



Wildlife Preserves COMMENTS re: PSE&G Individual Permits

July 18, 2012

To: NJ Department of Environmental Protection—
Land Use Regulations,
Division of Fish and Wildlife,
Division of Parks and Forestry
NJ Highlands Council
Public Service Electric and Gas (“PSE&G”)

From: Wildlife Preserves, Inc.

Attention: Lou Cattuna, et al:

Re: Individual Wetland Permit Application, DEP Permit No. 0000-08-0010.1-FWW-090002
Flood Hazard Area Individual Permit, DEP Permit No. 0000-08-0010.1-FHA-120001
PSE&G Susquehanna-Roseland (S-R) electric transmission line project

Wildlife Preserves, Inc.

Wildlife Preserves hereby submits its comments regarding the proposed new PSE&G Susquehanna-Roseland electric line. The S-R line crosses 1½ miles through the freshwater wetland on Wildlife Preserves’ property in Troy Meadows. PSE&G holds a 150-foot wide easement over the land owned by Wildlife Preserves. As the landowner, Wildlife Preserves has legal standing and its comments should be given substantial consideration.

It should be noted that Wildlife Preserves has been working, with the help of New Jersey, to protect Troy Meadows for some sixty (60) years!

Wildlife Preserves’ recommendations and comments:

GENERAL COMMENT:

The planned S-R electric line is much larger and very different than the present line. It will have a much more significant effect on its surroundings than the existing line. There needs to be a more comprehensive evaluation of the impact it will have on the environment, what it will do and how it will affect the terrain and populations of plants and animals. This has not been done in any systematic and objective approach. There is much lacking in the NJ DEP Individual Wetlands Permit Application, US Park Service Draft Environmental Impact Statement, Critical Habitat/Endangered Species Mitigation Plan, and Highlands Council Avian Protection Plan. The PSE&G plans and reports simply help justify the acceptability of the new power line.

Wildlife Preserves' comments are not meant to affront PSE&G; the comments are intended to raise issues to help PSE&G's S-R Transmission Line project become more compatible to the public, landscape and wildlife, especially through the Troy Meadows wetlands.

Troy Meadows should receive the utmost consideration, support, and protection by the State of New Jersey; it is a special area that demands special attention. In all likelihood and due time, Troy Meadows will ultimately become the property of the NJ DEP. It therefore behooves the DEP to pay special attention to the impact this project will have over the stretch of line that runs through Troy Meadows.

In deliberating this Individual Wetland Permit Application, all aspects of the environment should be considered—including special considerations for the Troy Meadows freshwater wetland marsh, wetland wildlife and wildlife habitat, the extreme height of the new towers, the configuration of the wires, how it affects flying birds, bats, and insects, and the scenic meadow view and open landscape, and how the adverse impacts of the proposed line will be mitigated. All political pressure should be set aside with this particular Individual Permit application when wrestling with the conflicting needs of increased utility power and the protection of the environment.

NOTE:

Wildlife Preserves shared its draft comments with PSE&G Regional Public Affairs Manager and PSE&G Transmission Projects Manager as a courtesy to try to eliminate some of our concerns before submission to NJ Department of Environmental Protection (“NJ DEP”). No official response was received and the reaction to these comments was less than desirable. Wildlife was told the comment period has ended; and also not to bother since DEP will not do anything to address the issues except relay the matter to PSE&G for resolution.¹

On several occasions, Wildlife Preserves called Rob Pollock– Manager of Transmission Permitting in an attempt to discuss and eliminate some of our concerns, but Mr. Pollock has never returned any of our calls.

Wildlife Preserves is confident its comments have merit and will be useful to PSE&G and also NJ DEP when establishing rules and requirements for these Individual Permits.

¹ Wildlife's comments to DEP on 4-2-12 regarding the potential construction yard and heliport sites were simply passed along by DEP to Rob Pollock–PSE&G Manager of Permitting, with no resolution or response.

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- **Incomplete Permit Application**

The PSE&G Individual Wetland Permit Application is currently incomplete. Strategic components of its plan have not been submitted, which does not offer property owners (or the public) and an opportunity to comment on issues that have not been disclosed.

For instance, PSE&G is proposing helicopters to construct its towers at Troy Meadows, but has not revealed where it will stage its helicopter landing area or locate its construction yard (lay-down area) at Troy Meadows.

What are the logistics of the project? If PSE&G begins construction for its tower foundations, where will it stage the spoils?

PSE&G will have to mitigate its disturbance of wetlands and flood areas, yet it has not released its plans or location for wetland compensatory mitigation or riparian compensation.

PSE&G prepared a Critical Habitat/Endangered Species Mitigation Plan and Avian Protection Plan, but failed to include several threatened and endangered species known to exist at Troy Meadows and failed to do a rare, threatened and endangered species survey—all of which renders the reports less than complete.

Many issues need to be addressed— When the application is complete, PSE&G needs to re-notify property owners and the public needs to be given enough time to review a complete application package with enough time to comment.

Wildlife Preserves may augment its comments after additional, missing materials are submitted by PSE&G.

- **Troy Meadows:**

Troy Meadows is a New Jersey Natural Area, a large freshwater wetland, and a private wildlife sanctuary open to the public for recreation, observation, education, and research. The NJ DEP owns two large lots immediately adjacent to the PSE&G power line in Troy Meadows—and as a matter of fact—the power line crosses over the NJ Division of Parks and Forestry—Troy Meadows Natural Area—Block 765, Lot 79 in Par-Troy and Block 5, Lot 47 in East Hanover. Wildlife Preserves is probably the largest, single private landowner over which the power line traverses (the S–R project crosses 1 ½ miles over wetlands owned by Wildlife Preserves).

This Natural Area wetland should receive special attention by PSE&G and particularly NJ DEP when evaluating the PSE&G Permit Application.

Troy Meadows is a well recognized public asset, exceptional wetlands and wildlife habitat, a US Environmental Protection Agency (EPA) Priority Wetland, and an important flood storage area (as identified by the US Army Corps of Engineers).

Troy Meadows has always been regarded as a significant area to protect as far back as the 1930s when the US Fish and Wildlife Service decided to acquire Troy Meadows as a national wildlife refuge and went so far as to make maps listing the landowners before the plan was halted by World War II.

