for the record but I believe written comments will be
16. submitted on behalf of the City at the 6:00 hearing
17. by Assistant Corporation Counsel Derek FANCIULLO.
18. I thank you for the opportunity to
19. speak and I'll be as brief as I can.
20. The City's opposition to the proposed
21. gas line is, is well-known and has been
22. well-documented throughout the FERC process and other
23. processes and against the back drop that Jersey City
24. is the second largest City in the State with over a
25. quarter million residents and the economic engine of
the State providing hundreds of millions of tax revenues of commercial and transportation center, Wall Street West, employing more than 23,000 people in the financial services sector. And, during the Monday through Friday work hours, our population more than doubles.

And, we’re the home of critical Tier 1, Tier 2 Homeland Security infrastructure. The Federal Government has spent more than 12 billion dollars heretofore securing our transportation network and other infrastructure in this post 9/11 world.

We are already a target rich environment from the Homeland Security standpoint. Liberty State Park falls into that category. We don’t want to add another target, respectfully, to this target rich environment, particularly when it isn’t even a good deal for the State from an economic standpoint as, as Mr. Tittel, from the Sierra Club, indicated and testified.

This project is going to jeopardize significant plans and future commercial and residential development projects.

And, we have been opposed, the City has been on record in opposition to the idea of SPECTRA running this unprecedented, highly pressurized natural gas line in Jersey City for a number of years. However, we had proposed alternative routes that would be less deadly, less potentially disastrous. And, those concerns are simply falling on deaf ears.

So, against that backdrop, against that backdrop today, we’re considering whether this, the guidance of NJAC 7.36-26.1 would, would indicate that this is a viable deal and it isn’t.

The agencies stated policy is to strongly discourage the disposal or diversion of parkland and such diversion should only be a last resort where there exists a compelling public need or a significant public benefit as the regulations go on to say.

There is not only no, not only is there no compelling public need here, there is no need at all.

FERC hasn’t approved this pipeline just yet. It is merely contemplated. And, even if it were to offer approval to the line, there are numerous legal challenges that the, that would have to go through the process before this would be viable.

In addition PHMSA, the Pipeline...
1 And, I thank you again for that opportunity to speak.
2 MALE SPEAKER: The Councilman is here.
3 COUNCILMAN SOTTOLANO: I'm sorry. I didn't check it.
4 MR. BRUBAKER: Thank you, Deputy Mayor, for those comments.
5 I will just clarify, the Department will not enter into a lease for this property or this pipeline unless and until this project has the full approval of the Federal Energy Regulatory Commission.
6 I would like to ask Michael. And, I apologize for these names, Sottolano, please come up and clearly state your name for the court reporter.
7 Does Mr. Chuck Lee care to speak?
8 COUNCILMAN SOTTOLANO: Good afternoon.
9 I'm Mike Sottolano, Jersey City Councilman, Ward A.
10 I have spoken on a number of occasions at SPECTRA meetings in regard, in my office, to the pipeline in general.
11 I have always felt if the pipeline was to come to Jersey City, the minute it hit Caven Point, the most southern part of the City, it would go into the water and over to the New York side and to its destination, I think, on 23rd Street or somewhere thereabouts.

1 sensible to do?
2 I urge you, as far as the numbers,
3 whatever you are going to pay, it's not enough. So, 4 those numbers don't even phase me financially.
5 I just think it's absurd that you take a park that I believe is the second most populated or 6 visited park on the northeast and put a pipeline through it.
7 Thank you very much.
8 MALE SPEAKER: Just yell it out.
9 MR. BRUBAKER: I'll call Mr. Chuck Lee. 10 MR. LEE: My name is Chuck Lee. I'm the Jersey City City Engineer. And, I believe it was about half a year ago that I spoke before another public hearing such as this. And, I have been involved with this project for the last couple years now. And, I have a series of concerns that I've had indicated.
19 And, at the last public hearing, half a year ago, I had said that I still have not received adequate satisfactory response to my questions and comments.
23 And, and as I said before, my position as the City engineer for the City of Jersey City is to ensure that any project that comes into the City
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1. I've been against this project from the moment that I heard about it.
2. I have spent my entire life trying to make Jersey City a better place. I have served on the Jersey City Planning Board, the Jersey City Environmental Commission and the Commercial Real Estate -- I'm a commercial real estate broker and in every aspect, this is the worst deal I've ever seen.
3. This is a sweetheart deal.
4. There is no way, absolutely nothing that, that would lead me to believe, in my professional career, that this property is worth this little money. And, in an economy of supply and demand, supply and demand, where else can you find property, an acre of property with the most visible, beautiful park behind the most treasured national symbols, it's unconscionable.
5. What can be compensated? There's not enough money to be compensated. You should be ashamed of yourselves to even contemplate this.
6. This company had an alternative route.
7. That route was underneath the Hudson River. They did not want to spend the money. So, you're going to give them precious land that the citizens of this City, this County, this State must give up to them.

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1. But, you can speak. Come on up.
2. MR. KAPLOWITZ: I was going say real technical, you might as well get technical with SPECTRA, too.
4. And, as the councilman from the Greenville Estate, I also remember this park as nothing but weeds, broken down railroad. I remember Morris Pesin going out and asking for this Green Acres for the people of Jersey City.
5. This City, this County is the most unrepresented county when it comes to open space.
6. The least amount of open space that anywhere in the State of New Jersey has.
7. People here don't have the capability of going to a nice, green area, mountains or the shore when it's hot. They come to this park.
8. It's unconscionable that the State of New Jersey, the DEP, the Green Acres Fund would contemplate giving up public land. It's economic injustice. It's economic discrimination.
9. I am almost going to bet you that you wouldn't even contemplate to do this at Long Beach island or in Alpine. But, in Jersey City, who cares?
1. all, it affects the welfare of our residents.
   2. I would urge you to not move forward
   3. with this prior to any sort of approval on the
   4. federal level. Anything outside of that would be
   5. premature.
   6. Thank you.
   7. MR. BRUBAKER: Thank you, Councilman.
   8. I'll just State you missed my prior
   9. remarks but DEP will not be approving any proposed
   10. lease until and unless this project has the full
   11. approval of Federal Regulatory Commission.
   12. Is there anyone else signed up who
   13. would like to speak? Okay.
   14. FEMALE SPEAKER: Should I sign?
   15. MR. BRUBAKER: Yes, please. Come on
   16. up.
   17. State your name for the court reporter,
   18. please.
   19. FEMALE SPEAKER: Your position is --
   20. CHIEF YEANY: For those of you who came
   21. in, I'm you Judith Yeany, Green Acres Program with
   22. the DEP in Trenton. And, this is Scott Brubaker.
   23. He's in charge of our office Permit Coordination and
   24. Environmental Review.
   25. My involvement is that there is Green

