

Public Meeting Transcript Session 2.txt

1

1 WEST CAPE MAY, NEW JERSEY

2

3 ***

4

5 IN THE MATTER OF:

6

7 POND CREEK SALT MARSH RESTORATION PROJECT...

8

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

10

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

12

13 7:00 p.m., before Mark Eberle, Panel Leader, and

14

15 Daniel Morrison, Court Reporter.

16

17

18

19

20

21

22

COURT REPORTING ASSOCIATES

23

P.O. Box 515

Wynnewood, PA 19096

24

(215) 649-4224

COURT REPORTING ASSOCIATES

2

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

20

21

22

23

24

COURT REPORTING ASSOCIATES

3

1 MR. BROKKE: My thanks to the mayor

2 and the citizens of West Cape May. It's a

3 wonderful facility. I have been here several

4 times and I recognize many people here. It's good

5 to see all of you here with your concerns and

6 comments.

7 That leads me to the next segment, and that

8 is we want to hear from you.

9 What we are going to do is if you want to

10 speak, we ask that you sign up.

11 If at any time you want to speak and you

12 didn't sign up, please go back in the room or come

13 up here where I have the roster and sign up.

14 We will give you about three minutes to

15 speak. If you don't get to say what you want to

16 say, or if you have additional information, there

17 is a box here where you can place that

18 information, such as documents, photographs or

19 something like that to add to what you want to

20 say.

21 We will have time for everyone to speak.

22 After everyone has had an opportunity to

23 speak, you see over here some of the team members

24 to my right and left. They will be introduced

Public Meeting Transcript Session 2.txt
COURT REPORTING ASSOCIATES

4

1 later to you. They can address your questions one
2 on one after you have had an opportunity to speak.

3 When you speak, please go up to the
4 microphone. The court reporter, Daniel Morrison,
5 requests that you state your name and speak loud
6 and clear.

7 If you are in the audience, please be quiet
8 so Mr. Morrison can hear the comments from the
9 speaker.

10 At the two-minute and 30-second mark, when
11 you have about 30 seconds left, I will give you an
12 announcement that you have 30 seconds left. When
13 time is called, we have allowed everyone about two
14 more sentences to get their comments out. We
15 understand that you want to get your comments out,
16 but we still have to keep to a time limit, but
17 there is a chance for a couple of sentences after
18 the time has ended.

19 The presentation you see up here, the Pond

20 Creek Salt Marsh Restoration Project, the project
21 manager, Mark Eberle, will give you an overview,
22 and also someone from the U.S. Geological Survey
23 will present information about saltwater
24 intrusion.

COURT REPORTING ASSOCIATES

5

1 You see a poster up here.
2 We want every one who wants to speak to take
3 an opportunity to speak.
4 Afterwards, you can ask questions and talk
5 one-on-one with the project team members.
6 With that, Mayor Kaithern, would you like to
7 begin the session?
8 MAYOR KAITHERN: I would like to thank
9 everybody for coming out tonight. I want to thank
10 the Army Corps of Engineers, who has agreed to
11 come down and host this for us.

12 If there are any questions you have, ask them

13 tonight. The Corps is still taking comments on

14 this project.

15 My understanding is that it is not a done

16 deal yet. There may be some amendments in the

17 project, so please speak up. They are listening.

18 Provide the courtesy to listen to what they

19 have to say.

20 With that, you may proceed.

21 MR. BROKKE: Please hold all your

22 questions until the end. We really want to give

23 you a brief overview of the project and then let

24 you speak. Then we will get into answering your

COURT REPORTING ASSOCIATES

6

1 questions, if you have any, from the project

2 experts.

3 With that, Mark Eberle is the project manager

4 and will take you through it briefly.

5 MR. EBERLE: Thank you for coming

6 tonight. As Merv said, I am Mark Eberle, the

7 project manager from the Army Corps of Engineers.

8 I will give you a brief overview before we

9 move on to listening to your comments and

10 questions.

11 Afterwards, you can talk one-on-one with the

12 project team members.

13 The four project partners on this project

14 are:

15 The New Jersey Division of Fish and Wildlife,

16 their Division of New Jersey Department of

17 Environmental Protection.

18 The U.S. Fish and Wildlife Service, the Army

19 Corps of Engineers, and

20 The Cape May County Department of Mosquito

21 Control. Those are the four main partners on this

22 project.

23 Our project goal for the Pond Creek Salt

24 Marsh Restoration Project is to take Pond Creek,

COURT REPORTING ASSOCIATES

7

1 which is currently a phragmites dominated fresh
2 water marsh, and restore it to its natural
3 historical condition, which is to an intertidal
4 emergent marsh dominated by native plant species.
5 Specifically, we want to restore it to a salt
6 water marsh which will be dominated by salt meadow
7 grasses.

8 Some of the specifications about Pond Creek
9 are, and I am sure many of you are familiar with
10 the area, is:

11 The marsh is approximately 400 acres. It is
12 part of the Higbee State Wildlife Management Area.
13 It is located along Delaware Bay in Lower
14 Township.

15 Just to give you an overview of Pond Creek,
16 the general vicinity, there is Delaware Bay.

17 You have Sunset Boulevard near the southern
18 portion of it, and you have Bayshore Road on the

19 eastern side.

20 This is an overview of Pond Creek and the

21 watershed.

22 The red line is actually the water shed

23 boundary, or the area that drains into Pond Creek.

24 The yellow line shows you the marsh limits.

COURT REPORTING ASSOCIATES

8

1 This is a recent photo that was supplied to

2 us by the Cape May Department of Mosquito Control

3 from September, 2005, showing what the existing

4 conditions look like out there today.

5 One thing you need to know, and we will talk

6 about it a little later in the presentation, is

7 there is already some saltwater getting in here

8 from the bay.

9 The brown area is saltwater killing

10 phragmites already on a somewhat limited scale.

11 What our project wants to do is, basically,

12 do that, but accelerate what mother nature is

13 doing at this point in time.

14 Pond Creek is currently managed for migratory

15 birds, water fowl, human recreation such as

16 birding, and I believe hunting is also allowed

17 there. It's currently dominated by the common

18 reed phragmites.

19 The history of Pond Creek is:

20 Prior to 1917, it was a natural tidal creek.

21 In 1917, a tide gate was installed.

22 Also, the Harbison Walker Magnesite Plant

23 operated on the site from the 1940s to the early

24 1980s.

COURT REPORTING ASSOCIATES

1 There was a flood control structure built

2 there in the 1960s, and that lasted about 35

3 years. The flood control structure was a pipe

4 culvert, alcohol box, and the flood gate.

5 Basically, the levee washed out in 1996 with

6 Hurricane Fran.

7 It was shortly after that that the State of

8 New Jersey, who is our non federal sponsor for

9 this project, and our other partners, approached

10 us and said, "This is an opportunity to make Pond

11 Creek better. Let's do a restoration project."

12 This is an historic map of Pond Creek from

13 the late 1800s. The purpose of this map is to

14 show you where the channel location is of Pond

15 Creek.

16 It's much further south than the current

17 inlet.

18 We will talk about this a little bit more

19 when we go through our alternatives for the

20 project.

21 This is one of the reasons why we chose the

22 location of the proposed plant where we want to

23 move the inlet.

24 In a sense, we want to mimic the historic

COURT REPORTING ASSOCIATES

10

1 natural location.

2 We considered a number of alternatives as we
3 planned this project. Obviously, the first one
4 was to do nothing, take no action, to just leave
5 it as it is. That's something we thought about.

6 We thought about using herbicidal spray to
7 kill the phragmites and make the vegetation better
8 for wildlife.

9 We spent some time looking at inundation,
10 flooding the area with saltwater. We looked at a
11 number of different ways to do that.

12 One of the ways we looked at was just
13 flooding the area with fresh water and making it a
14 pond, a ponded fresh water area.

15 We also looked at considering full tidal
16 inundation where, basically, we would get the
17 saltwater coming in from Delaware Bay to inundate

18 the phragmites.

19 We looked at that, using earthen berms on the
20 backside.

21 I will go through each one of the
22 alternatives in detail.

23 We looked at inundating the marsh and having
24 a water control structure, using the existing

COURT REPORTING ASSOCIATES

11

1 channel.

2 The last alternative that we looked at was
3 tidal inundation with a water control structure
4 with a new channel.

5 This is a chart showing the first three
6 alternatives that we considered.

7 I won't spend too much time on this. I want
8 to spend more time on inundation ideas.

9 This goes through the potential issues, the

10 estimated costs and some of the estimated

11 benefits.

12 The alternative that we looked at most of all

13 was inundation to achieve the project goal of

14 native salt marsh.

15 The first one we looked at was building a

16 very large dike across the back part of the marsh.

17 The reason we liked that is because it was a

18 purely natural condition. One had a water control

19 structure to regulate it.

20 One of the problems we came across was the

21 cost of dike material, how much it would cost to

22 build a 10-foot dike across the back of the marsh.

23 It turned out that it got cost prohibitive.

24 The estimated cost 3.7 million.

COURT REPORTING ASSOCIATES

1 The other thing was that we thought dike

2 maintenance was going to be an issue. That's one

3 of the reasons we moved to the next alternative.

4 The dike alternative was we proposed building

5 a big dike across the back so that water would

6 come in from the Delaware Bay here, and it would

7 flood this area, and this dike would protect,

8 basically, the fresh water areas up here, which

9 are still good fresh water areas, and also protect

10 homeowners from storms coming from the Delaware

11 Bay.

12 We looked at that alternative, but, again, we

13 dismissed it for some of the reasons I just

14 stated.

15 Then we looked at inundating it with a water

16 control structure. Basically, it would be a big

17 tide gate if you want to think of it as, more on

18 that aspect. We call it a water control

19 structure.

20 Some of the potential issues is it will

21 require maintenance.

22 It is the preferred plan for our non federal

23 sponsor, the NJDEP. It's cheaper than the dike.

24 It will achieve the project goal, which is

COURT REPORTING ASSOCIATES

13

1 restoring it to an estuarine intertidal wetland or
2 salt marsh.

3 Our goal is to inundate approximately 170
4 acres out of a total 400 acre marsh.

5 Roughly, here is what the channel looks like
6 today. It does change quite a bit. Right now
7 it's a natural condition. There is nothing
8 controlling it.

9 This is the existing channel.

10 We considered putting our water control
11 structure right here. We looked at that.

12 That was a viable alternative.

13 One of the reasons we did not want to go with
14 that alternative is because you have Davey's Lake
15 up here, which is a fresh water system, and if you
16 leave the inlet here, there is the potential, if

17 you get a big enough storm, that, back in here, if

18 there is a breach, you can get in here and

19 possibly flood Davey's Lake.

20 We liked the idea of moving the inlet down

21 here kind of near where the 1888 channel was.

22 You will see that on the next slide.

23 This is our preferred plan, where we move the

24 inlet structure here.

COURT REPORTING ASSOCIATES

14

1 Our plan has that you would build a jetty

2 here, have a jetty here, to keep open the new

3 inlet and have water coming through here.

4 The water control structure would be kind of

5 right where the laser point is here.

6 Basically, water would get to the marsh.

7 Then we would have some dispersion channels.

8 Once you get the water to the water control

9 structure, you have to distribute it through the

10 marsh.

