

Adopted January 6, 2014

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey  
December 4, 2013– 9:30 a.m.

MINUTES

**MEMBERS IN ATTENDANCE:** Chairman Mark Lohbauer, Leslie Ficcaglia, Paul E. Galletta, Robert Jackson, Richard Prickett and Candace Ashmun (2<sup>nd</sup> Alternate; by telephone)

**OTHER COMMISSIONERS PRESENT:** Sean Earlen, Ed Lloyd and Ed McGlinchey

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Larry Liggett, Susan R. Grogan, Stacey Roth, Chuck Horner, Paul Leakan, 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 9:45 a.m. He sadly noted the passing last weekend of John Haas, who had served as a Commissioner for eight years, including as Vice-Chairman since 2010. He read Commissioner Haas' obituary and noted that John had been a great help to him as a committed and thorough supporter of the Pinelands and advocate for permanent land protection. He said he would be sorely missed.

Other Commissioners echoed the sentiments of Chairman Lohbauer regarding this loss to the Commission.

Ms. Roth read the Open Public Meetings Act statement. She announced that this meeting was of an advisory Committee to the Commission, and no formal action would be taken today.

**1. Discussion of a proposed Memorandum of Agreement between the Pinelands Commission and the Board of Public Utilities**

Chairman Lohbauer said that this special meeting had been called to review the provisions of a proposed Memorandum of Agreement (MOA) between the Pinelands Commission and the Board of Public Utilities (BPU) to allow South Jersey Gas (SJG) to construct a pipeline through the Pinelands Forest Area (FA) to repower the B.L. England energy generating plant in Upper Township and provide redundancy of service to South Jersey customers.

*The draft proposed MOA is located at:*

[http://www.state.nj.us/pinelands/infor/moa/Under%20Consideration/Draft%20PC-BPU%20MOA%2011-27%20\(Posted\).pdf](http://www.state.nj.us/pinelands/infor/moa/Under%20Consideration/Draft%20PC-BPU%20MOA%2011-27%20(Posted).pdf)

Ms. Wittenberg made a presentation (*Attachment A to File Copy of these Minutes; also located at:*

[http://www.state.nj.us/pinelands/images/pdf%20files/Proposed%20MOA%20with%20the%20Board%20of%20Public%20Utilities%20\(For%20NW\).pdf](http://www.state.nj.us/pinelands/images/pdf%20files/Proposed%20MOA%20with%20the%20Board%20of%20Public%20Utilities%20(For%20NW).pdf) in which she described the route of the proposed pipeline, reviewed the past presentations on this matter, listed the approvals granted by other agencies and discussed the consistency with the Comprehensive Management Plan (CMP). She said the project meets the environmental standards of the CMP, but not the land use standards which do not permit the development of public infrastructure as a matter of right in the Forest Area unless it serves primarily the Pinelands.

In response to Commissioner Galletta's question, she said Pinelands refers to both the State-regulated Pinelands Area and the Pinelands National Reserve. In this case, the service component of the project does not meet the standards as there are more customers (meters served) outside the Pinelands than within.

Ms. Wittenberg said that the presentation included staff research on the proposed project. She said there have been many gas pipelines (specifically SJG) constructed in the Pinelands Forest Area (FA), all of which had been permitted through the Certificate of Filing process. This is the first time such pipeline development has been considered through an MOA. She asked Ms. Roth to address the perception that MOAs are done only between the Commission and public agencies, e.g. municipalities and counties, rather than private parties.

Ms. Roth said, as a result of the 2<sup>nd</sup> Plan Review (the mandatory periodic CMP review), the provision for deviation MOAs was adopted in 1994. Over the years, the Commission has consistently determined that not only MOAs with public agencies but MOAs with private entities but having public purpose can be authorized. She listed a number of such private but public purpose instances, noting the wide range of issues that had been addressed in the past. She said, in New Jersey, as in most states, public utilities are provided by private entities. The NJ BPU is mandated legislatively to oversee utilities including construction, equipment, lines, franchises, financing etc. as well as any incidental powers to fulfill its obligation. Since 1911, the BPU has overseen all utility franchises in NJ and is therefore a quasi-public body. SJG has 360,500 customers in its franchise. There is no public agency providing gas service in New Jersey.

