

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF DECEMBER 18, 2008

PRESENT

JOHN WEINGART) CHAIRMAN

ELIZABETH CALABRESE) COUNCIL MEMBERS
BILL COGGER)
MIMI LETTS)
KURT ALSTEDE)
SCOTT WHITENACK)
TRACY CARLUCCIO)
JACK SCHRIER)

TELECONFERENCE

GLEN VETRANO)
JANICE KOVACH)
DEBBIE PASQUARELLI)
TAHESHA WAY)

ABSENT

TIM DILLINGHAM)
ERIK PETERSON)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 80th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:12 pm.

ROLL CALL

The members introduced themselves.

OPEN PUBLIC MEETINGS ACT

Chairman Weingart announced that the meeting was called in accordance with the Open Public meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF November 20, 2008

Mr. Schrier introduced the motion to approve the minutes. Ms. Kovach seconded the motion. Mr. Dillingham and Mr. Peterson were absent. Ms. Calabrese, Ms. Pasquarelli, and Ms. Way abstained. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart reported on resignations received from Council members Liz Calabrese, Tim Dillingham, and Glen Vetrano. Liz and Glen will continue to serve until new appointments are made but Tim is unable to do so. He also commented on the fact that several members are in expired seats. He noted that he is working with the Governor's office to further appointments to the Council. He went on to highlight Lisa Jackson's appointment to the President elect's cabinet.

He announced that the agenda would be adjusted and that the presentation by PSE&G would be next, followed by the Executive Director's report and the resolutions.

PRESENTATION FROM PSE&G

Ms. Carluccio announced that she is recusing herself regarding any discussion on the PSE&G project as she has a conflict due to her employment with the Delaware Riverkeeper Network. This project crosses the Delaware River and the Network will be submitting comments on the project.

Chairman Weingart introduced John Ribardo, Manager of Transmission Projects for PSE&G and Don McCloskey, Director of Environmental Strategy and Policy. Ms. Swan mentioned that NJ Transit was submitting a letter regarding their power requirements and that letter will be forwarded to Council Members when received.

Mr. Ribardo began with an overview of the PSE&G representing 75 percent of NJ's residents, 2,600 square miles, and providing gas service to 21 of the 39 communities in Morris County. This project will add 46 miles to their existing kV system. He continued with a discussion of the 23 overloaded circuits that are projected to exist by 2012 by PJM. PJM is the entity that is responsible for planning for system capacity. He reviewed the individual circuits that are projected to be overloaded and discussed the three routes (A, B and C) that had been studied in order to provide the additional capacity. Route "B" was chosen because it provided that least environmental impacts, it is within the existing 230 kV 150 foot right of way (ROW), and is the alternative that is most cost effective from a construction and engineering standpoint.

Richard Crouch, Mgr. Transmission Engineering continued with a discussion of the line design factors. He explained that the existing horizontal structure has to become vertical in order to accommodate the 500 kV line and that the new towers would be located close to the old ones, but that the old ones had to be removed. He also mentioned that underground 500kV lines are not viable and that no other utilities are using them.

Mr. Ribardo continued with a review of construction impacts. He mentioned that there are required negotiations with property owners to update the terms of PSE&G's easements to allow the additional construction.

Mr. McCloskey reviewed the site plan and permitting issues discussing the various permits: wetland and flood hazard for NJDEP, the Highlands Applicability Determination, diversion approvals from Green Acres and the submission to the Board of Public Utilities focusing on the need, route selection, construction impacts and safety. He continued with the Federal permitting listing the National Park Service permit which has been filed to construct new towers, NEPA Environmental Impact Study which will be conducted prior to decision by the National Park Service. The EIS scope development is expected to begin 1st quarter 2009. Mr. Ribardo listed the extensive public outreach

and gave a website <http://reliabilityproject.pseg.com> and an email for comments reliabilityproject@pseg.com.

Mr. Weingart asked how long this project would be sufficient to meet the needs for power in the region. Mr. Ribardo responded that he did not know precisely, but that PJM was responsible for the planning. Mr. Weingart then inquired as to whether these towers existed elsewhere. Mr. Crouch answered that placing both lines (230 and 500 kV) on the same tower was a new approach called "double circuit structure". Mr. Schrier asked about radio frequency interference. Mr. Crouch explained that although there was not a standard in the industry, the system proposed met PSE&G's internal standard of 39 DB at the edge of the right of way and most interference comes from lower voltage lines.

Mr. Whitenack asked about the location of generation of power and how it related to this project. Mr. Ribardo said that this system was related to a grid that comes from the west and the south and that providing additional power generation in Bergen County to be nearer to the service area was not feasible economically according to PJM. Ms. Calabrese asked about the replacement of structures. Every structure will be replaced, there will be 12-18 new ones, the total will be 260-270. Ms. Letts asked whether the structures were exclusively PSE&G. They are except there will be some reconfiguration where PSE&G crosses JCP&L.

There were additional questions from Council Members relating to alternative energy and whether those advances could obviate the need for these kinds of projects in the future. Mr. Ribardo commented that PSE&G is committed to alternative energy, mentioned the wind project off the coast of New Jersey, and solar alternatives, however, the current projections for alternatives, according to PJM will not replace conventional generation, partly related to the generating units that are aging that will be taken off line. Mr. Ribardo agreed to provide the BPU filing so that council members could see how PJM had achieved their plans.

The discussion then moved to economic impacts and how they are related to customers losing power. Mr. Ribardo noted that he would check to see if there was an economic analysis related to brown outs and the dollar impact. Mr. George Sous, Regional Public Affairs Manager for PSE&G, discussed the black out in 2003 that had affected 50 million people and he did not know whether there was a statewide policy. Mr. Alstede expressed concern for the public health safety and welfare affected by the project.

Ms. Letts asked for a clarification on the use of underground lines. Mr. Crouch explained that using a new technology that is not proven to be reliable for this application would not be prudent. He reviewed the difficulties in finding problems where there are high voltage lines underground as they are restricted by length and cannot carry as much current as above ground. Ms. Pasquarelli asked about the Green acres permitting. Mr. McCloskey explained that there were 28 properties in 8 municipalities where the easements had to be adjusted to allow the line to go through those properties. Mr. Rob Pollack from PSE&G explained that the original line was built in 1927 and that the easements as currently drafted have rights that are not as detailed or extensive as needed.

The discussion continued focusing on the selection of Route "B" and Mr. Ribardo mentioned that Louis Berger had done the analysis. The discussion ended with Mr. Alstede asking for an update of the process from Ms. Swan. She explained that the staff draft consistency review would be posted on the Highlands Council website the next day and thus be available for public comment. She

expects to have a summary of the comments received and revised consistency determination available at the January 15 Council Meeting. Mr. Alstede inquired as to whether impacts outside the Highlands would be considered and Mr. Borden responded that the staff would take a look at the need for that review.

There were additional questions about the economic impacts to residents who have their own wells and septic and how they would be impacted by the loss of electricity. Mr. Cogger noted that the basis on which the planning was done was the most important. Mr. Weingart ended by thanking the representatives from PSE&G and commenting that it was a good start providing the Council with information.

EXECUTIVE DIRECTORS REPORT

Ms. Swan asked Mr. Borden to summarize the current court actions. Mr. Borden reviewed the November 21st *Heritage at Independence v. State of New Jersey* decision, commenting that we had prevailed entirely on a claim that the Highlands Act violated the *Mt. Laurel* doctrine. He also discussed the December 9th New Jersey Supreme Court decision which upheld the appellate decision in *OFP v. State of New Jersey* written by Judge Skillman. The primary result of the decision is that aggrieved parties must pursue the administrative relief afforded by the Highlands Act, including exemptions and waivers, before any legal claim may be brought.

Ms. Swan began presentation on Plan Conformance giving an update on the status of municipal resolutions received regarding the Notice of Intent and the request for an extension of the COAH deadline. She then showed some sample municipal slides to highlight the information that staff are sharing with municipalities. She then reviewed the Consistency Review Application that is available on the Highlands Council's website at <http://maps.njhighlands.us/hgis/cons/>.

Roger Keren, Director of GIS gave a demonstration to show how the tool will allow land owners, municipal officials and planning consultants to examine any Highlands property by block and lot. Ms. Swan then provided an update on the 62 towns that had adopted Notice of Intent resolutions and those municipalities that have applied for a planning grant. A more detailed discussion of Plan Conformance followed reviewing the elements that staff is preparing to provide to Highlands municipalities including: Highlands Environmental Resource Inventory, Highlands Municipal build-out analysis, Highlands Master Plan Element, Highlands Model Ordinances (Development Review Checklist, Development Review Requirements, Board of Health). Council would be briefed on the Build Out Method in January and would receive other elements before they were posted for comments.