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1. Acres restrictions on the property that would be
   2. potentially leased to the pipeline. And, Scott's
   3. office is in charge of coordinating various DEP
   4. approvals that would be needed for the project.
   5. At the beginning, in his opening
   6. remarks, he stated that we have issued land use
   7. permits for the project. But, as far as issued a
   8. number of approvals and as he has reiterated a couple
   9. times, if we go through with the proposed lease, we
   10. would not execute or approve it until the project has
   11. the necessary federal approvals.
   12. MS. GREENE: Kirsten Greene, K I R S T
   13. E N G R E E E.
   14. Liberty State Park is a precious place
   15. for many. For those of us who live in Jersey City --
   16. there is a lot of microphones here.
   17. For those of us who live in Jersey
   18. City, I would say it's an oasis.
   19. SPECTRA wants to come into our City and
   20. chip away at that oasis. Their only objective is to
   21. make as much money as possible as quickly as possible
   22. and leave us to clean up the environmental damage
   23. that they leave behind. It's up to the New Jersey
   24. Department of Environmental Protection to protect us
   25. from this damage.

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1. We shouldn't be subjected to the toxins
   2. that would enter our air from this pipeline or risk
   3. of an explosion that this pipeline poses. New Jersey
   4. DEPs web site specifically states the major goal of
   5. the Division is to ensure the air is clean, clean
   6. from both a public health and welfare perspective.
   7. That's a quote from your web site.
   8. So you said it yourselves, your job is
   9. to ensure the air is clean. This pipeline will
   10. release toxins into the air, including PCBs.
   11. In the past, SPECTRA energy has been
   12. fined for a lack of proper containment and we
   13. shouldn't be guinea pigs to see if it's going to
   14. happen again which this pipeline is only being laid 4
   15. to 6 feet deep which is completely insufficient. The
   16. New Jersey DEP states that, through environmental
   17. education, they can engage individuals in behaviors
   18. and skills that benefit the environment.
   19. So, how, exactly, will this pipeline
   20. benefit the environment?
   21. The acreage proposed to be acquired is
   22. adjacent to residential area. And, it's up to the
   23. New Jersey DEP to protect those people. It's up to
   24. the New Jersey DEP to protect the visitors that come
   25. to the park everyday. It's up to the New Jersey DEP

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1. to protect the 600,000 visitors that go to the
   2. Liberty Science Center every year.
   3. It's up to you to protect me and my
   4. family. And, I'm urging you, the New Jersey DEP, to
   5. do your job and to decline this permit.
   6. MR. BRUBAKER: Is there anybody else
   7. who would like to speak?
   8. We'll keep the podium open as other
   9. people come in and would like to speak /we'll be
   10. here.
   11. (3:49 p.m. - 4:33 p.m.)
   12. MS. LIBMAN: Ilana Libman, I L A N A L
   13. I B M A N.
   14. I'm opposing the gas pipeline in Jersey
   15. City.
   16. (The hearing concludes at 4:34 p.m.)
   17. (The 6:00 hearing begins.)
   18. MR. BRUBAKER: Good evening. We'll get
   19. started, if that's okay.
   20. We may redo our opening remarks, if a
   21. lot of other people come that don't get a chance to
   22. here them. But, in deference for those who are here,
   23. we'll get started.
   24. Good evening. My name is Scott
   25. Brubaker. I'm the Director of the Office of Permit
In Re: State Property To Texas Eastern Transmission

1 Coordination and the Department of Environmental Protection. And, I'm here tonight with Judith Yeany who is also from the Department and she is Chief of the Bureau of Legal Services and Stewardship in the Green Acres Program.

2 Thank you for coming out tonight. This is an informal meeting. But, we will generate a transcript of tonight and that transcript will be posted on the DEP Green Acres website.

3 This meeting is not required by any law. But, it is intended to give interested parties an opportunity to receive information and to comment on proposed compensation to the State of New Jersey to lease .93 acres of Liberty State Park for the SPECTRA energy pipeline.

4 The purpose of this meeting, as our public notice indicated, is solely to receive comments on SPECTRA's proposed compensation to the State for utilizing .93 acres of Liberty State Park pipeline for a 20-year lease and for leasing an additional 1.81 acres of temporary work space for one year.

5 In a minute we'll ask SPECTRA to provide a brief overview of the proposed project within Liberty State Park and the compensation being offered for leasing the above land.

6 Any comments offered today will be considered by the Department as it considers the compensation package offered for this lease.

7 We will continue to formally receive written comments until May 20 -- April 20th, excuse me, April 20th. However, we will accept -- we will, in actuality, accept comments from you right up to the time when a decision on this lease is made.

8 E-mailed comments can be submitted to Nancy Lawrence of the Green Acres Program at nancy.lawrence@dep.state.nj.us.

9 After SPECTRA presents information regarding the project, we will welcome your comments on the narrow issue of the compensation proposal. We will not be responding to your comments or questions as this is your opportunity to speak to us.

10 The Department will not act on this lease proposal unless and until the project receives formal Federal Energy Regulatory Commission approval.