Ms. Wittenberg said over the past several months, a number of issues have been raised regarding the need for the project. She said in addition to serving B.L. England, redundancy is needed to prevent loss of power to vulnerable South Jersey customers due to the increased likelihood of increasing storms. She said a gas-fired plant will provide increased air quality based on New Jersey Department of Environmental Protection (DEP) modeling studies, which show a reduction in certain emissions in the Pinelands, thus reducing mercury, acid rain, plant damage, ozone/SO<sub>2</sub> concentration, etc. associated with burning coal; those studies will be posted on the Commission's web site following this meeting. Furthermore, the pipeline responds to the State 2011 Energy Master Plan in both converting a power plant from coal to gas and to increasing redundancy.

Commissioner Ficcaglia asked if that pollution reduction takes into account that the B.L. England plant will be operating continuously, not intermittently as it did as a coal-fired plant.

Ms. Wittenberg responded that the DEP modeling studies did take that into account and noted that B.L. England had operated continuously until discussions concerning closure/conversion began in the late 2000's.

Ms. Wittenberg said that measures to afford an equivalent level of protection will include funding for land acquisition, the completion of the Education Center in the Richard Sullivan building and for education and outreach. She said the education components are the Commission's most important and joyful projects.

Ms. Wittenberg said the Commission will hire independent biologist(s), an engineer and an archaeologist to be on site during the construction and report to the Commission/stop the project, if necessary.

Mr. Liggett made a presentation on alternate routes for a gas line and the determination of offsets (*Attachment B; also located at:*  
[http://www.state.nj.us/pinelands/images/pdf%20files/Presentations%20\(Review%20of%20Alternatives%20&%20Offset%20Basis\).pdf](http://www.state.nj.us/pinelands/images/pdf%20files/Presentations%20(Review%20of%20Alternatives%20&%20Offset%20Basis).pdf))

He showed maps of Routes A (the one selected by SJG and the subject of the MOA), and of B and C, which had been evaluated and then rejected by SJG. He said that staff evaluated four other routes, identified as D, E, F and G, all of which went through existing rights of ways and all of which were rejected due to factors such as wetlands crossings, routes offering no redundancy, or a route using a bridge, potentially hazardous to both the bridge and the pipeline.

Commissioner Ficcaglia said she was concerned with Route A going under waterways and the potential impact on wild and scenic rivers and the fishing/clamming industry.

Ms. Wittenberg responded that both the National Park Service and the US. Division Fish and Wildlife have approved the route. She said she did not believe that threatened and endangered (T/E) species had been evaluated downstream.

Commissioner Ficcaglia responded that the downstream issue also will impact the Maurice River.

Mr. Liggett said that natural gas will not impact water as it not soluble in water at this temperature.

Mr. Liggett discussed what constitutes an equivalent level of protection and described the process used to evaluate an offset, noting that as more and more land is preserved in the vicinity of the pipeline, the less the impact from inappropriate hookups, adjacent pipelines and nearby inappropriate uses.

Commissioner Ashmun said that declaring the placement of a 24" pipeline in the ground as limited disturbance is ridiculous.

Mr. Liggett responded that there was an evaluation of the original project application, and it was determined that the disturbance would be temporary. There are pipelines throughout the Pinelands, with little disturbance. That is why the Commission will have monitoring during the construction phase to see that any disturbance is minimized.

Chairman Lohbauer said the public is concerned about the removal of many trees.

Commissioner Ashmun said that one needed only to look at the pipelines in North Jersey to see disturbance. One cannot build a pipeline without disturbing the land.