Ms. Swan continued with the items that the Plan Conformance grants will fund – ERI, Build-out, Master Plan element, model ordinance, Housing Element/Fair Share Plan, municipal self-assessment and implementation plan, and Petition for Plan Conformance. She provided an overview of the Highlands Protection Fund that was created through the Highlands Act. The planning grants allocated to the Highlands Council are \$4.4 million each year and the current balance is over \$21 million. She also provided an overview of the grant programs created to date by the Highlands Council and the current status of each.

Regarding the proposed resolution for the Plan Conformance grants program consideration by the Council, Ms. Swan provided an overview of the proposal. The eligibility for the program would cover any Highlands municipality or county that has adopted a Notice of Intent, a base grant would

cover the Plan Conformance activities and a supplemental grant may be requested to fund additional Plan Conformance activities based upon justification. The maximum grant would be \$100K for any Highlands municipality or county. This amount is limited to the 2009 Plan Conformance activities. Ms. Swan explained that the entire Plan Conformance Grant Program for Basic requirements is designed not to exceed \$7.5M. She commented that the Plan Conformance grants will cover expenses under Plan Conformance not addressed by the \$15K Initial Assessment Grant.

Several Council members commented on the importance of the grant monies. Chairman Weingart asked if the 62 towns that had adopted Notice of Intent resolutions included all with lands in the Preservation Area. Ms. Swan said that there are a limited number of municipalities with lands in the Preservation Area and that the number of municipalities will likely grow before the end of the year. Mr. Alstede asked about adding more funding to the Agricultural grant program. Mr. Borden commented that the Agricultural grant program was developed for a two year period and that there was adequate funding for the second year of funding. He also stated that the Council could revisit the issue of providing additional agricultural grants in the context of the grant programs in later in 2009 or in 2010.

I. CONSIDERATION OF RESOLUTION – Establishment of the Plan Conformance Grants Program – (voting matter with public comment)

Ms. Carluccio introduced the motion to approve the Resolution and Mr. Schrier seconded it. Ms. Pasquarelli asked how the amount of the grants was established and what measures were used. Ms. Swan reviewed the staff and other professionals who had weighed in on the establishment of the \$7.5M grant program and that with justification, municipalities could come back for additional funding to seek additional funding above the \$50,000 base amount. Ms. Swan discussed how the grants would cover municipal and county expenses for the various elements of the Plan Conformance necessary to meet the basic requirements. Mr. Weingart asked if there were any other comments. Ms. Carluccio commented that the grant program work was extensive and that perhaps more meetings might be necessary unless the Council approves this resolution. There were no public comments.

All members present, with the exception of one, voted in favor. Ms. Pasquarelli voted no, Mr. Dillingham, Peterson, Vetrano and Ms. Way were absent. The resolution was APPROVED.

Mr. Weingart asked if Ms. Pasquarelli wanted to expand upon her decision. Ms. Pasquarelli indicated that she had concerns about staff overseeing the grant program and then Ms. Pasquarelli had to leave the teleconference.

Chairman Weingart asked that Ms. Swan discuss the Initial Assessment grants first as one voting matter except Parsippany-Troy Hills because of Ms. Letts having a conflict.

II. CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grants – (voting matter with public comment)

Ms. Swan provided an overview of the Initial Assessment grants and the prior grant history of the following municipalities:

- a. Borough of Franklin is requesting an initial assessment grant of \$15,000. Previously, they had received a COAH Round 3 Grant for \$7,500 with an execution date of 12/19/05, a resolution date of 11/3/05, and a payment date of 4/21/06.
- b. Harmony Township – Requesting \$15,000. Previously they had received a COAH Round 3 Grant for \$7,500 with an execution date of 4/20/06 and a resolution date of 2/09/06. A letter was sent to them on 11/29/07 indicating that to receive reimbursements for work completed the Township would have to submit their Fair-Share Plan. As of this time, that has not occurred.
- c. Montville Township – Requesting \$15,000. Previously they had received a COAH Round 3 Grant for \$7,500 with an execution date of 2/17/06, a resolution date of 10/6/05 and a payment date of 5/15/06.
- d. Rockaway Township – Requesting \$15,000. Previously they had received a COAH Round 3 Grant for \$7,500 with an execution date of 12/2/05, a resolution date of 10/6/05 and a payment date of 5/24/06.
- e. Vernon Township – Requesting \$15,000. Previously they had approved for a COAH Round 3 Grant for \$7,500 with an execution date of 11/25/05 and a resolution date of 10/6/05. However, their application was incomplete and no budget was submitted for approval. Also, though they submitted a Housing Element and Fair Share Plan, they never submitted vouchers for payment.
- f. Washington Township (Warren) – Requesting \$15,000. This is their first grant request.

Mr. Schrier introduced the motion and Mr. Cogger seconded it. There was no public comment. Mr. Dillingham, Ms. Pasquarelli, Mr. Peterson, Mr. Vetrano and Ms. Way were absent. All other members present voted in favor. The resolution was APPROVED.

Ms. Swan continued with the resolution for Parsippany-Troy Hills. They are requesting \$15,000. Previously, they had received a COAH Round 3 Grant for \$7,500 and it is fully executed and paid out. There was no public comment.

Mr. Schrier introduced the motion and Ms. Kovach seconded it. Ms. Letts abstained as she had recused herself. Mr. Dillingham, Ms. Pasquarelli, Mr. Peterson, Mr. Vetrano and Ms. Way were absent. All other members present voted in favor. The resolution was APPROVED.

Ms. Swan indicated that Belvidere was requesting \$5,000 reimbursement for the satisfactory completion of their 2005 COAH Fair Share Plan. This is their first grant request. There was no public comment. *Mr. Schrier introduced the motion. Ms. Kovach seconded it. Mr. Dillingham, Ms. Letts, Mr. Peterson, Mr. Vetrano and Ms. Way were absent. All other members present voted in favor. The resolution was APPROVED.*

III. CONSIDERATION OF RESOLUTION ANNUAL MEETING SCHEDULE FOR 2009 (voting matter with public comment)

Chairman Weingart indicated that some members had conflicts and asked that Paula Dees would contact Council Members for conflicts with the meeting date schedule and preferred meeting times so that the resolution could be moved forward. *Ms. Letts introduced the motion and Mr. Schrier seconded it.*

He noted that the meeting schedule was essentially the third Thursday of each month with two out of three meetings at 10 and one at 4. Mr. Borden offered some amended language so that the schedule could be amended by the Executive Director. Mr. Dillingham, Ms. Pasquarelli, Mr. Peterson, Mr. Vetrano, Ms. Way were absent. All other members present voted in favor. *The resolution was APPROVED.*

IV. CONSIDERATION OF RESOLUTION – REGIONAL COORDINATION GRANTS PROGRAM (Voting matter with public comment)

Ms. Swan discussed the fact that many municipalities belong to regional organizations that can facilitate implementation for regional planning. She gave some examples of organizations in the Highlands Region. She asked that the Council consider a grant program to assist municipalities to work with these organizations funding not to exceed \$150,000 to work with the regional groups and that only municipalities that have filed a Notice of Intent to Conform would be eligible. The maximum for any municipality would be \$2,000.

Ms. Letts asked what the municipalities would do with the funding. Ms. Swan responded with an example of a study on water quality and economic viability by the Spruce Run Initiative—supportive of RMP goals and regional planning. Mr. Schrier noted that there are municipalities that bridge multiple organizations. There was additional discussion about the use of these funds. Ms. Swan reviewed the process that would include a regular report to the council. Mr. Borden gave an example of a project of stream corridor protection plan for the Black River that the Raritan Highlands Compact had undertaken. Mr. Cogger elaborated on the efforts in the Black River area. Ms. Carluccio asked if the projects were envisioned to be only watershed based. Ms. Swan and Mr. Borden discussed that the scope of the projects would be linked to the goals of the plan.

Mr. Schrier was looking for a more direct benefit to the watershed organizations and Ms. Carluccio asked how funds would be accessed. Mr. Schrier discussed the Whippany Watershed Association and that it has 14 municipalities such that the organization would receive up to \$28,000. Chairman Weingart asked about the outreach and how the evaluation of projects would be handled. Ms. Letts suggested that the counties could assist and administer the projects.

There was additional discussion related to the issue of multiple towns being a part of multiple watersheds. Chairman Weingart asked if specific outreach had been done and Ms. Swan responded that the resolution was advanced as a result of the outreach. Ms. Carluccio asked for letters of intent for specific projects and spoke about establishing the program to solicit that information. Mr. Cogger also commented that many of the kinds of projects that would be applied for would include volunteer time, but that analysis would require funding. Chairman Weingart asked that the resolution be tabled until the January 15th meeting. Ms. Swan asked for any suggestions be submitted by council members.

