

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
September 27, 2013 -- 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Leslie Ficcaglia, Robert Jackson, Richard Prickett, and Candace Ashmun (1st Alternate)

MEMBERS ABSENT: Paul E. Galletta

OTHER COMMISSIONERS PRESENT: Ed Lloyd and Ed McGlinchey. (*Note: these Commissioners participated in the discussion but did not vote on any matter.*)

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan R. Grogan, Stacey Roth, Chuck Horner, Paul Leakan, Branwen Ellis, Jessica Noble and Betsy Piner. Also present was Ms. Kerstin Sundstrom, with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting to order at 9:35 a.m.

1. Adoption of minutes from the August 28, 2013 CMP Policy & Implementation Committee meeting

Commissioner Ficcaglia moved the adoption of the August 28, 2013 meeting minutes with the following addition (in italics) to the last paragraph on page 5: Commissioner Ficcaglia noted that one of those ponds *is at the headwaters of a wild and scenic river which hosts a globally endangered plant and many threatened and endangered species.* Commissioner Prickett seconded the motion and all Committee members voted in favor.

2. Executive Director's reports

Town of Hammonton Ordinance 011-2013, amending Chapter 175 (Land Development) of the Town's Code by revising the boundaries of and permitted uses in the AP/CLI (Agricultural Production/Compatible Light Industry) Zone

Commissioner McGlinchey arrived during this discussion.

Ms. Grogan directed the Committee to the map included in the packet and projected on the Smart Board depicting the Hammonton Airport and the areas rezoned through Ordinance 011-2013. She said that Ordinance 011-2013 clarifies and revises permitted uses in the AP/CLI (Agricultural Production/Compatible Light Industry) Zone. She said this was an unusual district in that it recognizes the pre-existing publicly owned airport and encompasses adjacent lands (some public

and some private) with light industrial uses. She said that over the years it has become complicated to administer development in this zone, with confusion as to what constituted airport related and ancillary uses vs. light industrial uses, as there are different standards for each. Staff has worked with the Town to rezone approximately 35 acres from this AP/CLI Zone to the AP Zone and develop standards to apply to all development within the AP/CLI whether airport related or not. The rezoned lands contain five existing single family homes and 25 vacant acres and are unrelated to any airport or light industrial use. Their inclusion in the AP/CLI Zone is unnecessary. By designating these lots to the AP zone, the size of the AP/CLI Zone is reduced from 185 to 150 acres. This is significant in that the Comprehensive Management Plan (CMP) specifies that the areas in which the light industrial uses are permitted should not exceed the size of the adjoining airport. The airport parcel is roughly 88 acres in size and, with this rezoning, the portion of the zone in which light industrial uses or other airport facilities or ancillary uses are permitted has been reduced from 97 acres (exceeding the size of the airport) to 63 acres (less than the airport parcel).

Ms. Grogan said that Hammonton has done a good job of applying the municipal flexibility provisions making clear what uses are permitted and allowing airport facilities and light industrial uses to be developed under the same standards throughout the Zone.

Commissioner Ashmun moved the recommendation to the Commission to certify Hammonton Ordinance 011-2013. Commissioner Jackson seconded the motion and all voted in favor.

Borough of South Toms River Master Plan and Land Use Ordinances (original certification)

Ms. Grogan said the Borough of South Toms River is the last of the Pinelands municipalities to come into conformance. The Borough contains 1.2 square miles, of which 260 acres is within the Pinelands Area. It is entirely within the Regional Growth Area and is almost completely developed. On the Smart Board, Ms. Grogan showed the newly adopted zoning map and identified the various zoning districts, as well as the sole remaining vacant piece of private land, a 22-acre parcel in the Special Economic Development (SED) Zone. She said it was likely that the Borough's failure to come into conformance long ago is because of the lack of vacant land and lack of potential for development. She said that a new administration in the Borough has a good relationship with the Commission, has worked hard to update the Master Plan and land use ordinances and is enthusiastic about coming into conformance.

