

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

January 10, 2014

Commissioners Present

Candace Ashmun (participated by telephone), Alan W. Avery, Jr., Bill Brown, Joe DiBello, Sean Earlen, Leslie Ficcaglia (participated by telephone), Paul E. Galletta, D'Arcy Rohan Green, Robert Jackson, Ed McGlinchey, Richard Prickett, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Amy Herbold and Deputy Attorneys General (DAGs) Helene Chudzik and John Renella.

Commissioners Absent

Ed Lloyd

Chairman Lohbauer called the meeting to order at 10:04 a.m.

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum.

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Committee Chairs' Reports

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on action from the January 6, 2014 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes from the November 22, 2013 and December 4, 2013 meetings.

The Committee granted a 30-day extension to the Trust for Public Land to acquire the Clayton property in Jackson and Manchester Townships, a project funded through the Pinelands Conservation Fund.

The Committee advanced the proposed Memorandum of Agreement (MOA) with the Board of Public Utilities (BPU) to the full Commission without a recommendation.

Personnel & Budget Committee

Chairman Lohbauer said the Personnel and Budget Committee will meet on February 4, 2014.

Plan Review Committee

Chairman Lohbauer said the Plan Review Committee would meet on February 14, 2014 following the Commission meeting.

Minutes

Chairman Lohbauer presented the December 13, 2013 Commission meeting minutes. Commissioner Jackson moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the December 13, 2013 Commission meeting were adopted by a vote of 12 to 0, with Commissioner Quinn and Commissioner Rohan Green abstaining.

Executive Director's Reports

Mr. Charles Horner updated the Commission on the following:

- He said the Commission would be working with municipal officials to resolve a clearing violation in Barnegat Township. The property owner received an "ineligible right to farm" determination from the Ocean County Agricultural Development Board.
- Staff met with a large mining operation that owns over 7,000 acres in the southern portion of the Pinelands to discuss and develop a habitat conservation plan.
- An issue has come to the Commission's attention regarding agricultural fields in Camden and Atlantic County being utilized as recreation fields. Staff is working with the different parties involved to resolve this matter.

Other

Chairman Lohbauer said he would like to discuss the matter of recusal. He said Commissioner Lloyd was asked to recuse himself from the proposed natural gas pipeline matter and he addressed the matter briefly at the December Commission meeting. Chairman Lohbauer said Commissioner Lloyd was unable to attend today's meeting and he requested that a statement be read into the record. Chairman Lohbauer then read the statement, which is attached to these minutes.

Chairman Lohbauer said a member of the public raised concerns about conflicts of interest for two other Commissioners with regard to the pipeline MOA. He said after consultation with the Attorney General's office and the Commission's Ethics Liason Officer (ELO), no conflict was found.

Chairman Lohbauer invited each of these Commissioners to make a statement.

Commissioner Rohan Green said that she is aware of the allegation that someone has suggested she needs to recuse herself because of her investments. She said after consulting with both the Commission ELO and the Attorney General's Office, she has been advised that there is no conflict of interest and there is no need for recusal.

Commissioner Brown said after seeking advice from both the Attorney General's Office and the Commission ELO, no reason for recusal has been determined.

Public Development Projects and Other Permit Matters

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.070, 1983-6262.006, 1986-0119.021, 2010-0047.004 & 2013-0032.001)(See Resolution # PC4-14-01). Commissioner Earlen seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Commissioner Prickett said he lives in Pemberton and he did not want there to be an appearance issue. He left the room for the discussion and vote on the Public Development Resolution.

Commissioner Ficcgaglia moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 2011-0157.001 & 2013-0154.001) (See Resolution # PC4-14-02). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0, with Commissioner Prickett not participating in the vote.

Commissioner Prickett rejoined the meeting.

Mr. Horner said the resolution to approve a Waiver of Strict Compliance will not be acted on today at the request of the applicant (Resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2011-0140.001)).

Memorandum of Agreement

Commissioner McGlinchey moved the adoption of a Resolution Authorizing the Executive Director to Enter into a Memorandum of Agreement with the Board of Public Utilities Regarding Construction of Approximately 15 miles of a 22-Mile, 24-Inch Natural Gas Pipeline in the State Designated Pinelands Area. Commissioner Galletta seconded the motion.