The US Department of Interior published a nationwide inventory of wetlands resources that includes a section for each state, including New Jersey, entitled—“Wetlands of New Jersey.” In the report Troy Meadows was rated the “highest quality inland wetland in the State of New Jersey.” There is no indication that this publication or any along these lines were studied by PSE&G when it produced its reports.

The state of New Jersey announced Troy Meadows as the one of the first of five Green Acres projects in 1961—similar announcements have been made through the years—it is clearly the intention of the State to eventually own the Meadows and in all likelihood and due time, all of Troy Meadows will ultimately become a NJ Natural State Park.

Currently Troy Meadows is a US National Park Service National Natural Landmark, a New Jersey Natural Area, and part of the New Jersey Highlands. Wildlife Preserves owns some 1,600 acres in Troy Meadows, open to the public for passive recreational uses. The State of New Jersey owns some 400 acres in Troy Meadows. The State administers its land as a special-use Natural Area and Wildlife Preserves maintains Troy Meadows as a natural area and wildlife sanctuary.

See: www.WildlifePreserves.org/troymeadows.htm for more information about New Jersey’s Troy Meadows.

- **Environmental Significance of Troy Meadows:**

The environmental significance of Troy Meadows cannot be overstated. As previously stated, Troy Meadows was once rated the “highest quality inland wetland in the State of New Jersey,” it is a NJ Exceptional Resource Value wetlands and an EPA Priority Wetland. Troy Meadows is more than a wetland; it contains hundreds of acres of elevated islands within its interior and elevated upland areas along its fringe.

Troy Meadows is a Special Aquatic Site, yet the PSE&G Individual Wetland Permit application Section 16, Table 1 fails to list it as such. “Special Aquatic Sites” as defined in

N.J.A.C. 7:7A-1.4 are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection... etc. Although wetlands may be excluded, Troy Meadows is a mix of meadows, fields, and forests containing a variety of common and endangered plant and animal communities and many biological features, ponds and vernal breeding pools. Sanctuaries and refuges are considered Special Aquatic Sites and Troy Meadows is a NJ Natural Area and a long established private/public wildlife sanctuary.

The NJ DEP is entrusted to protect significant public assets, including Special Aquatic Site, such as Troy Meadows, even if it means altering the plans of a powerful private utility.

- **Wildlife Habitat:**

Troy Meadows is an exceptional resource for many species of fauna and flora. It is part of the Atlantic migratory flyway that serves as an important staging area for tens of thousands of migratory birds that visit the meadows in the spring and fall of each year. It contains a dense population of avian and amphibian species, a particular haven for frogs, salamanders, and marsh birds. It is documented habitat or suitable habitat for a number of Threatened and Endangered (T&E) species.

For such an extensive ecological complex, recognized for its rich and intricate natural history, it is surprising that the PSE&G Critical Habitat/Endangered Species Mitigation Plan only emphasizes Troy Meadows in the context of recent bald eagle tenancy. It seems that PSE&G's consultants should be out in the field doing rare wildlife studies instead of relying solely on a cursory evaluation of the NJ Natural Heritage Landscape Project data, which in many cases is woefully incomplete.

Troy Meadows and particularly the footprint of the proposed disturbance should be the subject of an in-field impact study of how the project will affect resident and migratory birds, amphibians, and T&E species.

So far, PSE&G and DEP's only species concern has been a pair of American bald eagles, their hatchlings, and nesting site. The omission of potential impact to other species at Troy Meadows must be corrected and addressed.

All wildlife species at Troy Meadows have to be carefully analyzed to minimize the PSE&G project's impact upon their habitat and continued existence.

- **Avian Species:**

In connection with justifying its planned power line in relationship to avian species, PSE&G has prepared and presented an Avian Protection Plan for the Highlands, but it is severely inadequate as it pertains to Troy Meadows. The report does not deal with the many important factors relating to bird populations such as are found at Troy Meadows—instead the report was apparently produced to fit in with the construction and continuing presence of the proposed new power line. It contains material largely irrelevant to the problems of protecting bird populations. Striking are the omissions in the report regarding birds and wetlands at Troy Meadows. Apparently, PSE&G’s only noticeable avian concern at Troy Meadows is the presence of two nesting American Bald Eagles and their hatchlings.

Threatened and endangered avian species known to occur in the project area (2.2.2. Table 1) is incorrect and incomplete. The only endangered avian species listed for Troy Meadow is the Bald Eagle. Other species listed in Table 1 that currently have visible nests or current sightings at Troy Meadows are— Red-Shouldered Hawk (2012 nest in Troy Meadows, E. Hanover), Barred Owl (2012 nest cavity in Troy Meadows, Par-Troy), Savannah Sparrow (2012 sightings in Troy Meadows, Par-Troy), Red-Headed Woodpecker (2011 sightings in Troy Meadows, E. Hanover and Par-Troy), Great Blue Heron (rookery in Troy Meadows, Par-Troy). Other species not listed, but currently sighted are— American Bittern, Least Bittern, and state threatened Black Crown Night Heron (all sighted in Troy Meadows, Par-Troy, 2012). Wildlife plans on filing its recent sighting reports and the PSE&G application should be amended.

Key resources cited in the Avian Protection Plan (2.14) are inadequate. Although many organizations were consulted and referenced in the report, some of which have little or no knowledge of Troy Meadows, Wildlife Preserves was never contacted to provide any input for the Avian Protection Plan. As the leading land steward of Troy Meadows, Wildlife Preserves should be consulted on all wildlife issues relating to Troy Meadows.

Literature cited in the Avian Protection Plan (3.0) is void of many publications and studies regarding birds of Troy Meadows. There are a number of publications regarding the bird species of Troy Meadows, among them are two scholarly books on bird species in the area of the PSE&G line, both sponsored by the American Museum of Natural History. These publications are very important to this area and neither was referenced in the PSE&G Avian Protection Plan.

See: *Birds of the New York Area*, by John Bull, Harper and Row, 1964—

See: American Bittern, Lest Bittern, Wood Duck, Virginia Rail, Sora, Red-Headed Woodpecker, Short-Billed Marsh Wren; page 107, pg. 108, pg. 133, pg. 159, pg. 174, pg. 286, and pg. 330.

There are reference studies on transmission line and wildlife mortality in areas especially sensitive to waterfowl migration. No mention of these studies is found in any of the PSE&G reports relating to the S-R transmission line project.