Chairman Weingart thanked Paula Saha from the Star Ledger for her coverage of the Highlands as she is retiring.

PUBLIC COMMENT

Jeff Tittel – Sierra Club – He discussed the PSE&G power line and gave the example of thinking of it as repairing Route 202 vs. building Route 287. His concerns were the environmental impacts and the impact to the energy of New Jersey. He believes that this additional power will undermine the attempt to reduce green house gases and other alternative energy sources.

Mark Zakutansky – NJ Highlands Coalition – He submitted public comments expressing the organization's concern regarding the environmental impacts of the proposed additional power lines from PSE&G.

Paul Schneider, Esq. –Giordano, Halleran and Ciesla – Mr. Schneider representing Pilot Travel Center spoke about his concerns for the process of consistency determinations from the Highlands Council. He provided an overview and chart of the Center's concerns. There was an extensive dialogue between Council members and Mr. Schneider regarding the request to reconsider the Council's Consistency Determination.

Brenda Holzinger – NY-NJ Trail Conference – Ms. Holzinger submitted a letter for public comment and expressed her organization's concern for the impact of the proposed PSE&G project on the trail system.

Hal Danielson – He discussed how packaged nuclear power plants can be effective and described the guarding of power towers in South Africa. He expressed his concern for compensation to effected property owners.

Eliot Ruga - NJ Highlands Council – He commented that their organization was pleased with the *OFD* decision and had filed an amicus brief in support of that decision. He was also pleased to see the municipalities who had filed for notice of intent. He also gave his support for the new consistency review function and spoke about the adverse visual impacts of the PSE&G project.

Wilma Frey – NJ Conservation Foundation – She commented on the impacts on preserved land and other environmental impacts that the PSE&G was adversely affecting and asked how many acres were impacted by this project.

Daniel Moore – Jefferson Township – He gave his comments on the PSE&G project and believes that there is a tactic of fear being employed to do this project. A tower is proposed to be closer to his home than currently. He has a dispute on his survey with a right of way that PSE&G holds and so far PSE&G has not resolved it.

Andrew Drysdale – Chester Township – Mr. Drysdale submitted a letter for public comment that he read giving his comments objecting the Highlands Act.

Dave Peifer – ANJEC – He spoke in support of the regional grants program and gave the example of 8 HUC 14's in Mendham Township. He supports planning by HUC 14 for issues like water

deficit planning. He recommended considering funding for sub regional planning and suggested that it be a part of an advanced conformance process. He also suggested reading the ground rules for public comment prior to beginning public comment. He expressed concern for the land disturbance during construction with the PSE&G project.

Tom Moran – PSE&G – Mr. Moran commented on Mr. Tittel's remarks and discussed the efforts in efficiency and alternative energy sources like wind and solar that PSE&G were involved in currently. He explained that PJM who does the planning is indicating a breakdown in the energy transmission system by 2012. He described the challenges of advancing energy needs with renewable will not be adequate without additional traditional sources.

A motion to adjourn by Ms. Letts and seconded by Ms. Kovach at 4:27 pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the Highlands Water Protection and Planning Council.

DATE: 1/20/09

NAME: Paula M. Dees
Paula M. Dees, Executive Assistant to Eileen Swan

Vote on the Approval of these Minutes

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede						✓
Councilmember Calabrese			✓			
Councilmember Carluccio			✓			
Councilmember Cogger		✓	✓			
Councilmember Kovach						✓
Councilmember Letts			✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson					✓	
Councilmember Schrier	✓		✓			
Councilmember Vetrano						✓
Councilmember Way					✓	
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

PUBLIC COMMENTS SUBMITTED

ANDREW DRYSDALE
Land Surveyor
32 East Fox Chase Road
Chester, NJ, 07930
Tel. 908-234-1079 Fax 908-234-1326

December 18, 2008

Highlands Council
100 North Road
Chester, NJ 07930

Good Afternoon,

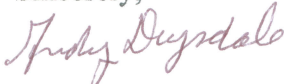
I am Andy Drysdale, from 32 East Fox Chase Road, Chester Township, Morris County, NJ. My wife Lois and I, along with many others, are victims of the ill-conceived Highlands Act.

In September of 2006 Lois and I placed an add in the Morristown Daily Record, Warning people in the "Planning Area" that the Highlands Act might "soon have a severe and unhealthy financial effect on many people in the entire highlands region, not just in the preservation area", Sadly, that appears to be happening now. (Included with this letter is a copy of that warning)

Bribery did not work, so now municipalities are being told that if they opt in to the plan, they will have a smaller COAH obligation. This is extortion, i.e. if you don't swallow these two sticks, we will whack you with a bigger one.

Municipalities should not give up their rights to the state. It is time for them to join together and take action to overturn these laws that are ruining our state and taking away our freedom.

Take it to the Governor. Take it to the legislature, Pool your resources and take it to the courts. These onerous laws need to be overturned as soon as possible, so that the people of New Jersey can again feel safe from crime in their communities and know that their assets and rights will not be legislated away by the state.

Sincerely,

Andy Drysdale

cc: Others

WARNING!

THE HIGHLANDS ACT

THAT WAS SIGNED INTO LAW BY AN EX-GOVERNOR WHO RESIGNED IN DISGRACE, CONTAINS MANY FLAWS AND MAY SOON HAVE A SEVERE AND UNHEALTHY FINANCIAL EFFECT ON MANY PEOPLE IN THE ENTIRE HIGHLANDS REGION, NOT JUST IN THE “PRESERVATION AREA.” ANYONE WHO’S ASSETS ARE DEVALUED SHOULD BE IMMEDIATELY COMPENSATED 100% FOR THEIR LOSSES AT PRE-HIGHLANDS PRICES OR THE ACT SHOULD BE OVERTURNED!

TO CONTACT YOUR LEGISLATORS GO TO www.njleg.state.nj.us/
TO CONTACT THE GOVERNORS OFFICE GO TO www.state.nj.us/governor/
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December 18, 2008

New Jersey Highlands Council
100 North Road
Chester, NJ 07930

RE: PSE&G Susquehanna-Roseland Expansion Project–Comments Prepared for the
12/18/2008 Highlands Council Meeting

Chairman Weingart, Council Members and Council Staff:

The proposed PSE&G transmission project presents considerable concerns for the New York-New Jersey Trail Conference due to the scale and nature of the associated environmental, scenic and recreational impacts to the Highlands Region. The Trail Conference joins with the objections raised by the NJ Highlands Coalition, and offers these additional comments to emphasize the significant negative consequences the proposed electric project will have for northern New Jersey's trails and protected public lands.

The visual impact of the proposed PSE&G project on the northern New Jersey trail system, as well as the entire Highlands region, will be an enormous increase in tower visibility. A comparison of the Existing Towers Visible vs. Proposed Towers Visible maps shows a striking increase in the yellow, orange and red areas. The visual impact analysis shows that there will be a 14% increase in acreage from which it will be possible to see at least 10 towers and an 11% increase in acreage from which it will be possible to see at least 25 towers. 50 or more towers will be visible on an additional 8% of acreage. The Change in Number of Towers Visible map indicates that the entire corridor span is experiencing the additional visual impact, but the impact is extremely negative within the Highlands Region (Please refer to the attached maps and the Viewshed Analysis).

The proposed access roads leading into the Jefferson switching station area as well as the proposed switching station itself, if permitted, will have a significant negative impact on the Highlands Trail, which is New Jersey's Millennium Trail, as well as on the preserved public land that surrounds the entire area. The Trail Conference supports the NJ Highlands Coalition comments that lay out in detail the many objections to the proposed switching station. In fact, one of the access roads into the switching station is planned to run along the blazed route of the Highlands Trail (Please refer to the attached map indicating the PSE&G parcels in red and the Highlands Trail). Additionally, many of the other planned access routes follow blazed hiking trails, but the imprecise and incomplete plans provided by PSE&G thus far do not provide enough details for a thorough analysis.

The Trail Conference is concerned about hiker safety and public access to northern New Jersey's trails and public lands while the construction is underway and afterwards. As the attached maps indicate, the proposed transmission line passes through at least 8 major recreational areas with hiking trails and preserved public lands. The Trail Conference would strenuously object to any plan that would in any way diminish public access at any time. Additionally, however, the Trail Conference is extremely concerned that all the planned access roads will provide easy new access for all-terrain vehicles, which not only can pose a danger to hikers but also damage trails. Our experience over many years is that power line right of ways are the most common entry way for illegal ATVs to gain access to hiking trails.

