

Public Meeting Transcript Session 1.txt

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1 WEST CAPE MAY, NEW JERSEY

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5 IN THE MATTER OF:

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7 POND CREEK SALT MARSH RESTORATION PROJECT...

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9 held at West Cape May Borough Hall, 732 Broadway,

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11 West Cape May, New Jersey, on October 13, 2005,

12

13 3:00 p.m., before Mark Eberle, Panel Leader, and

14

15 Daniel Morrison, Court Reporter.

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1 PROJECT TEAM MEMBERS:

2 MARK EBERLE, Project Manager, Corps of Engineers

3 MERV BROKKE, Public Affairs Specialist, Corps of

4 Engineers

5 CHUCK MACINTOSH, Chief of Special Studies Section,

6 Corps of Engineers

7 BOB MOORE, Hydraulic Engineer, Corps of Engineers

8 DENNIS ZEVENY, Geotechnical Engineer, Corps of

9 Engineers

10 JIM CHU, Design Engineer, Corps of Engineers

11 VINCE GRASSI, Geotechnical Engineer, Corps of

12 Engineers

13 LEE WIDJESKOG, NJDEP, Project Non Federal Sponsor

14 ERIC SCHRADING, Project Partner, U.S. Fish and

15 Wildlife Service

16 ED SOKORI, Project Partner, Cape May County Dept.

17 of Mosquito Control

18 PIERRE LACOMBE, Hydrogeologist, U.S. Geologic

19 Survey

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1 MAYOR KAITHERN: Good afternoon. I

2 welcome everyone here today. I am pleased we have

3 a 3:00 p.m. for your questions today. We have a

4 3:00 p.m. and a 7:00 p.m. session.

5 We welcome the opportunity to hear what the  
6 Corps of Engineers has to say about the Pond Creek  
7 planned project. I know you are interested in  
8 hearing what the Corps of Engineers has to say  
9 today, and, likewise, they are eager to hear what  
10 you have to say as well and to listen to your  
11 concerns.

12 To that end, I now turn it over to the Army  
13 Corps of Engineers.

14 MR. BROKKE: Let me talk briefly  
15 before I introduce Mark Eberle.

16 The gentleman to my left is Daniel Morrison,  
17 who is the court reporter for tonight.

18 I want to go over some of that ground rules  
19 for the audience and speakers.

20 If you choose to speak and you signed up, and  
21 I can't over stress that, please step up to the  
22 microphone when your name is called.

23 The first thing I would like you to do is to  
24 state your name. Speak clearly and loudly so Mr.

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1 Morrison can get all your information down.

2 So Mr. Morrison can hear only the speaker and  
3 get the speaker's comments, please don't have any  
4 conversation in the audience.

5 Again, speak loudly when you are up at the  
6 microphone speaking so Mr. Morrison can get all  
7 your comments that will be input into the study  
8 and environmental assessment.

9 Without further adieu, the project manager is  
10 Mark Eberle. This is the first time he has been  
11 down here in Cape May. He is now going to give  
12 you an overview of the project.

13 MR. EBERLE: Thank you, Merv.

14 I want to thank everyone for coming out  
15 today.

16 I hope we can answer your questions and  
17 concerns that you may have today.

18 I will do about a 20-minute power point  
19 presentation and then we will be to public

20 comments session.

21 After the public comments session, we will

22 be around and have a lot of technical experts. I

23 will introduce the team for you.

24 If you have specific questions that were not

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1 answered during the power point presentation,

2 that's the time for you to come up and talk to us

3 so that we can answer any questions you might

4 have.

5 The Pond Creek Salt Marsh Restoration Project

6 has four partners. They are:

7 The Corps of Engineers.

8 We have a non federal sponsor, which is the

9 New Jersey Department of Environmental Protection,

10 and, specifically, the Division of Fish and

11 Wildlife.

12 If you look in the back to right, the partner

13 in blue of Jim Widjeskog.

14 Please raise your hand.

15 He is the representative from the non federal

16 sponsor.

17 The other two key partners on this project

18 are:

19 The U.S. Fish and Wildlife Service and the

20 Cape May County Department of Mosquito Control.

21 I will introduce them later, to run through

22 the four key partners.

23 Our project goal here is to restore Pond

24 Creek to an intertidal emergent marsh dominated by

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1 native vegetation. In particular, we are looking

2 to restoring it.

3 Some of the specifications about Pond Creek

4 are, and I am sure many of you are familiar with

5 them already, is it is approximately 400 acres,

6 the entire marsh. It's part of Higbee Beach State

7 Wildlife Management Area. It is located along

8 Delaware Bay and Lower Township Bay.

9 This map gives you an overview of the project  
10 area.

11 This is Pond Creek.

12 This slide shows the marsh outlined in  
13 yellow.

14 The watershed, or the area that drains into  
15 the marsh, is outlined in red.

16 This is an overview that was taken by our  
17 partners at the Mosquito Control Department in  
18 September showing what the current conditions at  
19 Pond Creek are.

20 One thing I want to note is you can see some  
21 light areas here.

22 That's the Delaware Bay coming into the marsh  
23 and killing off the phragmites.

24 That, in a sense, is kind of what our project

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1 goal is.

2 Mother nature is, in a sense, doing that to

3 some limited scale right now.

4 It is currently managed for migratory birds,

5 water fowl and human recreation. I believe there

6 is hunting down there.

7 It is currently dominated by the common reed,

8 or, as I am sure a lot of you are familiar with,

9 phragmites.

10 The history of Pond Creek is:

11 Prior to 1917, Pond Creek was a natural

12 free-flowing tidal creek. A tide gate was

13 installed there in 1917.

14 There was the Harbison Walker Magnesite Plant

15 that operated there from the 1940s up into the

16 early 1980s.