11 We proposed having a main channel No. 1, a

12 main channel No. 2 and a main channel No. 3.

13 The yellow line is the limit of where we want

14 to inundate with saltwater. Roughly, it's about

15 halfway through the marsh.

16 If you look at Sassafras Island, you can

17 think of that as the middle of the marsh. One

18 thing you will note about the channels we have

19 here is when you look at that and go back to the

20 existing condition, right now the water channels

21 are really trying to mimic what mother nature is

22 doing now.

23 The main channel line is really what is out

24 there now.

COURT REPORTING ASSOCIATES

1 Main channel No. 3 is this arm.

2 Main channel No. 2 would, basically, extend
3 this arm.

4 We are looking at what is going on out there
5 now to guide us as far as how to design this
6 restoration project.

7 There are three main issues that have been
8 brought up in the letters that we have received to
9 date. I will talk a little bit about each of
10 those. We have posters on them.

11 The first issue is flooding.

12 The second issue is saltwater intrusion.

13 The third issue is fish and wildlife impact.

14 As to the flooding question, the current
15 level of protection with those existing conditions
16 now is:

17 You have homeowners surrounding the marsh
18 have about a 20-year level protection right now as
19 it is.

20 If anything over a 20-year bay storm comes in
21 the marsh, you don't have any protection for that.

22 Our project will not decrease flood
23 protection, but will actually increase it quite a

24 bit.

COURT REPORTING ASSOCIATES

16

1 When our project is done, we are going to

2 have a water control structure.

3 On either side of it, we will have big berms.

4 We will excavate a lot of material to make

5 the new channel, and we are going to pile that up

6 on either side of the water control structure.

7 When we are done, the elevation of those

8 berms is going to be 1.3 feet higher than the 500

9 year Delaware Bay storm.

10 When we are done, the project will actually

11 increase the protection to the homeowners along

12 the marsh from Delaware Bay storms coming in from

13 that direction.

14 As for the saltwater intrusion question, I am

15 going to turn the next few slides over to our

16 partner, our expert.

17 His name is Pierre Lecombe, a hydrogeologist.

18 I am going to let him walk through some of
19 the saltwater intrusion questions, because he is
20 the expert on that issue.

21 MR. LECOMBE: The Army Corps of
22 Engineers received an awful lot of requests in a
23 series of letters asking about the saltwater
24 intrusion that can potentially occur from this

COURT REPORTING ASSOCIATES

17

1 activity. They approached the U.S. Geological
2 Survey to look at the problem and do a preliminary
3 assessment of how to approach and investigate
4 whether it was going to be a problem or not going
5 to be a problem.

6 I have been working down here on this and
7 dealing with the sustained stability of the water

8 supply for Cape May County.

9 It's another thing to do down here.

10 The domestic supply of the wells is a major

11 concern.

12 Cape May City has stopped using the Cohansey

13 Acquifer.

14 Cape May Point stopped using the

15 Cohansey Aquifer.

16 There's really only the domestic supply using

17 the Cohansey above Cohansey.

18 Most of the supply wells are houses on the

19 order of pre 1965, pre 1970.

20 They are likely Holly Beach. They are most

21 likely 35 to 40 foot foot wells.

22 Houses that were built after 1985 are 120 to

23 140 foot deep wells.

24 What is the susceptibility of those wells

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 being impacted? The answer is very, very little.

2 I made some assessments.

3 This is a cross section along the red line.

4 If I take a knife and cut the tip of the peninsula

5 off and look at a cross section, it will look

6 something like a birthday cake.

7 You have land surface right here.

8 All the houses are built along Bayshore Road

9 or Seashore Road.

10 As you know, the Delaware Bay is all

11 saltwater with chloride concentration of 17,000.

12 Right at the beach you have a little

13 saltwater in the aquifer.

14 This whole area is fresh water underneath

15 Pond Creek.

16 Underneath all your residences is fresh

17 water.

18 You then have a clay layer, which is about 50

19 feet thick, and underneath that clay layer is a

20 sand labyr and another clay layer and another sand

21 layer and another clay layer.

22 Most people have five-foot screens where

23 water comes in.

24 A few old houses' wells are where a farmer

COURT REPORTING ASSOCIATES

19

1 punched them in with a sledgehammer and go down 25

2 or 30 feet. They get their water out of that.

3 Most of the drillers who come in, be it Roger

4 Smith or DelFarb or someone like that, they go

5 down into the estuary sand, which is down 120 to

6 150 feet below land surface.

7 The concern is:

8 Would taking this piece of land right here,

9 which is presently fresh water and converting it

10 to saltwater threaten these wells or threaten

11 these wells?

12 Nobody has any wells down here. It's too

13 expensive to drill a 350 foot well.

14 The answer is:

15 Yes, this area will become salty, but
16 Sassafras Island still has fresh water trees
17 growing on it.
18 This back area is all brush.
19 Most of these wells are on a minimum of an
20 acre lot size in that area. All of the water that
21 you are going to drink out of that is coming from
22 that one acre. It's not coming from a mile away,
23 half a mile away, or even two or three thousand
24 feet away. It's coming from three or four hundred

COURT REPORTING ASSOCIATES

20

1 feet of the well.
2 The same thing is true of estuary sand.
3 This clay area supports water that falls onto
4 here that hits this zone, and it takes 10 or 15
5 years to get to this area. This clay area holds
6 back the flow of water and it will take 30 to 75

7 years to get to those wells.

8 This saltwater front, which is underneath

9 Delaware Bay, not underneath the wetlands, it

10 won't move in for hundreds and hundreds of years.

11 That, in essence, is the impact that this

12 flooding of the fresh water wetland to saltwater

13 wetland will have an impact.

14 If you have a large well right on the plane

15 of the salt marsh, yes, it would.

16 If you start thinking about all the little

17 communities, like Reeds Beach, Villas, Green

18 Beach, Kimball's Beach, Highland's Beach, all of

19 those little communities, all those people have

20 wells in the estuary sand. Those wells have been

21 there for scores of years.

22 For people living on both sides of the canal,

23 none of those wells have ever gone salty, with the

24 exception of in the early 1990s when they

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 redredged the canal and put the spoils up on the
2 far side of the railroad tracks. Three or four
3 houses got salty.

4 There are only two large volume pumpers south
5 of the canal, other than the two in Cape May City.

6 They only have permission to pump 100,000
7 gallons a day.

8 Houses are pumping 60 to 100 gallons per
9 person per day, and possibly Hidden Valley Horse
10 Farm. They have a couples of horses. They are
11 the only two large producers of water in the
12 area.

13 MR. EBERLE: Thank you Pierre. You
14 did a much better explanation than I could on that
15 issue.

16 After the public has a chance to speak, you
17 will have time afterwards to talk to Pierre
18 directly and the other team members to get answers
19 to any individual questions you may have on that
20 issue.

21 I want to show you this slide.

22 This green line is our limit of saltwater
23 inundation. That's what we plan on inundating,
24 roughly, 170 acres of the marsh.

COURT REPORTING ASSOCIATES

22

1 I want to briefly talk about benefits to fish
2 and wildlife.

3 This project is a restoration project. It
4 will improve the habitat of fish and wildlife in
5 this area. The goal of the project is to make it
6 a better habitat for fish and wildlife.

7 Salt marsh is more productive than non
8 filtered phragmites. That's a scientific fact
9 pretty much. People argue about it, but the
10 majority of biologists and ecologists believe salt
11 marsh is much more beneficial than phragmites.
12 We will be restoring approximately 170 acres.
13 All of that will benefit migratory birds

14 fish, water fowl, reptiles and mammals.

15 By returning this to a salt marsh, it will

16 allow natural mosquito patrol.

17 Fish that eat mosquito larvae will be able to

18 get back into the channels.

19 Using this and open marsh management, along

20 with our partners at the Cape May Department of

21 Mosquito Control, this will result in a reduction

22 in the amount of pesticide used in this area.

23 I think that's a big benefit.

24 There will be improved recreational

COURT REPORTING ASSOCIATES

23

1 opportunities.

2 There will be improved bird watching

3 opportunities.

4 There will be hiking and that kind of stuff.

5 It will open up more areas for possible

6 trails and improve bird watching.

7 Our tentative time line is, and today is our

8 public meeting, we are going to keep the public

9 comment period open for an additional 30 days from

10 today. If you have any written comments you want

11 to send us on the project, we will keep it open

12 until November 13. I have to go through and

13 answer all the comments and questions in writing.

14 We hope to put out a final document sometime

15 in early 2006, possibly in February.

16 It will have all the people's written

17 comments. It will have written answers to the

18 comments.

19 Depending on funding availability, we would

20 like to complete our project's design next spring.

21 Again, depending on funding availability, we

22 would like to start construction sometime in 2007.

23 With that, I am going to return it back to

24 Merv.

1 We will now move to the public comment
2 period.

3 After that, I will introduce the project team
4 so we can direct you to the appropriate person for
5 any individual questions you may have.

6 MR. BROKKE: For anyone who came in
7 after the presentation and you did not get a
8 chance to sign in, please do so by coming up here
9 and signing in on the roster.

10 We are going to limit comments to three
11 minutes.

12 However, if there is any written material you
13 would like to provide to us, please place it in
14 this box.

15 Again, as you come up, before you give your
16 comments, please state your name. Speak as loudly
17 as you can so the court reporter can record your
18 comments correctly.

19 Again, you have three minutes to speak. I
20 will announce that you have 30 seconds left to

21 speak at the appropriate time. At the end of the
22 three minutes, you will have a chance to say a
23 couple of more sentences. You will then conclude
24 your comments.

COURT REPORTING ASSOCIATES

25

1 The first speaker is Jack Sayer.
2 MR. SAYER: I am Jack Sayer, a
3 resident of this township. I am familiar with
4 Pond Creek Marsh.
5 I want to know why I am number 1 when I was
6 number 3 on the list.
7 However, Pond Creek marsh needs attention.
8 In my estimation, I think, by and large,
9 people have a great fear of phragmites, which I
10 think they should not have.
11 I think the expenditure of trying to control
12 water levels on Pond Creek marsh is far beyond

13 what is needed.

14 I would be happy to offer some alternatives,

15 which are along the line of early studies that

16 represented Garrity and Miller in the 1960s and

17 Mr. Schmidt in the early 1970s saying gravity flow

18 is a very simple solution to control the tides to

19 allow Pond Creek marsh to assume a head of fresh

20 water that helps to recharge some of the shallow

21 wells that still exist in the township, to allow a

22 little bit of saltwater to encroach into the area

23 right behind the dunes. There would be a brackish

24 area there.

COURT REPORTING ASSOCIATES

26

1 Phragmites would exist for a while.

2 I make this special point:

3 Phragmites is not forever.

4 I can point out examples where solid

5 phragmites growth 30 years later is now solid wild

6 cherry, red cedar and bayberry. Nature changes.

7 Our creatures adapt with it. They have had a

8 million years of practice. I don't see why we

9 should fear phragmites. If your house is near it,

10 then you better fear it for fire.

