

Holland Township Environmental Commission Minutes

March 4, 2020 7 PM Meeting

Chairman Keady called the meeting to order. I call to order the March 4, 2020 Regular Meeting of the Holland Township Environmental Commission. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Environmental Commission Secretary by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Publishing the notice in the December 12, 2019 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

All stood for the pledge of allegiance. All were reminded to turn off their cell phones or put them in silent mode.

Members Present: David Harrison, Ted Harwick, Mike Keady, Susan Meacham, Ray Note, Dwight Pederson, and Secretary Maria Elena Jennette Kozak.

Absent: Jerry Bowers, Henry Gore, and Township Committee Liaison: Robert Thurgarland

Let the record show we have a quorum.

Minutes: A motion was made by Ted Harwick and seconded by Dwight Pederson to approve the minutes of January 8, 2020 and February 5, 2020 as presented. All present were in favor of the motion with the exception of Mike Keady who abstained. Motion carried.

PennEast Pipeline update: Susan Meacham and Mike Keady – Susan Meacham presented an updated on The PennEast Pipeline in the wake of PennEast’s proposal to split the project into two phases. Phase 1 to be the Pennsylvania side and Phase 2 to be the New Jersey side. PennEast is proposing to use the existing Adelphia Gas line that was built in the 1970’s. By presenting that then they are amending their proposal. They never looked at the Adelphia line so there is question about it being a new proposal and not an amended proposal. Holland Township is registered as an intervenor. Phase 2 is believed to cross the river in a similar proposal into NJ with Church Road and an interconnection running then south. Both start in Luzern County. PennEast is asking to do an environmental assessment which is not as strong as an Environmental Impact Statement. The Adelphia line was used for gasoline.

News Release: January 31, 2020

FERC Chairman Reorganizes OGC to Speed Landowner Rehearing Process

Federal Energy Regulatory Commission (FERC) Chairman Neil Chatterjee today announced the Office of General Counsel (OGC) will reorganize to more expeditiously process requests for rehearing of Natural Gas Act (NGA) section 7 certificate orders filed by affected landowners.

Today’s announcement builds on Chatterjee’s September 2019 pledge to refine the FERC process to prioritize rehearing requests involving landowner issues, with a target of issuing rehearing orders within 30 days and reducing the use of tolling orders. At that time, Chatterjee designated attorneys in the rehearings group of the Solicitor’s Office to focus on rehearing requests involving landowner issues.

“Our objective today is to reinforce the Commission’s commitment to ensure landowners are afforded a judicially appealable rehearing order as quickly as possible,” Chatterjee said. “I am confident that this action will help substantially reduce the amount of time we take to issue rehearing

orders in these critical cases.”

Under the plan, Chatterjee has directed the creation of a new Rehearings section within OGC, akin to the six existing sections in that office: Energy Markets 1 and 2, Energy Projects, General and Administrative Law, the Solicitor’s Office, and the Dispute Resolution Service.

The Rehearings section will have two separate groups, a Landowner Rehearings group and a General Rehearings group. The Landowner Rehearings group will give first priority to landowner rehearing requests, and would work on other rehearing items only when time permits.

This allocation of resources, Chatterjee said, would allow for more timely action on expected landowner requests for rehearing.

“We are hopeful that these actions will help alleviate the very real landowner concerns about timing and fairness in infrastructure cases implicating landowner rights,” Chatterjee said. “I remain committed to doing all we can to improve our FERC processes on this front.”

- NY Constitution line is banned,
- Commission Members



Commissioner Richard Glick



Chairman Neil Chatterjee



Commissioner Bernard L. McNamee

- **How the Commission is Appointed**

The Federal Energy Regulatory Commission (FERC) is composed of up to five commissioners who are appointed by the President of the United States with the advice and consent of the Senate. Commissioners serve five-year terms, and have an equal vote on regulatory matters.

The Federal Energy Regulatory Commission, or FERC, is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to build liquefied natural gas (LNG) terminals and interstate natural gas pipelines as well as licensing hydropower projects. The Energy Policy Act of 2005 gave FERC additional responsibilities as outlined and updated [Strategic Plan](#). As part of that responsibility, FERC:


- Regulates the transmission and wholesale sales of electricity in interstate commerce;
- Reviews certain mergers and acquisitions and corporate transactions by electricity companies;
- Regulates the transmission and sale of natural gas for resale in interstate commerce;
- Regulates the transportation of oil by pipeline in interstate commerce;
- Approves the siting and abandonment of interstate natural gas pipelines and storage facilities;
- Reviews the siting application for electric transmission projects under limited circumstances;
- Ensures the safe operation and reliability of proposed and operating LNG terminals;
- Licenses and inspects private, municipal, and state hydroelectric projects;
- Protects the reliability of the high voltage interstate transmission system through mandatory reliability standards;
- Monitors and investigates energy markets;
- Enforces FERC regulatory requirements through imposition of civil penalties and other means;
- Oversees environmental matters related to natural gas and hydroelectricity projects and other matters; and
- Administers accounting and financial reporting regulations and conduct of regulated companies.