Chairman Lohbauer asked his fellow Commissioners if they had any comments.

Commissioner Prickett read a statement, which is attached to these minutes.

Commissioner Galletta said that a few years ago he experienced a prolonged power outage at his blueberry farm. Based on this he said he doesn't feel the grid is strong enough, thus we need to keep the BL England plant running. He has witnessed BL England polluting the air for years. He said he agrees with the equivalent protection component in the MOA to preserve land and closed by stating that the pipeline will be going under an existing road shoulder thus there will be a minimal impact to the Forest Area.

Commissioner Earlen said he feels using an MOA to run gas infrastructure through the Forest Area is an appropriate mechanism. He said he supports the project because no wetlands or habitat will be disturbed. He also said future development will not be encouraged because of the gas pipeline and believes that the amount of acres to be preserved in the southern forest is an adequate equivalent protection.

Commissioner Jackson raised a number of issues regarding the MOA that made him feel uncomfortable, starting with that fact that South Jersey Gas is a business rather than a government entity. He was not sure collaborating with a business was something that should be done. He said that South Jersey Gas should have come to the Commission first, not last. He said the creation of jobs and a strong grid are not in our purview. He said he will be making his decision based on the rules and his personal integrity.

Commissioner Brown stated that he lives within 1,800 feet of the BL England Plant and has suffered for 40 years with the pollution. He said the gas line will reduce the pollution by at least 50 %.

Commissioner DiBello said that he represents the federal perspective on the Commission. He said this application is very complex and controversial. He said the National Park Service has concerns with the process, the use of the MOA, and whether the equivalent level of protection is sufficient. (Please see the attached formal statement which was submitted by Commissioner DiBello after the meeting).

Commissioner Avery said he was concerned by comments that said the MOA was not the correct measure to process the proposal. He said when he was reviewing the South Jersey Gas file he found a memo from the previous Executive Director regarding MOA's. He said that, in the past, there have been four similar cases in which the Commission has entered into a MOA with a public entity where the work was performed by a private entity. He said he does not believe this is a unique path.

Commissioner Quinn said he feels there are more positives with this project than negatives. He said deviations to plans do happen. He said in the coming years we could be faced with a shortage of electricity with the closure of Oyster Creek. He commended the Commission staff for all the work that has gone into this project. He said he has read all the material that has been given to him and because the proposal is being developed in the road shoulder and there are no negative impacts to habitat, he supports this project.

Commissioner McGlinchey compared MOA's to a use variance. He said as long as MOA's don't become the rule and they remain exception to the rule, he is not opposed.

Chairman Lohabuer said he is very proud of this Commission, in the past couple of months we have showed patience as we listened to hours of public comment, he commended staff and he thanked the public and read a statement that is attached to these minutes.

Chairman Lohbauer read a statement from Commissioner Ficcgalia that is attached to these minutes.

Chairman Lohabuer requested the roll be called to vote on this matter.

Ms. Jessica Noble started with Commissioner Ashmun.

Commissioner Ashmun read a statement which is attached to these minutes statement.

Commissioner Ashmun: No

Commissioner Avery: Yes

Commissioner Brown: Yes

Commissioner DiBello: Nay

Commissioner Earlen: Yes

Commissioner Ficcgalia: No

Commissioner Galletta: Yes

Commissioner Jackson: No

Commissioner McGlinchey: Yes

Commissioner Prickett: No

Commissioner Quinn: Yes

Commissioner Rohan Green said since the day Governor Christie appointed her to this Commission, not a day goes by that she doesn't feel grateful for the honorable privilege. Commissioner Rohan Green said Governor Christie often uses the word principles, as did Commissioner Ashmun today. She said her principles guide her and are her compass. "I

feel duty bound to honor the sacred mission of the Pinelands Commission. I do not support this MOA and I vote No.," she said.

Commissioner Witt: Yes

Chairman Lohbauer: No

Chairman Lohbauer said the resolution did not carry.