Mr. Liggett said a total of 12 trees will be removed due to line-of-sight concerns of the Department of Transportation, irrespective of the pipeline. He said the Horizontal Directional Drilling (HDD) process has been done throughout the nation and will be used in four cases in this project. The Commission will hire its monitors to observe the process in case of breakout. He said that breakout does not occur at the bottom of the grade, rather at the ends and the ends are not in the water.

In response to Commissioner Galletta's question as to what would happen should the Commission's engineer have a difference of opinion with the project engineer, Ms. Wittenberg said that the Commission's engineer would report to the Commission and cessation of the project could occur. No list of engineers has been considered yet.

Commissioner Prickett asked that an equipment list for the project be provided, with as many specifics as possible.

In response to Commissioner Jackson's concern with unforeseen fissures releasing bentonite during the HDD process, Ms. Roth said the Commission wants a breakout contingency plan so that appropriate mitigation measures can be taken.

Commissioner Jackson expressed concern about identifying the lots to be preserved in the vicinity of the pipeline leading to increased land costs. The identity of lands to be preserved in association with the MOA with the NJ Turnpike Authority for the Parkway road widening project was kept secret by the Commission.

Mr. Liggett responded that everyone could ascertain that the lands to be protected were near the interchanges.

Ms. Roth added that for the Garden State Parkway, staff gave similar presentations regarding primary and secondary lands to be acquired. The map shared this morning identifies just a blob around the pipeline route.

Commissioner Ficcaglia said the Commission had to depend upon the industry to reveal possible problems; the Commission does not have an independent, objective scientist to advise it. She said she had huge concerns regarding impacts on T/E and wild and scenic rivers.

Commissioner Lloyd said the discussion has been analogous to rearranging deck chairs on the Titanic. He said his view was that the Commission should not use the MOA process to allow the pipeline to go through the Forest Area. He said the MOA is a Waiver of Strict Compliance with no standards to protect the Pinelands.

Commissioner Jackson said he was disturbed by the process. He said last week, SJG asked for a 14% rate increase. If there is a compelling need for this pipeline, then SJG should come directly to the Commission. But, to have another agency, BPU, come in and say "my friend needs a deal" and serve as a witness runs counter to his interest in having SJG submit an application for a

waiver of strict compliance which the Commission could evaluate. He said SJG has already petitioned the BPU in order not to follow the rules and that this MOA is an appearance issue that makes the Commission look really bad right now.

Commissioner Ficcaglia said that she had major issues with an MOA also.

Commissioner Galletta asked why an MOA had been brought before the Commission, rather than an application for a waiver of strict compliance.

Commissioner Ficcaglia said that it was because it may be an easier path.

Commissioner Jackson said that it was a means to circumvent the process; he wanted to see a serious public need comparable to paving a dirt road (*likely a reference to Pinelands Application # 2005-0041.001 allowing the paving of Prince Street in Woodland Township*).

Ms. Roth cited N.J.S.A. 40:55D noting that BPU is exempt from any zoning, site plan review or other municipal land use ordinances or regulations promulgated by the affected municipalities and counties for the siting or construction and operation of the proposed pipeline. She said BPU had issued its approval based on its process and its obligations to provide for the service, convenience and welfare of the utility's customers.

Commissioner McGlinchey asked what additional information would be provided by an application for a Waiver of Strict Compliance.

Mr. Horner responded that the Commission had received few (<12) waiver applications based on compelling public need and most of them were for runway expansions on the military bases. The most recent one was the Mule Road project in Ocean County. He said for waivers of strict compliance, the test is for feasible alternatives and questions regarding financing and costs are raised.

Commissioner McGlinchey said he felt the Commission had already looked at the alternatives.

Chairman Lohbauer added that the cost and ratepayer impact are not issues for the Commission.

Commissioner Jackson said the perception is that the Commission is being paid off to allow this project and it does not play well with the public.