17 There was a flood control structure that had

18 a discharge dike and alcohol box that was

19 completed in the 1960s. That lasted until,  
20 roughly, 1996, when Hurricane Fran washed that  
21 out.

22 At that point in time, shortly after that,  
23 was when Lee and the State of New Jersey  
24 approached the Corps with the partners and said,

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1 "Hey, let's do a restoration project here."

2 We have a map of 1888 of what Pond Creek  
3 looked like.

4 You will note here is the channel location.

5 I am going to go through a list of  
6 alternatives that we considered.

7 One of the things we are considering is  
8 moving the channel location to make it closer to  
9 what the historic channel location was.

10 Some alternatives that we considered at the

11 site in the late 1990s and the early 2000s, when

12 we started this project, was to do no action, just

13 leave it as it is. That's one alternative.

14 You could also use chemicals and do a

15 herbicidal spray to get rid of the phragmites and

16 change the vegetation to something else.

17 One of the alternatives that we investigated

18 quite deeply was inundation of the area or the

19 flooding of the area, inundating it with tidal

20 water.

21 We went through a couple of different

22 alternatives. I will walk through each of them

23 with you.

24 We looked at making it a fresh water pond

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1 area.

2 We looked at having the tide come in with

3 full tidal inundation with buildings and berms to

4 protect the back of the marsh to protect

5 homeowners and to limit the volume of how much

6 water could come in.

7 We looked at tidal inundation with a water

8 control structure, building a water control

9 structure. We looked at that alternative using

10 the existing channel and a new channel.

11 Those were the alternatives that we set out.

12 Here is a brief table highlighting some of

13 the pros and cons of each of these.

14 This table is in the draft environmental

15 assessment, which I believe many or some of you

16 have gotten in the mail and made comments on

17 already.

18 I do have copies with me. If you would like

19 a copy, I will make sure you get one by the end of

20 the night, or, if I run out, I will take your

21 mailing address and mail one to you.

22 This table is in the environmental

23 assessment.

24 It goes through some of the pros and cons of

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1 each different alternative.

2 I will not spend too much time on these  
3 three. I want to spend more time on the  
4 inundation ones.

5 The first one we spent a lot of time looking  
6 at was tidal inundation and building a big dike  
7 along the back of the marsh.

8 One of the potential issues that we had was  
9 the cost of the dike material.

10 Originally, we thought we could go out there  
11 and use marsh material to build the dike, but we  
12 did a couple of borings out there, and it was just  
13 too mucky, too wet.

14 If you were going to build a big dike across  
15 the back of the marsh, you would have to truck in  
16 a lot of fill. Basically, that made this  
17 alternative cost prohibitive.

18 Also, dike maintenance might be an issue,  
19 because you were going to have a pretty big dike.  
20 I will show you a picture of what that dike  
21 would look like.  
22 That's why we stopped pursuing that.  
23 This was the dike alternative.  
24 This is the Delaware Bay over here.

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1 Here is the current Pond Crook that winds  
2 down here S shaped.  
3 The proposal was to have the yellow outlined  
4 area as a big dike across the marsh to keep  
5 saltwater in front of it. It got pretty cost  
6 prohibitive.  
7 We then looked at using a water control  
8 structure, building a water control structure near  
9 the inlet entrance instead of building a dike.

10 Some of the pros and cons of that was one of

11 the cons is that it did require maintenance of the

12 dike, but we don't believe it will be nearly as

13 much maintenance as a large dike would be.

14 This is non federal sponsor preferred plan.

15 It's cheaper than the dike alternative, and it

16 achieves the project goal of restoring intertidal

17 wetland.

18 We feel this was the preferred alternative.

19 We looked at two examples of this, using the

20 existing channel; basically, following the S

21 shape, and putting a water control structure

22 roughly here.

23 We investigated that.

24 One of the other things we investigated and

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1 thought was better is: This is the water control

2 structure with a new channel.

3 This is the channel that kind of mimics the

4 historic channel.

5 One of the reasons that we preferred this

6 better is for hydraulic reasons. It's more

7 efficient at bringing water into the marsh.

8 The other reason is it keeps the inlet away

9 from Davey's Lake, which is a fresh water area in

10 Pond Creek, so, if you have an inlet up here,

11 there is more of a chance that a big storm could

12 come in and breach it and possibly flood that out.

13 We thought it would be better to move the

14 inlet here further away from that fresh water

15 area. Basically, what we would do is plug the old

16 channel, plug that up, and have the new inlet here

17 with the water control structure, basically, in

18 the middle where my pointer is pointing.

19 Those are a couple of reasons.

20 We have the hydraulic engineer here who can

21 get into more why this is better hydraulically.

22 He can touch upon it more when you talk to him one

23 on one.

24 After looking at that pretty decent list of

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1 alternatives, we decided this was the proposed  
2 plan.

3 In addition to building a water control  
4 structure, once the water comes into the the water  
5 control structure, we had to disseminate that into  
6 the marsh.

7 So, what we plan on doing is building some  
8 new channels in what is the phragmites marsh.

9 You will see that we have three main  
10 channels, main channel 1, main channel 2 and main  
11 channel three.

12 Here is the yellow line.

13 This yellow line is the limit of what we  
14 anticipate the salt water inundation will be.

15 One thing to note is I put a copy of the  
16 current condition slide on there.

17 Again, you will see that our channels are  
18 mimicking what is happening out there right now,  
19 so we are trying to use as much of what mother  
20 nature is providing for us as far as what the  
21 system is supposed to look like to guide us in  
22 designing how we want to move the water in the  
23 marsh.  
24 Some of the issues that came up in the

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1 letters that some of you have sent us and asked  
2 for public hearings and public meetings to discuss  
3 this was flooding, salt water intrusion and fish  
4 and wildlife impact.  
5 I am going to spend a couple of slides on  
6 each of those issues so I can, hopefully, answer  
7 your questions.  
8 Again, after the public comment period, we

9 will be around to talk to you one-on-one to answer

10 your questions and other issues.

