

Holland Township Environmental Commission Minutes

May 2, 2018 7 PM Meeting

Chairman Keady called the meeting to order. He read the notice satisfying the Open Public Meeting Act. All stood for the pledge of allegiance. All were reminded to turn off their cell phones or put them in silent mode.

Members Present: Jerry Bowers, Henry Gore, and Ted Harwick (arrived 7:05pm), David Harrison, Mike Keady, Susan Meacham, Dwight Pederson, and Secretary Maria Elena Jennette Kozak.

Present: Township Committee Liaison: Robert Thurgarland

Absent: Rick Schrack

Guest – Ray Note – filled in a citizen volunteer form for the EC

Let the record show we have a quorum.

Minutes: The reading and approval of the April 4, 2018 minutes were tabled.

PennEast Pipeline update: Susan Meacham and Mike Keady – FERC issues Notice of Inquiry on determining need. FERC refuses to change their ways and continues to take the easy way out. Susan Meacham also stated that no one knows who the customer is that PENNEAST refers to. Notice of Inquiry is a public hearing. The township subcommittee will get together to decide how the township should proceed. Susan Meacham will provide suggestions that the Township could incorporate.

Susan Meacham also discussed the fact that the US Supreme Court refused to review a case involving New York State refusing to issue a Clean Water Act permit for the Constitution Pipeline. This is important because the New Jersey DEP will have to issue a similar permit before the PennEast Pipeline can proceed to construction. Trade publication articles are available and Secretary Kozak included some as follows.

SUPREME COURT

Pipelines, railroads and utilities among rejected cases

[Amanda Reilly](#) and [Ellen M. Gilmer](#), E&E News reporters

Greenwire: Monday, April 30, 2018

Backers of a beleaguered pipeline proposal in New York won't get any help from the Supreme Court, as the justices today denied Constitution Pipeline Co. LLC's bid to revive the natural gas project.

The Supreme Court will not get involved in the high-stakes dispute pitting state regulators against pipeline developers.

The high court also declined today to take up litigation that questioned whether federal railroad law trumps a state environmental statute, as well as a New Mexico utility's bid to overturn a ruling on right of way easements for transmission lines. It takes the votes of four justices for the Supreme Court to take up a case.

At issue in the Constitution pipeline case is the New York State Department of Environmental Conservation's 2016 denial of state permits for the project. The pipeline, backed by Williams Cos. Inc., would stretch 126 miles from northeast Pennsylvania to the middle of the Empire State.

Constitution challenged the DEC's permit denial, but the 2nd U.S. Circuit Court of Appeals rejected the case last year.

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The pipeline backers say the case is a big deal for federal versus state power and is an example of state officials overstepping their authority. New York has denied permits for two other natural gas pipelines in recent years, though the federal government pushed one project through.

If states are able to block projects, Constitution lawyers argued, the resulting lack of necessary infrastructure could raise national security concerns ([Energywire](#), April 27).

For now, the issue will continue to play out on a case-by-case basis, as developers challenge state permit denials.

Constitution has also made a final bid for the Federal Energy Regulatory Commission to intervene and overturn New York's decision. FERC has already denied the request once, but a rehearing petition is pending.

U.S. Supreme Court Offers No Relief for Constitution Pipeline, Rejects Appeal

[Jamison Cocklin](#)

April 30, 2018

The U.S. Supreme Court on Monday denied a petition filed by Constitution Pipeline Co. LLC to challenge New York's regulatory authority and let stand an appeals court ruling that upheld the state's decision to deny the project a water quality certificate (WQC).

It was yet another setback for the 124-mile natural gas pipeline project that has bounced through the legal and regulatory process for years now. The Supreme Court was asked to review a ruling by the U.S. Court of Appeals for the Second Circuit. The petition was distributed for conference, or discussion, on Friday, but the justices simply denied it.