What FERC Does Not Do

(Note: most of the links below are to external websites and you will be leaving FERC's site)

Many areas outside of FERC's jurisdictional responsibility are dealt with by [State Public Utility Commissions](#). Areas considered outside of FERC's responsibility include:

- Regulation of retail electricity and natural gas sales to consumers;
- Approval for the physical construction of electric generation facilities;
- Regulation of activities of the municipal power systems, federal power marketing agencies like the [Tennessee Valley Authority](#), and most rural electric cooperatives;
- Regulation of nuclear power plants by the [Nuclear Regulatory Commission](#);
- Issuance of State Water Quality Certificates;
- Oversight for the construction of oil pipelines;
- Abandonment of service as related to oil facilities;
- Mergers and acquisitions as related to natural gas and oil companies;
- Responsibility for [pipeline safety](#) or for pipeline transportation on or across the Outer Continental Shelf;
- Regulation of local distribution pipelines of natural gas;
- Development and operation of natural gas vehicles;
- Reliability problems related to failures of local distribution facilities; and
- Tree trimmings near local distribution power lines in residential neighborhoods.
- **FERC Continues With Two Vacancies -- For Now**
- [David Bradley](#)
- January 9, 2020
- The process to nominate and confirm two new commissioners to FERC, which appeared to be nearing a significant milestone at year's end, reverted back to square one with the flip of the calendar.
- Traditionally a five-member panel, the Federal Energy Regulatory Commission continues to operate with only three commissioners five months after [Cheryl LaFleur](#) stepped down and more than a year after the death of former Chairman [Kevin J. McIntyre](#).
- James Danly, who is general counsel of FERC, was [nominated](#) by President Trump in October to fill one of the two vacant seats at the Commission, and his nomination was voted out of [committee](#) in November. The full Senate, however, failed to vote on the confirmation during 2019 and the nomination was returned to the White House Jan. 3. Trump will presumably restart the process, once again sending Danly's nomination back to the Hill for a second run through the Committee on Energy and Natural Resources.
- Danly's nomination was voted out of committee in November side-by-side with two other energy-related nominations, but has fallen behind them in the process. In separate votes, the committee voted through Dan Brouillette's nomination to become Secretary of Energy, Katharine MacGregor's nomination to become Deputy Secretary of the Department of Interior and Danly's nomination to FERC.
- Brouillette was [confirmed](#) by the Senate Dec. 2 and sworn into office by Trump days later. Like Danly, MacGregor's nomination did not come up for a vote in the Senate before the end of the year and was returned to the White House Jan. 3, but unlike Danly, her nomination was resubmitted to the Senate by the White House on Monday.
- Danly's nomination may have stalled in the home stretch because of a simmering conflict over FERC's long-standing reputation for independence and the number of Republican and Democratic party members on the panel. By law, no more than three seats at FERC may be held by one political party.
- FERC currently has two Republican members -- Chairman Neil Chatterjee and Bernard McNamee -- and one Democrat, Richard Glick. McNamee's term is set to expire June 30; Chatterjee's in 2021; and Glick's in 2022.
- During the runup to Danly's nomination there were complaints from Democrats, including Joe Manchin (D-WV), the ranking Democrat on the committee, that the White House had not also sent the name of a Democratic nominee. Danly's nomination broke with tradition by putting forward the name of a Republican to fill one empty seat without pairing it with a Democrat to fill the other, they argued.

- Manchin and other Democrats have been lobbying for Allison Clements, a former senior attorney at the Natural Resources Defense Council, to be nominated to FERC. Trump administration officials have met with Clements, Manchin told reporters this week.
- **Assistant Managing Editor | Dulles, VA**
David Bradley joined the staff of NGI in June, 2007 following eight years of news reporting for Northern Virginia newspapers and more than a dozen years in the telecommunications industry. He received his bachelor's degree in Communications and English from James Madison University in Harrisonburg, VA., and his master's degree in Information Management from Marymount University in Arlington, VA.
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Susan Meacham stated that everyone is still rallying together to fight the cause!

Phoenix Energy – Western Land Services has been approaching homeowners regarding easement availability to join power lines. This is the same company that PennEast used. People are talking on Facebook about this.