11 The first question is flooding.

12 Currently, based on what the current

13 conditions at the site are, there is, roughly, a

14 20-year level storm protection.

15 Anything above a 20-year storm that comes

16 through that marsh, local residents surrounding

17 that marsh really don't have any protection from

18 any flooding from a bay storm. Roughly, you have

19 about a 20-year level of protection based upon

20 what is out there right now.

21 Our project will not decrease that. In fact,

22 it will increase your storm protection from

23 Delaware Bay storms.

24 When we are done, you are going to have,

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1 basically, an elevation of the water control

2 structure. The berms on either side of it will be

3 1.3 feet higher than the Delaware Bay water

4 surface 500 years ago.

5 Basically, you have just about a 500-year

6 level of storm protection from Delaware Bay storms

7 after the project is done.

8 Basically, we will give you better Delaware

9 Bay storm protection after the project is done.

10 Saltwater intrusion is a little more

11 complicated.

12 We have Pierre Lacombe from the U.S. Geologic

13 Survey here, who is an expert on that issue.

14 I will go through a couple of bullets.

15 This same information is over on the poster

16 behind me.

17 We feel very confident that our project will

18 not cause saltwater intrusion into local wells.

19 One of the reasons is that most of the wells

20 will still be one mile or more from the saltwater

21 front.

22 Looking at bullet No. 2, most domestic supply

23 wells only use 200 to 300 gallons of water per

24 day.

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1 That type of withdrawal is unlikely to cause  
2 saltwater intrusion to kind of pull the water in  
3 towards the wells.

4 Again, I am going to defer a lot of your  
5 questions to Pierre Lacombe, because he is an  
6 expert on this kind of information.

7 We feel very confident that our project will  
8 not cause saltwater intrusion into your wells.

9 As part of the project, we will do a  
10 monitoring plan.

11 Before the project is done, we will monitor  
12 some of the local wells and get a baseline of what  
13 chloride concentration and so forth is in the  
14 wells.

15 We will do a very similar monitoring plan

16 when the project is done, to ensure that our  
17 project doesn't cause any problems to the local  
18 wells.

19 We feel very confident it will not.

20 This is a slide showing a cross section.

21 If you look at A to A prime, basically, we  
22 are taking a cross section through the marsh.

23 That's what this figure is.

24 This is a cross section through the marsh.

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1 Again, this is the same information on the  
2 poster.

3 If you look to my left, you have Delaware Bay  
4 and you have yellow. That's sea water, which is  
5 saltwater, brackish water.

6 What you have here is you have this layer  
7 called the Holly Beach water bearing zone.

8 This is your top aquifer or top zone of the

9 area.

10 Then we have a confining unit under that.

11 You then have the Esturine Sand Aquifer,

12 which is this white area, another confining unit,

13 and then you have the Cohansey Aquifer.

14 The bottom line of this picture, and Pierre

15 produced the slide for me, and I appreciate it, is

16 that it shows that, after our project is

17 implemented --

18 If you look here, after our project is

19 implemented, Pierre has put the shaded dotted area

20 as the area where you will have saltwater

21 inundation.

22 This area is at least a mile from what we

23 know as the local wells.

24 The other thing is that it's in a different

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1 confining unit from the domestic supply wells.

2 Most of them are down in the Esturine Sand

3 Aquifer.

4 You have to understand this is a confining

5 unit. Pierre can touch on this more.

6 From what I understand, these two don't mix.

7 Basically, the saltwater will be confined to

8 the lower part of the marsh.

9 Like I said, this is the same information on

10 our poster that Pierre can go into more detail on,

11 since he is the expert on this issue.

12 We feel very confident that we will not cause

13 problems to domestic supply wells.

14 This line shows the anticipated saltwater

15 inundation.

16 Basically, the inlet is over here. This is

17 the Delaware Bay. Here is the inlet.

18 Basically, this green line is what we

19 anticipate inundating with saltwater.

20 Roughly, it's 170 acres.

21 This point is, roughly, about a mile from our

22 known domestic supply wells.

23 As to the benefits for fish and wildlife,  
24 people in some of their letters asked about is

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1 this bad for wildlife. Some people thought we  
2 should leave it as phragmites.

3 Actually, this project is going to benefit  
4 fish and wildlife in the Cape May and Southern New  
5 Jersey area.

6 In fact, salt marsh is much more productive  
7 than phragmites. We have Pierre from Fish and  
8 Wildlife, a biologist, who can go into greater  
9 detail about why that is.

10 Roughly, we will restore approximately 170  
11 acres. The benefit of that will be to migratory  
12 birds, fish, waterfowl, reptiles, animals and a  
13 whole slew of different species.

14 Other benefits is:

15 One of our partners is the Cape May County

16 Department of Mosquito control.

17 One of the reasons they like this project is

18 because, basically, when you restore it to a salt

19 marsh, you are going to have natural mosquito

20 control. You are going to have fish coming into

21 the channels. They will eat the mosquito larvae.

22 By using this throughout the Pond Creek area, it

23 will result in a reduction of the amount of

24 pesticides used in the area.

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1 That is something you can talk to Ed Sokori

2 about, who is here from the Department. He can

3 answer more of those questions for you.

4 That's a another big benefit of the project.

5 There will be improved recreational

6 opportunities once the water control structure is

7 built.

8 I believe Lee is talking about having a

9 trail.