Thank you for the opportunity to comment at this time on the proposed PSE&G transmission project.

Brenda Holzinger
NJ Regional Representative
NY-NJ Trail Conference

Viewshed Analysis of PSE&G Proposed Route B Corridor

Performed by the New York-New Jersey Trail Conference, 2008

Land area within a 10 mile buffer of the proposed route from which a tower would be visible

	At least 1 Tower		At least 10 Towers		At least 25 Towers		At least 50 Towers		Total Acres
	Acres	%	Acres	%	Acres	%	Acres	%	
Existing Towers	388558	49	190314	24	83262	10	23789	3	792976
Proposed Towers	459926	58	301331	38	174455	22	87227	11	792976
Change	+ 71368	+ 9	+111017	+ 14	+ 91193	+ 11	+ 63438	+ 8	

*Acres represents the number of acres within 10 miles of the proposed route from which a tower would be visible

*% represents the percentage of the area within 10 miles of the proposed route from which a tower would be visible

~~~Using 'At least 10 Towers' as an example, at least 10 existing towers are currently visible in 24% of the 10-mile buffer zone, while at least 10 proposed towers would be visible in 38% of the zone. This would represent a 14% increase in the area from which at least 10 towers would be visible.

Existing Tower height used was 25 meters (~82 feet)

Proposed Tower height used was 55 meters (~180 feet)

Existing and Proposed Tower locations come from GIS data provided by the Highlands Council

Viewshed Analysis performed by ArcView 9.3 3D Analyst with USGS National Elevation Dataset DEM

This analysis does not take vegetation and most man-made structures into account, but rather is based on the land itself

### Proposed

~~At least one tower visible from 58% of land within 10 miles of line (459926 of 792976 total acres)

~~10 or more towers visible from 38% of land within 10 miles of line (301331 of 792976 total acres)

~~25 or more towers visible from 22% of land within 10 miles of line (174455 of 792976 total acres)

~~50 or more towers visible from 11% of land within 10 miles of line (87227 of 792976 total acres)

### Existing

~~At least one tower visible from 49% of land within 10 miles of line (388558 of 792976 total acres)

~~10 or more towers visible from 24% of land within 10 miles of line (190314 of 792976 total acres)

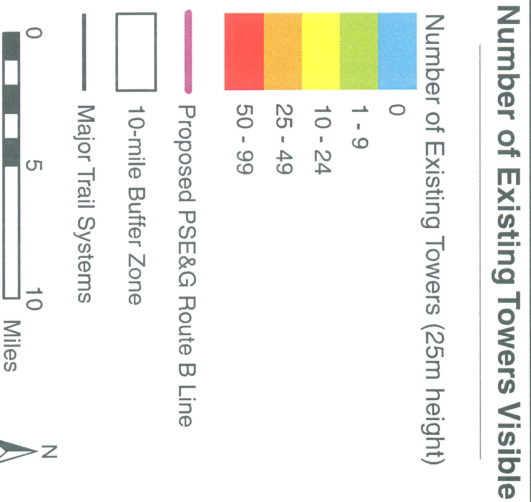
~~25 or more towers visible from 10.5% of land within 10 miles of line (83262 of 792976 total acres)

~~50 or more towers visible from 3% of land within 10 miles of line (23789 of 792976 total acres)





# PSE&G Susquehanna-Roseland Line Viewshed Analysis and Impact On Nearby Trail Systems in New Jersey



The viewshed was developed in ArcView 9.3 using the USGS National Elevation Dataset DEM and GIS data obtained from the Highlands Council. It should be noted that DEMs can include road grades but do not show most human artifacts (i.e. buildings, walls, etc.) or vegetation.

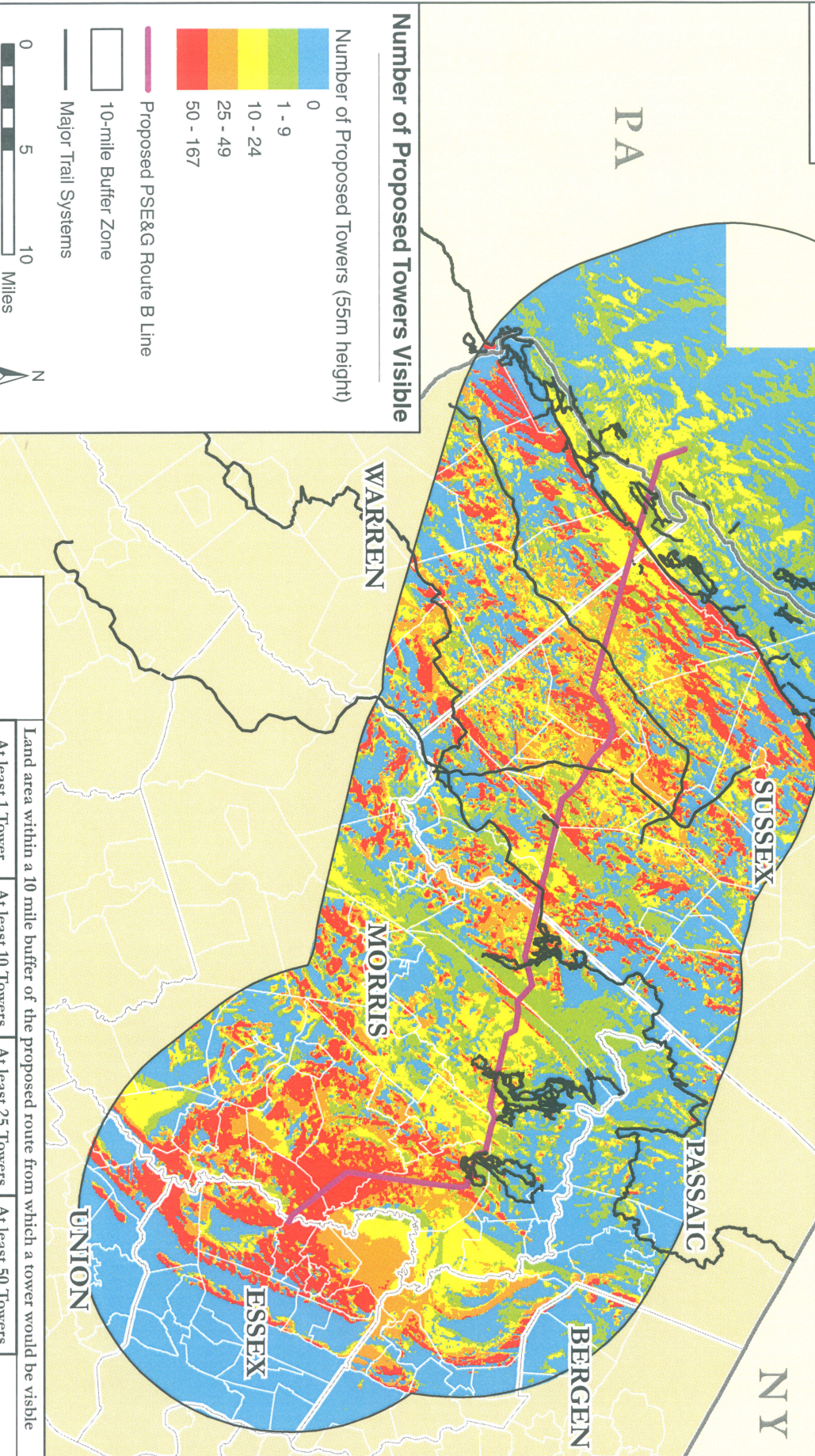