The motion for the Resolution Authorizing the Executive Director to Enter into a Memorandum of Agreement with the Board of Public Utilities Regarding Construction of Approximately 15 miles of a 22-Mile, 24-Inch Natural Gas Pipeline in the State Designated Pinelands Area failed (See Resolution # PC4-14-03).

Public Comment on Agenda Items and Pending Public Development Applications

No public comment was offered.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioner had questions regarding the ordinance not requiring Commission action:

- Waterford Township Ordinance 2013-13

No members of the Commission had questions.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Michael Sheridan thanked Commissioners for dealing with the public the past couple of months and upholding the CMP.

Jeff Tittel said today was victory for the Pinelands Commission and the democratic process and emphasized the importance of independent Commissions.

Wilson Klein questioned why the meetings are held during the day.

Chairman Lohbauer said that this year we will have two night meetings.

Fred Akers said the public development application approved today forgave Buena Vista Township for some of its violations.

Chris Jage, New Jersey Conservation Foundation, said he is pleased that many of the votes made were based on purview.

Tom Mahedy said he was disappointed with the recusal of Commissioner Ed Lloyd. He thanked the Commissioners who voted against the BPU MOA.

Commissioner Ashmun signed off.

Arnold Fishman said his faith in government was restored today.

Temma Fishman thanked Commissioners for upholding the CMP.

Emile DiVito, New Jersey Conservation Foundation, said he was pleased with today's outcome. He raised concerns about future MOA's and hopes that they are reserved for extreme instances.

Margo Pellegrino apologized for her past bad behavior and said her faith has been restored after today's vote.

Bridget Reilly thanked Commissioners for all the work that has been done to come to the conclusion on the MOA decision.

Ted Gordon commended Commissioners for their hard work. He said the vote today was not about the pipeline but rather whether the MOA is an appropriate outlet for the project.

David Pringle, NJ Environmental Federation, thanked Commissioners and said this is what a democracy looks like.

Glenn Klotz said today was a victory for democracy and thanked the Commissioners, the public and the four Governors.

Bill Wolfe applauded Commissioners for honoring the integrity of the CMP. He also raised concerns about the project coming back to the Commission for a waiver of strict compliance.

Dan DeRosa, Environment New Jersey, thanked Commissioners for their vote today and protecting the Pinelands from the pipeline.

Katherine Harrelson thanked Commissioners for their thorough review of the issue and following the democratic process.

Marianne Clemente thanked Commissioners for doing a wonderful job.

Richard Fellows thanked Commissioners for their service and commended them for their decision.

Carleton Montgomery, Pinelands Preservation Alliance, was happy that the Commissioners viewed the MOA issues as an important one. He said the recusal process needs to be resolved and clarified. He questioned the purpose and function of Committee meetings. He said the Commission needs to ensure, when warranted, an independent expert investigation/review is done. He said it is now a great time for the Commission to focus on Plan Review.

Jim Rapp thanked Commissioners and reminded them our national treasures need to be protected.

Peg Sturmfels thanked all the Commissioners for braving the weather and for their service.

Mike Newhaus thanked Commissioners.

Doug O'Malley, Environment New Jersey, thanked Commissioners for listening to the public in the past months and thanked Commissioners who voted to protect the Pinelands.

Krissy Hawks, Surfrider Foundation, said that by protecting the Pinelands, you are protecting the water and, in turn, protecting our precious ocean and beaches.

Dianne Wexler expressed thanks to the Commissioners.

Blanche Krubner said she was grateful to all Commissioners because they voted with their conscience and was happy with the outcome this morning.

Ron Hutchison thanked Commissioners for their extreme patience the past 6 to 8 months. He said he hopes that the future will encompass an in-depth look at climate change in the forest ecosystem.

Beverly Budz expressed thanks to the Commissioners.

Adjournment

Commissioner Prickett said he is skeptical of unanimous decisions. He thanked his fellow Commissioners for their comments because he always learns from the perspectives of others.

Chairman Lohbauer said he has great respect for Commission staff and the MOA was an extraordinary piece of work.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Ficcaglia seconded the motion. The Commission agreed to adjourn at 11:51 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____

Commissioner Ed Lloyd's statement read by Chairman Mark Lohbauer at the January 10, 2014 Commission meeting.