11 Other than that, I don't like it, but I don't

12 have a fear for it, and I wouldn't spend a dime on

13 trying to control it, except on the farm that I

14 own, I mow it about twice a year. It greatly

15 weakens the sand, so I don't really have a problem

16 with phragmites.

17 I also make note that I taught school and

18 took my class to Pond Creek one time when it was

19 flooded so we could establish water levels on the

20 bottom of everyone's property, and then we

21 determined where that water level existed on the

22 bay shore. We assumed from that that the water

23 level had to be so many inches below flood stage

24 to relieve the property that people owned.

1 We came up with a set of gravity flow pipes
2 into Delaware Bay that would relieve the flooding
3 condition but still maintain a head of fresh water
4 that we needed to maintain shallow wells.

5 MR. BROKKE: 30 seconds.

6 MR. SAYER: In addition, I take it the
7 engineering plans always called for a large
8 diameter pipe. For a large part of the time, the
9 flow from the marsh was a trickle.

10 That allowed the sand on the bay side to
11 close the pipe, and then the flow would stop.

12 Now we have a flooded condition.

13 My alternative would be three smaller
14 diameter pipes stacked vertically so the bottom
15 pipe runs full speed with some head pressure
16 behind it, so it keeps the end clear on the bay
17 side.

18 On flood stage, if that top or bottom pipe or
19 one of the pipes is representing about the mid

20 high-tide mark in Delaware Bay, you would have an
21 inflow of saltwater for half of the tide, and the
22 remaining time it would be an outflow of fresh
23 water and it would be flowing with force because
24 of the smaller diameter versus a big diameter.

COURT REPORTING ASSOCIATES

28

1 It would be a gravity flow.
2 I would like to see this kind of plan
3 followed to save money.
4 If it fails, then go to plan B.
5 I would like to see the cheap effort made
6 first and then consider the alternative.
7 Thank you.
8 MR. JACKSON: May he continue?
9 MR. BROKKE: No.
10 Jack, I apologize. You were number three.
11 However, those first two people were at the first

12 session.

13 We want to hear from Jack when he speaks to
14 the experts. There is additional time to speak.

15 Jack, we invite you again to see the team
16 here and voice your concerns and questions to them
17 as well.

18 The next speaker is Fred Long.

19 MR. LONG: My name is Fred Long. I
20 will speak very fast.

21 I live within the project area.

22 I am here to say that it's a bad idea to
23 introduce saltwater to areas where it hasn't been
24 for a hundred years; particularly if those areas

COURT REPORTING ASSOCIATES

29

1 are distressed by some sort of saltwater
2 intrusion.

3 I carefully studied the environmental

4 assessment.

5 From the study, I learned:

6 (1) The purpose of the project is to make a
7 saltwater marsh out of a fresh water marsh and to
8 kill phragmites.

9 (2) Doing this would "eliminate the need for
10 the Cape May County Mosquito Commission, now a
11 department, to spray insecticide in and around
12 marshes and residential areas."

13 (3) The water surface elevation for the 500
14 year storm is 9.3 feet.

15 (4) The four gate valves "would protect
16 local residents from Delaware Bay storms up to the
17 500 year level."

18 (5) The ditching proposed would disturb
19 nearly 300,000 cubic yards of wetland material.

20 If 300,000 cubic yards were put on three
21 acres, as discussed on page 31, the pile would be
22 about 70 feet high.

23 (6) "When completed, the scheduled
24 alternative would provide local residents with

COURT REPORTING ASSOCIATES

30

1 Delaware Bay storm protection to the 500 year
2 level."

3 (7) As a result of this effort, my
4 conclusions are:

5 (1) Without a management plan of the
6 operation, maintenance, responsibility, funding
7 and enforcement of the proper operation of the
8 water control structure, this project in 88 years
9 will be no different than the 1917 one is now.

10 (2) There is a major discrepancy between the
11 storm surge data in the environmental assessment,
12 the 500 year storm height, and the storm surge
13 data from NOAA, the National Oceanic Atmospheric
14 Administration, which is 14 to 15 feet added to
15 still water height, not including wave action of
16 10 feet or more.

17 (3) If a category three hurricane came
18 ashore at high tide next year in New Jersey, the

19 storm surge would produce a still water level of

20 over 16 feet.

21 (4) Construction of this project would,

22 effectively, destroy the Pond Creek meadow.

23 I urge you:

24 (1) Comply with the New Jersey Fresh Water

COURT REPORTING ASSOCIATES

31

1 Wetlands Protection Act, NJSA 13:9(b), and accept

2 the "no action alternative".

3 MR. BROKKE: 30 seconds.

4 MR. LONG: If you do not accept that,

5 then return the inlet to it's 1888 condition and

6 let nature take it's course.

7 (3) If you will not deviate from your

8 preferred alternative, obtain a written resolution

9 by the freeholders and any other affected agencies

10 that they will pay for the management and

11 maintenance of this project beginning at its

12 completion.

13 (4) Correct the misleading statement

14 relative to resident protection from 500 year

15 storms.

16 Thank you.

17 MR. BROKKE: The next speaker is

18 Charlie Langdon.

19 MR. LANGDON: I misunderstood the

20 sign-up sheet. I want to ask questions and get

21 answers. I don't have a speech to make. I just

22 have a few questions.

23 MR. BROKKE: The next speaker is

24 Jessie Weeks.

COURT REPORTING ASSOCIATES

32

1 MS. WEEKS: My name is Jessie Weeks.

2 I live at 21 Patterson Avenue, Cape May. I am a

3 member of the Cape May City Environmental

4 Commission.

5 We wrote in support of having an open public

6 meeting. I want to thank all of you for granting

7 us that opportunity. It's very important for all

8 of us.

9 However, I do have a few questions.

10 Our immediate question was the effect on

11 fresh water supply for the Cape.

12 I do believe he addressed that adequately.

13 However, I do still have some more questions.

14 If the local public wells are affected and

15 salinization is increased, what will be the action

16 of the governmental agencies?

17 Will you dig a deeper well?

18 Will you provide public water?

19 What will be your action?

20 And what time frame?

21 It may not happen immediately but happen in

22 five years.

23 At that point, is the homeowner responsible?

24 The other question I have is:

COURT REPORTING ASSOCIATES

33

1 Since the magnesite plant was there, won't
2 contaminates in the soil pollute the surface water
3 in the bay through increased tide flow?

4 Will it increase with tide flow?

5 Will it leach out and these things?

6 What will be done about it?

7 Finally, and I think the two previous
8 speakers addressed this, let's look at the cost
9 benefit analysis.

10 Is it really worth spending what we are
11 spending on it?

12 I can't answer that.

13 I think we really need to consider it
14 carefully, because it is public money.

15 Thank you.

16 MR. BROKKE: You can address those
17 questions to the team. Just to let everyone know,

18 the court reporter is taking down your comments.

19 As Mark said, we have extended the period of

20 the environmental assessment.

21 In the final environmental assessment, we

22 will address your questions and concerns.

23 If you would like to get a copy of that, and

24 some people have provided their addresses, feel

COURT REPORTING ASSOCIATES

34

1 free to provide me your address. We can put you

2 on a mailing list.

3 When the final assessment is made, you will

4 get a copy.

5 Your concerns and questions will be addressed

6 in that document.

7 The next speaker is Robert Flynn.

8 MR. FLYNN: I defer.

9 MR. BROKKE: The next speaker is

10 Andrew Long.

11 MR. LONG: My name is Andrew Long. I

12 live on land with a well within the watershed area

13 described in the assessment report.

14 I don't have a lot of technical comments, but

15 I would like to say that I have spent probably 15

16 or 20 years of my life periodically hunting and

17 interacting in Pond Creek meadow, and,

18 particularly, the upper reaches of it from

19 Sassafras Island to Hidden Valley.

20 I think your assessment report under

21 estimates the diversity of the fresh water portion

22 of this system, from Sassafras Island east let's

23 say.

24 I have seen a variety of water fowl species

COURT REPORTING ASSOCIATES

35

1 in that meadow that I have never seen on any

2 saltwater meadow.

3 If we are looking to encourage black ducks,
4 then we should turn everything into salt, but
5 there is a diversity there that you are not going
6 to duplicate.

7 One concern I have from reading the report
8 and from seeing the maps is the interface between
9 the projected saltwater limit and the fresh water
10 limit is not very well defined. It seems to be
11 arbitrarily drawn through Sassafras Island and
12 through two long ponds. One is shaped like a fish
13 hook. It kinds of hooks around. If you look at
14 your slide, you will see it.

15 I don't know how you are going to convince
16 the saltwater molecules not to find their way into
17 that system and inundate what's above it.

18 I think it ought to be addressed in detail.

19 (2) I didn't really see a lot on this. The
20 project manager touched upon it in regard to
21 impact on Davey's Lake. I think what you said was
22 moving the inlet location closer to Sunset
23 Boulevard would tend to prevent an inundation of
24 Davey's Lake. However, we are still surrounding

COURT REPORTING ASSOCIATES

36

1 Davey's Lake on two sides with saltwater marsh.

2 I didn't see anything in the assessment

3 report on how that is going to be dealt with, how

4 that system is going to be protected.

5 Lastly, I think Jack or someone mentioned

6 this earlier.

7 There is a lot in the report about the 1917

8 tide gate and flood gate that was installed in the

9 1960s and how there have been ongoing maintenance

10 problems and so forth.

11 This project is a heck of lot more intensive

12 than the flood gate at the beach.

13 I have been by that flood gate. I have seen

14 it working and I have seen it plugged up.

15 Little fairies seem to come along and unplug

16 it in time, but you are introducing a big flood

17 structure here with ditches, a jetty, and some

18 sort of berms to protect salt from fresh.

19 I don't see anything in here about who is

20 going to maintain it and what the ongoing funding

21 is going to be for it.

22 I don't see the state stepping up with any

23 statements about who is going to deal with that.

24 I think that needs to be really seriously

COURT REPORTING ASSOCIATES

37

1 considered.

2 There are instances, as you fellows all know,

3 and you don't have to go further than Logan

4 Township or East Greenwich in Gloucester County to

5 find dike systems that have been installed and

6 ignored.

7 If it is not going to be dealt with up front,

8 I think we are whistling Dixie.

9 Thank you.

10 MR. BROKKE: Is there anyone who came
11 in after we began who would like to speak?

12 AUDIENCE PERSON: Yes.

13 MR. BROKKE: Please sign in.

14 Robert Jackson is the next speaker.

15 MR. JACKSON: Good evening. I am
16 Robert Jackson. I really appreciate the fact that
17 you are holding this public comment period. I
18 think Mr. Sayer and Mr. Long really said it all in
19 a nutshell.

20 The reason I really wanted Mr. Sayer to
21 continue was because he can put it in terms that
22 the general public understands.

23 I remember hearing many a day hearing him
24 teach. That is what is really necessary.

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 I think if more people really understood what

2 Pond Creek was and what it is today, and the

3 diversity that is really there, I don't know that

4 we would really need to spend a lot of money to

5 change it.

6 If anything, you might want to manage it.

7 I love his idea of the pipe structures that

8 you can put there. It would be a natural working

9 system that deals with itself.

10 Nobody tends to have the funding to

11 maintenance them.