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| Land area within a 10 mile buffer of the proposed route from which a tower would be visible |                  |    |                    |     |                    |     |                    |    |             |  |  |
|---------------------------------------------------------------------------------------------|------------------|----|--------------------|-----|--------------------|-----|--------------------|----|-------------|--|--|
|                                                                                             | At least 1 Tower |    | At least 10 Towers |     | At least 25 Towers |     | At least 50 Towers |    | Total Acres |  |  |
|                                                                                             | Acres            | %  | Acres              | %   | Acres              | %   | Acres              | %  |             |  |  |
| Existing Towers                                                                             | 388558           | 49 | 190314             | 24  | 83262              | 10  | 23789              | 3  | 792976      |  |  |
| Proposed Towers                                                                             | 459926           | 58 | 301331             | 38  | 174455             | 22  | 87227              | 11 | 792976      |  |  |
| Change                                                                                      | +71368           | +9 | +11017             | +14 | +91193             | +12 | +63438             | +8 |             |  |  |





**PSE&G Susquehanna-Roseland Line  
 Viewshed Analysis and Impact On  
 Nearby Trail Systems in New Jersey**



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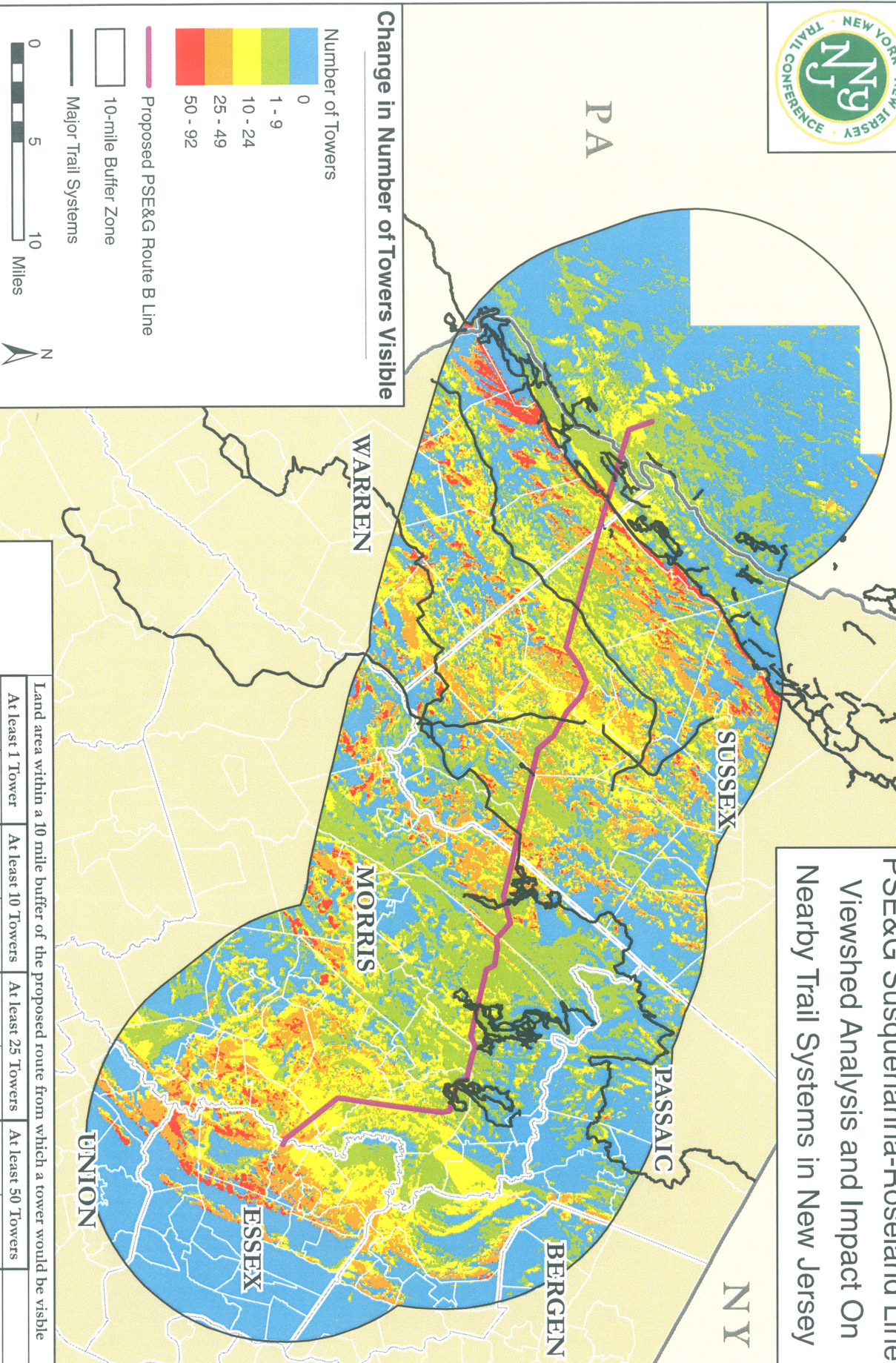
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|                 |        | Land area within a 10 mile buffer of the proposed route from which a tower would be visible |                    |                    |                    | Total Acres |        |
|-----------------|--------|---------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|-------------|--------|
|                 |        | At least 1 Tower                                                                            | At least 10 Towers | At least 25 Towers | At least 50 Towers |             |        |
|                 | Acres  | %                                                                                           | Acres              | %                  | Acres              | %           |        |
| Existing Towers | 388558 | 49                                                                                          | 190314             | 24                 | 83262              | 10          | 792976 |
| Proposed Towers | 459926 | 58                                                                                          | 301331             | 38                 | 174455             | 22          | 792976 |