10 You will have more passive bird watching.

11 Again, it will be a better habitat for

12 wildlife.

13 The tentative timeline for this project is,

14 and, obviously, today is our public meeting. We

15 will leave the public comment period open for an

16 additional 30 days, so, from today to November 13,

17 if you have any comments on this project, we will

18 accept them.

19 We prefer that they put it in writing and we

20 will put them in the final environmental

21 assessment document that will be completed.

22 I will take all those comments and we will

23 address them in writing, answer your comments in

24 writing.

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1 We hope to have a final environmental  
2 assessment document by, roughly, February, 2006.  
3 Depending on your comments and how we proceed and,  
4 depending on funding availability, we would like  
5 to complete the project design next spring. This  
6 all depends upon funding. If funding is  
7 available, we will probably shoot for 2007 for the  
8 construction time frame.

9 That is a quick overview. It gives you some  
10 basic history and some basic answers to some of  
11 the concerns that I have seen in the letters that  
12 I have received.

13 At this point in time, I turn it back over to  
14 Merv so we can hear some of your comments.

15 MR. BROKKE: At this time, before we  
16 start speaking, will you do me a favor?

17 We need to turn on the microphone.

18 Also, please get the sign-in sheet for me.

19 Thank you for coming today.

20 You will have three minutes to speak. I will  
21 be the timekeeper. I will announce when you have

22 30 seconds left to give remarks. If you don't get

23 to speak all your remarks, and you have written

24 remarks or other comments, please leave them in

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1 the box. They will be incorporated into the

2 environmental assessment, as Mark said.

3 Again, when I call your name, please come up

4 to the microphone and state your name and give

5 your remarks.

6 Audience, please hold off having

7 conversations so Mr. Morrison can record the

8 comments and only the comments.

9 Remember to speak loudly and clearly so Mr.

10 Morrison can get down all your comments.

11 We will be here until about 5:00 p.m.. We

12 would like to have about a 15-minute session where

13 you can talk to our experts on the project.

14 If you don't get an opportunity to speak, we  
15 ask that you come to the second session, where we  
16 will put you up first on the list.

17 If you can't make the second session, we will  
18 take your written comments here and they will be  
19 incorporated into the environmental assessment.

20 Our first speaker is Mr. John Schneider.

21 MR. SCHNEIDER: May I have the  
22 regional slide of the project before I start? It  
23 can be either the U.S.G.S. or the one showing the  
24 extremity of the saltwater inundation.

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1 (Pause.)

2 MR. EBERLE: The cross section or the  
3 overview?

4 MR. SCHNEIDER: The back. Not the  
5 cross section. The overview of the project,

6 showing the larger area of the entire island.

7 Actually, that one will work fine.

8 MR. EBERLE: We can get it for you.

9 Do you want the current condition slide?

10 MR. SCHNEIDER: No. I want to see  
11 where human habitation is in relationship to the  
12 project. It's where the cultural landscape fits  
13 into the project.

14 Back farther. One back.

15 The one before that.

16 The one before that.

17 MR. EBERLE: The watershed slide?

18 MR. SCHNEIDER: The U.S.G.S. That's  
19 perfect.

20 I am John Schneider, a resident of Bay Shore  
21 Road, Cape May, and a landscape architect trained  
22 as a regional land planner.

23 I will get to the point.

24 This is about water fit to drink. It is also

1 about flooding, but, due to time restraints, if I  
2 have a few minutes after to deal with that issue,  
3 I will talk today.

4 I do not believe that the Army Corps of  
5 Engineers, or any other governmental agency,  
6 should be engaged in any project on publicly owned  
7 land that may negatively affect the well water of  
8 any nearby private land owner.

9 In principle, land configuration may not be  
10 altered above an aquifer which inhibits the  
11 aquifer's primary role as water supply and  
12 reservoir water for human consumption that further  
13 regulates oscillations between flood and drought.

14 My first question regarding this proposed  
15 project is firmly centered on aquifer recharge  
16 within the broader area of West Cape May and south  
17 of the intercoastal waterway.

18 By aquifer recharge, I mean the point of  
19 interaction between surface water and groundwater.

20 Where are they within the regional context, and

21 how might they be affected by this project?

22     Secondarily, groundwater percolation for the

23 affected watershed is an important aspect of

24 recharge as well.

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1     Nothing here has been presented to

2 demonstrate that.

3     Thus, two considerations arise for those of

4 us living nearby and using well water within the

5 greater aquifer recharge area.

6     (1) The location of surface-to-groundwater

7 interchange below ground, and

8     (2) Percolation of surface water to

9 groundwater.

10    (1) What is needed is baseline information

11 and a study.

12    The Army Corps of Engineers, in my opinion,

13 needs to produce for private homeowners accurate  
14 hydrological mapping of baseline information,  
15 including piezometric surface (freshwater) depths  
16 at critical points and existing aquifer conditions  
17 to further include depths of withdrawal from all  
18 potentially affected wells.

19 (2) Safety measures: What measures will the  
20 Army Corps of Engineers put in place to protect  
21 the groundwater supply from saltwater intrusion as  
22 a result of this project?

23 MR. BROKKE: 30 seconds.

24 MR. SCHNEIDER: (3) What happens if

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26

1 there is saltwater intrusion in the groundwater as  
2 a result of this project? Who is responsible for  
3 replacing our fresh, safe drinking water?  
4 (4) Who will monitor this, the safety of it?

5 The Army Corps of Engineers? State Government?

6 Local Government?

7 In closing, the protection of our shared

8 environment is one of government's most

9 fundamental roles at all levels.

