



State of New Jersey
THE PINELANDS COMMISSION
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

September 4, 2013

Charles F. Dippo, P.E. South Jersey Gas Company
South Jersey Gas Company
1 South Jersey Plaza
Folsom, NJ 08037

Re: Application # 2012-0056.001
South Jersey Gas
City of Estell Manor
Maurice River Township
Upper Township

Dear Mr. Dippo:

Pursuant to N.J.A.C. 7:50-4.2(c) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Inconsistent Certificate of Filing*. The reason(s) for the inconsistency is explained on Page 3 and must be resolved.

The Certificate of Filing is not an approval. It is the document necessary to allow any local or county agency to review and act on your proposed development application. All local and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No approval shall take effect and no development may occur until the Commission issues a letter indicating that the approval may take effect.**

Upon receipt of any local agency approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.



If you have any questions, please contact Branwen Ellis of our staff.

Sincerely,

Charles M. Horner, PP
Director of Regulatory Programs

Enc: Inconsistent Certificate of Filing

Local Agency Approval Submission Checklist

c: Secretary, City of Estell Manor Planning Board
City of Estell Manor Construction Code Official
Secretary, Maurice River Township Planning Board
Maurice River Township Construction Code Official
Maurice River Township Environmental Commission
Secretary, Upper Township Planning Board
Upper Township Construction Code Official
Secretary, Atlantic County Department of Regional Planning and Development
Secretary, Cape May County Planning Board
Secretary, Cumberland County Planning Board
Peter Fontaine, Esq.
Steven Ewing
Ruth Foster, PhD.



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INCONSISTENT CERTIFICATE OF FILING

Application #: 2012-0056.001

Applicant: South Jersey Gas Company

Municipalities: City of Estell Manor, Maurice River Township, Upper Township
 Pinelands Rural Development Areas, Pinelands Forest Areas and Pinelands Villages

Proposed Development

14.85 miles (78,446 linear feet) of 24 inch natural gas pipeline within the Pinelands Area

Plan(s) Subject of Certificate of Filing

Permitting Plans submitted to the Pinelands Commission, consisting of 76 sheets, prepared by Woodard & Curran and dated as follows:

Sheet G-01 – January 31, 2013; revised June 11, 2013;

Sheet G-02 & D-03 & C-100 – January 31, 2013; revised May 17, 2013

Sheets LD-1, AS-1, AS-4, AS-5, AS-22, AS-27, AS-32, AS-35, AS-37-AS-43, AS-46, G-03 & SA-2 – January 31, 2013; revised April 26, 2013

Sheets AS-2 & AS-8 – January 31, 2013; revised May 22, 2013

Sheets AS-3, AS-6, AS-7, AS-9- AS-21, AS-23-AS-26, AS-28-AS-31, AS-33, AS-34, D-1A, D-1B & D-02 – January 31, 2013; revised May 20, 2013

Sheets AS-44, AS-45 & SA-3 – January 31, 2013; revised May 16, 2013

Sheets AS-47 - AS-56, SA-4, SA-5 & C-200, – January 31, 2013; revised June 11, 2013

Sheets D-1C & D-05– January 31, 2013

Sheets D-04A, D-04B & C-AGV-1–April 26, 2013 Sheet D-06- April 26, 2013; revised June 11, 2013

Charles M. Horner, P.P.
 Director, Regulatory Programs

Date

BACKGROUND

Existing development:

- ♦ The following developed road rights of way: Union Road (CR 671), N.J. Route 49, Cedar Avenue, Mill Road/Reading Avenue (CR 557), N.J. Route 50, Mt. Pleasant-Tuckahoe Road (CR 664) and Marshall/New York Avenue.

Relevant Information:

- ♦ There are wetlands located within 300 feet of the proposed development.
- ♦ A natural gas interconnect station is proposed to be located on Block 358, Lots 11-14, in Upper Township.
- ♦ A Remote Operated Valve (ROV) Station is proposed to be located on Block 10, Lot 212, in Upper Township
- ♦ Approximately 5.04 miles of the proposed gas main will be located under existing paved portions of the above referenced road rights of way. Approximately 8.16 miles of the proposed gas main will be located within existing disturbed and/or disturbed/maintained portions of the concerned road rights of way. To avoid certain environmentally sensitive areas (e.g. wetlands, surface waters), the remaining 1.64 miles of the proposed gas main line will be installed under the concerned road rights of way using jack and bore and/or horizontal directional drilling.

CONDITIONS

1. All development, including clearing and land disturbance shall maintain the maximum feasible buffer to wetlands. The above referenced plan indicates that this requirement is being met.
2. Items on the attached Inconsistencies document must be resolved prior to Commission issuance of a letter indicating that any county or municipal permit or approval can take effect.

NEXT STEPS

- ♦ This Certificate of Filing is not an approval.
- ♦ Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- ♦ Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- ♦ No county or municipal approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.

INCONSISTENT

INCONSISTENCIES:

The proposed development is inconsistent with the following standard(s) of the Maurice River Township, Upper Township and the City of Estell Manor's certified land use ordinances and the Pinelands Comprehensive Management Plan (CMP):

1. The certified municipal land use ordinances and the CMP (N.J.A.C. 7:50-5.23(b)12) provide that a natural gas main (public service infrastructure), is only a permitted land use in a Forest Area if the gas main is intended to primarily serve only the needs of the Pinelands. (The CMP defines "Pinelands" as the Pinelands Area and Pinelands National Reserve.)

This application proposes a Remote Operating Valve (ROV) station, an Interconnect Station and a portion of the natural gas main within a Forest Area. The proposed natural gas main is intended to serve the existing B.L. England Electrical generation plant located outside of the Pinelands Area. For that portion of the proposed gas main located in a Forest Area, it has not been demonstrated that the gas main is intended to primarily serve only the needs of the Pinelands. Commission receipt of any county or municipal approval or permit for the development as currently proposed may result in the scheduling of a Commission staff public hearing to review the issues raised by the above-referenced inconsistency.

INCONSISTENT