| Change          | +71368 | +9                                                                                          | +11017             | +14                | +91193             | +12         | +8     |





PSE&G Susquehanna-Roseland Line  
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Change in Number of Towers Visible

Number of Towers

0  
1 - 9  
10 - 24  
25 - 49  
50 - 92

Proposed PSE&G Route B Line

10-mile Buffer Zone

Major Trail Systems

0 5 10 Miles

N

The viewshed was developed in ArcView 3.3 using the USGS National Elevation Dataset DEM and GIS data obtained from the Highlands Council. It should be noted that DEMs can include road grades but do not show most human artifacts (i.e. buildings, walls, etc.) or vegetation.

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|                 |        | Land area within a 10 mile buffer of the proposed route from which a tower would be visible |                    |                    |                    | Total Acres |           |
|-----------------|--------|---------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|-------------|-----------|
|                 |        | At least 1 Tower                                                                            | At least 10 Towers | At least 25 Towers | At least 50 Towers |             |           |
|                 | Acres  | %                                                                                           | Acres              | %                  | Acres              | %           |           |
| Existing Towers | 388558 | 49                                                                                          | 190314             | 24                 | 83262              | 10          | 792976    |
| Proposed Towers | 459926 | 58                                                                                          | 301331             | 38                 | 174455             | 22          | 792976    |
| Change          | +71368 | +9                                                                                          | +111017            | +14                | +91193             | +12         | +63438 +8 |

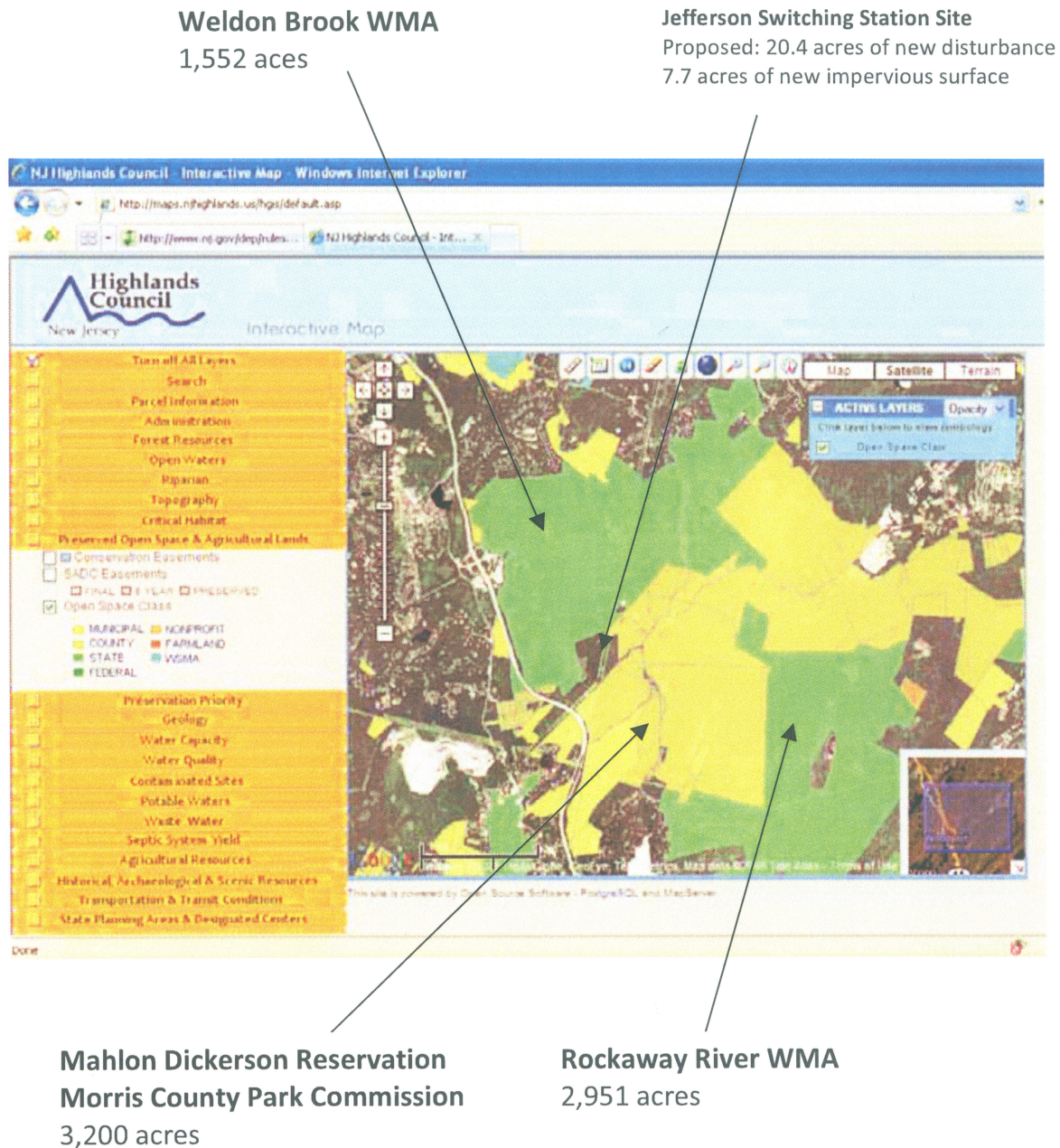






## Appendix 1: Maps of the Proposed Jefferson Switching Station

### Map 1: Jefferson Switching Station – Adjacent Open Space 7,700 acres





## Map 2: Jefferson Switching Station – Site Constraints: Wetlands, Streams and Open Water Protection Areas (300' buffers)

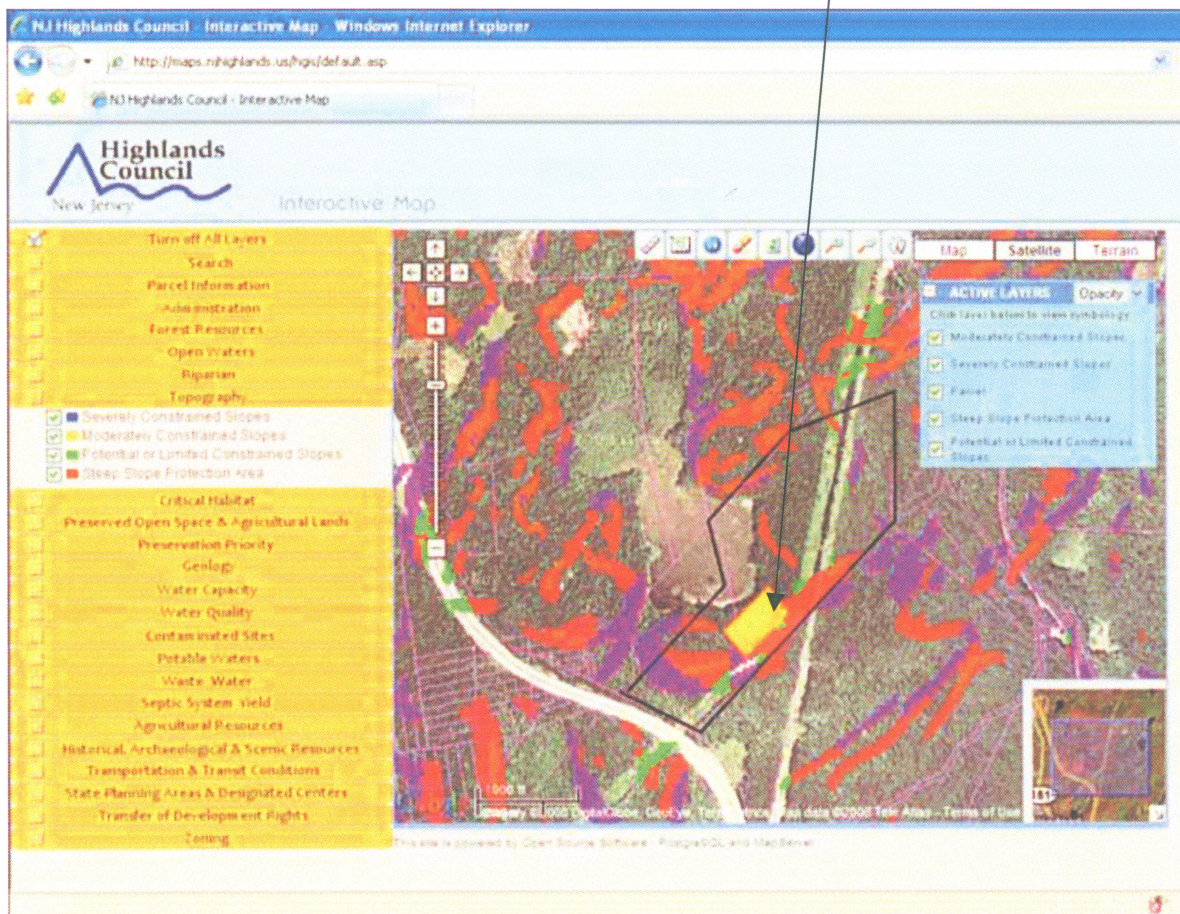
### Proposed Jefferson Switching Station Site





## Map 2: Jefferson Switching Station – Site Constraints: Steep Slopes

### Proposed Jefferson Switching Station Site



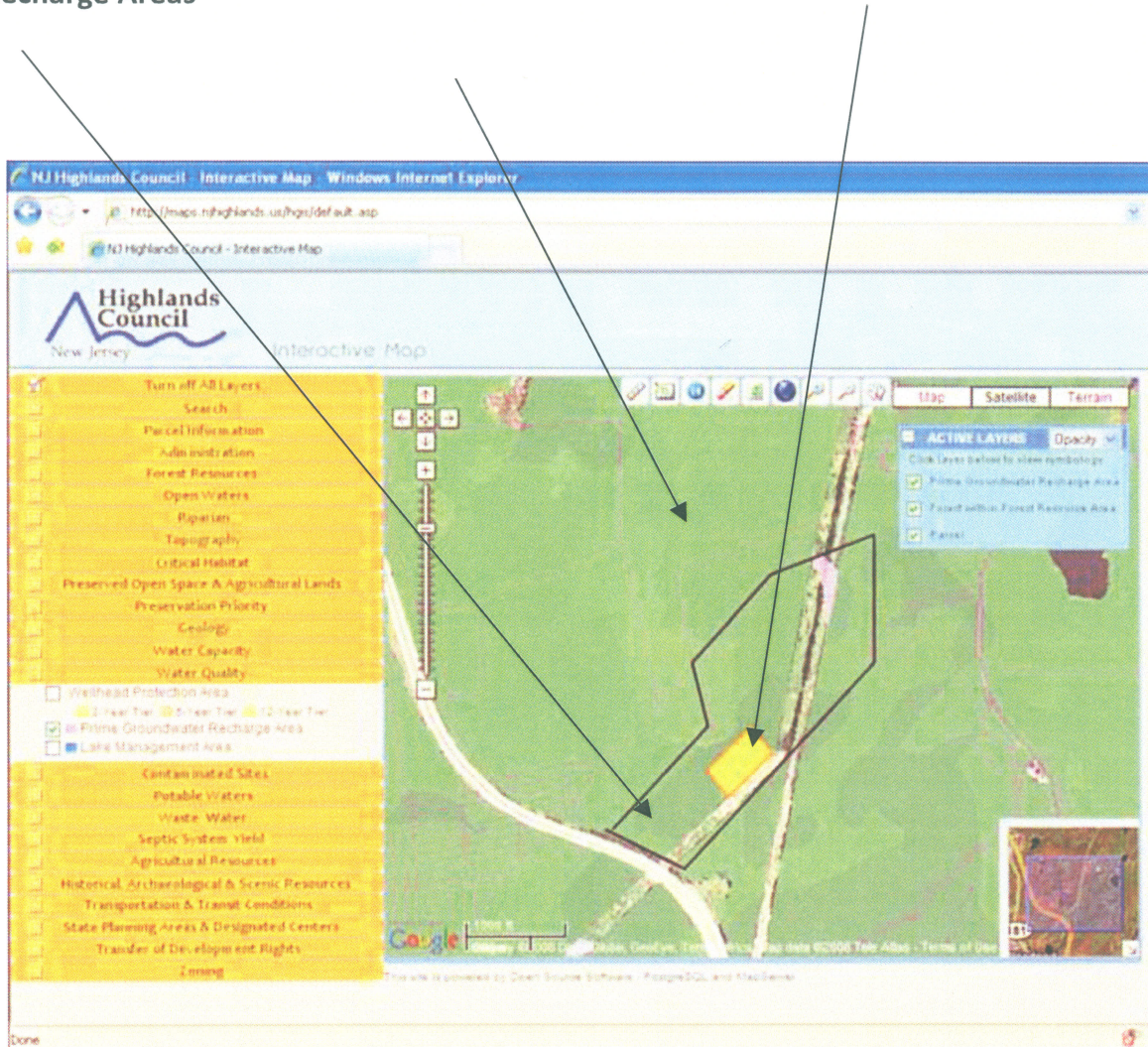


## Map 2: Jefferson Switching Station – Site Constraints: Forested Lands and Prime Ground Water Recharge Areas

**Prime  
Groundwater  
Recharge Areas**