11 Again, the purpose of this meeting is solely to receive comments from interested parties regarding the compensation offered by SPECTRA to the State of New Jersey.

12 We will not entertain comments on the project as a whole, on techniques of gas drilling extraction or issues beyond the compensation offered to lease .93 acres of Liberty State Park. Although these are important issues, they are simply beyond the scope of this meeting.

13 If you are submitting written comments, we would ask you not to just read them all tonight. We commit to carefully considering any written comments as if they were verbalized here tonight.

14 I will note that on December 2nd of 2011, DEP issued a land use permit to construct this project. This permit is conditional, also conditional on the project receiving a Certificate of Public Convenience and Necessity.

15 We would ask anyone who would like to speak, please sign up to do so. We will start with our elected officials.

16 If you do speak, please clearly state your name so that our stenographer can record that for the record.

17 So, I'm going to see who signed up. In fact, I know the Deputy Mayor is here to speak. So, sir, may I invite you up to be our first speaker?

18 That's right. Sorry, I'm premature.

1 We would have SPECTRA present the project first.

2 Come on up and present the project.

3 MR. GESSNER: Good evening. My name is Frank Gessner. I am the Project Manager for Land and Rights for Texas Eastern.

4 I would like to talk a little bit tonight about our application that is before the New Jersey DEP for a lease as well as the temporary work space.


6 On March 16th of 2012, FERC issued a final environmental impact statement for the project. As part of their analysis, when they put that together, invoked at various routes, potential routes in and around the park.

7 The three routes they looked at is the one they recommended which is our current route, the parking lot which was an original route to be looked
1 at which goes to the Liberty Science Center and also
2 Phillip Street as a third alternative.
3 When you look at the three
4 alternatives, you can see they recommended a current
5 route and it's the least impact as far as permitting
6 right-of-way.
7 The proposed pipeline is located on the
8 westerly edge of the State Park adjacent to the New
9 Jersey Turnpike and also between Caven Point Road and
10 Bayview Avenue.
11 The filed route will have a permanent
12 impact of less than 0.93 acres and temporary impact
13 during construction of 1.8 – 1.818 acres on the land
14 that is immediately adjacent to the permitted area,
15 all along the western border of the 1,212 acre park.
16 Now, when you first set down with the
17 New Jersey DEP, typically, on this project, our
18 permit right-of-way is 50 foot wide. As a result of
19 our conversations with the DEP, we have reduced the
20 permit right-of-way or the lease area to a 30 feet
21 width and it is located right along -- this is
22 Wilson, this is the block over, it's the Liberty
23 Science Center and this is the New Jersey Turnpike.
24 This is Johnson Avenue. So, this is just a
25 continuation.

1 The pipeline continues adjacent to the
2 New Jersey Turnpike, crosses over Johnson Avenue,
3 comes back to the Turnpike. Well, it exits the park
4 before it crosses to the other side of the New Jersey
5 Turnpike.
6 This is Caven Point Road. This is
7 Bayview and this is a parcel of land right here, very
8 steep slope to come down. And, this is an area where
9 the 30 foot diameter, 30 foot wide leased area will
10 be located.
11 What we took into account, when we were
12 looking to route this line, we looked to minimize the
13 impact to the Liberty Science Center as well as the
14 overall park. We looked at traffic safety. We
15 looked at the Turnpike, worked with them to try to
16 get as close to the Turnpike's rights-of-way as
17 possible.
18 Also, the constructability of the
19 project. The construction area, this, this slide
20 here represents that, approximately seven weeks to
21 complete the work from Wilson, you know, along the
22 westerly edge, to the next slide crossing Johnson
23 Avenue. So, to complete that section of the line is
24 about seven weeks in length.
25 What we know about this, at this point,

1 permanent right-of-way -- after the project is
2 completed, the temporary right-of-way expires.
3 The leased area will continue for 20
4 years. The current use, surface use that you see out
5 here currently, it will revert back to that current
6 use.
7 The only thing that's not allowed to be
8 permitted within the 30 foot right-of-way are
9 structures. Trees are permitted to be planted, not
10 planted over the top of the pipeline. But, they are
11 permitted to be planted adjacent to the pipeline
12 providing they are no closer than 10 feet to shrubs,
13 grass, natural substance permitted with the permit
14 right-of-way.
15 So, what you see currently out there is
16 not going to be much different after the pipeline is
17 constructed.
18 Again, this is Caven Point Road and
19 this is Bayview. This is the construction area.
20 This section of the line between Caven
21 Point Road and Bayview is the only section that is
22 slated to be constructed within the Park 2012. The
23 other section, over there, Liberty Science Center is
24 scheduled to be constructed in 2013.
25 Before we can begin anything, we need

1 to FERC these issues, Certificate of Public
2 Convenience and Necessity for the project.
3 Construction right now is scheduled to
4 be begin in June of this year. The project will be
5 in service by November of 2013.
6 On the compensation, the compensation
7 for the proposed 20 year lease and used for the
8 temporary construction right-of-way represents 2.279
9 million dollars. Total for the package, 20 year
10 lease, is $33,773 annually. That represents, over
11 the life of the lease, I think, over $800,000 for the
12 permanent lease, not the permanent lease but the
13 permanent right-of-way which is a leased area for 20
14 years.
15 The temporary work space for one year
16 is $65,000 for the 1.818, and a one time payment to
17 the park of $1,350,924.
18 And, as I am standing, working with the
19 DEP, that that money will be used for a green project
20 here on-site.
21 In addition to that, tree mitigation
22 for trees that are cut down during the project, that
23 there would be compensation provided in accordance
24 with the New Jersey DEP guidance regulation.
25 Thank you.
1 CHIEF YEANY: Before we accept public
2 comments, I just want to explain a little about the
3 process that we are to follow for the proposed lease.
4 The involvement of the, for a variance because the
5 majority of the park is subject to Green Acres
6 restrictions having been purchased with Green Acre
7 bonds, funds over the years.
8 If we decide to proceed with this
9 lease, after going through the public comments, the
10 lease does require the approval of the DEP
11 Commissioner and of the State House Commissioner
12 which is a legislative commission.
13 The commission meets on a quarterly
14 basis and with the project not having received its
15 federal certificate yet, we're anticipating, right
16 now, that the earliest we would ask the commission to
17 approve the project, if it goes forward, would be
18 June of this year.
19 So, there is some process that has to
20 occur after we finish up these public meetings.
21 And, as Scott said, we'll accept your
22 public comments and making recommendations to the
23 Commissioner of the proposed lease.
24 Did you want to start with the elected
25 officials?