Ms. Grogan showed a second slide, an aerial view depicting the vacant parcel surrounded primarily by existing commercial and residential development. She said that the SED zoning is primarily for commercial development but it will allow higher density town homes for which 25% of the units will require PDCs. Ms. Grogan said that coincident with the Master Plan review the Borough was reviewing a locally controversial use variance application on a roughly 5-acre portion of this vacant parcel. As described further in the report, if the Borough Land Use Board denies the application, the denial will be forwarded to the Commission for review. The applicant had submitted a letter requesting that his certificate of Compliance (the completeness document for an uncertified Pinelands municipality) be honored, and the report confirms that the Commission will not require the applicant to receive a Certificate of Filing (the completeness

document issued in certified municipalities). It is anticipated that it may take several more months for the application to go through the local approval process.

Commissioner Ficcaglia moved the recommendation to the Commission to certify the Borough of South Toms River's Master Plan and Ordinances. Commissioner Jackson seconded the motion and all voted in favor.

Commissioner McGlinchey arrived at 9:55 a.m.

3. Continued discussion of South Jersey Gas' proposed project to repower B.L. England

Note: All references to the pipeline are to a proposed pipeline.

Chairman Lohbauer announced that representatives of South Jersey Gas (SJG) would be making a presentation this morning on their proposed project to repower the B.L. England (BLE) plant with natural gas.

Mr. Robert F. Fatzinger, Senior Vice President, Engineering Services and System Integrity, thanked the Commission and staff and he made a presentation on the Smart Board (*Attachment A to these minutes and subsequently posted on the Commission's web site at:*

http://www.state.nj.us/pinelands/images/pdf%20files/SJG_Pinelands_Presentation_2013_09_27_final.pdf

Mr. Fatzinger said the Board of Public Utilities (BPU) has determined that this (the repowering of the BLE power plant using gas, rather than coal) is a necessary project and has issued a Board order to construct the pipeline. Through a series of maps, he identified the location of SJG infrastructure and the proposed project, including potential route alternatives and the final route chosen by SJG through Maurice River Township, Estell Manor City and terminating at BLE in Upper Township. BLE is located in the Pinelands National Reserve (PNR). He said the project will fill two objectives: to serve BLE, and to enhance reliability to Cape May and Atlantic County customers. He said that even if BLE were not repowered, SJG still intended to build the pipeline for reliability purposes.

In response to questions from the Committee, Mr. Fatzinger said that an existing 16" pipeline serves current customers in Cape May and Atlantic Counties. He went on to describe the impact of a service disruption and the difficulty of restoring gas service. He said that, in case of a significant emergency, it would take months to restore service to all of Cape May County. Restoration requires that each meter be visited for turn-off and then again for turn-on and relighting of appliances when gas is restored. BPU has asked utility companies to propose actions to "harden" their systems. SJG's proposed pipeline for redundancy will do that.

He described the three routes that had been considered by SJG. He said Route C was eliminated due to wetlands and other environmental issues as it followed the course of an abandoned railroad line that has since revegetated and become suitable threatened or endangered species habitat. Route B (a route underneath Great Egg Harbor Bay) was rejected for multiple reasons,

including the risks posed by horizontal directional drilling (HDD) for such a long distance with multiple curves, encroachment into wetlands on the north side of the Bay, the temporary relocation of some 15 homeowners while HDD was occurring and a concern with diminished reliability benefit. Route B would not be developing a desired loop, but would merely extend the line.

Mr. Fatzinger said Route A was selected as it uses an established right-of-way with minimal environmental and residential impact, while providing significant reliability benefit.

In response to a question from Commissioner Ficcaglia regarding the depth at which HDD occurs, Mr. Richard Bethke, Project Manager for SJG, responded that the HDD is angled at a slope of some 8° to 12° and will stay beneath any water bodies to a maximum depth of some 60 feet.

In response to a question from Commissioner Ashmun, Mr. Bethke said no such evaluation of angles and depth was done for Route B because it was rejected; it would have been a complex 7,000' construction project.

Mr. Fatzinger said that the safety of the HDD process for Route A is well within available technologies.

In response to Chairman Lohbauer's question regarding bentonite, Mr. Fatzinger said it is used to keep the opening clear during the drilling process. Bentonite is not a proprietary dangerous chemical. It is injected and then collected. There are safety measures, including use of sediment control measures, to keep it from being released into the environment.