12 They are not going to go anywhere.

13 The issue that we need to do grandiose things

14 to produce a vision with no long term who is going

15 to be responsible, in today's budget and the

16 crisis that we have, nobody is going to commit to

17 that, not a public official. They are not going

18 to commit to a hundred year funding to make sure

19 that this all stays nice and pretty.

20 If we start very basic, as least expensive as

21 we can, I think we have a better chance of doing

22 the right things, because if things start to not

23 shape out the way we think they would, we are not

24 into it too deep to say we made a mistake.

COURT REPORTING ASSOCIATES

39

1 Too many projects start where we are not real
2 comfortable with saying we messed up and,
3 therefore, we continue with the project.

4 I think if we start slow and look at the
5 evolution of it backwards, we may see that we
6 don't need to do all that.

7 Along with these two gentlemen, I agree in
8 saying let's slow down and really look at the long
9 term cost, not only environmentally, but in cost
10 to the taxpayers.

11 MR. BROOKE: 30 seconds.

12 MR. JACKSON: I am finished.

13 MR. BROKKE: The next speaker is Lance
14 Williams.

15 MR. WILLIAMS: I am Lance Williams. I

16 am a resident of West Cape May.

17 One of the big concerns I have is I am

18 involved in a grape vineyard at this time. The

19 grape vineyard was purchased by the State of New

20 Jersey not to develop.

21 One of my big concerns is that we are on the

22 cusp of where you want to do all this work.

23 If that should happen, and we do have these

24 large tidal floods where anything can get through,

COURT REPORTING ASSOCIATES

40

1 saltwater would completely and totally ruin the

2 grapes.

3 (1) You can go stand behind the farmer like

4 the State did?

5 (2) How would you stand behind it and

6 maintain it and guarantee that we are not damaged

7 at the same time.

8 The other issue is the issue about saltwater

9 getting into the wells. That whole area is filled

10 with wells.

11 Those two things are the concerns on my end

12 and the concerns with the rest of the room.

13 That's what we are looking at. We have a

14 grape vineyard kept this way by the State.

15 They funded a lot of money to do so and there

16 is endangerment of the species.

17 Thank you.

18 MR. BROKKE: Again, I don't know when

19 you came in, but there are members of the team

20 here who will stay until 9:00 to address your

21 concerns and those of everyone else who has

22 questions, so please don't leave until you have

23 your questions answered or you have talked to the

24 person in charge to get a further answer.

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 The last speaker of the evening is George

2 Ewing.

3 MR. EWING: Does this come up past

4 Pond Creek Meadow, that island out there, come up

5 to Hidden Valley Ranch?

6 MR. BROKKE: Is there someone who can

7 answer that real quick?

8 MR. EBERLE: The answer is no.

9 MR. EWING: When you block that off,

10 what is going to stop the water from draining out

11 into the bay and backing up into our places?

12 MR. BROKKE: I apologize for not

13 explaining to those who came in afterwards.

14 We want to take your comments, but we are not

15 here for questioning. Right here, we are not

16 going to answer your questions as you speak.

17 We will record your questions and address

18 them in the final environmental analysis or

19 assessment.

20 Over here, if you have questions, the project

21 team will be more than happy to answer all of your

22 questions .

23 MR. EWING: Another thing is I know

24 that the Mosquito Commission flooded up in Green

COURT REPORTING ASSOCIATES

42

1 Creek. I have pictures of that.

2 Two miles long and a mile wide, there isn't a

3 live tree.

4 Thank you.

5 MR. BROKKE: Before you leave, please,

6 we have about another hour here, so if you would

7 like to stay, the team will be here.

8 Mark, the project manager, will introduce the

9 team and we will start that more informal portion

10 of the program.

11 MR. EBERLE: Thank you.

12 I have one clarification. I did not touch

13 upon this in my power presentation like I should

14 have.

15 When I mentioned that the New Jersey
16 Department of Environmental Protection was the non
17 federal sponsor, as part of the role of the non
18 federal sponsor, the Corps of Engineers will cost
19 share the construction of this project 75/25 for
20 this particular authority we are working under.
21 After the Corps of Engineers builds the
22 project with the sponsor, we turn the project over
23 to the sponsor and NJDEP will be responsible for
24 the proper operation and maintenance of this

COURT REPORTING ASSOCIATES

43

1 structure.
2 A couple of you asked about operation and
3 maintenance.
4 Before we complete the project, we will work
5 with them to prepare and create an operational and
6 maintenance manual as far as regulating the gates

7 and so forth.

8 I wanted to make that one clarification.

9 I am now going to introduce you to the
10 technical experts on my team. I want to thank
11 them for coming out tonight and this afternoon to
12 assist me, and the rest of the team in answering
13 questions for you.

14 The first person I want to introduce you to,
15 and please stand up and raise your hand, is Pierre
16 Lecombe, who gave a speech earlier.

17 If you have any specific questions on
18 saltwater intrusion, he is the man I want you to
19 come up and see afterwards.

20 We also have a poster with information that I
21 provided on the power point slides so you can look
22 at it up close.

23 He is the one you should talk to about that
24 issue.

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 Next to him is Bob Moore. He is the
2 hydraulic engineer on the project.

3 He did all the modeling as far as how much
4 water needs to come in to flood out 170 acres.

5 Mr. Sayers may want to talk to Bob about your
6 pipe idea. He can explain how they came up with
7 the water control structure we did.

8 If you have any questions about bay storms,
9 Bob is the guy to talk to.

10 Next to him is Vince Grassi. Both of those
11 guys are from the Army Corps of Engineers. Vince
12 is a geologist. He can help answer any questions
13 you might have on geotechnical issues.

14 Behind him is Dennis Zeveney, who is a
15 geotechnical engineer. If you have any structural
16 questions, he is the guy to talk to.

17 Next to him is Jim Chu. He is the project
18 designer. He prepared the drawings up here. If
19 you have specific questions on the design, he is
20 the one to answer those.

21 Behind him is Eric Schrading. He is from the

22 U.S. Fish and Wildlife Service. He is an expert

23 on fish and wildlife issues. If you have

24 questions about the gray tree frog or why salt

COURT REPORTING ASSOCIATES

45

1 marsh is better than phragmites, he is the one to

2 talk to.

3 Next to him is Lee Widjeskog, who is our

4 sponsor. He is from NJDEP, the New Jersey

5 Division of Fish and Wildlife. He is the non

6 federal sponsor on this project. Him and his

7 staff will be the ones who will operate the

8 structure.

9 Next to him is Ed Sokori from the Cape May

10 County Department of Mosquito Control. If you

11 have questions about the mosquito issue or

12 spraying as it relates to this project, I

13 encourage you to talk to him.

14 We want to answer your questions as best we
15 can, so I encourage you to now come up and talk to
16 us.

17 I am not going to answer questions like this.

18 We want you come up and talk to us one on one and
19 we will answer your questions.

20 Thank you for coming out.

21 AUDIENCE PERSON: I have a question
22 on the public record at this point, which is on
23 the right to respond. Will the administration
24 write to folks before November 13?

COURT REPORTING ASSOCIATES

46

1 MR. EBERLE: Yes. When you were
2 speaking, that was on the public record.

3 AUDIENCE PERSON: If not, we need to
4 write to them.

5 MR. EBERLE: Yes.

6 AUDIENCE PERSON: May we hear people's

7 questions. It's ridiculous. Bring your team up

8 front so we can ask them questions. I would like

9 to hear people's questions.

10 AUDIENCE PERSON: I want to hear the

11 answers.

12 MR. BROKKE: They will be right here.

13 AUDIENCE PERSON: Say this gentlemen

14 wants to ask a question that I didn't think of, I

15 can't interrupt his conversation.

16 I think it's better if you would bring your

17 team to the front for us to ask them questions. I

18 would like to hear everybody's questions. I would

19 like to get the information, or is it secret?

20 AUDIENCE PERSON: I think we all agree

21 to that.

22 AUDIENCE PERSON: We know why they

23 don't want to do it that way.

24 MR. BROKKE: That's not true.

1 Mr. Jackson?

2 MR. JACKSON: I am not siding with

3 anybody, but to go to an individual with an idea

4 if everybody else doesn't hear it, even if the

5 idea turns out to be the right one and it wasn't

6 dealt with, nobody knows.

7 If this is a real public issue and you are

8 really serious about hearing the public, isn't it

9 better?

10 The people here I don't think are trying to

11 throw darts. They are really concerned about the

12 area.

13 If your panel is up front when the question

14 is asked and the expert answers it, that is

15 better.

16 You can control it if anybody gets unruly.

17 You can ask them to leave.

18 MR. BROKKE: I think you are

19 absolutely correct.

20 In the idea of fairness, we explained what

21 the rule was if you had comments. We stated we

22 would let the people speak for three minutes.

23 That was clearly stated.

24 I sent out several letters and put it out in

COURT REPORTING ASSOCIATES

48

1 the press and put it out as the rules.

2 In the first session, we followed those

3 rules.

4 I understand what you are saying about the

5 public.

6 Let me talk to the project manager for just a

7 second. I think it's a very good idea. I just

8 want to see how best we can to do it.

9 One of the things we are talking about is

10 using the posters and other things to describe it.

11 For instance, if someone says, "My house is right

12 here", we want to facilitate answering questions.

13 I understand what you are saying.

14 Let me talk to Mark for just a second.

15 (Pause.)

16 MR. BROKKE: I ask the team to please
17 come up front rather than answering questions on
18 the side.

19 In fact, will you please get out front here?

20 We will be flexible and respond to your
21 questions.

22 When you ask the question, we will handle
23 this almost like a press conference. If you have
24 one question and a follow up, please sit down and

COURT REPORTING ASSOCIATES

49

1 we will answer and get back to you.

2 We will do this for about 20 minutes. We

3 will set a time limit of about 15 to 20 minutes.

4 Depending on how many people have questions, we

5 could go longer, because we are here until 9:00.

6 The court reporter will still get your

7 questions for the record. They will be in the

8 invironmental assessment. They will be addressed.

9 We will give you an answer. We just don't want to

10 debate the answer. We don't think it will

11 saltwater intrude. Ask your questions and we will

12 give you the answers, but we will address them in

13 greater depth and detail in the environmental

14 assessment.

15 As I said before, we will give you a copy of

16 that if you sign up or provide us your name,

17 address or e-mail address.

18 Mayor Kaithern, do you want to say something

19 before Mark speaks?

20 MAYOR KAITHERN: No.

21 MR. EBERLE: We also have to keep in

22 mind that it's not that we want to avoid answering

23 questions. Typically, in past meetings, if you

24 get into a debate question and answer session, it

Public Meeting Transcript Session 2.txt
COURT REPORTING ASSOCIATES

50

1 becomes very confrontational. Obviously, that
2 won't help anyone.

3 Also, it's to be fair to the afternoon
4 session, because they followed the rules. We
5 didn't allow that at their session.

6 However, I think it is fair that we do it for
7 15 minutes or so. Afterwards, we will break it
8 off and if you have more questions, you can
9 question the team one on one.

10 It's format. If people don't stick to the
11 ground rules, there ends up being unnecessary
12 confrontation.

13 With that, we will do our best to try to
14 answer your questions.

15 MR. BROKKE: Just raise your hand and
16 I will identify you. Mr. Morrison, would you like
17 them to state their name?