I regret that I am not at the Pinelands Commission meeting with you this morning. I have asked Chairman Mark Lohbauer to read this statement into the record to bring the Commission and the public up to date regarding my recusal from the consideration of the MOA on the pipeline.

As you may recall, I recused myself from further consideration of the MOA on December 13, 2013 in large measure because I was told on December 12 that the State Ethics Commission had ordered me to do so. I felt under those circumstances that I had no choice but to recuse myself.

It now appears that the Executive Director of the State Ethics Commission is denying that the Ethics Commission ever acted on my situation. Please see the New York Times article dated January 9, 2014.

I should note that at no time since this matter was first raised has the State Ethics Commission contacted me in writing, by e-mail, by telephone, or in any other manner. I should also reiterate that I wrote to the State Ethics Commission on December 12 (after I had been informed of their "order") and asked for a review of this matter under the pertinent state regulations. I have not received any response to my request to date.

Under the current new circumstances, when the Ethics Commission is silent and its Executive Director is apparently claiming that it has never acted upon this matter, I believe that I should not recuse myself from this critical vote.

As the Pinelands Commission members may recall, I have steadfastly stated that I do not believe that there is any conflict of interest created by a letter that was limited to seeking a further hearing on the MOA, and a letter that was immediately withdrawn by Eastern Environmental Law Center because the letter violated its policies. Under these newly developed circumstances, I believe that I should participate in this important matter before the Commission.

Nonetheless, out of an abundance of caution, I will continue to refrain from participation in this matter until I can obtain a fair hearing and a written decision from the State Ethics Commission.

I wish you all well and a Happy New Year. I hope to see you soon.

Commissioner Richard Prickett's statement from the January 10, 2014 Commission meeting.

The CMP clearly requires that Intergovernmental memoranda of agreement protect the resources of the Pinelands NJAC 7:50 - 4.52c. It states " that variation from the standards of this Plan is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through strict application of the standards of this Plan."

The MOA we are considering today is asking to deviate from the Forest Area Standard permitted use rule 12 that allows: Public service infrastructure intended to primarily serve the needs of the pinelands.

I think there are at least three reasons for this permitted use in the Forest Area.

The first is to protect the forest area from utilities that can fuel incompatible development in the Forest Area. "If you build it they will come." The MOA on page 13 and 14 discusses this.

The second is to protect the pineland's forest area from being developed as an economical and convenient conduit for utilities to provide service to customers outside of the pinelands and not benefit the pinelands.

The third is to protect the Forest area from pipelines that can potentially pollute the pinelands with hazardous chemicals such as oil.

The MOA we are considering today primarily focuses on 2ndary impact for the Forest Area along the proposed pipeline route not the whole forest area. It requires that South Jersey Gas place 7.25 million in the "Pinelands Conservation Fund Land Account to be initially used to fund the acquisition of land located adjacent to the site of the proposed pipeline located in the Forest Area."

If we primarily rely on the acquisition of lands along the proposed pipeline route "to provide at least an Equivalent Level of Protection of the Pinelands" other utilities wanting to use the Forest Area for the same reason are going to expect the same remedy. I do not think that lands preserved adjacent to a pipeline carrying oil would be a Equivalent Level of Protection for the pinelands.

Measures that focus only on the Forest Area where the development would occur neglect the Forest Areas throughout the Pinelands.

I fear that utilities seeking an MOA to deviate from the permitted use rule12 will look for the shortest route through the Forest Area possible, as well as routes that have the most preserved lands adjacent to their proposed utility in order to save on 2ndary impact costs.

I also wonder that the permitted use rule 12 becomes a De Facto rule meaning that: utilities serving outside interests are only allowed down routes that have adjacent lands preserved.

The limited measures being proposed in my view will increase the pressure on the Forest Area to provide conduits, for utilities that do not primarily serve the Pinelands.

An Equivalent Level of protection of the pinelands must contain measures that do not make one utility route through the Forest Area any more attractive than another.