See: http://library.fws.gov/Bird_Publications/powerlines.pdf
<http://www.sciencedaily.com/releases/2010/12/101203081805.htm>

More solutions need to be presented and implemented to avoid avian collisions with the proposed line and to mitigate the detrimental effects the proposed project will have on birds.

- **Threatened and Endangered Species**

Troy Meadows is home to many Threatened and Endangered (T & E) species and the potential for many unrecorded T&E species exist at the Meadows.

It seems imprudent to deliberate an Individual Wetland Permit without requiring a thorough evaluation of all T& E species potentiality. The fact of the matter is that PSE&G and its environmental consultants have placed too much reliance on incomplete data associated with the Natural Heritage Landscape Project. PSE&G consultants should not simply rely on the Landscape Project database to confirm the presents or absents of T&E species.

In a recent Phase I survey of rare fauna and flora and a Phase II survey of threatened and endangered marsh bird at the north-end of Troy Meadows (where the PSE&G power line traverses) during May and June 2012, biologists documented state endangered American Bittern, Least Bittern, Red Shouldered Hawk, and state threatened Black Crown Night Heron. In addition, a small colony of Savannah Sparrow were noted this past spring nesting on Block 765, Lot 81 (Wildlife Preserves) and Lot 89 (the CMDG capped Sharkey Landfill). Rare Wildlife Sighting Reports are being prepared for the NJ DEP Natural Heritage Database; to date, only one sighting report is completed and it is attached.

See ATTACHMENT A— Rare Wildlife Sighting Report for Savannah Sparrow, Troy Meadows, Parsippany, Block 765, Lot 89 (*Sparrow Report -5-15-12.pdf-attached*)

Troy Meadows is also one of New Jersey's premier habitats for state endangered blue-spotted salamander. The north-end of Troy Meadows contains many state-documented salamander breeding pools.

Troy Meadows appears to be ignored (except for the eagles nest site) with respect to its importance to wildlife, including its great significance for wetland species and migratory birds.

DEP should require PSE&G to do a Phase I survey for rare fauna and flora at Troy Meadows before an Individual Wetland Permit is granted or at least before construction begins.

- **Suitable Habitat for Threatened and Endangered Species:**

Troy Meadows is suitable habitat for many threatened and endangered species not listed with the Natural Heritage Landscape Project database.

Wildlife Preserve has identified a litany of rare flora and fauna whose presence/absence has yet to be determined —species whose life history requirements are conducive with the abundance of suitable habitat evident to the site.

The reasons T&E species are not all listed in the Landscape Project data for any particular site has more to do with politics and the lack of accessibility onto a site than it does with the existence of T&E species.

In a mere 45 hour survey by Wildlife Preserves' consultants this spring, five (5) T&E species have been identified and two (2) species of special concern noted, some of which are not listed in the Natural Heritage Landscape Project database nor mentioned in the PSE&G Critical Habitat/Endangered Species Mitigation Plan or PSE&G Avian Protection Plan.

At a bare minimum, a Phase I survey for rare fauna and flora at Troy Meadows should be required as a condition of this Individual Wetland Permit.

- **Suitable Habitat for Federal Endangered Indiana Bat:**

Bats are very common at Troy Meadows. They can be seen flying in large numbers over the meadows at night.

An Indiana Bat survey of Troy Meadows was never suggested or initiated. A federally endangered species, the Indiana Bat is emphasized in the PSE&G report in areas within 5 miles of known hibernacula but not mentioned at Troy Meadows. The habitat at Troy meadows is riddled with better than average foraging and maternal roosting colony habitat for Indiana Bats but has never been subject to a Phase I study let alone a Phase II. At present, White Nose Syndrome has decimated bat populations throughout the state making it unlikely that the species would be utilizing the site for its life history requirements. However, this fact should not preclude wise, forward-thinking management for the species. The Federal Recovery Plan for the species demands it. Troy Meadows is viable habitat for bat species, so the meadows should be managed and mitigated as if a maternity colony exists adjacent to the impact zones of the planned construction. If considered, this is simply farsighted conservation biology in practice.

It is Wildlife Preserves' opinion that construction activity should not begin until such time that a Phase I study for Indiana Bat is implemented.

- **Wood Turtle Habitat**

Wood turtle—a state threatened species has been recorded in the vicinity of the PSE&G ROW at Troy Meadows. However according to Brian Zarate, Endangered Nongame Species turtle specialist with NJDEP— no formal inventory of wood turtle at Troy Meadows north-end has ever been initiated.

Troy Meadows is a viable ecosystem that undoubtedly supports communities of wood turtles. Wildlife’s environmental consultant believes the habitat at Troy Meadows is highly conducive for wood turtle and the north-end habitat mosaic where the PSE&G line runs fits perfectly in the context of the species life history requirements. Our consultants feel strongly that a Phase-I study in late summer and early spring of the Troy Brook/Whippany River/Passaic River Floodplain where the PSE&G line runs has a high probability of wood turtle at these locations.

It wasn’t until biologists performed Phase-I studies of the north-western fringe of the Great Swamp National Wildlife Refuge in 2007 did a metapopulation of wood turtles emerge into record – clearly illustrating the strong possibility that when you, “seek, you will find.”

The north-end of Troy Meadows easily meets the minimal standards of suitable habitat under the state’s description as set forth in the Technical Manual for Evaluation of Exceptional Resource Value Wetlands (2004).

Considering the blatant potential of species presence, it is a bit of a mystery as to why no formal survey of wood turtle has been done at Troy Meadows. Why this happened is anyone’s conjecture, but the fact that the PSE&G environmental consultant haven’t insisted on it seems uninformed at best and irresponsible at worst.

A formal survey of wood turtle at Troy Meadows should be conducted by PSE&G consultant or required by DEP as a condition of the Flood Hazard and Wetland Permits.

- **The Easement:**

(a) A 150-foot wide easement is inadequate for 200-foot towers.

Eighty years ago, when landowners granted easements a width of 75 feet to both sides of a proposed electric transmission line, it was not anticipated that the air space above the easement would encroach 200 feet in height. Should a 200-foot tower fail or fall (and towers have fallen in storm and by aerial accidents in the US in the past) more than half the height of the tower would fall outside the easement.

(b) Easement boundaries are not currently marked and should be clearly delineated to prevent contractors from encroaching outside of the easement. PSE&G has ignored Wildlife Preserves' request to mark the boundaries. Encroachments outside of the easement have occurred in the past and will continue to occur unless the easement boundaries are clearly and permanently marked.

