

September 12, 2025

Commissioner Shawn LaTourette
New Jersey Department of Environmental Protection
401 E State St, Trenton, NJ 08608

Copies to: Governor Murphy, Chief of Staff Tim Hillman, Chief Policy Advisor Dennis Zeveloff

Dear Commissioner LaTourette:

On behalf of our organizations who collectively represent over one million New Jersey residents, we are writing to express our deep concerns with the DEP's insufficient public process regarding the Northeast Supply Enhancement (NESE) pipeline project.

Please accept this letter as an official comment as part of the record for the active permit review, in addition to the comments already made verbally and in writing by members and supporters.

At every turn, the DEP has disrespected and silenced the public, which overwhelmingly opposes the project. This was evidenced during the DEP's "virtual fact-finding public hearing" held on September 10, 2025, where every single member of the public who was given the ability to speak advocated for the denial of permits to the project. Rather than scheduling in-person hearings in the affected communities, many of which are overburdened environmental justice communities, DEP instead attempted to cram all of the opposition into a single meeting held via Microsoft Teams, an unpopular and confusing technology platform that helped enable the DEP to silence and avoid testimony from dozens, if not hundreds, of New Jersey residents who did everything they were asked to do in order to speak, but were still wrongly denied that right.

We urge the DEP to schedule no less than three in-person public hearings, one each in Somerset, Middlesex, and Monmouth Counties where the pipeline and related facilities would be sited, and offer a virtual option to participate in each hearing using the Zoom platform.

The DEP's poorly-managed virtual hearing was obviously insufficient to capture the views of the public:

The hearing was hard to access because DEP misled the public

- The hearing was conducted remotely, with no in-person attendance option. Therefore, a telephone line and/or a device capable of using Microsoft Teams was required to participate. Individuals who joined via telephone were also unable to use features like the "raise hand" function, which is not available to telephone participants on Teams. At

the time the hearing was closed, there were at least five telephone-only participants in the hearing, along with another 88 other people. There were 19-20 raised hands.

- The DEP only offered pre-registration through the DEP website's NESE portal. However, for a significant period of time on September 8, the entire DEP website (including the NESE portal) was not functioning because DEP's server was overloaded.
- During the period of time when the DEP's server was overloaded, a list of speakers was submitted via email to DEP staff, but the staff refused to accept the emailed list.
- During the hearing, those who had not pre-registered, or were unsure if they had pre-registered, were repeatedly told they would be allowed to make comments after the pre-registered speakers. This proved to be untrue as the DEP only called on speakers who pre-registered for the hearing, even though the DEP's website stated: "It is not required to pre-register to speak at the virtual public hearing."
- Objections to the decision to end the hearing without scheduling another were quickly silenced through the forced muting.

Many people were unable to speak, contrary to what DEP had promised

- Given the scope of the permits requested and the voluminous prior history of this proposal, only three minutes per speaker is insufficient. Many speakers were rudely interrupted and forcibly muted by the DEP moderators after the speakers ran out of time.
- The very first non-elected speaker said that he wished to defer his opportunity to speak until later in the hearing, specifically to allow others who were more directly impacted the chance to speak first. However, the DEP never again called on him to give testimony.
- The DEP neglected to call on dozens of registered speakers who had properly pre-registered, in accordance with DEP instructions. Members of our coalition worked to recruit and register at least 60 individuals who were never called on to give testimony.
- Because the hearing was advertised as ending at 9pm, a large number of pre-registered speakers had to leave the hearing before they were finally called on well after 9pm.

Many people were disenfranchised because the DEP was not transparent about hearing's timing

- DEP advertised the hearing as a three-hour event, from 6pm to 9pm, but scheduled the first 15 minutes to be devoted to DEP officials discussing the project and the process. DEP also opted to insert two five-minute breaks into the program, leaving less than three hours for the public during the advertised window.
- The DEP led impacted residents to believe that a list of the pre-registered speakers, in the order they would be called to testify, would be proactively shared with all attendees. Instead, the DEP chose to keep the list a secret, verbally calling just a few speakers at a time. This forced all participants to stay glued to the meeting so as to not miss their chance to speak, which made it harder to know what to expect as the evening wore on.

- At approximately 8:10pm, a recognized speaker asked DEP what their plan would be when the meeting reached its scheduled end time and there were still registered speakers waiting their turn to comment. DEP refused to answer the question.

Here is some feedback we have received from members of the public who attended the hearing:

- “I was a registered speaker. I registered two weeks ago. I am furious. They didn’t even let me on the call for the 1st hour, as I had to wait for them to let me into the call after 7pm. I just wasted 4 hours of my time.”
- “I could not make the Microsoft program work, so I opted for the phone. I was never called upon to speak and I stayed until after 10:00. Many more people wanted to speak, but time was not made for us.”
- “What a farce! not a real opportunity for public input”
- “Glad I got a chance to speak. The DEP format was horrible, however. Hopefully, there will be more hearings.”
- “Excellent speakers for those who were able to speak. Shame on the NJDEP for not holding in-person hearings.”
- “Testimony was great... DEP seemed bored... like they did not care”
- “Did not get a chance to speak”
- “no closed captioning for the hearing impaired. I wanted to speak. but could not follow along to know when to speak”
- “After waiting patiently for 4 hours last night, I learned that the public hearing was over without any time for me to speak”
- “The hearing was closed at 10pm. I hope that we can get in-person hearings!”
- “They had more than one hearing on this application in past iterations. This sounds like a fix may be in. I WAS fully registered and verified, yet was not called on.”
- “I cannot stay beyond 9:00. I will register (early if I can) if there is a second hearing”
- “Has DEP been asked to hold an in person meeting as only an online one is very demeaning... What a travesty. How abjectly disrespectful to us future victims of this environmental abomination cannot even comment vocally.”
- “Their not posting the speaker list order is disrespectful to the speakers and the time they are taking”
- “I am in the meeting but I cannot hear anything and I can’t figure out how to get the speaker to work for me in the meeting.”
- “I’m furious! I signed up & they never called me... my call dropped at the very end & I had to rejoin? Then they ended the meeting.”

It is clear to all of us that the deeply-flawed process used in this week’s hearing needs to be corrected. **We again urge the DEP schedule no less than three in-person public hearings, one each in Somerset, Middlesex, and Monmouth Counties where the pipeline and related**

facilities would be sited, and offer a virtual option to participate in each hearing using the Zoom platform.

Yours truly,

Matt Smith, NJ Director, Food & Water Watch

Ed Potosnak, Executive Director, New Jersey League of Conservation Voters

Anjuli Ramos-Busot, Director, Sierra Club

Ben Dziobek, Executive Director, Climate Revolution Action Network

Patty Cronheim, ReThink Energy NJ

Greg Remaud, Baykeeper & Executive Director, NY/NJ Baykeeper

Blair Nelsen, Executive Director, Waterspirit

Bill Schultz, Raritan Riverkeeper

Cindy Zipf, Clean Ocean Action

Jesse Burns, Executive Director, League of Women Voters of New Jersey

Phyllis Beals, Franklin Women's Club

Linda Powell, Franklin Township Task Force Steering Committee

Doug O'Malley, Director, Environment New Jersey

Kin Gee, President, CHARGE - Consumers Helping Affect Regulation of Gas & Electric

Ron Waetzman, Secretary, Board of Directors, Princeton Manor Homeowners' Association

Robert Scardapane, Resident

Louise Usechak, Monmouth County Resident