Commissioner Prickett said when one analyzes the MOA, there has to be a balance. He said he didn't think that looking at secondary impacts was adequate and the proposal was deficient in offering an equal level of protection of the Pinelands.

Commissioner Ficcaglia said she would like an objective consultant to see if this offset truly would offer an equal level of protection or are there dangers from this project of which the Commission is unaware.

Commissioner Ashmun said that she agreed with Commissioner Lloyd that SJG should be required to demonstrate a compelling public need. In the earlier presentations, first it was repowering the B.L. England and then it was providing redundancy.

Chairman Lohbauer said he would like to take Commissioner Lloyd's recommendation (to require an application based on compelling public need) to the full Commission next Friday.

Commissioner Ficcaglia asked if the December 9, 2013 public hearing could be canceled.

Chairman Lohbauer said that the public hearing had been advertised to allow more discussion and that the record would remain open through the close of business on December 13, 2013.

Commissioner Ficcaglia said she wanted an independent consultant and thought it wrong to depend solely on the information provided by industry.

Commissioner Lloyd said he thought the demonstration of compelling public need was a different standard from that for an MOA and he thought the public and applicant needed time to pursue a different process.

*The Committee recessed from 11:30 a.m. until 11:50 a.m. Commissioners Earlen and McGlinchey left at this time.*

Ms. Roth said that the Commission would proceed with the public hearing on December 9, 2013 and comment could be received through December 13, 2013.

In response to Chairman Lohbauer's question as to the process should the Commission decide to pursue a compelling public need waiver rather than an MOA, Ms. Roth said that it is a separate process requiring a separate public hearing.

Chairman Lohbauer said that those Commissioners with specific questions on the project such as those related to T/E species, wetlands, etc. provide them to staff who will make a determination as to the type of expert(s) needed.

Prior to opening the hearing to public comment, Chairman Lohbauer repeated the announcement of the public hearing to be held at 5 p.m. on Monday, December 9, 2013 at the Galloway Township Municipal Building.

*Commissioner Ashmun disconnected from the phone.*

## **2. Public comment**

Chairman Lohbauer asked that all commenters abide by the three minute rule and said that Ms. Noble's cell phone ring would be the official time clock.

**Mr. Michael Sheridan** said that the petition he had submitted previously now contained 12,235 signatures, all asking the Commission to deny the pipeline. He said that state-of-the-art technology does not equal safe technology. He said that it is not the job of the Pinelands Commission to create jobs for South Jersey. Rather it is to fulfill its mission statement to "...preserve, protect and enhance...". He asked the Commission not to rely on the assertions made by the applicant regarding the lack of impact of this pipeline.

**Mr. Tom Mahedy**, with Genesis Farms, acknowledged the passing of Commissioner Haas. He said that the identified alternatives presented this morning did not include alternative “N”, as in No. He said the pipeline is being built in order to export gas and the process has been an end-run around what the people want.

**Mr. Jim Schiavo** said he supported the pipeline project and that gas lines don’t usually blow up. He said there will be many safeguards on this project and he didn’t believe anyone wanted to damage the Pinelands. As this pipeline was needed for reliability, he asked the Commissioners to vote “Yes” for the MOA.

**Ms. Blanche Krubner**, with the Pinelands Preservation Alliance (PPA), said that the \$8 million to be offered as an offset was a payoff. She said that natural gas is not the only alternative to coal; there is also wind and solar energy. The B.L. England plant is located on a peninsula and it is that real estate, not the plant itself, which is the real goal. It will be very expensive to convert the plant from coal to natural gas and the location will be advantageous for exporting gas overseas. She said the Commissioners took an oath to preserve the Pinelands but this pipeline is a disruption.

**Ms. Martha Wright**, a Cape May County resident, said that no payment is worth allowing South Jersey Gas to install the pipeline through the unique and precious resource that is the Pinelands.