10 I can appreciate the Army Corps of Engineer's

11 desire for habitat enhancement by removal of the

12 phragmites from the last remnant of bayside

13 coastal dune forest in the entire State of New

14 Jersey and replacing it with more diverse native

15 plantings, but this must not be done at the

16 expense of the primary use of our water supply.

17 As a professional, if I may have a chance to

18 come back to speak on several water issues.

19 MR. BROKKE: Yes.

20 The next speaker is Al Nicholson.

21 For everyone who wants to speak, please state

22 your name before you begin making your comments.

23 MR. NICHOLSON: Good afternoon. My

24 name is Al Nicholson. I have over 40 years of

1 experience in Pond Creek.

2 The Pond Creek assessment is simplistic and  
3 drastic; therefore, a less potentially damaging  
4 restoration should be tried first to see how it  
5 works, so let's not spin our wheels and go off the  
6 deep end.

7 Let us raise the water levels a modest three  
8 to four inches and watch the marsh restore and  
9 take care of itself using the same outlet.

10 This option can't be dismissed by primarily  
11 saying it doesn't meet the project's goal. Whose  
12 project goal? Is the goal more than a tidal flow  
13 buzz word wrongly applied in this instance?

14 As the assessment stands, Pond Creek will be  
15 neither a fresh water marsh or saltwater marsh,  
16 probably 50-50 marsh grass and phragmites.

17 The feared result will be a patchwork  
18 piecemeal approach, a worked over and sprayed over  
19 Pond Creek incapable of delivering sufficient

20 amounts of saltwater unless extensively ditched

21 with ugly consequences and the needless disruption

22 of an ecologically viable fresh water system.

23 The demonization of phragmites in this

24 context is not a constructive course of action for

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28

1 either mosquito control or for wildlife. Quite

2 the opposite. Fresh water habitat has all but

3 disappeared in the Southern Cape.

4 The current plan will further entrench

5 phragmites in the fresh water sections and block

6 recovery to a cat-tail marsh.

7 Pond Creek, unlike other drained marshes, has

8 not lost its capability to absorb run off from

9 adjacent fields.

10 Muskrats can be used to control phragmites in

11 conjunction with raised water levels, by expending

12 their activity with marsh bugges to flatten and

13 disrupt the reeds.

14 It is easy now, after all the work that has

15 been done, to preserve Pond Creek, for the experts

16 to come in and decree tidal flow, but the experts

17 were of little help when the present Higbees Beach

18 Wildlife Management Area was repeatedly up for

19 destruction.

20 Pond Creek would have been filled in with the

21 spoils from the Ferry turn about basin and the

22 dunes demolished in large part by mosquito

23 drainage channel and subsequent sand deposition on

24 the marsh, all for development.

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29

1 Another threat of land reclamation was a vast

2 dumping operation to join the Hidden Valley Ranch

3 with the Smith's landfill, for eventual housing.

4 MR. BROKKE: 30 seconds.

5 MR. NICHOLSON: With the assessment,

6 there is too much reliance on the water control

7 structures elevation settings for tidal

8 inundation, because the main channel will become

9 silted in, diminishing the hydraulic force

10 necessary to flood the meadow.

11 The water control structure will "throttle"

12 salt water from going into the fresh water

13 sections of the marsh.

14 There are fine tunings hard to imagine.

15 Essentially, the Army Corps of Engineers has made

16 no provisions for freshwater sections of the marsh

17 or even mention of the huge cat-tail marsh

18 resource to be recovered, as though it never

19 existed.

20 Costs for future ditching and outlet

21 maintenance have not been realistically balanced

22 against reasonable fresh water preservation.

23 It's nice we have the Higbees Beach Wildlife

24 Management Area. Let us preserve it.

COURT REPORTING ASSOCIATES

30

1 Proceed with caution and not go off the deep

2 end.

3 MR. BROKKE: The next speaker is David

4 Rutherford.

5 MR. RUTHERFORD: I am David Rutherford

6 of the Lower Township Environmental Commission.

7 We have been curious about this project for

8 some three years. Today we will perhaps have a

9 chance to express our questions.

10 We will be responding in addition to the

11 comments today before November 13.

12 The first question is:

13 The agencies that are partners, you share a

14 responsibility.

15 Is it written down in iron-clad fashion?

16 Coincidental with that, how is the funding to

17 be accomplished between agencies? Is that also

18 iron clad, or do we have to wait for an Act of

19 Congress to straighten it out, because the  
20 maintenance on the structures and the canals, and  
21 especially the jetty, will be very costly.  
22 On the question of jetty, will there be steps  
23 taken to stop the usual erosion of the beach,  
24 which always happens on either one side or the

COURT REPORTING ASSOCIATES

31

1 other of the jetty?  
2 Will there be wings built or whatever,  
3 because if those aren't done before it's  
4 completed, or as it is completed, there will be  
5 immediate erosion and it will be flat, as they  
6 say, and the whole thing will be upset.  
7 To me, it's the Achilles heel of the project.  
8 There is another question about the water  
9 bodies that resulted in the 1964/65 effort to fill  
10 the marsh with dredge spoils.

11 There are some odd-shaped bodies of water

12 that are present in the marsh today.

13 To me, they represent one of the few places

14 that are good for wildlife habitat. What will

15 become of those? Will they be filled or modified

16 or what?

17 There was a question or comment about

18 mosquito control.

19 On the adverse side of that, some persons

20 have claimed there will be a plague of greenhead

21 flies when it becomes a salt marsh. There needs

22 to be an answer to that.

23 That just about sums up my questions and what

24 I have to say.

COURT REPORTING ASSOCIATES

32

1 MR. BROKKE: Those will be

2 incorporated in the environmental assessment.

3 If you would like to talk to experts and get  
4 their answers to your questions, please do so at  
5 the end of the session.