1 MR. BRUBAKER: Yes.
2 CHIEF YEANY: We have the Deputy Mayor
3 from the City.
4 DEPUTY MAYOR TAYARI: Good afternoon.
5 We wish there were more than just one
6 public hearing before the date line of the 20th.
7 And, Number 2, is our understanding when you divert
8 Green Acres that there must be at least eight. So,
9 we understand that it is mandatory to at least, when
10 Green Acres land is involved, there must be a public
11 hearing.
12 I want to address something very
13 directly which is the offer of $1,000,000 to the
14 State of New Jersey for the duration of the
15 construction of this project. I'm a little confused
16 because, from December, almost December 2010, before
17 December 2010 there was a series of meetings with the
18 State of New Jersey, the Mayor, myself, the Chief of
19 Staff, our attorney and consistently the Mayor
20 refused to accept $20,000,000.
21 I don't understand the State didn't
22 know that the City of Jersey City was being offered
23 so much. But, talk to SPECTRA and ask them why were
24 they offering the City 20 million and you can only
25 get one million which we disagree with, period. But,
1 The City of Jersey City opposes the entire project, the proposed diversion and we’ll continue to do so.
2 We also oppose the requested permission by Texas Eastern to use an additional 1.818 acres of Liberty State Park for temporary work space.
3 In the application, Texas Eastern is requested to, I quote, from the regulations includes a detailed alternatives analysis identifying, describing and explaining why an alternative plan, including a no action alternative and all reasonable alternatives using both public, that is non Green Acres and private lands will not satisfy, become public need or significant public benefit to be derived from the proposed disposal or diversion.
4 There is no compelling public need and there is no public benefit, only to New York City.
5 As, the analysis should describe the environmental impact of each alternative.
6 Now, this is word for word, out of NJAC 7:30-20.16 no one knows what must be addressed, no action, alternative energy, efficiency and conversation -- conservation alternative, non natural gas energy alternatives which is nuclear energy and fossil fuels, renewable energy alternatives which is wind, tidal wave and hydro, bio mass, photo conclusions concerning the renewal energy alternatives.
7 The next category alternatives involving public and private lands. This would be alternatives to the use of HUD 58 and HUD 59 which are near Caven Point Road and Bayview Avenue. This also includes alternatives to the use of HUD 68, 69, 71 and 72 which are near to Liberty Science Center.
8 The Department, the New Jersey Department of Environmental Protection suggested alternative, other alternatives explored by the applicant, other alternatives involving public and private lands that would include Highway I-78 alternate, the New Jersey Turnpike alternate, the Brooklyn alternate, marine alternatives, marine alternative Option 8, Option A, Option B, Option C, alternatives analysis conclusion.
9 That is word for word from the Code.
10 The City of Jersey City and all community groups like the National Association of the Advancement of Colored People with specialized environmental injustice and the Friends of Liberty State Park as well as other community groups nor any person of the public has had an adequate qualitative and quantitative amount of time to acquire a thorough analysis of all these items that is cited in the Administrative Code; as well as these additional required items by the New Jersey Department of Environmental Protection which are the erosion and sediment control plan.
11 Two, the environmental evaluation of Liberty State properties.
12 Three, the wetlands restoration procedures protect wetland impacts.
13 Four, evaluation management plan for handling regulated soils and groundwater.
14 Five, spill prevention control.
15 I wonder why that one is in there, spill prevention control and preparedness and contingency plan, New Jersey Administrative Code 736-26.10 which deals with major diversions of park lands, mandates the department's primary objectives are to prevent a net loss of parkland including but not limited to the quantity, quality and accessibility of parkland.
16 Why is this being consider, to discourage the use of parkland for other than recreation and conservation purposes?
17 FEMALE SPEAKER: Um-hum.

1 DEPUTY MAYOR TAYARI: Yes, again, um-hum.
2 And, NJAC, it goes on to mandate, in order to achieve the objectives which are required under the Department of Environmental Protection that advocates that SPECTRA/Texas Eastern seeking approval for major diversion of parkland must fulfill a compelling public need or yield a significant public benefit as defined by NJAC 7:36-26.1(d1).
3 This project does not fulfill a public need or yield a significant public benefit and alternative routes and sites are available. I know because the City of Jersey City has offered three.
4 They were presented officially on the public record and rejected by the applicant.
5 In closing, I would like to point out that this natural gas is not intended for the use of the people of Jersey City nor anybody in the State of New Jersey. It is meant for the needs of New York City. And, while we have all viewed New York as our Big Brother, we do not feel the New Jersey Department of Environmental Protection should allow the needs of New York City to irrecoverably harm our urban oasis, Liberty State Park.
6 There are alternate routes that should
1 be pursued, like under the Hudson River or through
2 Staten Island or Brooklyn in which New York City and
3 Con Edison could have their needs fulfilled without
4 bringing this great risk to our urban oasis, Liberty
5 State Park, as well as our City and our entire
6 residents.
7 God bless you. Thank you.
8 MR. BRUBAKER: Thank you Deputy Mayor.
9 Now I will call Sam Pesin for comments.
10 MR. PESIN: Thank you for this
11 opportunity.
12 The Friends of Liberty State Park is
13 the officially recognized friends organization of the
14 DEP's Division of Parks And Forestry. We are an all
15 volunteer organization with over 900 members. More
16 than half of our members live in Jersey City and
17 about two-thirds live in Bayonne and Jersey City.
18 Since 1988 we worked as stewards of the
19 special urban waterfront State Park behind Lady
20 Liberty and Ellis Island. We protected the park
21 through fighting many battles against the
22 commercialization of this scarce public land and
23 ostensibly populated region.
24 We have represented a broad public
25 consensus for free and green urban park and defeated