Constitution received a FERC certificate authorizing the project in 2014. The project's sponsors have battled the New York State Department of Environmental Conservation (DEC) since 2016, when after nearly three years of regulatory review the agency denied the pipeline's application for a section 401 WQC required under the Clean Water Act (CWA).

The project's sponsors vowed on Monday to keep fighting, saying they "continue to believe that this FERC-approved project should be allowed to proceed with construction," and adding that they are still committed to the pipeline and the remaining regulatory and legal options available.

After the DEC denial, which was mainly related to a disagreement over trenchless crossings and the agency's contention that it didn't have enough information to determine the project's environmental impact, the company petitioned the Second Circuit to review the decision.

The appeals court denied the challenge, with a three-judge panel ruling that the DEC is entitled to its regulatory review under relevant federal laws. Constitution later petitioned the court for a rehearing of the case en banc, which was also denied.

Constitution had argued that without a ruling from the Supreme Court, states could use their authority under the CWA to undermine interstate natural gas pipeline development. Monday's denial, however, is not the last gasp for the project.

Earlier this year, The Federal Energy Regulatory Commission denied Constitution's petition for a declaratory order that the DEC waived its authority when it failed to issue a WQC within a reasonable period of time. Constitution has since filed a request for rehearing at FERC, asking the Commissioners to reconsider their decision upholding New York's authority.

"While we are disappointed in the Supreme Court's decision not to hear our case, we are still fully committed to pursuing our primary avenue of relief, which is the pending rehearing request with the Federal Energy Regulatory Commission," said project spokesman Christopher Stockton, adding that the sponsors would, if necessary, also pursue an appeal of FERC's decision to the U.S. Court of Appeals for the District of Columbia Circuit.

Constitution would provide 650 MMcf/d of takeaway capacity from Susquehanna County in northeast Pennsylvania. About 100 miles of the pipeline would cross New York, connecting with Tennessee Gas Pipeline and Iroquois Gas Transmission near Albany. Constitution is backed by Williams, Cabot Oil & Gas Corp., Piedmont Natural Gas and WGL Holdings Inc. with the aim of delivering Marcellus gas to the underserved Northeast.

The project is not the only one to have met resistance in New York. The state has also denied certificates for National Fuel Gas Co.'s Northern Access expansion project and Millennium Pipeline Co. LLC's Valley Lateral project.

While Valley Lateral is advancing after the company successfully challenged New York before FERC, the Northern Access project remains bogged down in court. About a week ago, the DEC also denied a WQC for the Northeast Supply Enhancement Project.

NY DEC Files Response re Constitution Pipe Case @ Supreme Court

March 21, 2018 Industrywide Issues, Litigation, New York, Pipelines, Regulation, Statewide NY

There's a number of threads to the ongoing saga of Constitution Pipeline, a \$683 million, 124-mile pipeline from Susquehanna County, PA to Schoharie County, NY to move Marcellus gas into New York State and from there, into New England. The Andrew Cuomo-corrupted NY Dept. of Environmental Conservation (DEC) refused to grant the pipeline necessary federal stream crossing permits, blocking construction, in April 2016 (see NY Gov. Cuomo Refuses to Grant Permits for Constitution Pipeline). Constitution filed an appeal of the DEC's arbitrary and capricious decision with the U.S. Court of Appeals for the Second Circuit, asking the court to overturn DEC's decision. Unfortunately the Second Circuit refused (see Court Rejects Constitution Pipe's Case Against NY DEC; Now What?). So Constitution appealed the Second Circuit's rejection to the U.S. Supreme Court in January (see Constitution Pipeline Appeals NY Fight Directly to U.S. Supreme Court). The Supremes have not yet agreed to accept the case. Hoping to head off a decision to hear the case, the DEC filed a brief last week with the Supreme Court to say Constitution Pipeline has "misread" the Second Circuit's decision, claiming the DEC was well within their rights to issue the rejection...

Sub-Committees:

Additional discussion to take place in the future regarding sub-committee titles and positions.