See ATTACHMENT B— Aerial photo, May 5, 2010 (*photo 2950*) showing wetland disturbance outside the easement when PSE&G soil boring raft routed around tower 81/4 and trees in May 2010— *See page 24.*

- **The Height and Configuration of the Project:**

The proposed dual circuit 230kV/500kV overhead electric transmission line increases the number of wires from 5 to 18 which will run one-on-top-of-the-other rather than alongside-one-another—on one plane—as it now exists. Visualize the proposed configuration of lines— it will create a vertical electric fence obstructing the flight of birds as well as an assault on the scenic view over its landscape. The height of the new towers and new vertical configuration of lines will create a 200-foot obstacle across the air it traverses— it promises to degrade the landscape it traverses and harm resident and migratory birds. The eighty year old easement did not anticipate the intensive encroachment of air space, nor the adverse impact on wetlands and wildlife.

The proposed S-R electric transmission project presents many detrimental, ecological consequences to wetlands and wildlife. The adverse impact to wetlands and wildlife should be fully considered when deliberating this Individual Wetland Permit application.

- **Bird Collisions and Electrocuting with Power Lines:**

Troy Meadows is part of the Atlantic migratory flyway where tens of thousands of migratory birds stage for a considerable period of time each and every spring and fall. Wildlife Preserves believes that collision between flying birds, bats, and insects and the increased number, height, and new configuration of wires for the new 230kV/500kV overhead lines pose a threat to flying animals (and collisions are likely more of a threat than electrocution). We offer the following quotes from Science Daily December 3, 2010:

“Bird death by electrocution is a global problem that has been aggravated by increases in the energy demand of certain regions and is particularly prevalent in natural areas where the introduction of power lines is a cause of significant disruption to local species.”

“Electrocution is not the only threat that power lines pose to bird species.”

“Collision with power is a lesser-known problem than electrocution and is harder to detect collision risk is influenced by a number of factors, including the topography of surrounding terrain and the proximity of lines and pylons to nests and other areas used frequently local species.”

PSE&G claims that the new S-R transmission line design will not harm wildlife, however the increased number and new configuration of wires may prove to interfere with the flight of animals (especially migratory and rapture birds and especially at Troy Meadows)— collisions between flying animals and the many wires strung across the sky seems extremely probable.

Unfortunately, since this type of line is one of the first in the country, it is not possible to know the extent of the threat until the new towers and transmission lines are erected. Therefore, PSE&G must be prepared to monitor wildlife activity in proximity to the towers and transmission lines for a reasonable period of time after construction. PSE&G could easily contract Wildlife Preserves rangers to monitor the lines at Troy Meadows for wildlife accidents.

Solutions to avoid wildlife collisions with the proposed power line need to be presented and implemented to mitigate any detrimental effects the proposed line will have on flying animals.

If the line proves to cause injury or death to flying animals, then DEP must reserve the ability to require PSE&G to alter the design of the project.

See ATTACHMENT C— copies of two studies about bird collisions with electric lines
(*Bird Collisions.pdf*— attached separately).

- **Boardwalk:**

A new fiberglass boardwalk is currently being built adjacent to the old wooden boardwalk across Troy Meadows. It is wider than the previous boardwalk and not constructed on the same footprint as the old boardwalk. (Boardwalks are at Lake Denmark and Troy Meadows.)

PSE&G’s transmission line manager consulted Wildlife Preserves’ land manager on the boardwalk, but no formal General Permit notification was ever received by Wildlife Preserves.

Wildlife Preserves questions why it did not receive notice of a General Permit application for a relocated boardwalk, or why it was not given an opportunity to comment to DEP (?)

Obviously, under the NJ Freshwater Wetland Protection Act, a General Permit is required for building a boardwalk through the wetlands.

- **Boardwalk Security:**

A boardwalk at the north-end of Troy Meadows is a positive feature for the study and observation of wildlife into a very difficult area to hike, but it is also an attractive nuisance for violators and poachers. Access to the boardwalk needs to be controlled. Security gates should be installed at Route 80/280, the Whippany River, and any other location easily accessible to the boardwalk. Locks and keys should be provided to Wildlife Preserves.

- **Area of Wetland Disturbance:**

Since the new boardwalk is wider than the old boardwalk, the increased surface area of disturbance should be calculated as a permanent disturbance of freshwater wetlands (in addition to the newly calculated area of disturbance for new monopole towers) through Troy Meadows.

Furthermore, besides the increased surface area of the new boardwalk as compared to the old one, the old boardwalk remains in place so the new boardwalk at least doubling the area of disturbance.

PSE&G and DEP should examine the additional area of permanent disturbance created by the wider boardwalk.

- **Wetlands Compensatory Mitigation:**

When the Susquehanna-Roseland electric transmission project was first proposed to Wildlife Preserves, PSE&G made a promise to Wildlife Preserves that it will mitigate all permanent disturbance of Troy Meadows wetlands in Troy Meadows—including the compensatory creation, enhancement, or restoration of wetlands and riparian buffer compensation. Wildlife Preserves selected, surveyed, and studied Block 765, Lot 93 for a Troy Meadows mitigation site—a defunct skeet (trap) shooting range. The site has a triple benefit of an environmental cleanup, the creation and enhancement of wetlands, and riparian compensation. The cleanup consists of a debris field of spent clay skeet and plastic shotgun wads and contaminated soil made up of decomposing lead shot.

Marilyn Lennon—Assistant Commissioner of Land Use Management, Thomas Micai—former Director of Land Use Regulations, and Jo Dale Legg—Land Use Mitigation Unit Review Officer have all been consulted and are aware of a plan for a wetland mitigation site at Troy Meadows.

Considering the detrimental effects the proposed project will have in Troy Meadows, the Troy Meadows mitigation site should be the primary choice for a mitigation site because it offers

an opportunity to remediate a degraded site in the heart of Troy Meadows, restore wetlands, enhance wildlife habitat, and return a degraded site into a productive site for wildlife habitat and the study of fauna and flora.

In its Individual Permit application, PSE&G has proposed and submitted several compensatory wetland mitigation sites to NJ DEP. Other sites now rival the Troy Meadows wetland mitigation.

PSE&G's wetland consultant is suggesting the Troy Meadows mitigation site be used for riparian compensation instead of wetland creation and enhancement. Wildlife Preserves is concerned that this may jeopardize the degree of environmental cleanup, removal of contaminated soil and debris that would be necessary if it were utilized for compensation instead of enhancement and creation. (This needs to be clarified.)