I do not know what challenges the Forest Area will face in the future.

I do not think that the MOA provides "an equivalent level of protection of the resources of the Pinelands than would be provided through strict application of the standards of this Plan."

Statement submitted by Commissioner Joe DiBello after the January 10, 2014 Commission meeting.

The National Park Service and the US Department of the Interior played a key role in the development and evolution of the CMP and in the partnership to preserve and protect the significant and unique resource. We are proud to be part of this tremendous partnership and I am proud to be the federal representative on the Commission. Our job is to share our perspective, maintain the high standards of the CMP and help carry out the goals of the CMP in the spirit that was intended. We also understand and appreciate that the actions taken to do so rest largely in the hands of the state and the local governments and we must balance conflicting interests. We appreciate the fine work of the commission staff and we are listening to all of the views you, the public, bring to us today.

The National Park Service, representing the Secretary of the Interior, has concerns regarding the review process, whether or not this a public development project, if the use of an MOA is appropriate and if an equivalent level of protection has been determined and would be in place if the project goes through.

The National Park Service, representing the Secretary of the Interior in the Department of Interior ore cast a "Nay" vote on the proposed Memorandum of Agreement between New Jersey Pinelands Commission and the New Jersey Board of Public Utilities.

Chairman Mark Lohbauer's statement read at the January 10, 2014 Commission meeting.

As members of the Pinelands Commission, our first and only obligation is to the Comprehensive Management Plan (CMP). In order to be sure that we are faithful to that document, it is imperative that we properly phrase the question that we are being asked to vote upon. Hundreds of people have told us why we should vote yes or no on this pipeline, and they have given us their reasons. The vast majority of reasons that we have heard simply do not apply to the CMP, for example:

- The source of the natural gas, whether from fracking or not, is irrelevant to the CMP;
- The creation of jobs in laying the pipeline, or in keeping the BL England plant open, is irrelevant to the CMP;
- The improvement or deterioration of emissions at the BL England plant is irrelevant to the CMP;

Similarly, the fact that other gas pipelines (of various sizes) have been laid in the Pinelands has no precedential value for us. Those pipelines were approved by staff only based upon a Certificate of Need process, and the Pinelands Commission was never called to interpret those applications against the CMP. This application is the first time that the Commission has been asked to do this. We cannot say 'it has been done before; therefore it is permissible.' We need to ask ourselves what does the CMP require?

These facts are given:

1. "Staff determined that the proposed pipeline development is not consistent with the Forest Area land use standards." (Staff report of Jan. 2, 2014 at page 2.)
2. The CMP provides the Commission with the ability to approve applications for public development despite their inconsistency with the CMP, under either the:
 - a. waiver of strict compliance device (§7:50-4.61), or
 - b. intergovernmental memorandum of agreement device (§7:50-4.52c2).
3. Both of these devices are discretionary to the Commission. That is, the Commission "may" approve applications this way; the Commission is not required to do so. What is the appropriate question that we should vote upon to decide this application? The staff tells us that the question should be: Should the Pinelands Commission enter into an intergovernmental memorandum of agreement (MOA) with the NJ Board of Public Utilities in order to construct the proposed natural gas pipeline? I think that this question is wrong, and will yield a flawed outcome.

Here are my reasons: I respectfully disagree with staff's rationale regarding the treatment of the New Jersey Board of Public Utilities as the applicant in this case. The CMP only permits the Commission to enter into Memoranda of Agreement "... with any agency of the Federal, State or local government." Staff proposes that we do this one with the NJ Board of Public Utilities, which is an agency of State government, and qualifies for MOA.

However, under §7:50-4.52 (c) 1 and 2, the MOA will "... authorize such agency to carry out specified development activities..." The Board of Public Utilities will not be carrying out the specified development activities and we cannot authorize them to do so; rather, the public entity South Jersey Gas will be doing this. South Jersey Gas is the real applicant, and they will be installing this pipeline for a private purpose, related to their private (not governmental) decision

to re-fuel the BL England plant with natural gas that they supply. This will be a private enterprise endeavor for South Jersey Gas, not a public project. South Jersey Gas will fund its construction; not the State of New Jersey. South Jersey Gas will be liable for any problems that arise; not the State of New Jersey. By all measures, this is a private industry application, and not a government application.