6 The next speaker is Bob Imleu.

7 MR. IMLEU: I am Bob Imleu from the  
8 Lower Township Environmental Commission.

9 We have some problems.

10 What is going to happen to the trees and  
11 other life on Sassafras Island and the surrounding  
12 area?

13 Also, who is going to maintain the depth of  
14 the channel, and who is going to be maintaining  
15 the flood structures?

16 Will this be written up and signed up in  
17 concrete terms?

18 Also, we would like to have some engineering  
19 drawings from where the environmental assessment  
20 was based on.

21 At the present time, what you have in the  
22 present assessment is unreadable to get any detail  
23 out of it.

24 We would like to have those sent to us as

COURT REPORTING ASSOCIATES

33

1 soon as possible.

2 Thank you.

3 MR. BROKKE: The next speaker is

4 Wister Dougherty.

5 MR. DOUGHERTY: Good afternoon. My

6 name is Wister Dougherty. I am a recent resident

7 of Lower Township.

8 I have spent 73 years in the City of Cape

9 May. I was very much involved with the water

10 problems that existed and has existed in the City

11 of Cape May.

12 The City of Cape May, when I was a child

13 growing up, boasted about its artesian wells and

14 the quality of its water.

15 Over the years, it progressively got worse

16 because of the intrusion of saltwater.

17 The last well the City of Cape May got, I

18 personally went to Ms. Merion Lloyd and negotiated

19 with her. By the way, she donated her land to the

20 City of Cape May for a well.

21 The City of Cape May, as you all know, has

22 gone into cleaning up their water with the new

23 plant over there that cost \$5,000,000.

24 I know nothing about the technology of this

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34

1 project.

2 I live relatively close to John Schneider. I

3 have a well out there.

4 My problem is:

5 I am mainly concerned, as a lot of you are,

6 about saltwater intrusion into the wells.

7 I haven't gotten any assurances so far today

8 that I won't have a problem.

9 Thank you.

10 MR. BROKKE: The next speaker is  
11 Arthur Joblin.  
12 MR. JOBLIN: My name is Arthur Joblin.  
13 My wife Anna Marie and I live on Stephen's Street  
14 in West Cape May. We are currently 12 months a  
15 year citizens of this lovely community.  
16 I thank the Army Corps of Engineers for  
17 responding to the letters of concern that you have  
18 received regarding your plan to replace the Pond  
19 Creek fresh water system with saltwater.  
20 Your reaction by arranging for these public  
21 hearings is appreciated.  
22 We are on the "no, do not do it" side of your  
23 plan to flood the Pond Creek fresh water system  
24 with saltwater.

COURT REPORTING ASSOCIATES

35

1 Our reasons, moving from the narrow to the

2 broad, are:

3 (1) Self serving.

4 (2) Communal unreach.

5 (3) Global in scope.

6 First, our self-serving position.

7 100 feet beyond our home are the wetlands,

8 which we have been told is some how and some way

9 connected to the Pond Creek system.

10 It is a lush area vibrant with life, with

11 trees, ferns, vines, birds galore, raccoons,

12 possums and turtles. The list goes on and on.

13 They make their home in this paradise of life.

14 It is a source of constant pleasure to our

15 family. It is to our grandchildren a hidden

16 secret wonderland.

17 The thought that saltwater might intrude into

18 these wetlands and destroy the life that abounds

19 there is totally upsetting.

20 Additionally, our home utilizes well water.

21 Despite all assurances to the contrary, the

22 possibility that, over time, our well might begin

23 to deliver saline water is, simply put, a

24 nightmare.

COURT REPORTING ASSOCIATES

36

1 Second is our communal concern.

2 The wetlands and the use of well water are  
3 not unique to our home. The wetlands that I have  
4 described extend westward beyond all the homes of  
5 Stephen's Street. Many of the homes also use well  
6 water.

7 True, I have not polled my neighbors, but I  
8 know them, and I am rather confident that they  
9 share our views.

10 Beyond the concerns for Stephen's Street,,  
11 there is a concern for the entire natural eco  
12 system that makes West Cape May the oldest unique  
13 community that it is.

14 Come and look at us.

15 Saltwater can bring havoc to our community.

16 Third is our global view.

17 Human kind has for countless millenia sought  
18 to confine and preserve sources of fresh water.  
19 For hundreds of years, human kind has tried,  
20 but not always successfully, to build structures  
21 such as dikes, levees and sea walls to keep salt  
22 water off the land. To replace a fresh water  
23 system with saltwater, simply put, in our view, is  
24 going in exactly the wrong direction.

COURT REPORTING ASSOCIATES

37

1 There are mechanical ways to thin out the  
2 growth in Pond Creek that will leave intact the  
3 fragile and precious eco system that is so  
4 important to our lives.  
5 We urge you to reconsider.  
6 Saltwater is something that we absolutely do  
7 not need on our land.  
8 MR. BROKKE: The next speaker is Dr.

9 Ted Passon.

10 MR. PASSON: My name is Dr. Ted

11 Passon. I am actually a clinical laboratory

12 pathologist/environmental microbiologist.

13 The question is saltwater infiltration.

14 I have a place on Bay Shore Road.

15 I worry about actual contamination of the

16 wells themselves. It's very important. It

17 concerns sodium chloride.

18 My question is:

19 Is the mayor around here?

20 Do you have city water or well water?

21 MAYOR KAITHERN: Both.

22 MR. PASSON: Both? Good.

23 We had another place where we had city water.

24 Again, you worry about infiltration,

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1 especially contamination of sodium chloride in the

2 system.