NJ Tree Recovery Campaign May 2020 – Holland Township submitted their application requesting free trees. The event will be distribution on Saturday May 2, 2020 with a pick up date just before at the Warren County Soil Conservation District in Hackettstown. Mr. Harwick and Mr. Pederson have been picking up trees the last few years we were involved with the program. April 24, 2020 is Arbor Day. Secretary Kozak will work with Clerk Miller on the yearly proclamation. Secretary Kozak will work with liaison Thurgarland with the Township Committee supporting our yearly tree planting and plaque dedications. Secretary Kozak will distribute the giveaway flyers once received from the state as they have specific forms to be used. Chairman Keady will do the annual newspaper announcement. We need to work with the local Brownies or Boy Scouts with this event and we will need to establish contact in January.

Sub-Committees:

Trails – Ted Harwick, Jerry Bowers and Ray Note. Nothing new to report.

Community Forestry Plan – Ray Note, David Harrison, Ted Harwick, Henry Gore (emeritus) and Secretary Kozak

Community Forestry Plan Grant - The Holland Township Community Forestry Plan 2020-2024 was submitted and we are awaiting a response from the DEP after December 12, 2019. Please submit your volunteer hour sheets. Secretary Kozak will let everyone know of the status update.

Tree Inventory – Progress has been made with the data entry into a spreadsheet. Ray Note is work on the sheets that Henry Gore had and Susan Meacham is working on the sheets Mike Keady had. David Harrison identified 17 common trees from the side of the road and proposes that we label the most common: white ash, red cedar, red oak, hackberry, black oak, sugar maple etc. Secretary Kozak will work on the labels which were provided in an email from David Harrison. David Harrison commented that when entering the data in the excel format there was not a comment in rating. If we used a 4 we should have used an M for Monitor. David Harrison and Dwight Pederson are sorting thru the 4's to chance to monitor. Dwight Pederson is also working on the input of the excel spreadsheets into i-tree.

Highlands Conformance – Jerry Bowers, Mike Keady and Dwight Pederson. - nothing new to report.

Highlands Council Environmental and Economic Sustainability Grant Awards Program update:

No news to update other than Secretary Kozak is still working with Maser and the Highlands Council.

The Retention/Detention basin inventory is still an important project but the priority projects are the Wastewater Management Plan, The Water Use and Conservation Plan, The Master Plan Reexamination and the Affordable Housing/Fair Share Housing Plan. Subcommittees of the Planning Board for the Reexamination Plan and Affordable Housing/Fair Share Housing have been created to work with Planner Green. Plans will be available for review once created. The process for public comment will be through the Planning Board.

Stormwater Education – Mike Keady, Jerry Bowers, Susan Meacham and Maria Elena Jennette Kozak as Secretary – Nothing new to report Secretary Kozak to work on the report. Maser will be asking for it in April or May.

Community Education and Outreach – Jerry Bowers, Dwight Pederson, and Susan Meacham – Nothing new to report. Jerry Bowers will reach out to Bob Thurgarland about seeing if a counter can be added to the website.

The EC webpage is: <http://www.hollandtownshipnj.gov/14-ec/46-environmental-commission.html>. Please send any additions or corrections to Secretary Kozak for posting

Inventory on Fauna and Flora subcommittee - David Harrison, Dwight Pederson, Ray Note and Henry Gore (emeritus) – David Harrison is working on a memo of what we learned with the tree inventory. He will do a write up. More information to follow.

Arbor Day subcommittee – Dwight Pederson and Henry Gore – Mike Keady to touch base with Stephanie from the school for a rain barrel demonstration. Ted Harwick suggested a contest with the school. Secretary Kozak to work on the tree label quotes. Dwight Pederson to touch base with the Girl Scouts to see about helping with our seedling distribution. Secretary Kozak to resend the seeding flyer and to also work on the Arbor Day Flyer. The date is April 24, 2020. Mike Keady to do a press release. The seedling distribution is set for May. Mike Keady is working on the article for the Holland Happenings spring edition and secretary Kozak will add any information regarding the spotted lantern fly as well as the mud snail. All are encouraged to share flyers on their own social media.

The Environmental Commission's role in reviewing site plans is important. Please be careful about opinions on applications. Everyone is to have an open mind when looking at an application. Chairman Keady is the EC liaison to the Planning Board. Chairman Keady reminded all that the Planning Board has not received an application. Everyone is entitled to their own opinion but be careful of what you say in public and on social media.

Public Comment: No one is present in the public.

New Business: Ted Harwick asked if there could be grass put in the middle of the Holland Trail for birds and wildlife.

At 8:45 pm David Harrison made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

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Environmental Commission Secretary