1 Jersey City.
2 So, the friends of Liberty Park today
3 do express our strong opposition to this SPECTRA
4 pipeline taking acres.
5 And, our main reason for opposing the
6 pipeline is due to the unfortunate ever present
7 threat of terrorism in the New York City metropolitan
8 area. We just cannot pretend that terrorism does not
9 exist. It is a dark cloud hanging over the pipeline.
10 It's the elephant in the room and cannot be ignored.
11 And, as we know, everything changed after 9/11.
12 Like with San Bruno, California, there
13 are other reasons for an explosion. Terrorism is a
14 constant threat to this densely populated urban area,
15 makes it wrong regarding our responsibility to
16 protect human life.
17 And, explosion could travel inside the
18 pipeline quickly and do horrendous harm to the Park's
19 neighboring communities of Jersey City.
20 So, seeing the pipeline as the
21 potential target of terrorists and also in solidarity
22 with the opposition of our host city, Jersey City, we
23 do urge the DEP to say no to this route.
24 And, as Deputy Mayor Tayari stated, if
25 there are alternative routes like Staten Island and

1 a golf course, commercial water park and the
2 inappropriate plans.
3 And, in the last few years, we have
4 improved the park by spending several hundred
5 thousand dollars on trees and on our garden
6 beautification program.
7 Jersey City, with 250,000 residents is
8 the host city of Liberty Park. And, Jersey City
9 donated 150 acres in 1965 to help create Liberty
10 Park.
11 Most regular park users have come here
12 for unstructured recreation and peaceful escape from
13 the urban environment come from Jersey City.
14 Many people have remained living in
15 Jersey City due to the park and many people moved to
16 Jersey City partly due to Liberty Park.
17 Recently Jersey City was voted the
18 third best walking city in the United States,
19 primarily because of the waterfront walkway and other
20 paths that are throughout the Liberty Park.
21 Jersey City has sponsored free summer
22 concerts since the park opened in 1976 and has hosted
23 fireworks and free cultural festivals for many years.
24 So, there is a long-term
25 interrelationship and bond between Liberty Park and

1 Brooklyn, they should be explored.
2 Now, lastly, if the DEP inferred to
3 approve the pipeline and legal challenges are not
4 successful, the Friends do feel strongly, that the
5 park deserves a maximum financial benefit.
6 We are very glad to hear earlier this
7 evening that the Commissioner has stated that all
8 payments from SPECTRA regarding this Liberty Park
9 will go directly to Liberty Park for green space
10 improvements and not to the DEP's or the State's
11 general treasury accounts.
12 However, we do urge the DEP to require
13 a much higher lease to the mitigation figure as the
14 proposed figures over 20 years and considering how
15 the value of money changes, we feel they're very low
16 compared to what SPECTRA should pay, what their
17 corporate wealth and what their projected earnings
18 would be.
19 So, please don't sell liberty State
20 Park short, whether the payments would be 20 years
21 from now and even now. It would really be a pittance
22 of what Liberty Park could use and, and does deserve
23 for the improvements to this park which has over
24 5,000,000 visitors a year and is the second most
25 visited State Park in America next to Niagara Falls.
And, the park is one of the most sacred public spaces in our nation because it is the popular free green space behind the world's greatest symbol of freedom. So, in conclusion, as stewards of one of the world's greatest urban parks, we urge you to please reject this inevitably dangerous high pressure pipeline proposal. Okay. Thank you very much.

MR. BRUBAKER: Thank you for those comments, Sam. Now, I would like to ask Joe Scott. MR. SCOTT: Thank you for the opportunity to comment. My name is Joe Scott. I am the President and CEO of Jersey City Medical Center. I am also a Jersey City resident. I love Liberty State Park. As Sam said, this is a great walking park. I often walk from my home, on Columbus Drive, over to the park and I really do enjoy it. We've publicly gone on record, from the Medical Center, opposing the pipeline because of its close proximity not only to the Hospital Medical Center but also our EMS Headquarters, this creates significant safety for the residents and, in addition, to providing continued medical services in the event that there was some type of disaster that would happen with the pipeline. It is a serious consideration. I know tonight's meeting is about, just talking about what the cost or the lease rate would be for the Park. But, I do believe that it is a serious issue to be strongly considered as we look at where this pipeline would go and its close proximity to the Medical Center.

to give you some idea, the Medical Center is 316 beds. We're the only trauma center in Hudson County serving almost a million people. If in fact there was an explosion with the pipeline in close proximity to the Medical Center, that would somehow damage the Medical Center. The next closest facility to treat trauma patients is at the University Medical Center in Newark, New Jersey. That is a far distance for people to travel in the event that we would have some type of disaster. In trauma, the biggest issue is the golden hour. So, getting people to a trauma center within that golden hour is utmost to the survival for 1 patients who, who are in any type of disaster.

So, it's really important that we look at where this pipeline is going, its proximity to the Medical Center and to our EMS Headquarters and what potential impact that could be. We're here tonight to really comment on how much we would pay for the land lease. And, I believe Sam is correct, we have a 15 acre campus, less than a quarter mile from where the pipeline would go, just north of the Liberty Science Center, directly opposite from the Liberty Science Center. On the back side of that campus we have a medical office building and then a parking lot. We recently had that land appraised and that came in at .75 acres is worth between 15 to $20,000,000. So, I think that needs to be part of the consideration here. Even though this is public property, it's property that could not be developed. There is land in close proximity to this land that we're talking about where you're valuing at less than, it looks like, about 2.2 million over a 20 year period. And, I believe that we need to take a closer look at how much money the State would get. I also believe that any monies that are provided, and I agree with Sam, would go back to the Park. But, we also need to, if this pipeline were to go through, what precautions we're going to take to protect the Medical Center as we move forward as a vital health care service in the event that there were any type of catastrophe. So, thank you for the opportunity to comment.