3 Again, how long will it take?

4 It's a good question.

5 Is there a lot of data shown on this?

6 There is.

7 My question is this:

8 We drink the water. This is our health.

9 Thank you.

10 MR. BROKKE: The next speaker is Ruth

11 Fisher.

12 MS. FISHER: My name is Ruth Fisher.

13 First of all, I support the comments of Al

14 Nicholson totally. He represents, as do I, a

15 small group called The Cape Citizens Association

16 for Protection of the Environment.

17 Although I do not have the history that he

18 has in Pond Creek for many, many years, and I am

19 even older than he is, we have attended meetings

20 on Pond Creek at the Mosquito Commission.

21 I asked you before to review the minutes of

22 the Mosquito Commission. I never received any

23 comment back after sending in my comments. I

24 received no notice of this meeting either.

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39

1 I ask that you do a better job in the future

2 of notifying all of us.

3 One of the things that you said at the outset

4 was that you had these partners, the DEP and the

5 U.S. Fish and Wildlife.

6 Initially, one of your partners was Ducks

7 Unlimited. They seem to have been cast aside. It

8 leaves me suspicious of what the goals were here.

9 Who established that phragmites was such an

10 enemy?

11 Is he here today to represent some

12 organization?

13 Have you any answers today?

14 MR. BROKKE: Mam, in forum, we are not

15 going to answer your questions as you speak.

16 I don't want want to take up your time.

17 After, please feel free to talk to Mark and

18 the other members of the project team

19 individually.

20 MS. FISHER: I won't be able to stay

21 later.

22 I was hoping to get some answers here today.

23 MR. BROKKE: We only have two more

24 speakers. That will take about ten minutes.

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40

1 Please stay.

2 MS. FISHER: It's a matter of driving

3 back in the dark. I have come a long way.

4 If you continue to proceed with the goal of

5 eliminating phragmites, mistakes and water

6 manipulation and poison will surely follow.

7 The Corps of Engineers has an abysmal record

8 in that regard. Look at New Orleans.

9 Thank you.

10 MR. BROKKE: The next speaker is Clay

11 Sutton.

12 Before Clay speaks, I have the sign-up

13 roster. If anyone would like to speak, if anyone

14 has recently come into the meeting, please sign

15 up.

16 MR. SUTTON: My name is Clay Sutton.

17 I live in Cape May Court House.

18 I am a bird tour leader here in the Cape May

19 area. Beyond a real fondness for a very scenic

20 Pond Creek, you might say I do have a vested

21 interest, to use your term.

22 I would like the final environmental impact

23 statement to address several specifics.

24 (1) What will be the impact to the

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1 endangered southern gray tree frog?

2 It's a species that has received a lot of

3 notoriety in West Cape May.

4 (2) What will be the impact to tree

5 swallows?

6 I know you have looked at rare, threatened

7 and endangered species.

8 Tree swallows are probably the most abundant

9 migrant here at Cape May. It's a real phenomenon

10 to see hundreds of thousands of them swirling

11 above the marsh.

12 They roost in the marsh. They are one of the

13 few birds that use phragmites as a roosting site.

14 I would like to know if you have looked at the

15 impact to tree swallows.

16 Those were specific interests.

17 In general, I am concerned with what we are

18 now calling the view scape of the Pond Creek area.

19 So many of these saltwater inundation

20 projects have done real damage to the upland edge,

21 killing lots of trees where the saltwater reaches

22 the edge of the woodlands.

23 Killing the uplands edge has sort of a bad

24 track record with these projects, Green Creek,

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42

1 Fishing Creek, and particularly the PSE&G Bayshore

2 Restoration Project.

3 Frankly, a lot of the upland edges look like

4 hell with dead trees.

5 What impact will it have on the upland edge?

6 I point out that this upland edge is probably

7 the most valuable habitat to migratory birds.

8 In summary, my biggest question is:

9 Why can't we use the fresh water alternative,

10 the idea of bringing deeper fresh water in, the

11 fresh water pond alternative.

12 As several previous speakers have pointed

13 out, fresh water habitat is precious, and

14 saltwater is rather abundant in this area.

15 Thank you.

16 MR. BROKKE: The next speaker is

17 Maryellen Spruell.

18 MS. SPRUELL: I am Maryellen Spruell.

19 I am a member of the (inaudible) Creek Focus

20 Group.

21 Over in Lower Township, we have a large

22 similar project under way.

23 We are inundated with phragmites very close

24 to homes.

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43

1 In 1999, there was a terrible fire in that

2 area that almost burned the houses when phragmites

3 ignited, so we have a very vested interest in

4 learning about your project and how that is going

5 to come out.

6 I think both projects need a lot more study.

7 NRCS is working on our project. They are  
8 going to incorporate into the plan replacement  
9 with deeper wells for anybody whose well is  
10 impacted by the project with letting saltwater  
11 come in. It is controlled by a sluice gate at the  
12 bay area to let the saltwater come in to a  
13 six-inch depth. That is all we need to kill  
14 phragmites.

15 The problem with letting phragmites stay  
16 there is the roots are so thick that there is no  
17 water drainage there, and what is happening,  
18 because we have houses very close to the periphery  
19 of the phragmites infestation, is that the water  
20 is backing up into everyone's backyards and it's a  
21 big mosquito infested swamp encroaching into those  
22 properties.

23 Thousands and thousands of dollars in  
24 pesticides are dropped in there every year to kill

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Public Meeting Transcript Session 1.txt

1 the mosquitos that we have.

2 I think this project is worth pursuing for

3 further study.

4 Good luck.

5 MR. BROKKE: The last speaker is

6 Richard Crossley.

7 MR. CROSSLEY. I am Richard Crossley

8 from England. I came to live here because of the

9 birds. I live on Pond Creek Lane, named after

10 Pond Creek Marsh.

11 My house has been designed so that I get a

12 good view of the marsh.