Stormwater Education – Mike Keady, Rick Schrack and Maria Elena Jennette Kozak as Secretary –nothing new to report. Secretary Kozak will prepare a status report.

Trails – Ted Harwick, Jerry Bowers and Richard Schrack. – Progressing. – Volunteer hours still needed to send to the state. Secretary Kozak still is working on satisfying conditions of the grant so as to get the reimbursement for Holland.

Community Education and Outreach – Jerry Bowers, Dwight Pederson, and Susan Meacham – If you see additional corrections that are needed please send them to Secretary Kozak. The link is as follows: <http://www.hollandtownshipnj.gov/14-ec/46-environmental-commission.html>. All were still encouraged to think about how to publicize the Trails. Mapping will need to be created etc.

Highlands Conformance – Jerry Bowers and Mike Keady. Nothing new to report.

Shade Tree and Community Forestry Plan Sub-Committee – Henry Gore, Ted Harwick, Dwight Pederson and Maria Elena Jennette Kozak as secretary.

Tree Give-A-Way – May 5, 2018 at the Recycling Center. Ted Harwick and Dwight Pederson will pickup the trees on Friday May 4, 2018 with a call to Secretary Kozak so she can print the information pertaining to the trees given to Holland for the distribution. The Boy Scouts will be helping. Someone to put the information on Facebook. The information has been posted to the township website. 8:15 am is the set up time. The police will open and close the bay that we use. Robert Thurgarland will make the arrangements. Please take pictures! Secretary Kozak will have tables and chairs in the bay for the event. Susan Meacham is to bring newspapers. All other supplies will be in the bay.

Holland Township Arbor Day celebration April 28, 2018 at the ridge. The event was a success with limited participation. Mike Keady took pictures. Present: Mike Keady, Henry Gore, Jerry Bowers, Ted Harwick, Girl Scout Elizabeth and family, Mayor Bush and Liaison Thurgarland. It is an event that will need to grow. Jerry Bowers did ask who is responsible for the trail and Liaison Thurgarland mentioned that discussions are taking place with the hope that the Park Association (the non-profit) will play a role in this as well. The Township Committee is aware of the responsibility. Other grants will be looked at. The Hunterdon County Park Commission has a vested interest in this project since the Holland trail is contiguous to the land owned by the County which includes trails.

Community Forestry Plan Grant Application has been submitted. We should find out mid-July if we received the grant for a tree inventory. A copy of what was submitted was forwarded to everyone. Discussion took place about the need for an RFP vs. working with the Arborist on staff with Maser Consulting.

Community Forestry Core Training – May 5, 2018 in New Brunswick. Secretary Kozak and David Harrison are attending the training.

Inventory on Fauna and Flora subcommittee - David Harrison, Rick Schrack, Dwight Pederson – David Harrison wants to develop a five year plan which would include an endangered species listing. He is working on a statement for the website. David Harrison is also working on a spreadsheet link which would allow for additional identification. The subcommittee will get together to discuss how they see this on the website. The goal for this year will be to complete the bird list and post it to the website. The rest of the year would be for identification of trees.

Below is the basic information gathered so far.

Birds of Holland Township; November, 2017 (David Harrison)

This annotated list is based on personal experience in Holland Township over the past 20 years, with some additional data provided by other birders who have posted sightings on “eBird”, a global database managed by Cornell University’s Laboratory of Ornithology.

Definitions and Annotations

Seasonal Terminology:

Wintering – present December through February

Migrant – broadly, a species that does not breed or winter. Migrational seasons for birds extend over long periods of time and there are very few times during the year when there is not some bird movement taking place. Spring migration typically begins around the end of February and extends into mid-June and fall migration is even more protracted, beginning around the beginning of July and often extending well into December.