I think these are important issues that effect my community, my medical center and the people that we serve. And, I think it's important that you take those into consideration. And, I also believe you need to take into consideration the value of the property. Jersey City is a highly dense area. The value of the land is significantly more than what SPECTRA is willing to pay for it here. And, I think that needs to be a serious consideration.

Thank you.

MR. BRUBAKER: Thank you for those comments, Joe. I would like Deborah Sinico to come up and public comment, please.

MS. SINICO: Good afternoon. I'm Deborah Sinico and live literally right behind Liberty State Park. I live on Pine Street and Communipaw.
So, this little pipeline that you guys want to put through which isn't little, by the way, is literally right down the street from me, yeah. I oppose this. You guys don't have enough money, as far as I'm concerned, to pay for any of it. And, quite frankly, I'm also concerned for environmental issues. Listen, I bought the house that I live in. I am a land owner. I'm not a renter. I bought this house because it was right behind Liberty State Park. I didn't buy it so you guys can put your gas line in here. I am so against this. I'm against fracking. And, if any of you have not seen the documentary Gas Land, I urge you strongly to see it. It's called Gas Land. It's one of the best documentaries about fracking you will ever want to see. Once you see it, you will be so against this, that you will become an activist. I can't say anything more except that I'm against this. I will fight it in any way I can. Of course, civil, of course. I believe it's civil disobedience. So, please, everybody, you can't allow this to go through.

Thank you.

MR. BRUBAKER: Thank you, Deborah, for those comments.

Now I'd like to ask Elna Ukkaida to offer her comments, please.

MS. UKKAIDA: Elna, E L N A, M as in Mary U K K A I D A.

I'm a resident of the Hamilton Park Neighborhood Association. And, we're the neighborhood association that's in the lower section of where, the path of the gas pipeline.

I just want to focus my comments about the lease of the property, first by our concerns of the neighborhood because, on the western side and the northern side of our neighborhood, we would be considered to be in what we feel is the blast zone if anything should happen. We're bordered by the access to the Holland Tunnel to the north of us and, of course, we have the light rail, path train, access to the Turnpike, all these transportation or freight lines.

And, I know you heard this over and over the last number of years but I just want to reiterate it that it, it would be a severe impact, of course, to my neighborhood. It's, after 9/11, I — the Holland Tunnel, after 9/11, my co-association's insurance went up about 10, I forget exactly how much, 10, 20 percent. It was crazy. So, what I don't know yet is what will happen when the word gets out that there will be a high pressure 30 inch pipeline that is within about four blocks of where my condominium is.

So, going back to the, of course, the concerns I am hearing is primarily about the lease of this property. I am a little naive about this but, to me, a lease means that you will have access to this for a period of 20 years. Geez, after 20 years, if the landlord says no, you can't renew your lease, will you pack up your pipeline and leave? And people brought up points of value of the land. I don't know if this is -- do we have contingency plans for how much the increases will be as in regular lease agreements? I'm thinking in terms, of course, of apartment type leases. But, we certainly would like to see that, in essence, if you do have access to this .93 acres of the pipeline right-of-way, you're pretty much saying you're taking it, period. And, that's something that I really feel that you should not have that right.

And, anyway, I know, for most of the people in my neighborhood, please, we don't want it in our neighborhood.

But, thank you for your attention.

CHIEF YEANY: Before we take more comments, I want to clarify one point. You're correct, it's a 20 year lease and that would, in other circumstances, seem to imply that the lease would pack up and leave after 20 years which my understanding is that the expected life of an interstate gas transmission pipeline is much more than 20 years. And, we're not saying that we would ask the company to vacate at that point but, in year 21 we would have the opportunity to renegotiate the lease, whatever the appropriate property values are at the time.

In fact, the 1.3 million dollars payment is supposed to represent essentially a land compensation component of this project because of the recognition that the pipeline is not going away and that it will, on some level, have a permanent impact on the park.

So, we did try to take that into consideration.
I understand people's points about the
starting point of it potentially being too low as far
as property values. But, the idea was annual rent
for the first 20 years, it's estimated 2 1/2 percent
each year so, as Frank said, the total is something
above $850,000; and, then the separate one time
payment of 1.3 million as a permanent land
replacement component, that will be applied to a
project in the park.

MS. SINICO: I have one question. Is
this already like a done deal? Pretty much you say
it's not but it sounds like it to me. You guys are
going do this regardless even if we don't want it.

CHIEF YEANY: Well, I think Scott made
it before they we're not going to have official and
par of their rule is to approve the route. So, we
are property owners like other property owners in the
path of this project. So, we are considering what
our options are.

And, you know, part of why we're
considering the lease is because we don't want to
give up permanent property rights within this park
for this project. So, we could grant them an
easement, if that's been the Department's practice in
the past. And, these days we've swung more back
towards these lease arrangements and not giving up
permanent rights so that we have more control over
our properties.

MS. SINICO: Well, what happens if some
kind of disaster -- I mean, I'm just curious, are you
guys prepared for that?

CHIEF YEANY: That's not something that
I personally can comment on right now. I'm not
stationed up here running the park.

MR. BRUBAKER: Okay. Now I would like
to call Derek up for comments.

MR. FANCIULLO: Good afternoon. My
name is Derek Fanciullo. I'm a resident of Jersey
City. However, I'm here in more official capacity as
an Assistant Corporation Counsel for the City of
Jersey City, effectively one of the City's lawyers.

And, in the spirit of zealously
representing my client, putting aside for the second
the City is still disappointed with the failure that
is the fact that this pipeline has not been shut down
yet.