In response to Commissioner Prickett's question regarding the containment efforts, Mr. Bethke said once the location of the breakout is identified, an earthen berm is created along the area of the bentonite escape and then the bentonite is pumped out and recaptured.

In response to questions from Commissioner Jackson, Mr. Bethke said soil borings are done at the beginning and the end of the drill route. This is where breakout might occur.

Mr. Steve Ewing, a consultant to SJG, said that the pipeline operation would be closely monitored. Any change in pressure would initiate an action to shut off the pipe so that gas would not leak into the environment.

Responding to Commissioner Ficcaglia's question as to the impact of escaping gas on Cumberland Pond, Mr. Ewing said the gas would rise and dissipate into the air.

In response to other questions from the Committee, the SJG representatives said during the drilling process, any bentonite loss would be detected by a change in pressure. Drilling would stop immediately (with no further bentonite added to the process) and would not resume until the leak had been detected and repaired. The pipelines are not drilled directly under the ponds, but rather under the adjacent road and box culverts.

Chairman Lohbauer asked SJG to provide any available data on bentonite escape and Commissioner Jackson added, specifically, escape under water. Commissioner Ficcaglia added that there must be some knowledge of this occurring as that was one of the reasons given previously for the rejection of Route B and the potential threat to benthic organisms.

In response to Commissioner Prickett's question as to what BMPs SJG would be following, Mr. Ewing said the State stormwater BMPs that apply to any project. He said for the entire construction area there would be sedimentation controls and measures to protect fauna (particularly turtles and snakes); a known threatened and endangered (T/E) population of plants would receive additional protection from a secondary silt fence and a 4' orange construction fence to prevent anyone from walking on the plants. These protection measures will remain in place until the disturbed areas have stabilized.

In response to Commissioner Ficcaglia's question regarding the areas chosen for the T/E studies, Mr. Ewing said the study areas were identified by Commission and NJDEP staff and Trident (the consultant).

Commissioner Ashmun asked if these same controls would apply to the extensive storage areas. Mr. Ewing said they would but that not all the storage areas would be used. Ms. Branwen Ellis, an environmental specialist with the Pinelands Commission, said that the storage area sites were thoroughly evaluated by staff regarding stormwater BMPs, T/E species, cultural resources, etc.

In response to questions from Chairman Lohbauer and Commissioner Jackson, regarding native soils and vegetation, Mr. Ewing said that grass species that would do well under mowing conditions would be used and the contractor would be responsible for the soils.

Mr. Fatzinger said that the pipeline will be built to Class 4 standards (the most stringent) with a cathodic anti-corrosion system, and remote state-of-the-art shutoff valves. Once the pipeline is in service, many features are regulatory driven, such as the monitoring and periodic integrity assessments. The pipeline will be buried 4' deep to protect it from excavation and fire. The inspections will be done by foot patrols, and annual reports are provided to the State and federal governments.

In response to Chairman Lohbauer's question about tree removal, Mr. Bethke said, in the Pinelands Area, the pipeline will be located entirely within the road right-of-way. The Department of Transportation has asked that some 10 or 12 white oak trees be cleared on Route 49 but that is the limit of any tree clearing.

Mr. Bethke said at the interconnect station in Tuckahoe, a 99' x 99' area will be cleared of vegetation. Drainage and a remote operating valve will be installed.

Mr. Fatzinger said the pipeline will be a loop configuration in order to provide redundancy to Cape May and Atlantic County customers. The gas will come from the west and must travel across the State.

Commissioner Ashmun said a number of these customers are in the Pinelands National Reserve

(PNR) over which the Commission has no jurisdiction. She asked how many customers were in the Pinelands Area (PA).

Mr. Bethke said that SJG's calculations did not distinguish between the PNR and the PA.

In response to Commissioner Ashmun's questions about electrical redundancy if BLE were to shut down, Mr. Fatzinger said that the analysis is different for each utility.

In response to Commissioner McGlinchey's question as to how big a pipeline would be needed to serve just the customers other than BLE, Mr. Fatzinger said he believed that a 24" line would still be needed in order to provide service to both Cape May and Atlantic County customers.

Mr. Bethke added if a service interruption were to occur, BLE would stop operations and the gas would serve only as the redundant supply.