18 THE REPORTER: If they don't state
19 their name, they will be identified as "audience

20 person".

21 MR. BROKKE: That's fine.

22 If you would like to identify yourself with

23 your question, please do so.

24 Speak as loudly as you can.

COURT REPORTING ASSOCIATES

51

1 Again audience, please, so Mr. Morrison can
2 get all of your comments reported properly, don't
3 have any side conversations when someone is
4 speaking.

5 What is your name, sir?

6 MR. LONG: Fred Long.

7 MR. BROKKE: Please ask the first
8 question.

9 MR. LONG: I have two quick questions.

10 The second one has a follow up.

11 If I understood the project manager

12 correctly, it was the DEP who requested this

13 project?

14 MR. EBERLE: Yes.

15 MR. LONG: The DEP requested this to

16 happen?

17 MR. EBERLE: Yes. They came to the

18 Corps of Engineers and said to help with this

19 project.

20 MR. LONG: The second question is:

21 On your hand out for saltwater intrusion, you

22 show a yellow line, which you talked about is the

23 limit of saltwater intrusion.

24 On your alternative in your environmental

COURT REPORTING ASSOCIATES

52

1 assessment, it's 4.4 I think it was.

2 You show berms across there, which you said

3 were too expensive to build because the material

4 was not proper to construct berms with.

5 How is it going to know when it gets to the

6 yellow line?

7 I have raced sailboats in Chesapeake Bay

8 where the north wind was blowing four or five feet

9 of water out in the bay. I am curious to know

10 this:

11 How are you going to be able to assure everybody

12 that that yellow line is not going to be crossed?

13 MR. BROKKE: Can someone address that

14 question?

15 MR. LONG: Theoretically, it's still

16 water. I understand how it works.

17 PROJECT TEAM MEMBER: There will be a

18 transition between salt and fresh. One way to

19 guarantee it will stop the saltwater is to build

20 minor berms maybe 12 or 18 inches high.

21 Another way to do it is to set the gate such

22 that on spring tides, you only allow enough water

23 to come up where it, basically, stops and it

24 doesn't encroach on any valuable fresh water

COURT REPORTING ASSOCIATES

53

1 vegetation.

2 MR. LONG: Do we we have to call on
3 DEP to adjust the gate if it is necessary?

4 MR. BROKKE: Is that your follow-up
5 question?

6 MR. LONG: Yes.

7 MR. EBERLE: No, you will not have to
8 call DEP. We will work with Lee and his staff.

9 Before the project is done, we will have an
10 operational and maintenance manual. The public
11 will not have to call DEP. This will be part of
12 their responsibility.

13 Bob will work with Lee and will design
14 whether it's a seasonal or spring receptive gate
15 and set it at a certain height in the summer to
16 get the proper amount of water in there to flood
17 out that about 170 acres.

18 No, the public will not have to call DEP to

19 set the gate. That is something that, as the
20 sponsor, they accept that responsibility. They
21 will do that.

22 MR. BROKKE: The next question,
23 please?

24 MR. LANGDON: My name is Charlie

COURT REPORTING ASSOCIATES

54

1 Langdon. I am in the boating industry here in

2 Cape May.

3 When I look at this Jetty, I have one big
4 question in my mind.

5 I am not sure why we need a jetty there in
6 the first place. To me, it's an invitation for a
7 boat to go into the inlet that's 40 feet wide and
8 as deep as you make it.

9 How do you plan on keeping boats out of
10 there?

11 MR. BROKKE: Can anyone address that?

12 PROJECT TEAM MEMBER: We are still
13 debating whether to put a jetty there. We put a
14 jetty on the plan we submitted to the state permit
15 people. We have to put in a plan to have a worst
16 possible scenario.

17 Primarily, the jetty was designed to keep the
18 location of the inlet stable. The most critical
19 issue with a migrating inlet is whether it impacts
20 the Higbee Beach dunes.

21 If you take a look at the planned view, you
22 will see, when we put a hydraulic structure in,
23 the marsh will be protected from all water that
24 comes from the bay, except what we allow through

COURT REPORTING ASSOCIATES

55

1 the hydraulic structure.

2 A possible weak point would be the dunes that

3 front Higbee Beach north of the existing inlet.

4 If those dunes breach, then water comes into the

5 marsh flanking the hydraulic structure. That's

6 the primary reason why we want to move the inlet

7 600 feet south from where it is now, because, by

8 doing that, you minimize the chance that any type

9 of beach processes of localized erosion that they

10 might get will be 600 feet away from those

11 critical Higbee Beach dunes.

12 As far as the issue of boats, we haven't

13 addressed that.

14 I assume the local boaters will become aware

15 that they are not allowed in there.

16 MR. EBERLE: It's something Lee and I

17 will work with by putting signs up or something.

18 We haven't thought about that. That's something

19 we will address so people are not boating up to

20 the water control structure.

21 PROJECT TEAM MEMBER: Basically, on

22 other projects we have done for DEP in the past,

23 we have put pilings where boaters are not allowed.

24 Basically, it prohibits boats from getting in and

COURT REPORTING ASSOCIATES

56

1 out. We can discuss that with Fish and Wildlife.

2 MR. BROKKE: The additional answer to
3 that is, in other Corps of Engineer projects, even
4 on the Delaware River, the main channel that we
5 maintain through dredging, the Coast Guard
6 maintains the aides to navigation. The Coast
7 Guard is not here today for this project.

8 Ask the next question, please.

9 MR. BURKE: I am Peter Burke. I am a
10 resident of West Cape May.

11 Actually, my question is a follow up to Mr.

12 Long's follow up.

13 With political realities what they are and an
14 election coming up in state government, what kind
15 of assurance do we have that a new administration
16 will take on the responsibilities of the future
17 for the project?

18 MR. EBERLE: I will start to answer
19 it, and then maybe Lee can touch upon that.
20 In designing the structure while working with
21 Lee, we are trying to make this as maintenance
22 free as possible.
23 The water control structure itself should
24 last 50 years. Any maintenance of the structure

COURT REPORTING ASSOCIATES

57

1 should be for Lee and his staff to go down and
2 change the gates. We are trying to make it as
3 maintenance free as possible. There shouldn't be
4 a lot involved in it. The structure will last,
5 roughly, 50 years. They will not have to replace
6 things very often. Mostly, it will be raising or
7 lowering the gates, depending on if a storm is
8 coming or what the season is.
9 Do you have anything further on that Lee?

10 PROJECT TEAM MEMBER: As far as
11 support from a new incoming administration, your
12 guess is as good as mine on that.
13 However, we are the Division of Fish and
14 Wildlife. We don't get our money from the
15 administration. Our money comes from hunting and
16 angler funds.
17 As long as people continue to buy hunting and
18 fishing licenses, we will have the funds to do
19 it.
20 Additionally, as our director said, this is
21 what we are going to do, that carries on from one
22 director to the next. It really doesn't make a
23 difference if we change directors.
24 In Hyslerville back in 1956, we bought land

COURT REPORTING ASSOCIATES

58

1 from the heirs of one of the revolutionary war

2 generals. In that agreement we had with the
3 township, we said we would continue to let the
4 marinas continue to operate. That was not an easy
5 situation. We continued that through five
6 different directors. Even today, when the
7 director looks at it, he says this is the
8 agreement we have with the township.

9 That's the way we operate.

10 I don't see us changing our operations in the
11 future.

12 If we say we are going to manage it and it
13 requires extra people to do it, that will be part
14 of the agreement.

15 The director knows that, when he says "yes",
16 we are helping fund this and will pay the money
17 necessary.

18 When he agreed to that, he was under the
19 impression this was going to cost maintenance and
20 manpower. There is nothing free.

21 If the Corps of Engineers is successful in
22 making the structure utilizing the minimum amount
23 of manpower, it makes it that much better.

24 I have people here in the county who will

COURT REPORTING ASSOCIATES

59

1 attend to it. I have a crew at Higbee. They are
2 here seasonally. They are here from May through
3 November. In the period after that, we would have
4 other people coming and checking on it on a
5 regular basis.

6 I suspect, and this is sort of out of realm
7 of it, I see what the future probably holds for
8 this area.

9 I believe what will happen in the next ten
10 years is that you find the Division of Fish and
11 Wildlife will be operating Higbee Beach and the
12 Cape May point area in a joint venture, which
13 means we will be able to utilize their people and
14 visa versa.

15 In a long round about way, we are going to
16 make sure there is some way to manage it. These

17 projects are not something that are open to the
18 whim of administrations. Besides, it's too small
19 a project for them.

20 It will be something taken care of by all
21 parties.

22 MR. VICTOR: I am Jack Victor
23 (phonetic) of the Cape May County Herald.

24 One of the residents raised a question about

COURT REPORTING ASSOCIATES

60

1 the proximity of the Magnesite factory.

2 How much of the spoils from there will be
3 disturbed, run off, or anything like that? What
4 effect will that have?

5 MR. BROKKE: Who can address that?

6 PROJECT TEAM MEMBER: Essentially, at
7 this point I don't recall the exact volume of
8 material that will be disturbed. We will be

9 coming through with that, once we get through the
10 depths and levels necessary.

11 Based on that, we don't expect to see issues
12 or problems. However, we are monitoring that
13 prior to construction. In a couple of wells we
14 installed within the last two years, we will take
15 levels of known contaminants in the area being
16 cleaned up by DEP.

17 After construction, we will monitor at
18 regular intervals. As long as there are no hits
19 post construction, we don't see any problems in
20 the future.

21 MR. VICTOR: Is it 26,000 cubic yards?

22 PROJECT TEAM MEMBER: I don't know
23 without looking.

24 MR. BROKKE: What is the next

COURT REPORTING ASSOCIATES

1 question, please?

2 MS. SKINNER: I am Barbara Skinner, a
3 resident of Cape May.

4 Earlier this afternoon, we had quite a few
5 experts, architects and various others, that had
6 very detailed and very well thought out precise
7 questions.

8 I am wondering how the rest of us might
9 benefit from those?

10 Are your answers to those questions from
11 those specific individuals going to be in a
12 written format. Is there a way that all of us can
13 benefit, like we are right now, by what the rest
14 of the group here is thinking?

15 I, for one, heard a number of things those
16 experts posed that I think would benefit everybody
17 here.

18 I understood one gentleman to say it is
19 already a hazardous flood zone.

20 Certainly, what we all witnessed in
21 Louisiana, any potential digging in this very
22 sensitive area would give us all great concern.

23 I understood you further to say it doesn't

24 seem to be hazardous from a Delaware Bay flood,

COURT REPORTING ASSOCIATES

62

1 but what about a combination of that with an

2 Atlantic ocean storm?

3 Thank you.

4 MR. EBERLE: I will touch upon that.

5 The way you can get answers to the comments

6 made earlier today is they will be available in

7 the final environmental assessment.

8 Before you leave, please give your address

9 and we will send you a final copy of the document.

10 It will have an appendix and a transcript

11 from the public meeting and also have a section

12 where myself, and I work with the team, answer

13 specific questions in writing.