**Forest within a  
Forest Resource Area**

**Proposed Jefferson Switching  
Station Site**







## NEW JERSEY HIGHLANDS COALITION

508 Main St. • Boonton, NJ 07005 • [www.njhighlandscoalition.org](http://www.njhighlandscoalition.org)

December 17, 2008

New Jersey Highlands Council  
100 North Rd.  
Chester, NJ 07930

Comments submitted at Highlands Council Meeting  
on December 18, 2008 by Mark Zakutansky from  
New Jersey Highlands Coalition.

Page 1 of 6.

RE: PSE&G Susquehanna-Roseland Expansion Project – Comments Prepared for the 12/18/2008  
Highlands Council Meeting

Chairman Weingart, Council Members and Council Staff:

The proposed PSE&G transmission project presents considerable concerns because of the scale and nature of the associated environmental, historic, scenic, and recreational impacts to the Highlands Region. In support of the goals and purposes of the Highlands Act and Regional Master Plan, the New Jersey Highlands Coalition is opposing PSE&G's application for a Highlands Applicability Determination (HAD) under Highlands Act exemption #11, which states:

*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 the Highlands Act; [7.38-2.3(a)11]*

To address HAD applications under exemption #11 [7.38-2.3(a)11], The Regional Master Plan includes the following language:

**Objective 7F1f:** *Activities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP.*

The New Jersey Highlands Coalition noted almost 50 inconsistencies between the Highlands Regional Master Plan and PSE&G's proposed transmission line expansion project. The New Jersey Highlands Coalition also noted numerous inconsistencies with the NJDEP Highlands Rules, N.J.A.C. 7.38 as well as numerous inconsistencies with the goals and purposes of the Highlands Act.

### Timeline:

PSE&G submitted an *Application for Highlands Applicability and Water Quality Management Plan Consistency Determination – Susquehanna-Roseland 500 KV Transmission Line*. The application was deemed administratively complete and published in the NJDEP Bulletin on 11/5/2008 and republished on 11/19/08.

The DEP is accepting public comments on the HAD application through 12/18/2008.

The New Jersey Highlands Coalition and 18 other organizations requested an extension of the deadline for public comments, a public hearing, and an electronic version of the HAD application to be available online. The request was submitted to the NJDEP on 12/2/2008 and denied by the Department on 12/10/2008.

**Major Inconsistencies between PSE&G proposed project, as outlined in their HAD application, and the goals and purposes of the Highlands Act and RMP Objective 7F1f:**

- **Proposed access roads are subject to change.** Locations have only been mapped using aerial images, routes have not been walked and therefore may not be feasible.