Chairman Lohbauer asked SJG to provide a written statement as to the level of absolute necessity and Mr. Fatzinger responded that an answer would be provided.

Commissioner McGlinchey asked which agencies had rejected Routes B & C. Mr. Bethke responded: Army Corps of Engineers, NJDEP and Pinelands staff; SJG had discussed all the routes with all the agencies.

Mr. Ewing said Pinelands staff requested SJG to follow the existing right-of-way as their biggest concern was going through the reforested area of Route C.

Commissioner McGlinchey asked if BLE were to shut down, would SJG still build the redundancy pipeline. Mr. Fatzinger responded that it was SJG's intent to still build the reliability line.

In response to Commissioner Lloyd's question regarding number of outages, Mr. Fatzinger said 35,000 customers on the barrier islands lost gas service during Superstorm Sandy.

In response to questions about monitoring, Mr. Fatzinger said a special construction project manager will be hired to oversee the project. As part of the bidding process, an emergency response plan must be submitted. Mr. Bethke said that he would be on site or otherwise available to deal with complaints.

Chairman Lohbauer said SJG is asking the Commission to approve something that is not normally permitted. If it were to proceed to an MOA, there would be an offset required. He asked Mr. Fatzinger what SJG anticipated the impact will be on this 14 mile stretch of pipeline and had he done any analysis of those impacts.

Mr. Fatzinger responded that no such analysis had been done.

Ms. Wittenberg announced that the SJG representatives would stay in order to respond to any questions and secure answers for the public.

Chairman Lohbauer said the Committee had heard from BPU, SJG and staff and is now at the juncture in the process to ask staff to analyze the environmental impacts and initiate a draft MOA.

Commissioner Ashmun said, for clarification purposes, this was not an up-or-down vote but a request for a draft from staff. Commissioner Lloyd added staff will prepare a record and provide information to the Committee and Commissioner McGlinchey said staff has an obligation to write a report on any application.

Commissioner Ficcaglia left the meeting at 11:20 a.m.

4. Public comment

Ms. Jessica Noble, Executive Assistant, called the names of each speaker as listed on the two sign-in sheets provided and used her cell phone alarm to announce the 3-minute time intervals allowed to each speaker.

Chairman Lohbauer invited Jeff Tittel, who had not realized that there was a sign-in sheet, to speak first.

Mr. Jeff Tittel, Director, NJ Sierra Club, said SJG wants the BPU to tie the hands of the Commission in approving this pipeline. He said the pipeline would handle more gas than would be needed by the population of the region and that the Commission needed its own experts to evaluate the project. He said the Sierra Club did not believe the Commission could sign an MOA with the BPU because the BPU does not build pipelines. He said New Jersey is building four new gas plants and the demand is not there to repower BLE. Furthermore BLE may not be able to secure a NJPDES (New Jersey Pollutant Discharge Elimination System) permit because of the absence of cooling towers and the impact of the discharge of hot water directly into the Great Egg Harbor Bay. He said that the environmental impact statement failed to look at secondary impacts and, if the Commission were to deny this pipeline, it would be built as a loop in the current pipeline right-of-way. He said the Commission should not direct staff to draft a MOA because it needed more facts. He said this is the Comprehensive, not *compromise*, Management Plan.

Mr. Jonathan Chowansky, Manager, Government Affairs, South Jersey Chamber of Commerce, said the Chamber expresses strong support to convert BLE to a gas-fired plant. It was imperative that SJG be proactive in repowering the plant, and the pipeline would not negatively impact the Pinelands because it will run under an existing right-of-way.

Ms. Judy Assenheimer, with the Pinelands Preservation Alliance (PPA), said she supported Mr. Tittel's comments and asked that the Commission deny the pipeline. She cautioned that pipelines degrade over time and expressed concern with the effects of leakage and rupture. She said the resulting chaos to the environment is at odds with the Commission's mission.

Ms. Theresa Lettman, with PPA, said Commissioner McGlinchey had asked about the determination by other agencies. She said she had reviewed all applications submitted by SJG

and cited an August 7, 2012 email from NJDEP to the Army Corps of Engineers (ACE) indicating that the selected route had been chosen because it worked with the time schedule. This was followed by an August 13, 2012 email in which ACE responds that it was checking internally but, to the sender's knowledge, SJG had not contacted ACE. She said that the Commission should contact the National Park Service about its concerns with this project.