14 Make sure you give us that.

15 As far as flooding, that is Bob's expertise.

16 One thing to keep in mind is you currently
17 have 20-year protection right now. If a big storm
18 comes in, there is nothing at the inlet of Pond
19 Marsh right now protecting you.
20 Our structure will give you better flood
21 control coming from Delaware Bay.
22 If a big storm comes from the ocean this side
23 of Cape May, our project can't do anything about
24 that.

COURT REPORTING ASSOCIATES

63

1 That's why we are trying to be really
2 specific when we say we will give you 500-year
3 protection from the Delaware Bay side.
4 If something comes from Lower Cape May
5 Meadows or Cape May point, our project can't help
6 you with that. That is outside the realm of the
7 project. That's why we keep saying Delaware Bay

8 as opposed to total flood protection.

9 Bob, is there anything you want to say?

10 PROJECT TEAM MEMBER MOORE: This is

11 the north spoil pile. This is the south spoil

12 pile. These elevations are high. However, the

13 lower bridge connects them. That's relatively

14 low. 20 feet is over the top of that and will

15 erode it and allow a lot of water to come in from

16 the bay.

17 Here are the Higbee Beach dunes. They are

18 high on the northern portion and a little bit

19 lower down here by the existing inlet.

20 However, there is a small strand of sand

21 connecting the northern edge of the northern spoil

22 pile with the dunes parallel to the bay. This

23 sand in here is very low. It will also be topped

24 and breached by the 20-year event. A wall of

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 water will come in here and fill this up to the
2 level of the bay.

3 As part of our project, we want to move the
4 inlet down here, because in case there is any
5 localized erosion, it is far away from these
6 dunes.

7 (1) After we put the inlet here, we are
8 going to fill up the existing inlet with high
9 dunes.

10 (2) This little sliver of land over the top,
11 it will also be raised up and turned into a thick
12 dune to block off possible water coming this way.

13 In addition, this existing road between the
14 two spoil piles, that will also be raised up.

15 Therefore, when the project is done, we will
16 have closed all avenues of water into the marsh.

17 It will be high here, high at this crossing, high
18 here, and high at this little sliver, and these
19 dunes are high.

20 Therefore, the only way water from the bay
21 can get into the marsh will be through the
22 hydraulic structure, which has gates on it.

23 In addition, this is 1.3 feet higher than the

24 50-year water surface elevation and 3 feet higher

COURT REPORTING ASSOCIATES

65

1 than the 100-year water surface elevation.

2 Of course, it's always possible that high

3 water from the Atlantic ocean may find its way

4 through Sunset Boulevard into it.

5 That's not the issue with the project. That

6 can happen now anyway.

7 Our primary purpose is to get tide in here to

8 kill off the phragmites environment. We are

9 putting the hydraulic structure in in order to

10 keep out any storm water that gets in because we

11 have enlarged the channel.

12 MR. BROKKE: Go ahead sir. If you

13 speak loud enough, you may speak from there.

14 MR. QUINN: I am Robert Quinn from

15 West Cape May.

16 My question refers to saltwater intrusion.

17 I heard a little bit of "in our opinion" and

18 due diligence saying you will install a

19 comprehensive base line well monitoring program

20 prior to the project and have those results

21 published to the public. Let us look at the input

22 to see what risk assessments have been done for

23 the contingencies.

24 Those houses that are well contaminated, what

COURT REPORTING ASSOCIATES

66

1 contingency plans are in place if there is well

2 intrusion?

3 MR. EBERLE: I will start and then

4 turn it over to Lee and possibly Pierre.

5 Pierre has written a proposed monitoring plan

6 to do before we start any construction, and then

7 do a very similar one after construction to

8 compare the before and after.

9 If it does turn out that it shows the project

10 would cause saltwater intrusion, it's up to the

11 state, as sponsor and owner of the project, once

12 built, to rectify the situation.

13 Lee can touch upon it. That depends on what

14 the situation will be. Possibly drilling a new

15 well. That's something that will have to be

16 decided at that point in time.

17 The NJPED will accept that responsibility.

18 Again, we feel very confident that that is

19 not going happen, or we wouldn't be pursuing it.

20 We obviously don't want to ruin wells and get

21 into legal battles.

22 We wouldn't be as competent if we didn't have

23 Pierre's expert opinion that the project will not

24 do that.

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 I will let him add any comment he has on
2 that.

3 PROJECT TEAM PERSON: If it turns out
4 the project is, in fact, impacting wells, there is
5 no doubt that we would, in fact, replace the well
6 or connect to city water, whatever case is
7 necessary.

8 The reason we have confidence that it is not
9 going to happen is based on the project that PSE&G
10 did further up the bay. In that case, shore tides
11 went over 4,000 thousand acres by cutting out a
12 dike. It wasn't done with a water control
13 structure like this. In fact, they just let the
14 water go in.

15 They had been monitoring wells before and
16 after.

17 They started the project in 1997. They have
18 not had to replace a well yet.

19 A lot of these wells are not in places of
20 high income, but in places like Fort Norris. If
21 you haven't been to Fort Norris, it's a little

22 different.

23 The only reason I mention that is because

24 that is a place where they do not have high income

COURT REPORTING ASSOCIATES

68

1 and have very low wells. They don't have wells

2 that go down 80 feet. Most of their wells are 25

3 and 50 feet.

4 In fact, some of the wells that they did the

5 checking on for the base line, they informed the

6 owners that they had problems because they were

7 getting high fecal coliform counts there. That's

8 how low or how high the wells were in the aquifer.

9 That's a situation where they have not

10 stopped the water from coming in and let it come.

11 So far, it has showed nothing, no sign of it at

12 all.

13 I think, based on that and other things that

14 have happened over the centuries, we don't expect

15 this to be a problem.

16 Now, if you talk to Pierre, he will tell you

17 that, if you draw enough water out, you can cause

18 an infiltration problem. Again, it depends on

19 where you are drawing from.

20 I think Pierre's description will really

21 define it. If it turns out that somebody has a

22 shallow well and ends up drawing too much water so

23 that the action caused an inverse plumb to cause

24 saltwater intrusion, we will deal with it and

COURT REPORTING ASSOCIATES

69

1 replace the person's well.

2 Once we have the data, it's not not going to

3 be an issue where we sit there and say that's not

4 the case.

5 It's simpler for us to simply go ahead and

6 replace the well rather than argue in court.

7 That's pretty much what I expect us to be

8 doing.

9 PROJECT TEAM MEMBER: There will be a

10 base line. The base line will go out. A

11 description of the base line is to take five

12 Eastland sand wells and five Holly Beach Water Way

13 wells on Louieville Avenue and another five on

14 Bayshore Road and another five on Sunset or

15 Stephen's Road.

16 Geographically, we distribute it and measure

17 water levels in those five wells at Holly Beach

18 and those five wells in Eastland.

19 If the water levels, and I believe they are,

20 are above sea level, then the impetus for

21 saltwater intrusion is zero.

22 If the water levels are below sea level,

23 which I don't think they are, then there is the

24 chance for saltwater intrusion.

1 Those same wells will be analyzed for sodium
2 and chloride concentrations. All of these wells
3 will have less than 35 milligrams of chloride and
4 probably the same for sodium.

5 As for the Holly Beach wells, especially in
6 the older homes that have Holly Beach wells, if
7 the well is close to a septic system or close to
8 where the homeowner has been changing oil or the
9 homeowner has been raising horses and there is a
10 salt lick, or whatever, the potential for
11 background chlorine levels in those wells is
12 already high or already contaminated. That's just
13 the way it is. That happens a lot in older homes.

14 These homes are \$100,000 to \$300,000 homes.
15 It's worthwhile to put in a 100-foot well that
16 costs about \$3,000. If contaminated already, it's
17 the homeowner's problem.

18 Let's say five years from now homeowner X
19 says their well is salty. Let's say there are
20 five wells on that street and three wells are

21 within a thousand feet of that. We sample the

22 well. If, in fact, three neighborhood wells are

23 all salty, then something has occurred.

24 What would cause that?

COURT REPORTING ASSOCIATES

71

1 We look at the water levels and we look at

2 chloride concentrations.

3 Some how, you have to get movement going in

4 there.

5 I have measured water levels where the wells

6 are irrigating and using showers at the same time

7 and the water levels can drop four inches.

8 I don't anticipate the problem.

9 That's the safety valve that is going in,

10 measuring water levels and selecting and

11 circumnavigating the facility.

12 We will also take up hydropunch geoprobes

13 right along the perimeter.

14 There are also monitoring wells, those five

15 monitoring wells, inside the salt marsh area.

16 It's anticipated that those wells will go

17 salty. With the hydropunch, we can go to the back

18 of the field away from the street and close to the

19 well and hydropunch in ten or fifteen locations

20 and collect water levels and take water quality

21 samples from those. That will be the base line.

22 MR. BROKKE: The next question,

23 please?

24 AUDIENCE PERSON: I haven't heard a

COURT REPORTING ASSOCIATES

72

1 whole lot of positive sentiment for your project

2 here today.

3 My question is this:

4 Is this project going to move forward

5 regardless of what the citizens want or feel about

6 it?

7 MR. EBERLE: The answer to your

8 question is:

9 We are considering all your comments. The

10 land is currently owned by the State of New

11 Jersey. Unless there's a compelling reason the

12 community brings up that shows our project will

13 cause saltwater intrusion or flooding that would

14 give us a reason not to move forward, we will move

15 forward.

16 We will address your concerns as best we can.

17 Unless there is a compelling reason, we will

18 move forward. We are experts and will consider

19 all your comments.

20 Another thing is as funding becomes

21 available. That's always important.

22 We will listen to your concerns.

23 Again, We will listen to your ideas. There

24 can always be something that makes us change our

Public Meeting Transcript Session 2.txt
COURT REPORTING ASSOCIATES

73

1 mind or modify our plans to make it better or to
2 protect you better.

3 If you feel you have an idea that will help
4 make the project better, we will listen to you and
5 implement that idea.

6 The answer is yes, but part of the public
7 process is we will take into account all your
8 comments and address them.

9 MR. BROKKE: The next question,
10 please?

11 MS. GOODWIN: I am Gwen Goodwin from
12 York Avenue.

13 I was really going to ask pretty much the
14 same old question where a township in the United
15 States is having another project that sounds like
16 a folly being run down it's throat at cost to the
17 taxpayers.

18 There must be a way, and there is always a
19 way, to stop projects like yours.

20 I would like to know, and maybe no one here

21 can tell me, but who is the lead agency?

22 Who do we go to with our petitions? What

23 agency do we go to?

24 There must be a way that we, who own the

COURT REPORTING ASSOCIATES

74

1 property and pay the taxes, come away keeping you

2 out of it.

3 MR. EBERLE: The answer to your

4 question is this:

5 This is public property. It's owned by the

6 State of New Jersey.

7 It's managed by the New Jersey Division of

8 Fish and Wildlife, which has a responsibility to

9 manage that property as they are charged with.

10 They are charged with managing the property

11 for fish and wildlife. That's what they are

12 dedicated to doing.

13 We are the co-lead agency.

14 If you have concerns and want to try to stop

15 the project, take your concerns to the Corps of

16 Engineers, like you are doing now, to Lee and the

17 DEP in general.

18 We are listening to your questions.

19 The Division of Fish and Wildlife are charged

20 with managing this for fish and wildlife.