What we're talking about here is
something more. Were DEP to enter into this
contract, this lease agreement with this Multi Builds
Pipeline Corporation, it wouldn't just offend the
City's sensibilities, this would be patently unlawful
as it is the City's perspective that this does not
comport with DEP regulations, their own regulations.

The State, I have to read this, "it is
the Department's policy to strongly discourage the
disposal or diversion of parkland", which this is, "a
last resort and should only be considered when it is
necessary for a project that would either, one,
satisfy a compelling public need or, two, yield a
significant public benefit". This pipeline project,
as construed, does neither.

As a first cut, it does not satisfy
public need insofar as DEP regulations define a
compelling public need, as something that mitigates a
hazard to the public health, safety or welfare. This
pipeline does none of the three. In fact, it does
the exact converse as I will get into in a second.
It causes a substantial hazard to the
public health, safety and welfare.

To that end and similar, this pipeline
does not yield a significant public benefit either.
Sure, there will be public benefit that flows from
this pipeline but that public benefit will be
exclusively had by two entities and two entities
only, exclusively shared by New York City and by the

multi billion dollar energy company that is SPECTRA
Energy Corp. After those two get through at the
place, there will be very few table scraps to go
around for the citizens of New Jersey even were these
scraps to be had, where there's something substantial
go around by way of public benefit to which it
would be, mitigate and probably overwhelmed by what
the City sees as a substantial safety hazard, the
substantial significant overwhelming safety hazard
that this pipeline presents.

Jersey City has been in touch with
world respected, if not world renowned pipeline
safety expert, a man whose Curriculum Vitae spans 10
pages. He has about 40 years of experience in this
industry and he has developed a remarkable accurate
equation in terms of predicting pipeline blast radius
and pipeline advantage radius of that pipeline, ran
the numbers for us.

And, based on this pipeline's
specification, based on this pipeline's size, between
30 and 42 inches, this pipeline's pipe wall thickness
and other design factors, this pipeline, the amount
of gas this pipeline will transmit and the pressure
at which it will transmit it, this pipeline safety
expert has determined that were it to rupture, were
1 this pipeline to rupture, it would blast a crater in
2 the earth two-thirds a mile in diameter. Again, were
3 this pipeline to rupture, it would blast a crater, a
4 circle two-thirds a mile in diameter in which
5 everything would be destroyed.
6 We run the numbers based on that in
7 Jersey City. We have done the math, pie R squared,
8 trying to figure out the circle area that this were
9 to take out were this pipeline to rupture in Liberty
10 State Park, 8.6 million square feet, 8.6 million
11 square feet of pipeline would be lost, incinerated,
12 gone. To put that into perspective, that is roughly
13 20 percent of what Liberty State Park is that would
14 be, again, incinerated, leveled, gone from the face
15 of the earth.
16 There is no public benefit to be
17 derived from that.
18 So, again, putting aside the City's
19 disappointment with how this has proceeded so far, we
20 believe the DEP can still do the right thing. The
21 DEP must follow its own rules and not tacitly
22 encourage this pipeline.
23 MR. BRUBAKER: Thank you, Derek for
24 those comments.
25 Those are all the folks that we have

1 identified as speakers.
2 Is there anyone that would like to
3 speak that's here at this time?
4 MR. McKELVEY: Will you entertain
5 questions?
6 MR. BRUBAKER: We will selectively
7 entertain questions. If you feel they will shed some
8 light on the project, yes.
9 MR. McKELVEY: Basically it's a
10 clarification directed to SPECTRA. And, you showed
11 us diagrams of where the pipeline will be. One was
12 at the south end of the park, one was at the central
13 and one was at the north. I didn't see any diagram
14 between Liberty Science Center and Audrey Zapp Drive.
15 Is that area included in the .93 acres?
16 MR. BRUBAKER: No, it's not.
17 MR. McKELVEY: I'm surprised.
18 MR. GESSNER: No, it is not.
19 What you saw we present tonight are the
20 three areas. The total is .93 acres of an impact.
21 MR. SCOTT: How do those two pieces get
22 connected?
23 MR. GESSNER: I don't have the
24 alignment sheets with me tonight. I apologize. But,
25 the line is connected. It does cross, it crosses the

1 New Jersey Turnpike, the opposite side when you get
2 past Johnson Avenue and goes on the other side of the
3 Turnpike and runs parallel with, I believe that is
4 the Conrail property over there and runs within the
5 Conrail property.
6 MALE SPEAKER: Would you say the
7 Conrail property is within .66 miles of the Jersey
8 City Medical Center or the EMS headquarters or Jersey
9 City Fire Headquarters or Jersey City Police
10 Headquarters should they rupture?
11 I'm basing it off from the numbers of
12 the, from the gentleman.
13 MR. GESSNER: I don't have those
14 numbers with me.
15 MR. McKELVEY: So that what we're
16 saying then, the impact on Liberty State Park is far
17 more than the .93 acres that we've been talking
18 about.
19 You're not, you're not going to run on
20 New Jersey, New Jersey Turnpike property. That's,
21 that's a no-no. They will not let you go on their
22 property.
23 Therefore, you have to go east of it
24 and you have to go through the New Jersey DEP
25 property between Liberty Science Center and Johnston