**Mr. Jack Miller**, Upper Township resident, said that the pipeline does not protect or enhance the Pinelands. He said eventually, small groups like the Pinelands Commission must stand strong against fracking by saying “No” to projects such as this.

**Dr. Lee Rosenson**, with PPA and the NJ Audubon Society, said if the Commission denies this pipeline, then South Jersey Gas will find another route to repower the B.L. England plant. The Commission’s only decision is whether or not it wants to approve a legal route or an illegal route. The Commission is not dealing with fracked gas vs. coal and oil. There is no real reason for the project to be approved and if the Commission does so, it will send a message to industry encouraging more development in the Pinelands.

**Mr. Mark Poulos**, with Union Local 322, urged the Commission to support the pipeline. It will provide jobs and greater energy reliability to the southeastern area of New Jersey. He said that if the Commission wishes to preserve the Pinelands, it needs to get rid of people and houses.

**Steven Fenichel, MD**, with Physicians for Social Responsibility, asked the Commission to read an article by John R. Froines, PhD regarding the health impacts of ultrafine particles such as those generated from fracked gas. He said they are a contributing factor to illnesses such as cancer, asthma and cardiovascular disease. He said he had some sober optimism that the Commission would do the right thing and not exploit the Pinelands.

In response to comments attacking staff, Chairman Lohbauer asked the public to refrain from such criticism as this was not a venue in which staff members could respond to defend themselves.

**Ms. Emily Reuman**, with Food and Water Watch, said she had a letter from 17 groups urging the Commission to reject the MOA and at least amend the process to include public involvement. She said that public engagement allows alternative views that might not otherwise be considered. Also, she noted the release of the MOA and public hearing notice on the eve of Thanksgiving made it difficult for the public to be involved. She asked that the time for comment be extended due to the holidays.

**Mr. Jeff Tittel**, said that MOAs are designed for public entities, not private for-profit companies. He said the MOA has cherry-picked information, some of which is outdated. He said New Jersey has added enough base load power in response to the Energy Master Plan. He said that BPU, not staff, should have been making the presentation, that the \$8 million was not South Jersey Gas money, but ratepayers' money. Furthermore, SJG is allowed to make a 10% profit. He said that the Commission should do its job and not conduct the hearing on Monday night as it had not yet decided what it wanted to do.

**Ms. Ann Kelly** said that it appeared that the Commission worked for South Jersey Gas. She said that clean energy such as wind and solar would create jobs.

**Ms. Marianne Clemente**, Barnegat Township resident, said that the staff presentations today appeared to have come from SJG. She said that there should not be a comparison of coal vs. gas as the coal is gone from B.L. England. She said that all the public requests that the Commission engage its own consultants to evaluate this project have been rejected. However, the MOA says that the Commission will hire experts to oversee the project while it is under construction which is well after the fact. She said the Commission needed to stand up to the political pressures upon it.

**Mr. Arnold Fishman**, Medford Lakes resident, said that he had waded through the MOA and was absolutely amazed that the Pinelands has been able to survive for so long in the absence of a pipeline. He said the question is not one of refiring the B.L. England plant or how a commercial enterprise can provide redundancy for its customers. Rather it is a question as to whether or not the Pinelands should be burdened with the pipeline. He said that this MOA should be DOA.

**Ms. Temma Fishman** described the problems with the Southern Pine Beetle invasion in New Jersey and how the Pinelands were already under siege as a result of global warming due to greenhouse gases. She said the trees did not need the additional stress resulting from the construction of a pipeline. She said, as shown by the NJ Pipe Walkers (*see minutes of September 27, 2013 meeting*), the impact of disturbance is a 300' swath on either side of a pipeline. She asked the Commissioners to think about how long it could take that area to recover.