Ms. Nancy Klein, retired personal assistant to Tom Brown, Jr. (Tom Brown Jr.'s Tracker School) thanked the Commission for its work. She cited the plaque outside the room designating this building as the Richard J. Sullivan Center for Environmental Policy and said the Commission had the authority to say no to this project. In failing to say no, the Commission will have opened the floodgates for others to take advantage of loopholes. She said SJG is a big corporation concerned with the bottom line and the Commission needed to recognize this project was a huge turning point for the Commission and the State.

Dr. Ron Hutchison, with AFT 2275, Stockton College and SJ350.org, said energy use in NJ had peaked in 2008 and there are already gas plants being built elsewhere in the State. He said the Commission needed to consider the impacts of what goes into the pipeline: natural gas and CO₂. He said there are social impacts, including those to future generations. He said if BPU were really committed to providing clean energy, it needed to promote geothermal and wind power.

Ms. Diane Marie, Upper Township resident, asked about the integrity of the soils after they are disturbed. She cited an article in the April 7, 2013 edition of Forbes and said that wherever there is a pipeline, there are leaks. She listed all the States and Canadian provinces in which leaks had occurred.

Ms. Janet Jackson-Gould, said she had been involved with the Commission at the time the CMP was written and she asked about cumulative impacts. She said she did not believe BLE needed to be re-fired and asked the Commission to deny the project and oppose an MOA.

Ms. Temma Fishman, Medford Lakes resident and parent and grandparent, said the pipeline is a violation of the CMP and the Pinelands itself. She expressed concern for the purity of the drinking water, clean air, solace and recreation provided by the Pinelands. She said it is irrational to think that there will not be a rupture. She asked where else could one find a jewel like the Pinelands and why would we squander it for business. She pleaded with the Commission to protect the Pinelands.

Mr. Paul Dietrich, Upper Township municipal and planning and zoning board engineer, said that the Township Planning Board had asked him to deliver a copy of Resolution 07-2012 endorsing the repowering of BLE (*Attachment to file copy of minutes*). He said the Township Planning Board had reviewed the modifications for re-powering the plant and that no public comment had been offered at that time.

Mr. Steve Martinelli, said he had offered testimony at the last meeting and he had signatures from many supporters of the project. He said he served as the Chairman of the Board of Education Building and Grounds Committee and as the Director of the Business Association of Upper Township and these groups likewise support the pipeline.

Ms. Hedy Bauer, Willingboro Township, NJ resident, said she was a frequent visitor and the pipeline would be detrimental to the Pinelands. She said the creation of the Pinelands in 1978 was a bold act of stewardship, that the Kirkwood/Cohansey aquifer would be vulnerable and the Commission should say no to the pipeline.

Dr. Ted Gordon, former Pinelands Commissioner and a botanical consultant, said he was familiar with the Pinelands planning process and had been a contributor, with Dr. David Fairbrothers, to the CMP list of rare and endangered species. He said an MOA is a means to circumvent the CMP and the pipeline is not a benign proposal.

Ms. Blanche Krubner, said she heard a lot of support for opposing the pipeline and if ideas were being repeated it is because so many were fervently opposed to the pipeline. She said this was a case of regulatory capture by industry. She said there is a sense today that the staff sees the applicants as stakeholders. She said it was vital that the Commission hire a professional to evaluate this project. She asked where the oversight would be and asked for more details. She said the applicant needs to respect the Pine Barrens and the Commission needs more details. She said when she heard this morning that staff had been asked to draft an MOA, she felt the Commission had placed itself half way to surrender.

Ms. Becky Free, Director of PPA Membership and Outreach, said the online petition had gained nearly 11,000 signatures and that 500 letters had been sent to the Assembly opposing this project. She thanked the Commissioners for their efforts.

Ms. Georgina Shanley, said the information provided by SJG and BPU is completely biased and this project is evidence of corporate greed at our doorstep. She said she had been attending these meetings since June and had felt that there had been a little bit of hope but now that staff has been instructed to draft an MOA, not so much. She said the public has made numerous requests to allow a restoration ecologist to make a presentation and that has been denied; there is a total slant towards industry. She asked Chairman Lohbauer to call for a vote on whether or not an MOA should be proposed. She said the public has lost control to the people in suits and it is frightening.