The Troy Meadows site has many advantage as a mitigation site, that is— when PSE&G has to removes tons of soil to builds the foundations for its towers, the spoils could be deposited onto this site to replace the soil and debris that would be removed for a cleanup, thus providing not only an environmental cleanup, but also a place to dispose of clean wetland soils generated by the project.

The Troy Meadows wetland mitigation site needs to be made part of any individual wetland permit requirement. The impacts to Troy Meadows and all areas in the Central Passaic Water Management Area should be mitigated in Troy Meadows. Troy Meadows should be the only choice for any wetland mitigation because that's where the greatest impact will be.

See ATTACHMENT D— Aerial photos, May 5, 2010, (*photos 2964 / 2971*) showing the proposed mitigation site and debris field of spent clay skeet and shotgun wads (next to the pond) that has been proposed to be cleaned up as part the wetland mitigation project at Troy Meadows.

- **Helicopter and Construction Staging Area:**

To date, a helicopter and construction “lay-down” area has not been definitively determined by PSE&G. This is something that must be included in the Individual Permit application, with an opportunity for the public and at least nearby and affected property owners to comment on. (PSE&G should chose a site and include it in its permit application.)

To our knowledge, three sites are under consideration:

(a) The former East Hanover Airport—Block 5, Lot 4 in E. Hanover—is an appropriate site for the type of activity for a heliport and construction yard. However, despite the

fact that East Hanover has yet to include the site in its Green Acres Recreation Open Space Inventory (ROSI List) it was purchased with East Hanover dedicated Open Space Trust Funds and would therefore, under NJ law, require a Green Acres public hearing and approval to use the site for a “change in use” from anything other than recreation and open space use.

(b) The CDMG Realty Co. property—Block 765, Lot 88 and 89 in Parsippany—the Northwest South Fill) is the former Sharkey Landfill, a once active landfill, a capped landfill, and an EPA Superfund cleanup site. It contains an unstable base for a heliport and construction yard. It adjoins the breeding habitat and vernal pools of the NJ endangered blue-spotted salamander, which have been found on site. In a recent rare species survey at north-end of Troy Meadows, biologists consulting for Wildlife Preserves documented state endangered Savannah Sparrow nesting on the CMDG capped Sharkey Landfill site, Block 765 Lot 89. (A Rare Wildlife Sighting Reports has been prepared for the NJ DEP Natural Heritage Database; it is being submitted to DEP; a copy is also attached.) Using the site for a heliport and construction yard will disturb an active savannah sparrow nesting site and a documented American bald eagles nesting site within approximately a mere 800 feet south of the site. The site also provides a clear, easy, unobstructed approach to the great blue heron rookery to the south. During one day of field work this spring, biologists observed and noted 27 flyovers of great blue heron traveling to and from the interior of meadows across Route 280 and the open CDMG Realty property. These back and forth flights were most likely foraging forays to and from their rookery. The overall project parameters associated with the PSE&G expansion and its affect on the viability of the heron rookery can only be conjectured with uncertainty, without first understanding its current association within the greater landscape. What is not conjecture is that using CDMG Realty Co. property for a construction yard and heliport will disturb known nesting and breeding sites of NJ threatened and endangered species, and species of special concern, including but not limited to: blue-spotted salamander, savannah sparrow, American bald eagles, great blue heron, etc.

(c) The Wildlife Preserves property—Block 5, Lot 1 in E. Hanover— is a suitable site for the type of activity for a heliport and construction yard. It is an 11-acre degraded site of little use for wildlife and wildlife habitat. Wildlife Preserves has offered PSE&G the use of its site for a construction yard. (Any financial benefits generated from the use of this site as a temporary construction yard would be devoted to help mitigate the damages that a project of this magnitude will cause, as funds can be used to help manage and enhance Troy Meadows.)

The Wildlife site is not part of the Sharkey Landfill; it was filled by the state of NJ when Route 280 was built. It was filled prior to the NJ Freshwater Wetlands Protection Act. It is above flood elevations as determined by US Army Corp of Engineers, FEMA and NJ DEP. It is not mapped as wetlands. It contains no documented threatened and endangered species. It is not within the boundaries of the Troy Meadows Natural Area and outside the NJ Natural Heritage Prior Site boundaries.. The site borders wetlands of much less biological value and may require only 50-foot transition areas as opposed to a 150-foot transition area on the other sites of consideration.

A construction yard on this site would do little harm the environment, Nonetheless, the proposed construction yard is temporary and not permanent.

Another possibility for consideration of this historically filled, elevated site would be a place to temporarily store or permanently deposit the spoils from the project, also with little or no harm the environment.

See ATTACHMENT E— 1976 Morris Co. aerial photo (*photo 3656*) showing Block 5, Lot 1, East Hanover (W shape) east of Whippany River, completely filled and disturbed— *See page 26.*

See ATTACHMENT F— NJ DEP I-Map of Block 5, Lot 1—upland surrounded by wetlands.

- **Monitoring Construction and Wildlife:**

A requirement to allow Wildlife Preserves to independently monitor the effects of construction on wildlife, vegetation, water, and terrain during construction at Troy Meadows at PSE&G's expense is not unreasonable given past and present construction incidents and the 60 years of effort Wildlife Preserves has invested in Troy Meadows.

By way of example:

In 2010, a hydraulic oil spill was discovered by Wildlife Preserves when the drilling rig that was contracted by PSE&G to bore soil samples and bedrock in the meadows was about to enter the flooded meadows with leaking hydraulic oil lines. It was Wildlife Preserves that hired an environmental consultant (Eikon Plan and Design) to direct a cleanup of the machine, the water, and the land at a cost of \$4,750. Reimbursement was requested from PSE&G, but after all this time compensation has not been made.

A current example of the need for independent oversight is the construction activities taking place at Troy Meadows right now. At present, PSE&G is building a boardwalk through Troy Meadows. Contractors are storing equipment, an equipment shed, and other various

construction items on the property of Wildlife Preserves, Block 765, Lot 68, without written permission; building materials are also being stored on a township road and NJ DOT property. This is typical of contractors working in and around vacant land and may be an indication of what we can expect when the transmission line construction begins.