**Ms. Janet Tauro**, with the NJ Environmental Federation representing some 150,000 individuals and 75 member organizations, said there was agreement within her group in opposing the MOA that had been released on the eve of Thanksgiving. She said it made no sense to conduct a hearing on Monday night as it did not provide the public with adequate time to review and perhaps hire expert testimony. She said the Commission has a problem with credibility with the public and the presentation leaves the public wondering who is representing whom. She said it appeared that the plan is done and in place, that experts should be hired before the project starts and that the Pinelands are not for sale for \$7 to \$8 million.

**Mr. Ernest Fricks, P.E.**, Gloucester County resident and Chair of the Energy and Environment Committee of the Southern New Jersey Development Council, said that his Council supports the gas line project. He said that it will provide energy security to customers who are vulnerable to the loss of gas from interruption due to events such as Super Storm Sandy. He said that loss of power leads to extreme hardship and economic impact. He said he had participated in an HDD pipe installation several years ago and all related activity was confined to the street.

**Ms. Jaclyn Rhodes**, with PPA, said her organization shared the sentiments regarding the loss of John Haas. She said that the Commission should not offer a list of earlier MOAs, some of which were poor projects, to justify a new bad project. She said the proposed MOA was posted on the web site only last Wednesday (November 27, 2013) and with a public hearing scheduled next Monday night (December 9, 2013) such a short turn-around time offered little time for the public to respond. She asked that an additional month be added to the public comment period.

**Ms. Vicki Schodowski**, Riverton, NJ resident, said the #1 goal of the Pinelands Commission is to protect the Pinelands whereas the #1 issue for SJG is to re-fire the B.L. England plant. She said this is a downstream issue with downstream meaning the future. She said the Commission should not take bribes and sell the Pinelands for an education center that will demonstrate indoors what is currently available out of doors.

**Ms. Georgina Shanley**, with the Citizens United for Renewable Energy (CURE), said she was heartened by the comments from Commissioners Lloyd, Ficaglia and Jackson. She said it was great to hear questions showing doubt and the Commission needs to feel comfortable before moving forward. She said there is no scientific information being given to the Commission and staff is fast-tracking the project because the industry needs to make a decision before the end of December about re-powering the plant. She asked why the public hearing couldn't be conducted in March to give the public a chance to do its due diligence. She said she has confidence in the Commissioners and that this was likely to be the biggest decision they would ever make in their lifetimes.

**Mr. Dave Pringle**, Campaign Director for Clean Water Action, asked how the Commission could conduct a public hearing when it appeared the Commissioners didn't know what they wanted based on this morning's discussion. He said if it wanted the public comment to be meaningful, then a 10-day notice was not credible. He said he believed it was illegal to limit each commenter to only 3 minutes (as directed in the Public Notice) before the hearing had even begun. He said if experts are to speak, they will require more than three minutes.

**Mr. Bill Wolfe**, with NJ Public Employees for Environmental Responsibility (PEER), said that there had been thoughtful, probing questions from the Commissioners this morning. He referenced a comment by Commissioner Jackson regarding rate increases and said that the BPU rate increase does not consider this project. He said he'd been asking the Commission to maintain the integrity of the process and that he has filed OPRA requests that have been denied. He said the Commission has denied the opportunity for an expert to get on the record and, procedurally, he cannot get the materials he needs for Monday night's hearing. He recommended that the Commission cancel the hearing and rescind the 3-minute rule.

**Ms. Ann Dixon** asked that the public hearing be canceled. She said pipelines are dangerous and she cited dangers from benzene and explosions. She said “Protect Our Waters” is trying to stop fracking in Pennsylvania.

**Ms. Tamara Clements**, rolled across the floor what she said was a long list of pipeline ruptures from 2008 through 2013. She described the many causes of pipeline ruptures and impacts from fracking.

**Ms. Coryn Wolk**, with Protecting our Waters, cited projected coastal flooding/erosion as the result of climate change and noted the damaging effect of a warming planet on agriculture. She said fracked gas releases the worst emissions even though it burns more cleanly than other fossil fuels and she provided supporting statistics.