21 The sponsor is saying we want to do this and

22 have Fish and Wildlife manage it. It is public

23 property.

24 MS. GOODWIN: You are a public agency?

COURT REPORTING ASSOCIATES

75

1 MR. EBERLE: Yes.

2 Again, this piece of property is

3 national wildlife refuge or national park. Those

4 lands are managed for certain reasons. You can't

5 go and build a sub division in Yellow Stone

6 National Park. It is managed as a national park.

7 This piece of property is managed as fish and

8 wildlife area.

9 Again, it is public property, but just

10 because the public doesn't agree with how it's

11 managed --

12 We listen to your concerns. If they are

13 valid concerns or you prove to us that saltwater

14 inundation is bad or that we missed something, we

15 will take that into account.

16 MR. BROKKE: I think you are coming a

17 step further. You are looking to put political

18 pressure. That's a whole different ballgame.

19 If you wish to do that, feel free to do so.

20 Probably the people to talk to, to contact,

21 is you should talk to the Division of the

22 Department of Environmental Protection or, yet

23 again, another option is to go through state

24 legislators, such as through Andrews, Gibson or

COURT REPORTING ASSOCIATES

76

1 Selton, the three legislators from this area.

2 However, again, if you are trying to stop it,

3 I think your best chances are to go through the

4 DEP office. If you contact me, all I do is

5 forward it up to Trenton.

6 If they don't give me the money, I don't do

7 it.

8 Those are the options that you have.

9 DEP, Division of Fish and Wildlife, that's

10 probably where you want to take it.

11 MR. EBERLE: If you feel strongly

12 about it, you can tell us you want to stop it, but

13 we want your reasons.

14 AUDIENCE PERSON: Look how awful

15 things look with state parks. They look like the

16 Sierra desert right now. There are two pools of

17 water back there with green slime on them. There

18 is no wildlife behind it, so I don't think you do

19 a great job when it comes come to doing

20 something.

21 MR. EBERLE: Okay. I can't address

22 that.

23 AUDIENCE PERSON: This is not a great

24 idea either.

COURT REPORTING ASSOCIATES

77

1 MR. EBERLE: The thing is if you want

2 to take it to a different channel, you can. Just

3 make sure you have your reasons.

4 His boss or my boss is going to say we got

5 this letter from someone wanting to stop the

6 project and here is the reason why.

7 For example, if the public writes in and says

8 you are going to cause saltwater intrusion, they

9 are going to come to us and say we have the folks

10 from USGS who have done this analysis. Where is

11 the public backing on this information?

12 You can't just say we are going to cause

13 saltwater intrusion when we have data that shows

14 we are not.

15 Again, I encourage you, if you have a reason

16 not to have the project, to back up your reason

17 with whatever data you feel is important to make

18 your case.

19 AUDIENCE PERSON: Who do we contact at

20 DEP?

21 MR. BROKKE: You can contact Mr.

22 Bradley. He is the commissioner of the DEP.

23 As with everything, there is always state

24 legislators. You can always follow the chain of

COURT REPORTING ASSOCIATES

78

1 command.

2 Mr. Jackson, you have your hand up.

3 MR. JACKSON: I appreciate what the
4 Fish and Wildlife Service does.
5 You say you are trying to improve diversity.
6 For people living here, there is more diversity
7 now than there was a hundred years ago.
8 To be afraid of phragmites in an area, I can
9 see along Sunset Boulevard, because I can remember
10 as a kid driving down that street and looking at
11 that.
12 The birding industry wants to utilize that.
13 They want to bring it back to it's original
14 condition.
15 There's no real reason for anybody to fear
16 phragmites in the Pond Creek area. It seems to be
17 running nicely. There are a lot of things on the
18 perimeter. You guys say we are going to help you
19 with your diversity by doing this project in an
20 area that looks pristine. Even the people they
21 are doing it for say it's great like it is.
22 It sounds like a lot of money is being spent
23 for a project to make things better in an area
24 that would be fine left alone.

COURT REPORTING ASSOCIATES

79

1 If the decision is already made, why don't
2 you announce that, because there is really no
3 scientific data to show you that outdoes what you
4 bring forth, if you already made up your mind.

5 MR. EBERLE: I think that's a good
6 point you brought up. Again, you are saying some
7 of the public says to leave it just as it is, it's
8 perfectly fine. The reverse is true for you. Why
9 wouldn't you believe the Fish and Wildlife
10 biologists who manage the property and have 20
11 years experience in the industry that say
12 saltmarsh is better than phragmites?

13 Even though the general public might say it's
14 just fine as it is, you are saying why don't you
15 just listen to the public. Some of the public
16 believe it is.

17 The reverse is why would you not listen to

18 the experts who have a degree in ecology or

19 biology that manage this and say it can be better?

20 AUDIENCE PERSON: These are the same

21 guys who introduced black bears in New Jersey, one

22 of the most populated states in the country.

23 PROJECT TEAM MEMBER: We protect

24 them. We didn't introduce them.

COURT REPORTING ASSOCIATES

80

1 MR. BROKKE: Mr. Jackson has the

2 floor. Let's let him speak.

3 PROJECT TEAM MEMBER: I am not trying

4 to be argumentative. I totally understand that

5 come back.

6 I put a lot of faith in what Mr. Schradig

7 has to say because I grew up listening to him. He

8 came up with an idea that's pretty much

9 maintenance free.

10 AUDIENCE PERSON: You are going to put
11 a structure somewhere that the ecologist says this
12 is the road map, we want to do it this way.
13 This is what nature has done.
14 Nobody went in there and bulldozed that.
15 You are going to put in a dunes structure in
16 where the dune is already healthy. Because it's a
17 man-made structure, you are going to bang it in
18 where we don't want it.
19 You are going to stick in pilings, and I have
20 seen this, stick pilings in somewhere where the
21 water is coming back and forth.
22 It's going to erode at the base of the
23 pilings. It did at Cape May at the jetty.
24 You could walk from the sand, which was less

COURT REPORTING ASSOCIATES

81

1 than knee deep, and be at the deep end when you

2 got to the piling less than four feet away.

3 If you try that, you may end up causing your

4 jetty to collapse into that thing, because it is

5 going to start eroding at the base.

6 These are things you don't even think about

7 for the sake of improvement.

8 I do trust professionals, but you would have

9 to be here from day one and see what it is now.

10 It's not a big threat to us and, you are

11 going to spend a couple of million to do it.

12 Maybe we do need to talk to Bradley. He is a

13 reasonable guy. We need to give him our concerns.

14 Maybe it won't stop it, but you start at the top

15 if you want to kill something at the bottom.

16 MR. BROKKE: Mr. Jackson, thank you.

17 We still want to get to everybody's

18 questions. In looking at the clock, there is

19 still about 15 minutes left.

20 These are individual questions. We will stop

21 at 9:00.

22 Please state your questions or comments as

23 brief as possible. That goes for the partners on

24 the team.

COURT REPORTING ASSOCIATES

82

1 Next question, please?

2 AUDIENCE PERSON: I have a quick

3 question for the gentleman from DEP.

4 Is DEP exempt from the Fresh Water Wetlands

5 Act which it enforces on everybody else who wants

6 to put a niche into a buffer zone, and then you

7 guys are coming out proposing as an agency to

8 destroy an entire fresh water marsh.

9 How is that?

10 PROJECT TEAM MEMBER: It's run through

11 the Land Use Regulation Program. They review it

12 like they do any other regulation or proposal.

13 The land use regulation people have to first

14 accept it as a reasonable proposal. It has not

15 been approved yet, though the application is in

16 but has not been finalized. They have to make

17 that decision. If they say no, it isn't good,

18 then it won't happen.

19 Land Use Regulation is part of the DEP.

20 For any projects I do , if it's in the

21 Pinelands, I have to get a Pinelands permit.

22 If it's bay front, I have to get a fresh

23 water permit.

24 It has to have a major impact study.

COURT REPORTING ASSOCIATES

83

1 I have to get a waterfront development

2 permit.

3 I have to get a tide lands license.

4 Just because I work for DEP and my outfit

5 works for DEP, we are not exempt from the rules

6 and regulations. There are issues within there.

7 We have some that are general permits. The

8 general permits have things for certain items for

9 wildlife management. If it falls under that, and
10 I don't believe this one does, but if it falls
11 under that, that's something you can even get
12 under a general permit. We have to go through the
13 same thing.

14 AUDIENCE PERSON: When was the
15 application submitted?

16 MR. EBERLE: About two months ago.

17 PROJECT TEAM MEMBER: They will have a
18 90-day clock once approved. Once they say it's
19 complete, the 90-day clock starts.

20 AUDIENCE PERSON: Is it complete yet?

21 MR. EBERLE: Yes. We are expecting an
22 answer from them within the next two weeks.
23 Within the next two weeks, we should have an
24 answer from Land Use whether or not they are going

COURT REPORTING ASSOCIATES

1 to permit the permit we presented for the plan we

2 submitted tonight.

3 AUDIENCE PERSON: I have two

4 questions.

5 By my observations over the years, Davy's

6 Lake fresh water pond fluctuates with the tide,

7 with the level of water in Pond Creek marsh.

8 If you have an influx of saltwater coming in,

9 my question is:

10 Will we have saltwater intrusion into Davy's

11 Lake. That's one question.

12 The other question is:

13 We are in the tourist business big time, Cape

14 May. When you make this channel through the

15 dunes, does that mean people that enjoy that walk

16 can no longer transgress down the beach?

17 MR. BROKKE: Bob?

18 PROJECT TEAM MEMBER: As far as

19 walking down the beach, when they get to the

20 inlet, they are stopped.

21 However, they can get to the north side of

22 the inlet and continue walking up towards Higbee

23 Beach proper by walking over the spoil pile and

24 walking over the hydraulic structure and end up on

COURT REPORTING ASSOCIATES

85

1 the north side of the inlet, where they can

2 continue their walk.

3 As far as the issue of whether saltwater in

4 the marsh will affect Davy's Lake, I think that's

5 a question for Pierre.

6 I have one issue.

7 When you say you saw a connection between

8 fresh water in the marsh and fluctuating water

9 levels in Davy's Lake, if you have fresh water in

10 the marsh, it's probably because of a heavy rain

11 storm and the heavy rain storm caused drainage

12 into Davy's Lake.

13 Just because you have a rain storm, it

14 doesn't mean you are going to have heavy seepage

15 of water into Davy's Lake.

16 PROJECT TEAM MEMBER: There are
17 fluctuations of water levels in both the borrow
18 pits and the natural ponds. There are
19 fluctuations also due to rain and climate. I
20 don't believe it is all tidal. I don't know that
21 for certain.
22 Take a look at Lilly Lake. Lilly Lake has
23 flooded many times with past hurricanes. That's
24 why they started drilling wells. They had to put

COURT REPORTING ASSOCIATES

86

1 a well in to get a fresh water supply for the
2 community. Yes, it will go salty and yes, it will
3 go fresh.
4 After Hurricane Gloria, a lot of fresh water
5 ponds went salty. They irrigated with saltwater
6 and killed a couple of acres of grass.
7 They are fresh water ponds again.