DEP already requires PSE&G to have wildlife consultants monitoring construction activities at Troy Meadows, but human nature dictates that hired consultants are devoted to their clients and therefore may not monitor construction and wildlife to the same degree as an independent consultant hired by an outside organization.

DEP should require independent, on-site supervision by Wildlife Preserves or an independent consultant contracted by Wildlife Preserves to oversee the construction and its effects on wildlife, vegetation, water at Troy Meadows. An independent consultant working along with PSE&G's consultant would be prudent.

DEP should also provide a means of recourse for landowners to prevent abuses of private and public property.

After construction is complete, DEP should require monitoring wildlife collisions with the PSE&G lines at Troy Meadows. PSE&G could easily contract Wildlife Preserves rangers who already patrol the land and could easily increase their patrol to include daily patrols on the boardwalk to patrol the lines to monitor the lines for wildlife accidents. What better means of oversight than personnel that are already on site on a daily basis.

- **Funds for Environmental Enhancement Projects at Troy Meadows:**

At some corporate level, PSE&G must be aware of the tremendous national public asset of New Jersey's Troy Meadows. In the public interest, PSE&G should offer and DEP should require PSE&G to funds some amount of water and wildlife enhancement to help alleviate the environmental degradation that the S-R transmission project is expected to cause.

In Troy Meadows, the most important enhancement projects that can be done to reduce the adverse impact on land and wildlife would be measures to monitor and improve water quality and quantity, including possible water impoundment and pollution control projects.

PSE&G has offered some \$30 million dollars to the National Park Service to traverse the Delaware National Recreation Area, \$18 million dollars to the Highlands Council to cross the New Jersey Highlands, and some \$385,000 to cross the Township of Parsippany-Troy Hills.

Both the NJ DEP, Division of Parks and Forestry and Wildlife Preserves own and manage land impacted by the proposed electric line at Troy Meadows, yet neither the Division of

Parks and Forestry nor Wildlife Preserves have been offered compensation to fund projects to mitigate the environmental degradation that this project promises to cause at the meadows. Parks and Forestry should receive compensation for the land it owns at Troy Meadows and Wildlife Preserves—caretaker and protector of Troy Meadows for some 60 years—should also receive compensation for environmental enhancement projects at Troy Meadows.

Part of the compensation being offered to the Highlands Council should be directed for water enhancement projects at Troy Meadows. Also, more than half (53%) of the S-R project through Parsippany is across Troy Meadows and eight new PSE&G monopoles are located on Wildlife Preserves—Parsippany-Troy Hills will receive \$23,400 per tower or \$210,600 for the eight towers located on Wildlife Preserves property in Troy Meadows and some of those funds should also be directed for environmental enhancement projects at Troy Meadows.

DEP should require compensation or funding to help reduce the negative impact the S-R project will have on the land, water, and wildlife at Troy Meadows.

- **Silt Fencing:**

Silt containment during construction is important to the water quality and quantity at Troy Meadows. Silt fences should address natal soils and clean fills post-construction in order to maintain natural communities of native vegetation without invasive propagule formation. In areas where the opportunity for natural enhancement can be granted, these practices should be implemented – species specific enhancement opportunities may be a viable option.

- **Sharing information:**

Many studies and surveys have been done in preparation for this project, but they are seldom shared with the landowners. If they are available, landowners should be instructed on how to obtain the information.

When PSE&G initially proposed an access road through NJ DEP land, Block 765, Lot 79 and Wildlife land, Block 765, Lot 81 and 81.8, in Parsippany-Troy Hills, the DEP urged PSE&G to map the vernal pools in the vicinity. PSE&G hired Keller and Kirkpatrick to survey dozens of vernal pools, the pools were flagged and mapped, but the maps were never made available to Wildlife Preserves. PSE&G also hired soil scientist to take boring samples outside their easement on State and Wildlife land. Biologists are monitoring PSE&G's current construction activities. Reports and surveys should be shared with the landowners.

- **Request for a Meeting with NJ DEP:**

As landowner where an easement holder is seeking approval of Individual Wetland and Flood Hazard Permits over our property, Wildlife Preserves respectfully request a meeting with NJ DEP Land Use Regulations and with Fish and Wildlife personnel to go over our comments and concerns, provide any additional information of interest, and answer any questions the staff may have.

Although DEP personnel must study massive volumes of literature, plans, and reports (including these comments) and often meet with the applicant, PSE&G and its engineers and consultants, it might also prove beneficial to meet with the organization that actually owns Troy Meadows—the people that have an intimate knowledge of the land, water, and wildlife at Troy Meadows and those who cared for and have protected it for decades.

An initial meeting in Trenton or at our office in Newark seems appropriate.

A site visit at the north-end of Troy Meadows, including the proposed Troy Meadows mitigation site and the proposed lay-down areas might also be helpful. Ariel photos and reports do not compare to experiencing the sights and sounds of the meadows up close and personal. After a storm or during the bird migrations in the spring and fall are awesome.

- **Request for a Public Hearing:**

The NJ DEP held a public hearing on April 28, 2010 in response to the original PSE&G permit which was eventually withdrawn by PSE&G, substantially changed, and resubmitted with amendments being made and added as the process continues. The current application is much different and still incomplete. When all aspects of the project are disclosed, including construction sites, mitigation sites, species reports, etc., then the public should be given the opportunity to publically comment on this new application.

Wildlife Preserves has not been adequately informed of all the changes and has not been notified of a public hearing regarding the current application. Wildlife Preserves has expended much work and money to protect Troy Meadows for some 60 years. As the actual landowner through which the present PSE&G power line runs (not just an easement holder), Wildlife Preserves hereby submits that another NJ DEP public hearing on a project of this magnitude is needed and hereby requested.

RECOMMENDATIONS—

Suggestions for permit requirements:

Specific pre-construction, construction, and post-construction requirements that should be implemented to protect environmentally sensitive areas such as Troy Meadows Natural Area.