Resident – a species that can be found year-round. Some species are truly resident, with individual birds remaining on or near their territories all year, while other species, while present all year, can be represented by different individual birds at different times of year and may show wide fluctuations in numbers as migrants and wintering individuals augment the local populations

Breeding – a species known to breed could be resident or could arrive during spring migration, set up territory, raise 1-3 broods of young and depart again during fall migration. Breeding birds’ names are preceded by an asterisk with certainty of breeding based on behaviors that indicate confirmed or probable breeding (these criteria were used during the New Jersey Breeding Bird Atlas project of the 1990’s). Species that have possibly bred (lacking the evidence necessary for confirmation or probable breeding status) or are present during the breeding season but are only known to breed in adjacent jurisdictions have their names preceded by a question mark.

NJ Threatened and Endangered Species – Species that are on the NJ threatened and endangered list are italicized

Frequency Terminology:

Abundant – expected in large numbers in appropriate habitat on any given visit

Common – expected to be found in appropriate habitat on any given visit

Fairly Common – expected to be found in small numbers on most visits to appropriate habitat

Uncommon - expected to be found in small numbers on fewer than half of visits to appropriate habitat

Rare – annual or nearly annual, but seldom found on most visits to appropriate habitat

Very Rare – Few records; not found annually

Species List

Snow Goose – Fairly common to abundant migrant and wintering bird

Ross's Goose – Very rare migrant or winter visitor

Greater White-fronted Goose – Very rare migrant or winter visitor

Brant – very rare migrant

Cackling Goose – Rare migrant and wintering bird

*Canada Goose – Common to abundant year around except during severe winters

Mute Swan – rare migrant and winter visitor

*Wood Duck

Blue-winged Teal – very rare migrant

Northern Shoveler – very rare migrant

Gadwall

American Wigeon

*Mallard

American Black Duck

Northern Pintail

Green-winged Teal

Canvasback – very rare spring migrant and winter visitor

Redhead – very rare spring migrant and winter visitor

Ring-necked Duck

Greater Scaup

Lesser Scaup

Bufflehead

Common Goldeneye

?Hooded Merganser

*Common Merganser

Red-breasted Merganser

Northern Bobwhite

*Ring-necked Pheasant

*Wild Turkey

Common Loon

Pied-billed Grebe

Horned Grebe

Red-necked Grebe

Great Cormorant

Double-crested Cormorant

American Bittern – very rare spring migrant
?*Great Blue Heron*
Great Egret
*Green Heron
Black-crowned Night-Heron
Glossy Ibis
*Black Vulture
*Turkey Vulture
**Osprey*
Golden Eagle – very rare fall migrant and winter visitor
?*Northern Harrier*
Sharp-shinned Hawk
**Cooper's Hawk*
Northern Goshawk – very rare migrant
?*Bald Eagle*
?*Red-shouldered Hawk*
?Broad-winged Hawk
*Red-tailed Hawk
Rough-legged Hawk
Sora – very rare fall migrant
American Coot
Sandhill Crane – very rare spring migrant
Semipalmated Plover
*Killdeer
Least Sandpiper
?American Woodcock
Wilson's Snipe
*Spotted Sandpiper
Solitary Sandpiper
Greater Yellowlegs
Lesser Yellowlegs
Bonaparte's Gull – very rare spring migrant
Ring-billed Gull
Herring Gull
Iceland Gull – very rare winter visitor
Lesser Black-backed Gull
Great Black-backed Gull
*Rock Pigeon
*Mourning Dove
*Yellow-billed Cuckoo
*Black-billed Cuckoo
*Barn Owl – very rare (former?) breeder and year-round resident
*Eastern Screech-Owl
*Great Horned Owl