Mr. Searle Redfield *was not able to stay until his name was called but he left a written statement with Ms. Noble and it has been added to the file copy of the minutes*

Mr. Bill Wolfe, with Public Employees for Environmental Responsibility (PEER), said he had made three recommendations previously: that there was no standard to deal with an equivalent level of protection for an MOA; that the Commission ask independent engineers and scientists for an objective analysis of the project; and that staff develop a nexus between this project and climate change, a threat to forest ecology. He said today there seems to be a strong disconnect. The BPU June 21, 2012 order has no regulatory mandate; "order" is its term for a permit. NJ DEP may review the project but this is not BPU and DEP ordering the repowering of BLE. This is not a public project, and it is compromising the integrity of the Commission and its staff. He asked if there had been inter-agency collaboration because there was already mention of an MOA at the June meeting. He said this has been a corrupt process.

Ms. Diane Wexler, with NJ Pipeline Walkers, displayed a large aerial photo of a swath through the forest near Vernon, NJ created when a gas pipeline was installed. She said the trees that were replanted cannot survive and the wetlands cannot be restored. She said the special wording in the agreement, “wherever possible” resulted in the clear-cutting of the forest. She said approving the pipeline in the Pinelands will be a contradiction to the Commission’s goals.

Ms. Bev Budz, with NJ Pipeline Walkers, also discussed the deforestation in Vernon, NJ and the impact on the ecosystem from depletion of soils as well as dust, noise and displacement of animals. She described the experience facing her community and said that NJDEP does not have the manpower to provide oversight of the pipeline.

Ms. Wendy Brophy, Tabernacle, NJ resident, expressed concern with how much this project will violate nature. As an example, she described how Eastern box turtles utilize ancient trails, invisible to man, and how disruption of these pathways by man-made roads, trails and pipelines threatens the turtles’ survival. She said the Commission was the last line of defense to protect the Pinelands.

Mr. Fred Akers, with the Great Egg Harbor River Association, said he recalled earlier discussions of trying to encourage more public participation and how that has been accomplished with this agenda item. He asked the Commission to review the public comment received for Plan Review on the MOA process. He then distributed a map and a list of 15 streams that would be traversed by this pipeline, not the four listed on the SJG plan. He added that one should not expect that an aging box culvert would be adequate to shield a stream from the impact of a leak. He agreed with previous comments that the BPU is not a development entity and cannot be an applicant for an MOA. He said the alternatives analysis provided are inaccurate. He said along Route 50, a 24” line could be run parallel to the existing 16” line to BLE but where was that alternative analysis. He said that SJG rejected Route B in part because of wetlands and an inadequate staging area on the north side of Great Egg Harbor Bay. However, if they were to utilize the site at BLE on the south side of the Bay, there is already a railroad terminal and adequate uplands for a staging area.

Mr. Joe Harkins, with Local 322 of the South Jersey Building Trades, said he had brought 200 letters of support for the project.

Ms. Margo Pellegrino said this had been the most disappointing meeting yet. She asked the Commissioners not to be bullied by political interests and said the possibility of offshore shipment of gas from BLE was very real.

Ms. Bridget Reilly asked for whom or what are BMPs “best”. She asked, based on the experience from Superstorm Sandy, why would one consider redundancy by using gas at the shore. This is an inappropriate system for the shore, where solar should be used instead. Finally, she asked the Commissioners to be champions of the Pinelands.

Mr. Barry Brown said no pipeline was needed. The experiences of the Exxon Valdez wreck in Alaska and BP’s oil spill in the Gulf of Mexico are examples of too much money and power

directing development in the wrong places. The decision-makers choose economics over safety and always at the expense of the environment. He said those opposed to the pipeline should not assume that because they are right, they can win. He said he was confused about the Commission's position on this project.