In fact, the Board of Public Utilities, given their regulatory role over South Jersey Gas, would seem to me to have a conflict of interest that would preclude them from acting as a co-applicant of a project with an entity that they regulate. BPU's first obligation is to the utility ratepayers of the State of New Jersey, and should not be compromised by an advocacy position regarding a project of any one regulated utility.

The fact that the Board of Public Utilities has been accepted by the Pinelands Commission in one prior application for public development, on a project that was developed by a private developer (BPU/Atlantic City Electric/Connectiv MOA September 2004) in the past does not bind this Commission to extend such discretion again. We are not required to do anything that we perceive to be contrary to the intent of the CMP. I did not vote on the Connective MOA, that was before my tenure here but I don't think I would have. The MOA procedure was devised in the CMP as an alternate means for the Commission to allow government entities to obtain relief from our strict standards where public purposes demanded it. With all due respect to staff, that is not the case with this pipeline. So, what then is the appropriate question for us to vote on regarding the pipeline application?

It should be: 'Does the application of South Jersey Gas, supported by the NJ Board of Public Utilities, merit a Waiver of Strict Compliance with the standards of the CMP?'

This is the standard that applies to private applicants, and this is what should be required of South Jersey Gas. It requires the applicant to prove that the waiver is necessary in order to avoid 'extraordinary hardship,' or in order to satisfy a 'compelling public need.'

When we are being asked to allow horizontal development through protected Forest Area that cannot show primary benefit to the Pinelands or Pinelands residents, this is the standard that we should apply. We should not allow a lesser MOA standard to be the rule. That will come back to haunt us when other horizontal development is sought through protected areas. This, above all, is the greatest import to the Comprehensive Management Plan; if we allow the MOA approach in this application, there will be no practical way to impose the Waiver of Strict Compliance standard on other development thereafter.

Commissioner Ficcaglia's statement read by Chairman Lohbauer at the January 10, 2014 Commission meeting.

I am voting to deny the application for an MOA to place a natural gas pipeline through the Pinelands. Although I had planned to vote against this application in any case, I was extremely impressed by the letter from two Republican and two Democratic governors reminding us of our responsibility to this unique ecosystem and of the dangers of setting a precedent to allow infrastructure to be placed in protected areas of the Pines – infrastructure which primarily meets the needs of residents outside our jurisdiction. As they stated, “the current proposal would compromise the integrity of the Pinelands plan and serve to encourage future development contrary to the vision the plan sets out for growth and conservation in the Pinelands.” They further wrote, “Having served in government, we understand the reasons that are presented, often compellingly, to waive environmental protections in what may seem at the time to be unique or extraordinary cases. We believe, however, that the Pinelands program will only work over the long term if the plan is implemented consistently.”

The BL England plant will cease its use of coal in any case. The pipeline will doubtless be built in any case, but elsewhere. The Pinelands Commission is required to consider the impact on the Pinelands and on the Comprehensive Management Plan that has served this region so well for over thirty years. Voting yes to this pipeline would sound a death knell for Pinelands Protection.

Commissioner Ashmun's statement read at the January 10, 2014 Commission meeting.

As the four past Governors - all of whom I have served as an appointed Pinelands Commissioner put it- our sole mission as Pinelands Commissioners is to protect the New Jersey Pinelands through the public adoption and implementation of a Comprehensive Management Plan.

Whereas, the MOA provisions of the CMP were adopted to enable Governments at all levels to work with the Commission to meet the compelling public needs of their communities, this MOA has no such expressed need. We have had no independent review for secondary impacts, engineering options or even an Environmental Impact Statement. This MOA is a badly designed effort to avoid requirements of the CMP on behalf of a quasi-private entity. It is an effort to move product across the Pinelands to repower a private plant precariously located only four feet above sea level and is claimed to offer redundancy to a system with no demonstrated risk of breakdown.

As a matter of principle and the need to avoid a precedent setting action that endangers the CMP and thus the Pinelands of New Jersey. I vote No.