- **Proposed access roads run through Wildlife Management Area, Highlands Open Water Buffers and cross the many recreational sites including the Highlands Trail.** Access roads will be wide enough for heavy equipment trucks to pass each other. The road surfaces will 12 inches of gravel. Hiking and other recreational trails will cross proposed access roads in many locations while construction is taking place and while heavy equipment is traveling through these popular parks and natural areas. Stormwater controls for water draining from access roads and staging areas are not included in the HAD application and therefore impacts to wetlands, C1 streams and Highlands open waters may be significant.
- **The proposed Jefferson Switching Station (see appendix 1) will add 20.4 acres or disturbance (the size of an average Big Box Store and parking lot) and 7.7 acres of new impervious surfaces within/on:**
  - the Preservation Area;
  - 300' Highlands Open Water Buffers to Wetlands;
  - Critical Wildlife Habitat;
  - Prime Groundwater Recharge Area;
  - Core Forested Lands within a Forest Resource Area;
  - A mapped Wildlife Corridor;
  - Severely Constrained Steep Slopes
  - Moderately Constrained Steep Slopes
  - Steep Slope Protection Area
  - Mapped Conservation Priority Area
  - In-holding property surrounded on nearly all four sides by more than **7,700 acres of existing preserved lands.**
- **Scenic Impacts to Recreational Lands and Federally Recognized Historic Sites along or adjacent to the line.** Tower heights will range between 179 and 193 feet. Specific tower design per location has not been determined yet.
- **The incomplete nature of the project's design and engineering plans.** PSE&G has stated in public that the project is only 20-30% engineered to date. Additionally, the construction design for the Jefferson Switching Station has not been chosen. Either design will have different resource impacts.

**Thank you for the opportunity to comment at this time. A full copy of our comments sent to the NJDEP on 12/18/2008 RE: PSE&G's HAD application are available on our website, [www.njhighlandscoalition.org/](http://www.njhighlandscoalition.org/)**

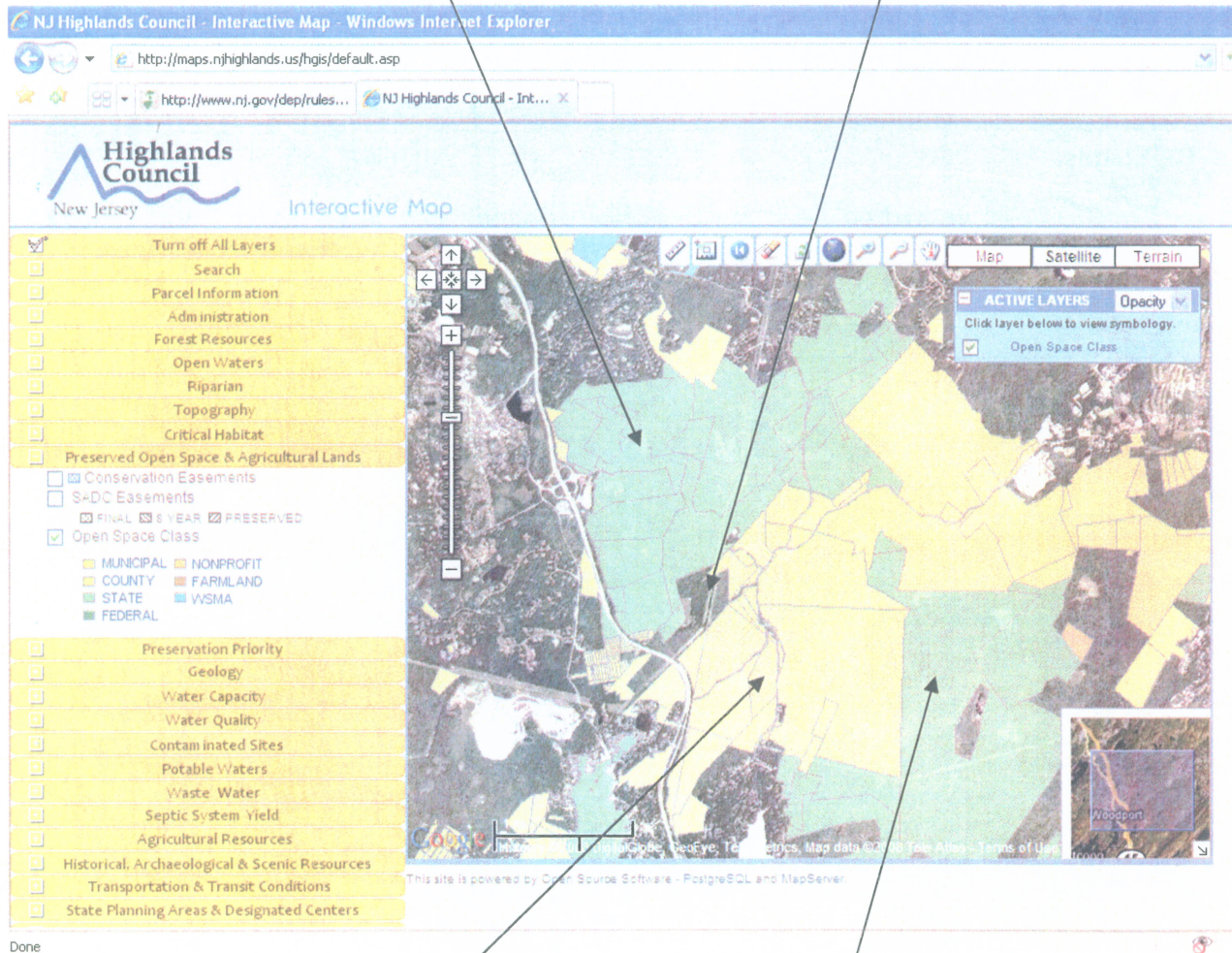


## Appendix 1: Maps of the Proposed Jefferson Switching Station

### Map 1: Jefferson Switching Station – Adjacent Open Space 7,700 acres

**Weldon Brook WMA**  
1,552 acres

**Jefferson Switching Station Site**  
Proposed: 20.4 acres of new disturbance  
7.7 acres of new impervious surface



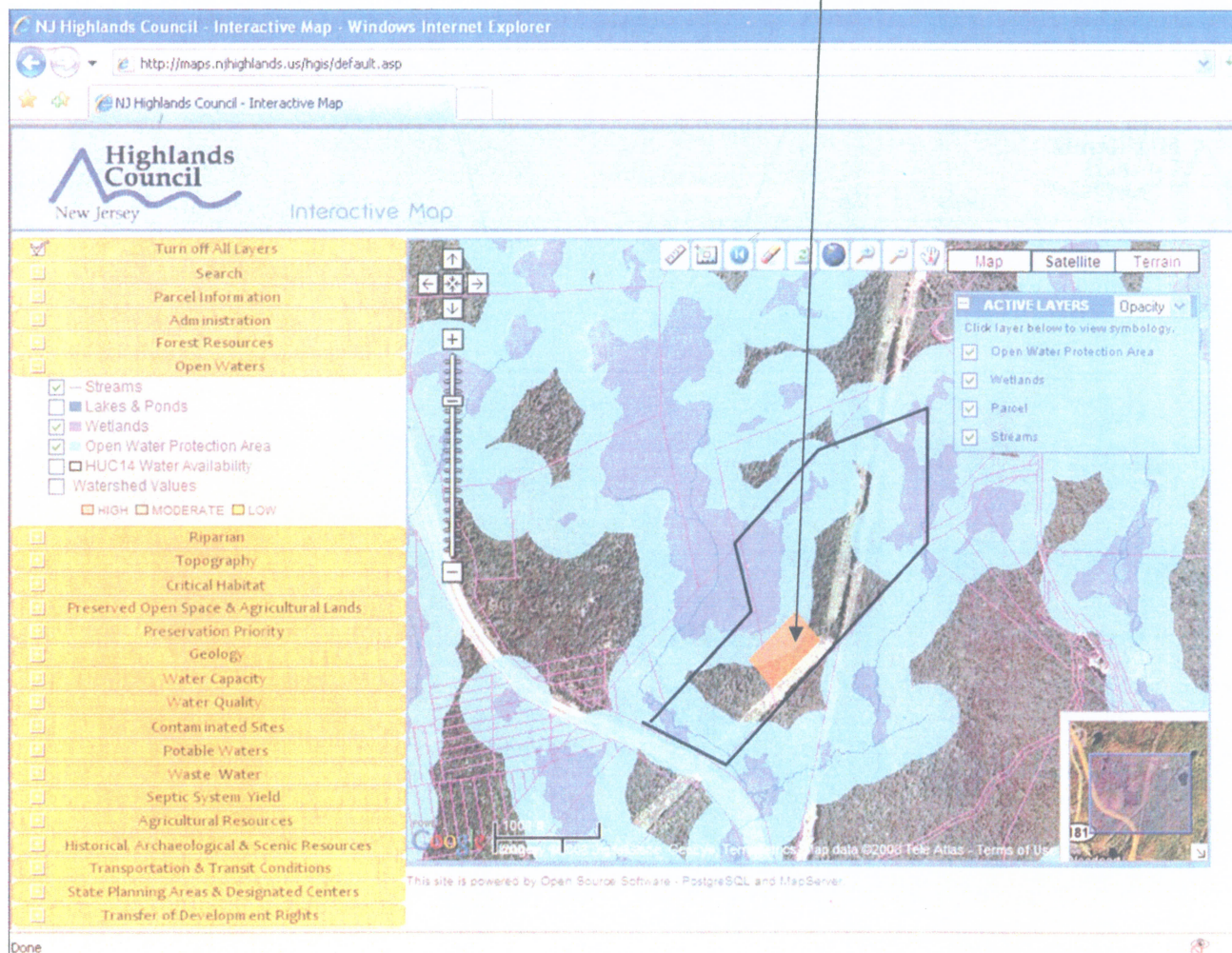
**Mahlon Dickerson Reservation**  
**Morris County Park Commission**  
3,200 acres

**Rockaway River WMA**  
2,951 acres



## Map 2: Jefferson Switching Station – Site Constraints: Wetlands, Streams and Open Water Protection Areas (300' buffers)

### Proposed Jefferson Switching Station Site





## Map 2: Jefferson Switching Station – Site Constraints: Steep Slopes

### Proposed Jefferson Switching Station Site



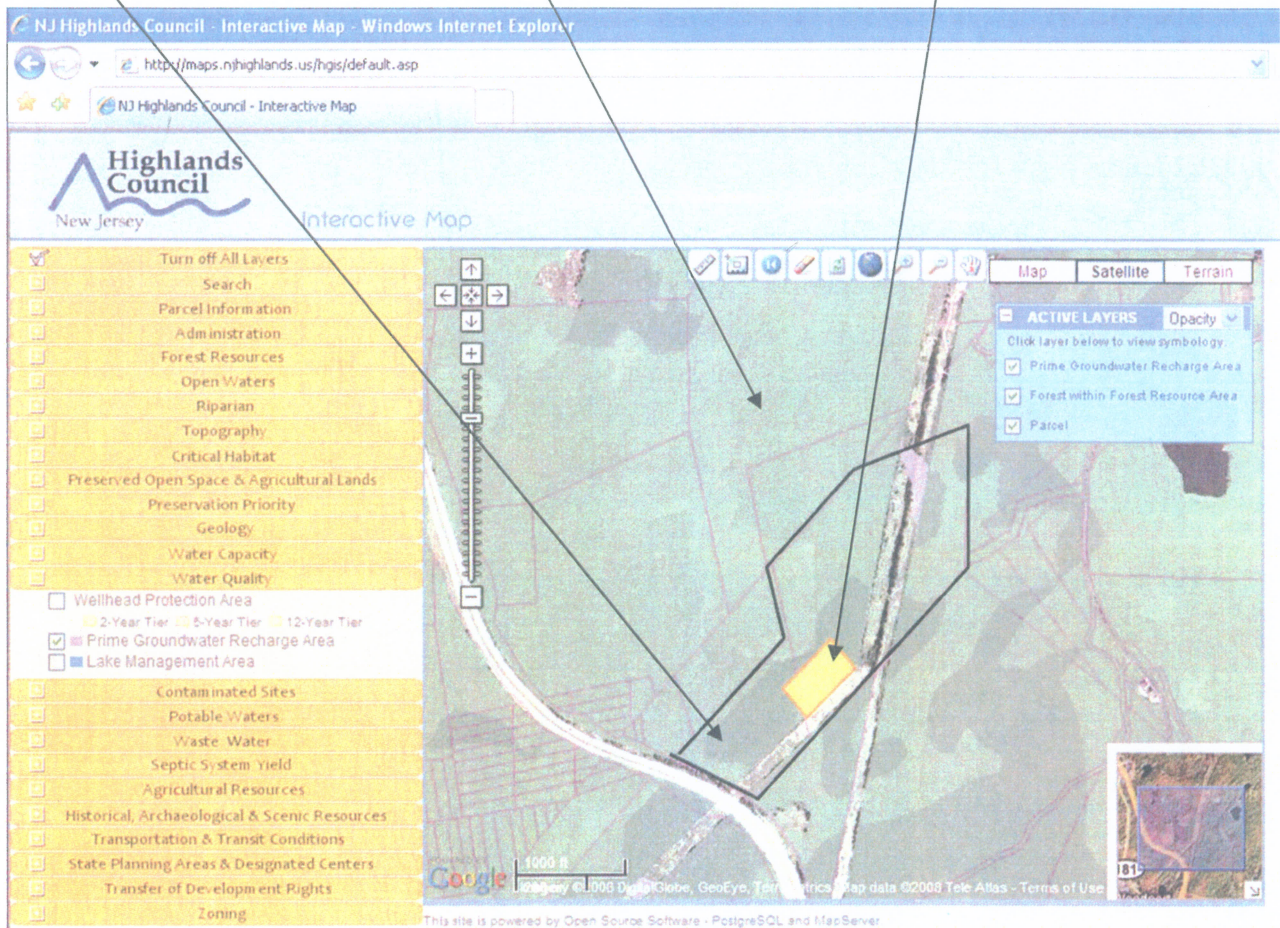


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Done