**Ms. Bridget Reilly**, Medford Lakes, NJ resident, said that during the recess, she overheard the conversation of some pipefitters and she understood how a job is important. She said she appreciated Ms. Wittenberg’s comments on (*television channel 6*) Action News with the public unveiling of the \$8 million payout. She said as a gas customer, she was paying the Commission for doing what she opposes. She said she was now fast-tracking her home solar panel project. She said if the Commission decides to go forth with this, it will be an instant corrosion in the Pinelands.

**Ms. Margo Pellegrino** said she appreciated the questions today. She cited Carleton Montgomery (*Executive Director, PPA*) and said that this was about allowing a pipeline to go where it doesn’t belong in exchange for \$8 million. She asked the Commission to stand up to the pressures and oppose the pipeline.

**Ms. Marilyn Miller**, said she had learned from her union member son that there are lots of jobs in the development of wind and solar energy facilities, and she said there is no reason why those energy sources cannot be developed instead of this pipeline.

**Mr. Doug O’Malley**, Director of Environment New Jersey, thanked the Commissioners for this spirited discussion. He requested that the staff be directed to postpone the public hearing as the public needs more time to prepare. He said that, as Commissioner Jackson had noted, the provisions of the MOA have the Commission serving as the handmaiden of SJG and the Governor’s fossil fuel agenda. The best model for the B.L. England facility is to retire the plant. The Energy Master Plan is a guidance document but the Global Warming Response Act is law. There are more base-load plants coming on line and shortly NJ should be getting more than 1,000 megawatts of off-shore wind energy. This MOA does not address the need of the Commission to enforce the CMP.

**Mr. Jim Ruff** said the World Investment Conference has determined that the fuel of the future is solar energy. He asked why the Pine Barrens should be compromised for the 10-year profit of international companies. He cautioned the Commission not to trade our national treasure and its own integrity.

**Ms. Sharon Finlayson** said she felt as though today’s presentation had been made by SJG. She said in 25 years, she has yet to hear a proposal for any project that will be destructive or have any negative impacts. She opposed the concept of seeking experts based on individual questions

from Commissioners. She said there could be multiple issues of which the Commissioners are unaware. She said an independent expert was needed. This project smacks of political interference. She said the MOA issue is now unresolved based on this morning's discussion and the public hearing should be postponed. She said Commissioner Jackson's points were "on the money"; the Commission's integrity is tainted by the selling of this project for \$8 million.

**Ms. Peggi Sturfels**, with the NJ Environmental Federation, offered her condolences on the loss of John Haas and said her group thanked him for his service to the Pinelands. She said the Commission should not have offered to seek alternate routes for the gas line; that should have been the job of the applicant. The Commission should just accept the application and its associated route and then determine if it is acceptable, not find alternatives. She said she hoped the public hearing would be canceled.

**Ms. Roseann Monroe**, Browns Mills, NJ resident, said it took ten years to construct the Pemberton Bypass so how could this pipeline be allowed in such a short time. She said there are sink holes in Browns Mills from corroded pipes. She said that she had worked for former Commissioner Tom Darlington and she didn't think he would have approved of this project which will encourage more industry.

**Mr. Fred Akers** said he had asked for an alternatives analysis and appreciated Mr. Liggett's work. He said he didn't believe the gas company could have a better consultant than Pinelands staff. He said the Commission needed to find out if redundancy is truly a primary issue for the project. He said he did not believe that redundancy is a compelling public need for the project.

Chairman Lohbauer concluded the meeting by stating that the public hearing will proceed in Galloway Township on Monday December 9, 2013 with the record remaining open through December 13, 2013.

The meeting adjourned at 1:40 p.m. (moved by Commissioner Prickett and seconded by Commissioner Galletta).

Certified as true and correct:

  
\_\_\_\_\_  
Betsy Pinet, Principal Planning Assistant

Date: December 13, 2013

/CS15A