13 I was allowed to come to live in this country

14 because I am internationally recognized as an

15 expert in the field of birds.

16 I spend an awful lot of time at night

17 listening to the birds. I have literally walked

18 right through Pond Creek Marsh, though maybe I am

19 not supposed to do, in frozen times and dry times,

20 so I am very familiar, probably more familiar than

21 most, with what is out there.

22 I would like to state that I am very much for  
23 doing something to improve the quality of bird  
24 life in Pond Creek Marsh, because, as a fresh

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45

1 water marsh, it's at the bottom of the rung. It

2 is extremely poor, close to being dead.

3 Something will be good.

4 One of the things I didn't notice, that I

5 didn't hear mentioned today, is that there is

6 actually a railroad track.

7 I did arrive a couple of minutes late. I

8 didn't know this was going on.

9 There is a railroad track that bisects Pond

10 Creek Marsh. I don't know if it has been

11 considered whether you can actually make it into

12 two separate marshes, one with saltwater intrusion

13 and the one on the inlet side fresh water.

14 I think that is a very pertinent question.

15 I didn't hear anything about what the true

16 reasons are for actually doing this.

17 I heard a couple of people alluding to that

18 when they came up here. I had some concerns about

19 that.

20 I have very good concerns as well about:

21 (1) There is a track record of things like

22 this being done and then forgotten. It has to be

23 managed. Anything has to be managed long term and

24 not short term.

## COURT REPORTING ASSOCIATES

46

1 I think a dike in there would be a very good

2 thing.

3 Hopefully, you will get something done.

4 I am not 100 percent sure it's the right

5 thing. I can see this thing going south like so

6 many projects.

7 Thank you.

8 MR. BROKKE: Richard was a late comer.

9 Is there anyone else who would like to speak?

10 (No response.)

11 With that, what I would like to do is make  
12 sure Richard understands, along with everyone  
13 else, I will reintroduce Mark here and he will  
14 introduce his team.

15 We will be here for about the next hour.

16 That will be the end of the first session.

17 Anyone who would like to speak to the project  
18 team to get their questions addressed, this is now  
19 the time.

20 Mark, I now turn it over to you.

21 MR. EBERLE: Thank you for your  
22 comments.

23 I am going to introduce the team. If you  
24 have specific technical questions, I will be happy

1 to answer any questions that I can to the best of  
2 my ability on the project.

3 I want to introduce you to some of the more  
4 technical team members working on the project.

5 I will start with Pierre Lacombe.

6 Please raise your hand on stand up Pierre.

7 You can move over to saltwater intrusion.

8 Pierre is the expert from U.S. Geological  
9 Survey. I am sure a lot of you would like to talk  
10 to him, because he can help answer your questions  
11 on the saltwater intrusion questions.

12 We have Bob Moore. Please stand up. Bob  
13 Moore is our hydraulic engineer.

14 He helped design the water control structure.

15 He did all the modeling as far as what volume  
16 of water will get into Pond Creek.

17 He can help answer any questions you might  
18 have on flooding, the hydraulic structure, and why  
19 the inlet is where it is. That is Bob Moore. He  
20 is from the Army Corps engineers.

21 There is Vince Grassi. He is a geologist.  
22 Next to him is Dennis Zeveney.  
23 Both of those guys are in our geotechnical  
24 section. They can help answer your questions

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48

1 geared toward that type of geotechnical  
2 information, as far as what the water structure  
3 will be and how it is going to be built and  
4 that kind of information.  
5 Next to him is Jim Chu. He is the designer.  
6 To my left over here, this is our 30 percent  
7 project design, those three sheets.  
8 If you have specific questions on the design  
9 of the jetty or the channel or water control  
10 structure, all that design information is over  
11 there. Jim will stand over there to help answer  
12 any specific questions you have on the design.

13 Behind him is Ed Sokori. He is from the Cape  
14 May County Department of Mosquito Control. He can  
15 help answer any questions you might have on  
16 mosquito questions.  
17 Behind him is Eric Schradling from the U.S.  
18 Fish and Wildlife Service. He is a biologist. He  
19 can help answer questions you might have as to how  
20 it impacts wildlife and why he thinks the project  
21 will improve the habitat and those kinds of  
22 questions.  
23 Over on the right we have Lee Widjeskog from  
24 New Jersey DEP, which is the non federal sponsor.

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49

1 Lee and his staff are responsible for  
2 managing the Higbee Wildlife Management Area.  
3 He can answer any general questions you might  
4 have on the area, such as future operation and

5 maintenance, and those kind of questions.

6 Lee is also a biologist.

7 We will be here for an hour.

8 Do you have a question?

9 AUDIENCE SPEAKER: With regards to  
10 flooding, I have a question.

11 You said, will the Pond Creek project  
12 increase flooding to local communities. Your  
13 answer was no.

14 It won't increase it, because, according to  
15 FEMA at WWWFLOODSMART.COM, the project site has  
16 already been designated a special flood zone  
17 hazard area.

18 My question is:

19 Since the project is already designated as a  
20 high risk flood zone area, why wouldn't that issue  
21 be addressed before the composition of the plant  
22 material within a high risk flood zone area?

23 MR. EBERLE: John, as stated earlier,  
24 you are going to talk to Bob Moore, who is the

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50

1 hydraulic engineer. I can't answer that question.

2 Bob Moore will answer one on one.

3 Hopefully, he can answer all your questions

4 in a more informal setting.

5 If you have any general questions, I will

6 answer the questions or direct you to the right

7 technical people.

8 MR. BROKKE: Thank you ladies and

9 gentlemen. If you want to break up and talk

10 individually, please do so at this time.

11 \*\*\*

12 (Whereupon, the recorded portion of

13 the session ended.)

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51

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