1. Notice should be provided to landowners prior to each phase of construction.
2. Boundaries on both sides of the easement should be surveyed and permanently marked, especially through the wetlands of Troy Meadows. *(No activities of any kind by workers, machines, or equipment are to be allowed beyond the boundaries of the easement on the land of Wildlife Preserve.)* Easement boundaries are not currently marked and should be clearly delineated.
3. Silt fencing should be installed. *(The north-end of Troy Meadows where the PSE&G easement exists is often flooded under water.)* Silt containment is important to the health of the meadows.
4. All known threatened and endangered species habitat should be carefully analyzed prior to construction, especially the wetlands between Route 80/280 Interchange in Parsippany and Ridgedale Avenue in East Hanover— towers 81/3, 81/4, 81/5, 81/6, 82/1, 82/2, 82/3, 82/4 (on Wildlife property) and 82/5, 83/1, 83/2, 83/3.
5. Federally endangered Indiana Bat may occur in the area of Troy Meadows—Troy Meadows is a likely habitat for Indiana Bat. An Indiana Bat study should be conducted in Troy Meadows prior to commencement of construction.
6. Provisions for monitoring effects of construction on vegetation, wildlife, water, and terrain should be continued by Wildlife Preserves' personnel and consultants. DEP should encourage PSE&G to fund Wildlife Preserves' independent oversight of the project or reimburse Wildlife Preserves for its costs.

7. Any activity that will alter or destroy existing vegetates should include provisions that replace vegetation with appropriate native species (*this includes vegetation disturbed within and outside the existing easement*).

8. Measures need to be taken to control access and potential damage or disturbance to sensitive areas. These should include boardwalk security gates installed at Route 80/280, the Whippany River, and any other location easily accessible to the boardwalk. Locks and keys should be provided to Wildlife Preserves.

9. DEP should re-examine the area of permanent disturbance of wetlands through Troy Meadows. This should include the increased disturbance of the new, wider boardwalk.

10. DEP should ensure that all wetland areas disturbed in Troy Meadows are mitigated in Troy Meadows. PSE&G personnel have agreed to provide a wetland mitigation site at Troy Meadows. Much work has gone to selecting the site in Troy Meadows, which has been surveyed and studied—and the site chosen has a triple benefit of (1) an environmental cleanup, (2) the removal and replacement of invasive species for riparian compensation, and (3) the creation and enhancement of wetlands. The impacts at Troy Meadows and all areas in the Central-Passaic Water Management Area should be mitigated in Troy Meadows.

The Troy Meadows wetland mitigation site needs to be made part of any individual wetland permit requirement. To date, PSE&G’s environmental consultants have not fully disclosed the details of the plan to Wildlife Preserves or DEP.

11. Details of the Troy Meadows Compensatory Wetlands Mitigation Plans need to be provided to Wildlife Preserves and DEP with adequate time for an opportunity for review and comment.

12. A side view of the towers showing the configuration of the multi-conductor vertical configuration of wires should be provided to DEP to fully evaluate its impact on birds and bats. (*Aerial views of the easement and tower placement and also front views of poles and towers are available for public view, but a side view of the towers showing the configuration of multiple wires does not seem to be readily available.*) This should be provided to DEP.

- 13.** Collision risks by birds, bats, and flying insects into high structures and cables should be carefully and thoroughly researched and analyzed; the project should be designed to avoid and reduce such risks.
- 14.** Among other measures, effective bird flight diverters on all wires running through Troy Meadows should be installed.
- 15.** DEP should require post-construction monitoring of bird flights and collisions with PSE&G lines for a reasonable period of time. PSE&G could contract Wildlife Preserves rangers who patrol the land daily and could easily increase their patrol to include patrolling the lines for wildlife incidents.
- 16.** If PSE&G structures and/or wires are found to cause injury or death to wildlife, then DEP needs to reserve the right to demand alterations to the project design.
- 17.** PSE&G should consider some avian enhancement and habitat enhancement at Troy Meadows. Avian habitat enhancement could include measures to improve water quality and quantity at Troy Meadows and sowing food source plants for the marsh birds and waterfowl. *(The Avian Protection Plan provides little or no avian enhancement at Troy Meadows, only work schedules to avoid nesting birds, and most avian enhancement is in the form of installing bird houses in northern New Jersey.)*
- 18.** In the public interest, DEP should require PSE&G to enhance the environment affected by the S-R project. In Troy Meadows one of the most important things that can be done to reduce the adverse impact on the land and wildlife would be monitoring and improving water supply and quality, including possible water impoundments and pollution control. Also, species specific habitat improvements could be initiated, e.g., the creation of nest sites for wood turtle, deer excluding fencing of upland areas, re-vegetation of eroded banks, etc.
- 19.** DEP should require compensation or funding to help reduce the negative impact the S-R project will have on the land, water, and wildlife at Troy Meadows.

(a) Since the Highlands Council will receive funds from PSE&G for the S-R project, some of those funds should be directed for water enhancement projects at Troy Meadows.

(b) Likewise, since 53% of the S-R project through Parsippany-Troy Hills is across Troy Meadows, some of the funds Parsippany will receive from PSE&G should be directed for enhancement projects at Troy Meadows.

(c) DEP should require PSE&G to dedicate some funds to the Division of Parks and Forestry for enhancement projects at Troy Meadows.

(d) DEP should require PSE&G to dedicate some funds to Wildlife Preserves for enhancement projects at Troy Meadows.

20. PSE&G should reimburse expenses that landowners incur relating to PSE&G project.

21. A DEP public hearing should be scheduled. *(The latest PSE&G Individual Wetland Permit Application has been substantially changed from the last plan that was heard and then withdrawn.)*

Thank you for considering the comments and recommendations of Wildlife Preserves.



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ATTACHMENTS

ATTACHMENT A— Rare Wildlife Sighting Report for Savannah Sparrow, Troy Meadows, Parsippany, Block 765, Lot 89 (*Sparrow Report -5-15-12.pdf— submitted to NJ DEP Natural Heritage and attached separately*)

ATTACHMENT B— Aerial photo, May 5, 2010 (*photo 2950*)

This photo shows wetland disturbance outside the 150-foot easement when PSE&G soil boring raft routed around trees and tower 81/4, May 2010.



ATTACHMENT C is copies of two studies about bird collisions with electric lines (*Bird Collisions.pdf— attached separately*)

ATTACHMENT D— Aerial photos, May 5, 2010, (*photo 2971*)

This photo shows the proposed Wetland Mitigation Site at Troy Meadows; a prime site for wetlands enhancement, creation, riparian compensation, and the remediation and removal of contaminated lead soil unsightly debris.