1 Avenue or Audrey Zapp Drive.
2 MR. GESSNER: The proposed line crosses
3 Liberty Science Center, continues down, crosses
4 Johnson Avenue, just after Johnson Avenue where it
5 exits the New Jersey DEP property, it, it turns, the
6 line turns and goes under the Turnpike.
7 MR. McKELVEY: Correct. Correct.
8 MR. GESSNER: That is Conrail's
9 property on the other side and it runs parallel
10 within Conrail.
11 MR. McKELVEY: I realize that I'm
12 talking about the eastern property between Liberty
13 Science Center and Zapp Drive, that is on New Jersey
14 DEP land. And, you said it wasn't included in this
15 .93 acres and that land is part of Liberty State
16 Park.
17 MR. BRUBAKER: We'll pull the map up.
18 We'll pull the map up and take a look at it.
19 MR. GESSNER: You probably can hear me
20 from here.
21 This is where we cross Johnson Avenue.
22 This is Johnson Avenue here. As we cross Johnson
23 Avenue, at this particular point, we cross the
24 Turnpike. And, we run parallel down through this
25 Conrail property.
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<tr>
<td>1 MR. McKELVEY: Yeah. I know about that. I'm talking about the left.</td>
<td>1 would be seamless.</td>
</tr>
<tr>
<td>2 MR. GESSNER: You're talking about this piece here?</td>
<td>2 All right. So, everything that you see here tonight is part of the .93 acres and the 1.818 acres of temporary work space.</td>
</tr>
<tr>
<td>3 MR. McKELVEY: No. That's the far south end of Liberty State Park.</td>
<td>3 Okay.</td>
</tr>
<tr>
<td>4 MR. GESSNER: At this point here we're at Wilson Street.</td>
<td>4 MR. BRUBAKER: We will be here. We've committed to being here till close to 8:00. So, we'll be here if anyone would like to -- We'll wait for other people, if they want to comment or make further comments or questions.</td>
</tr>
<tr>
<td>5 MR. McKELVEY: I'm talking about from the right-hand side of this map to the left hand side of the next map, where is Johnston, where is Zapp Drive?</td>
<td>5 MR. BRUBAKER: Come up, ma'am. I'm sorry.</td>
</tr>
<tr>
<td>6 MR. GESSNER: I don't know where Zapp Drive is. This is, this is Johnson Avenue.</td>
<td>6 MS. ALEXANDER: I just want to -- Iome Alexander. I'm asking the question of Chapel and Caven Point, there's a baseball field there. The kids come and play ball. There's buses of children and then at the Liberty Science Center there's buses of children that come there.</td>
</tr>
<tr>
<td>7 MR. McKELVEY: Yes.</td>
<td>7 This line is going to be running right along there. God forbid if something happens, all these children are gone. These people put their children on the bus to send them to the Liberty Science Center and they may never see them again if something happens. I think that's horrible.</td>
</tr>
<tr>
<td>8 MALE SPEAKER: He's talking about this whole strip right here. You're talking about this traffic circle and in between that is this whole area.</td>
<td>8 MR. BRUBAKER: Come up, ma'am. I'm sorry.</td>
</tr>
<tr>
<td>9 MR. GESSNER: I can't see that from here.</td>
<td>9 MR. BRUBAKER: Come up, ma'am. I'm sorry.</td>
</tr>
<tr>
<td>10 MALE SPEAKER: There's a map right there.</td>
<td>10 MS. ALEXANDER: I just want to -- Iome Alexander. I'm asking the question of Chapel and Caven Point, there's a baseball field there. The kids come and play ball. There's buses of children and then at the Liberty Science Center there's buses of children that come there.</td>
</tr>
<tr>
<td>11 MR. McKELVEY: It shows on your map here but it doesn't show on your power point. And,</td>
<td>11 This line is going to be running right along there. God forbid if something happens, all these children are gone. These people put their children on the bus to send them to the Liberty Science Center and they may never see them again if something happens. I think that's horrible.</td>
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<td>1 what I'm wondering is, are you including that area in the .93 acres or not?</td>
<td>1 I live 2 1/2 blocks from the area of, of where the line is going to run. I'm gone if it, if it explodes.</td>
</tr>
<tr>
<td>2 MR. GESSNER: All the property with the New Jersey DEP is included within the .93 acres and the 1.818 acres of temporary work space.</td>
<td>2 You know, I think this is very dangerous and it shouldn't be done. You know, I'm just one. There's a lot of people that live in my neighborhood.</td>
</tr>
<tr>
<td>3 MR. McKELVEY: Except that it doesn't happen to be shown on your power point?</td>
<td>3 And, like the lady said, I bought my house and I, I had to struggle to pay for it. I don't want to lose everything I've got after coming this far.</td>
</tr>
<tr>
<td>4 MR. BRUBAKER: We can go off the record.</td>
<td>4 So, you know, I think it's a horrible idea.</td>
</tr>
<tr>
<td>5 (Off the record.)</td>
<td>5 MR. BRUBAKER: Okay. Thank you.</td>
</tr>
<tr>
<td>6 DEPUTY MAYOR TAYARI: I am the Deputy Mayor.</td>
<td>6 So, we'll just -- we're just going to wait to see if someone else comes to comment.</td>
</tr>
<tr>
<td>7 Now can we hear the official answer?</td>
<td>7 Thank you all for coming out tonight.</td>
</tr>
<tr>
<td>8 MR. GESSNER: Everything is included.</td>
<td>8 (The hearing concludes at 7:40 p.m.)</td>
</tr>
<tr>
<td>9 What the gentleman was asking was that right here there's a line.</td>
<td>9 MR. BRUBAKER: Okay. Thank you.</td>
</tr>
<tr>
<td>10 DEPUTY MAYOR TAYARI: Excuse me. Could we have one conversation?</td>
<td>10 MR. BRUBAKER: Okay. Thank you.</td>
</tr>
<tr>
<td>11 MR. GESSNER: Right here there is a line. When you -- if you go to the previous slide, this hatched line right here matches up.</td>
<td>11 MR. BRUBAKER: Okay. Thank you.</td>
</tr>
<tr>
<td>12 If you could read that number, it matches the line I showed you on the previous slide. That's why you don't see anything right here.</td>
<td>12 MR. BRUBAKER: Okay. Thank you.</td>
</tr>
<tr>
<td>13 If I could put the two together, it</td>
<td>13 MR. BRUBAKER: Okay. Thank you.</td>
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CERTIFICATE

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date herein before set forth.

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In Re: State Property To Texas Eastern Transmission

Transcript of Proceedings
April 16, 2012

Rizman Rappaport Dillon & Rose - (973) 992-7650

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