Ms. Sharon Finlayson, with the NJ Environmental Federation (NJEF), said when projects are proposed, they are always presented as using the best techniques with minimal impact. Never does one hear about a project that will use poor grade materials or techniques. Yet, the "oops factor" comes later. When the project fails, everyone seems surprised and asks how it could have happened. She said to the Commissioners, for the sake of the future and their reputations, that they do not initiate an MOA and that they deny the pipeline project. She said the public is light years ahead of the energy providers in its interest in solar and wind power.

Ms. Ann Kelly said she opposed the pipeline and hoped that this was not already a "done deal." She said big business doesn't clean up and legally has the right not to do so thanks to the American Legislative Exchange Council (ALEC). She said anyone in favor of this project will profit from it, and she didn't see how anyone could be in favor of this dirty, invasive process.

Ms. Janet Tauro, with NJEF, said Commission members may be volunteers who donate much of their time, but there is a perception of bias. She said the Commission needs an independent environmental evaluation of this project, and she asked that SJG define "limited" environmental impacts. She said she was disappointed that the Commission was denied the opportunity to hear from Kevin Heatley on the impacts of the pipeline on the forest. Finally, she said NJDEP and BPU do not "order" private industry to build things.

Ms. Marianne Clemente, Barnegat Township resident, thanked the Commissioners for the important service they provide but asked them to look at their mandate and mission. She said today she had endured the disrespectful talking throughout the meeting by a SJG representative sitting behind her in the audience, denying her the opportunity to hear what was being said. She referenced previous objections to the Commission's acceptance of documentation presented by Walters Homes regarding endangered species in Barnegat Township. She asked why the Commission has not responded to the request for a presentation from an independent consultant and why didn't SJG consider a route going around the environmentally sensitive areas. She commented on the fact that SJG did not know which customers were in the Pinelands Area and which in the Pinelands National Reserve. Finally, she said t she found it mind-blowing that people would consider putting the Kirkwood/Cohansey aquifer at risk.

Mr. David Pringle, with NJEF, said he could see no reason why the Commission would support the pipeline proposal but many reasons to oppose it. He said many of the issues are beyond the scope of the Commission but the project doesn't benefit the Pinelands, and SJG is not a public entity into which the Commission can enter a MOA. He said that if the Commission does not oppose this project, it will break the trust of the environmental community.

Mr. Peter Ferwerda, Warren Grove resident, said he had heard nothing from SJG regarding the benefits of this project to the Pinelands. He said he didn't think there were benefits, and he wanted to see a thorough evaluation of the positive and negative impacts from the project.

Mr. Tom Mahedy, with Genesis Farm, said this project has created many activists, and he would like to see government officials fund solar and geothermal projects.

Mr. Arnold Fishman, Medford Lakes resident, said he was a litigation attorney. He cited the authority to allow the Commission to waive strict compliance upon finding that particular projects alleviate hardship or satisfy compelling need, which he said was the leg on which the applicant is standing. He said he did not feel that the applicant has made its case and that drafting a MOA is premature.

Ms. Joy Ramer, said this has been a very long morning and this is a sad state of affairs. The damage from this pipeline will be irreparable and the gas company will be reaping profits. She referenced the map of existing lines and asked why, if one such line is only 3 years old, the gas company didn't know where they were going at that time. She said now they'll need more and bigger lines. She asked that the Commission please not accept everything that has been said today but to think about the reality of the future.

Mr. Mike Neuhaus said he opposed the pipeline and is disappointed, but not surprised, by the request to draft the MOA. He said BPU and SJG will not police the project and the public needs its own monitor. He asked the Commission to make sure that the monitoring occurs, for the sake of the native species.

Ms. Emily Reumen, with Food and Water Watch, said she was pleased to hear the questions from the Committee this morning. She asked how the proposed location could be considered a responsible place to site a pipeline and said that annual leak surveys are necessary because pipelines leak and that the industry is struggling with how to deal with methane leakage. She said she believed the Commission needed more information on pipeline safety and invited the members to attend a November conference in Pittsburgh on fugitive methane and climate change. She said that Kevin Heatley would be speaking on the ecological impacts.

Commissioner Ashmun said that she was still waiting for an analysis of secondary impacts of the proposed pipeline.

There being no other items of interest, the meeting adjourned at 1:40 p.m. (moved by Commissioner Prickett and seconded by Commissioner Ashmun).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: October 15, 2013

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