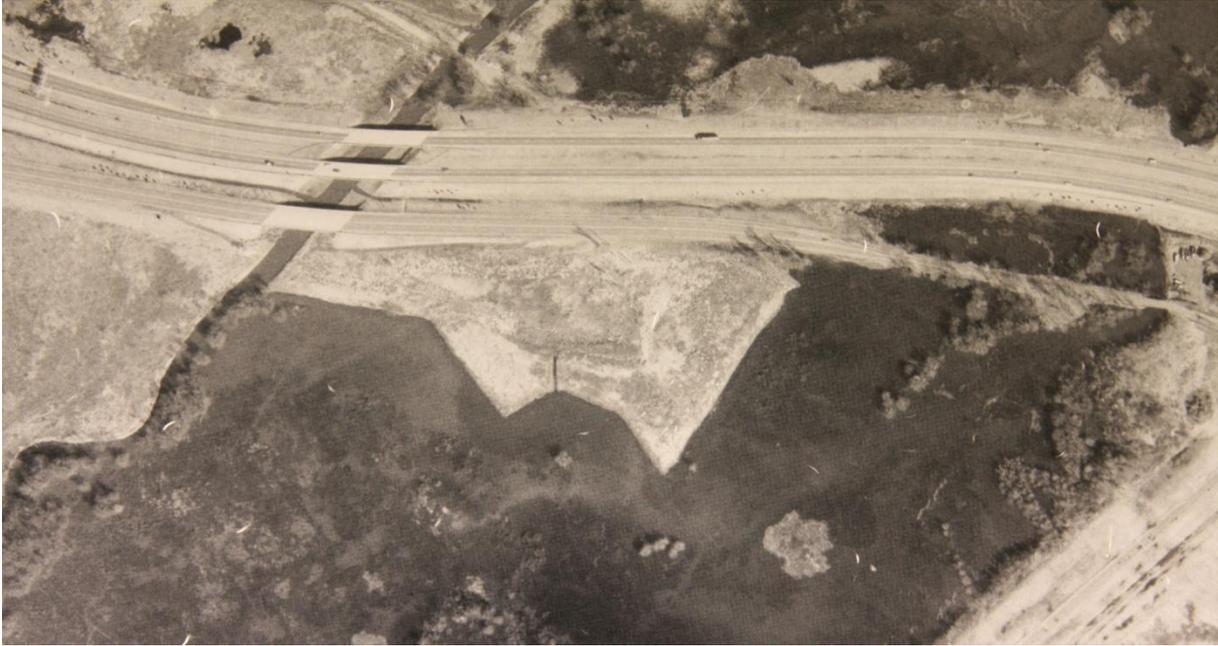
Aerial photos, May 5, 2010, (*photo 2964*)

This photo shows the debris field of spent clay skeet and shotgun wads (next to the pond) that has been proposed to be cleaned up as part the wetland mitigation project at Troy Meadows.



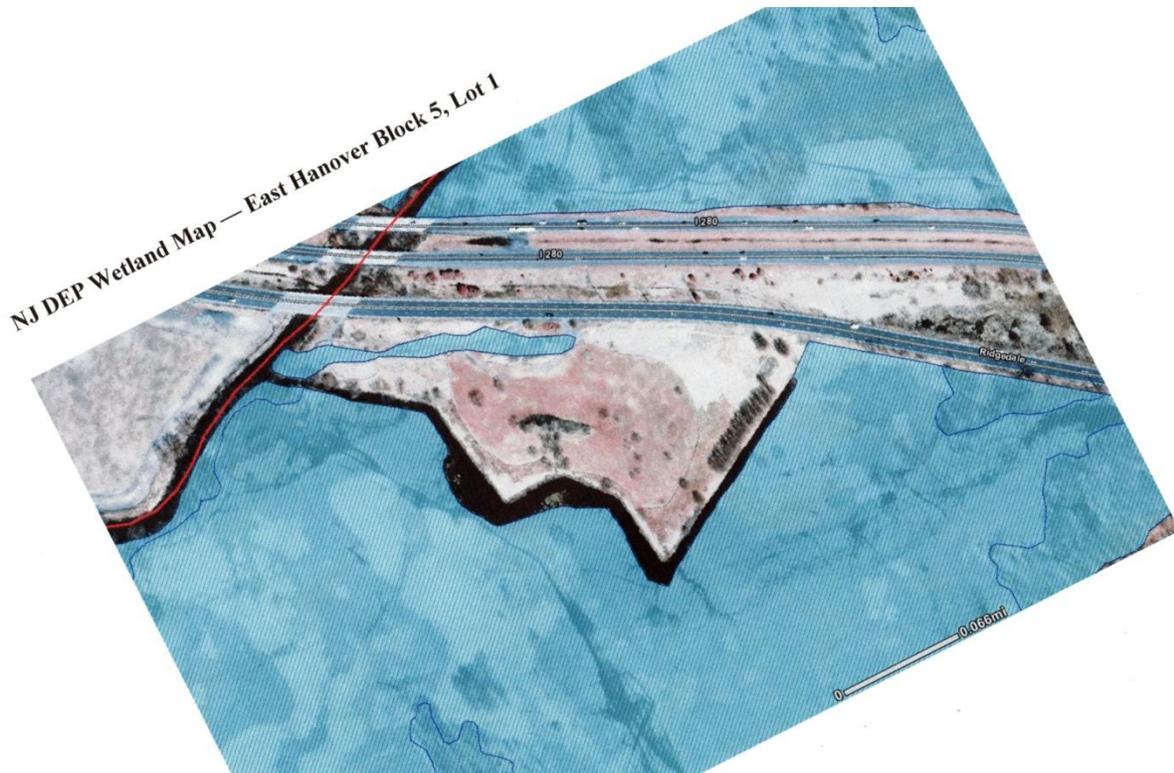
ATTACHMENT E— 1976 Morris Co. aerial photo (*photo 3656*) showing Block 5, Lot 1, East Hanover (W shape) east of the Whippany River completely filled and disturbed.

Wildlife's Lot— Suggested site for construction yard, heliport, or to deposit or store spoils



ATTACHMENT F— NJ DEP I-Map of Block 5, Lot 1—

This illustration shows Block 5, Lot 1 upland surrounded by wetlands.



ATTACHMENT G— Aerial photo, May 5, 2010 (*photo 2938*).
This attachment shows the 85-foot lattice tower (82/4) at Troy Brook at Troy Meadows



ATTACHMENT H— Aerial photo, May 5, 2010 (*photo 2913*). This attachment shows the PSE&G line through a part of Troy Meadows (accentuated by a trail of disturbance).