Long-eared Owl

Short-eared Owl

Northern Saw-whet Owl

Common Nighthawk

*Chimney Swift

*Ruby-throated Hummingbird

Calliope Hummingbird – very rare visitor

*Belted Kingfisher

Red-headed Woodpecker – very rare migrant

*Red-bellied Woodpecker

Yellow-bellied Sapsucker

*Downy Woodpecker

*Hairy Woodpecker

*Northern Flicker

*Pileated Woodpecker

Crested Caracara – very rare visitor

*American Kestrel

Merlin

?*Peregrine Falcon*

Olive-sided Flycatcher

*Eastern Wood-Pewee

Yellow-bellied Flycatcher

*Acadian Flycatcher

Alder Flycatcher

*Willow Flycatcher

Least Flycatcher

*Eastern Phoebe

*Great Crested Flycatcher

*Eastern Kingbird

Northern Shrike – very rare winter visitor

*White-eyed Vireo

*Yellow-throated Vireo

Blue-headed Vireo

Philadelphia Vireo

*Warbling Vireo

*Red-eyed Vireo

*Blue Jay

*American Crow

*Fish Crow

?Common Raven

Horned Lark

*Northern Rough-winged Swallow

?Purple Martin

*Tree Swallow

Bank Swallow
*Barn Swallow
?Cliff Swallow
?Carolina Chickadee
*Black-capped Chickadee
*Tufted Titmouse
Red-breasted Nuthatch
*White-breasted Nuthatch
Brown Creeper
*House Wren
Winter Wren
Marsh Wren
*Carolina Wren
*Blue-gray Gnatcatcher
Golden-crowned Kinglet
Ruby-crowned Kinglet
*Eastern Bluebird
*Veery
Gray-cheeked Thrush
Swainson's Thrush
Hermit Thrush
*Wood Thrush
*American Robin
*Gray Catbird
*Brown Thrasher
*Northern Mockingbird
*European Starling
American Pipit
*Cedar Waxwing
*Ovenbird
*Worm-eating Warbler
*Louisiana Waterthrush
Northern Waterthrush
Golden-winged Warbler
*Blue-winged Warbler
*Black-and-White Warbler
*Prothonotary Warbler
Tennessee Warbler
Orange-crowned Warbler
Nashville Warbler
Connecticut Warbler
Mourning Warbler
*Kentucky Warbler
*Common Yellowthroat

*Hooded Warbler
*American Redstart
Cape May Warbler
*Cerulean Warbler
*Northern Parula
Magnolia Warbler
Bay-breasted Warbler
Blackburnian Warbler
*Yellow Warbler
*Chestnut-sided Warbler
Blackpoll Warbler
Black-throated Blue Warbler
Palm Warbler
?Pine Warbler
Yellow-rumped Warbler
*Yellow-throated Warbler
*Prairie Warbler
Black-throated Green Warbler
Canada Warbler
Wilson's Warbler
**Grasshopper Sparrow*
Nelson's Sparrow
American Tree Sparrow
*Chipping Sparrow
Clay-colored Sparrow
*Field Sparrow
Fox Sparrow
Dark-eyed Junco
White-crowned Sparrow
White-throated Sparrow
Vesper Sparrow
?*Savannah Sparrow*
*Song Sparrow
Lincoln's Sparrow
Swamp Sparrow
*Eastern Towhee
*Yellow-breasted Chat
Summer Tanager – very rare warm weather visitor
*Scarlet Tanager
*Northern Cardinal
*Rose-breasted Grosbeak
?Blue Grosbeak
*Indigo Bunting
Painted Bunting

Dickcissel
Yellow-headed Blackbird
*Bobolink
*Eastern Meadowlark
*Orchard Oriole
*Baltimore Oriole
*Red-winged Blackbird
*Brown-headed Cowbird
Rusty Blackbird
*Common Grackle
*House Finch
Purple Finch
Common Redpoll
White-winged Crossbill
Pine Siskin
*American Goldfinch
*House Sparrow

Stormwater Mitigation Projects – Mike Keady to follow up with DPW Supervisor Al Turdo.

Public Comment: Guest Ray Note was present but had no comments to offer.

At 9:00 pm made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

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Environmental Commission Secretary