8 These lakes go through those types of cycles

9 all the time.

10 MAYOR KAITHERN: AT DEP, do they also

11 have a public comment period for your application?

12 PROJECT TEAM MEMBER: Yes.

13 MAYOR KAITHERN: Are we still within

14 the time frame?

15 PROJECT TEAM MEMBER: As far as I

16 know, yes.

17 MAYOR KAITHERN: How do people access

18 that web site?

19 PROJECT TEAM MEMBER: You should be

20 able to get in through the DEP web site.

21 MR. BROKKE: One better. I am not

22 sure if it got mailed out to everyone, but they do

23 get mailed out to public forums.

24 If you would like a copy, and I ask this as

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 well as state it, if you would like a copy of that
2 notice, please give me your name, address, phone
3 number and e-mail address. I will go up on the
4 web and find it and get you that, or point you in
5 the right direction, because it might be a huge
6 file. I have paper up here. Please, before you
7 leave, give me your name, address, phone number
8 and e-mail address and I will get you a copy of
9 the notice.

10 Next question, please?

11 MAYOR KAITHERN: You stated a lot
12 about the maintenance of the water control
13 structure. However, I haven't heard anything
14 about the channel, which seems to be a recurring
15 problem, where people do not maintain the channel.
16 Once cleared out, they start to come in and we
17 have a problem again.

18 Is there anything in your plan to address
19 that?

20 MR. EBERLE: As part of our operation
21 and maintenance plan, we will work with Lee and Ed
22 from the Cape May Department of Mosquito Control.

23 Part of the operation and maintenance plan

24 will be to keep those channels open in the marsh

COURT REPORTING ASSOCIATES

88

1 to inundate the proposed area.

2 Again, there is going to be maintenance

3 associated with the structure and keeping the

4 channels open.

5 That would be Lee working with Ed and the

6 Corps of Engineers from Cape May County of

7 Mosquito Control. Those guys partner up for

8 that.

9 MR. BROKKE: Next question, please?

10 AUDIENCE PERSON: People walk the

11 dunes. When you put the man-made facility in

12 there, how will they continue to walk?

13 You gave your answer, but I want to hear it

14 again.

15 PROJECT TEAM MEMBER: The new inlet is
16 here. If they walk on the beach from Cape May
17 Point, they will be stopped by open water.
18 However, there will be access along the spoil pile
19 across this raised road along this spoil pile.
20 They will be able to walk over the hydraulic
21 structure. This sliver will be thickened with
22 sand. They will be able to walk on top of that
23 down onto the beach and can continue up toward
24 Higbee Beach proper.

COURT REPORTING ASSOCIATES

89

1 AUDIENCE PERSON: That doesn't sound
2 too safe to me, unless you have railings, et
3 cetera.
4 PROJECT TEAM MEMBER: Basically, as it
5 is designed now, the road is here. On one side
6 they have a sheetpile higher than the road, and on

7 the other side they have a sheetpile higher than

8 the road. No one is going to fall off it.

9 AUDIENCE PERSON: Will it be marked

10 and designed to be utilized safely?

11 PROJECT TEAM MEMBER: I don't see any

12 reason why we wouldn't do that.

13 Presently, at high tide, a lot of people

14 don't cross the existing ditch now. They come

15 just so far.

16 In the middle of winter, they turn around in

17 the middle of high tide and go back, because there

18 is anywhere from six inches to three feet of water

19 coming out of the existing ditch.

20 In the future, there will be a deeper ditch,

21 so you won't have the high tide/low tide issue.

22 and have to come around. Because of where they

23 are putting the control structure, it will be a

24 shorter distance to get around it than it is

COURT REPORTING ASSOCIATES

Public Meeting Transcript Session 2.txt

1 presently.

2 If you try to walk around it now, you have to
3 go over that little bridge. There is no easy way
4 to get there coming from the Sunset Beach side.

5 You have to wander through the marsh and
6 everything else.

7 If you are coming from the Higbee Beach side,
8 you go over the recently added dredge spoil that
9 has been grassed over. It will actually make it
10 easier in the long term term than it is presently.

11 As far as I am concerned, that's one of the
12 issues that we have to take into mind.

13 One of the nice things about Higbee Beach is
14 to be able to go from one end to the other.

15 The reason we have some of the regulations we
16 do is because a lot of people like to do that and
17 some people don't care to see naked people in the
18 process.

19 MR. BROKKE: We have about five
20 minutes, so please keep your comments, questions
21 and answers short.

22 Ask your next question, please.

23 AUDIENCE PERSON: I came in late.

24 Maybe the question has been answered.

COURT REPORTING ASSOCIATES

91

1 There is a tourist train that has a railroad
2 spur that goes out to the magnesite plant. There
3 is a railroad berm that runs along the side of it.
4 Previously, I think the state told the Seashore
5 Line that they can utilize the railroad right of
6 way that runs from Cape May to the magnesite
7 plant.

8 Tony McCray was planning to have four
9 shuttles a day with two diesel engine trains
10 shuttling between Cape May and the Point.

11 What are your plans for a tourist train
12 shuttle?

13 PROJECT TEAM MEMBER: We don't have

14 any control over the train itself. The fellow who
15 owns the spur line that runs from Cape May Court
16 House down to Cold Spring and Cape May has the
17 rights to those tracks there. He has the right of
18 way. If he has the money, he can rebuild the
19 track to where they extend it to the end of the
20 magnesite property. If he would do that, he would
21 have to come up with something viable as far as
22 setting up a shuttle project. We would be
23 agreeable. It wouldn't impact on this project or
24 any of the things being done at Higbee Beach.

COURT REPORTING ASSOCIATES

92

1 As manager of the area, I prefer to have the
2 railroad under my control and a railroad not there
3 at all, because I prefer a bike trail.
4 However, I don't have any say over that.
5 That's something people have to work out with the

6 owner of the rail line.

7 He approached us and asked about the details.

8 I told him we don't own that piece of property.

9 It's a sliver I have no control over. It's a

10 right of way he can do as he pleases.

11 We can stifle him from the other end, but

12 that would be counter productive to the township .

13 AUDIENCE PERSON: It may not be

14 counter productive. In the City of Cape May, he

15 was running two diesel engines for four hours for

16 three stops. It was causing terrible pollution.

17 He maintains at the end of the line. He has the

18 right to maintenance anywhere on the line.

19 He has the right to an hour-and-a-half stop

20 over. He can run his trains for an hour and a

21 half at will.

22 PROJECT TEAM MEMBER: These are issues

23 outside the area of the project.

24 I will talk to you about that afterwards.

1 You are bringing up items I haven't

2 considered.

3 AUDIENCE PERSON: He needs to have a

4 station stop.

5 The thing is to bring us in on his contract

6 with the State of New Jersey.

7 MR. BROKKE: I think that's better

8 talked about with Lee. We are talking more about

9 the project than the aspects of the project.

10 This will be the last question.

11 Lee is running down to you right now to

12 answer your concerns.

13 AUDIENCE PERSON: Besides farming and

14 stuff we have going on at Willow Farm, one of the

15 things that concerns me is the maintenance of the

16 dike and maintenance of opening and closing it.

17 Is there going to be appropriate funds that

18 will be locked in that is used just for that

19 purpose, or, like other funds, we used it all this

20 year and next year it's not available? What about

21 that?

22 MR. BROKKE: Lee addressed funding and

23 long-term agreements, so we can't get more

24 specific into that. It's not necessarily line

COURT REPORTING ASSOCIATES

94

1 item specific to that.

2 PROJECT TEAM MEMBER: The division has

3 dedicated money that is set aside and has said

4 this is going to be available.

5 The way money comes and goes, it may well not

6 be available one year. However, when it comes

7 time, we will provide the money. The Corps has

8 its portion. The division will come up with that

9 money.

10 We have a couple of separate funds based on

11 hunter and angler license money that cannot be

12 taken by the state. They can't use it for

13 something else.

14 The director said he has the money set aside.

15 Technically, it's there. It's not going to

16 disappear because DEP uses it for something else.

17 AUDIENCE PERSON: If you are going to

18 have the money available for a period of time and

19 other periods of time you are not sure it's

20 available, what do we to do?

21 I have 2,000 grape plants that can possibly

22 get ruined. By the time we get around to doing

23 something legal with the state, it is too late.

24 PROJECT TEAM MEMBER: The only source

COURT REPORTING ASSOCIATES

95

1 of money I am concerned about is the money that

2 matches the Corps' money. If that money is not

3 there, the project doesn't get built. Once the

4 project is built, it's not an issue, because we

5 will be committing to take care of the area no

6 matter what.

7 This is Cape May County. One of the primary

8 things of Cape May County is the benefits of bird

9 watching. This is primary area for bird watching

10 today and in the future.

11 One of the things the division is worried

12 about is making sure it's maintained at the level

13 it needs to be maintained, especially at the water

14 control structure, and it will put the money out

15 there.

16 If we infringe on wells, they will come up

17 with the money.

18 It's not that we don't have the money this

19 year. They will have it. This is a higher

20 priority than other issues. I have 180,000 acres

21 I manage. Those other things are low priority

22 things to do for wildlife. Things that impact the

23 environment or neighborhoods, those things go up

24 to the top of the list.

Public Meeting Transcript Session 2.txt
COURT REPORTING ASSOCIATES

96

1 AUDIENCE PERSON: On the question of
2 wells, let's say there is well infiltration with
3 saltwater, 100 wells. You will have the cost of
4 reimbursing me and getting me back on track, as
5 well as others.

6 PROJECT TEAM MEMBER: We will deal
7 with it.

8 AUDIENCE PERSON: Can you elaborate a
9 little bit more on what "deal with it" means?

10 MR. BROKKE: Lee addressed it. We can
11 go to a thousand wells and infinity. You have to
12 rely on what Lee says. He represents DEP and says
13 they will do the right thing. They will take care
14 of damaged wells and take care of maintenance and
15 do the right thing.

16 With that, we are out of time.

17 We appreciate you coming out tonight and
18 asking your questions. I hope we answered them.

19 If you want to leave, you can. If you want

20 to give us your e-mail address and phone number,

21 please come up and sign the piece of paper.

22 Again, thank you.

23 ***

24

COURT REPORTING ASSOCIATES

97

1 REPORTER'S CERTIFICATE

2 I HEREBY CERTIFY that I am a

3 Commissioned Court Reporter in and for the

4 Commonwealth of Pennsylvania and an Approved Court

5 Reporter for the United States District Court.

6 I FURTHER CERTIFY that the witness was

7 sworn to testify to the truth.

8 I FURTHER CERTIFY that the foregoing is,

9 to the best of my ability, a true and accurate

10 transcript of the testimony taken stenographically

11 by me at the time, place and date hereinbefore set

12 forth.

13 I FURTHER CERTIFY that I am neither a
14 relative, employee, attorney nor counsel to any of
15 the parties to the action and that I am neither a
16 relative nor employee of such attorney or counsel
17 and that I am not financially interested in the
18 action.

19

20

Court Reporter

21 (The foregoing certification of this
22 transcript does not apply to any reproduction of
23 the same by any means, unless under the direct
control and/or supervision of the certifying
reporter.)

24

COURT REPORTING ASSOCIATES