

## **New Jersey Pinelands and South Jersey Gas Pipeline**

The 1.1 million-acre National Reserve protects the globally rare Pine Barrens ecosystem, home to plants and animals found nowhere else in the United States. One of the largest freshwater aquifers in the United States can be found within the sandy soils of the Pinelands.

**South Jersey Gas, the gas utility for the southern-most part of New Jersey, wants to put a 22-mile natural gas pipeline through the Pinelands National Reserve, in violation of the rules that protect the Pinelands. It would go through the Forest Management Areas of Cumberland, Atlantic and Cape May County to the B.L. England Plant at Beesley's Point, Upper Township, Cape May.**

**Why is the Pipeline a Problem for the Pinelands?** The proposed pipeline violates the Pinelands Comprehensive Management Plan (CMP). The CMP only permits infrastructure like gas pipelines in the Forest Management Area if it is "intended to primarily serve the needs of the Pinelands" N.J.A.C. 7:50-5.23. To the extent it operates at all, the B.L. England plant primarily serves demand outside the Pinelands, where the great majority of residences and businesses are located. There is no exception for pipes run along or under roads. **This is to protect against the immediate harms this type of construction brings to forests and wetlands. It also protects against future development of the Forest Area that these projects bring in their wake.**

**Where Do Things Stand?** In January 2014 the Commission declined to pass a resolution that would have waived the rules of the CMP and allowed South Jersey Gas to build the pipeline. **But now the Commission is being pressured to overturn this decision.** In May 2015 South Jersey Gas made minor changes to their application and resubmitted it to the NJ Board of Public Utilities and the Pinelands Commission.

### **What can I do?**

**Attend the Board of Public Utilities (BPU) Public Hearing on October 19<sup>th</sup> at 3pm and 6pm** at the Upper Township Municipal Court, 2100 Tuckahoe Rd., Petersburg, NJ 08270. The public will have a chance to testify.

**Or submit comments to Board of Public Utilities by October 26, 2015.** Comments should be identified with the heading "In the matter of the petition of South Jersey Gas Company for a determination pursuant to the provisions of N.J.S.A., 40:55D-19, B.P.U. Docket No. GO13111049". Mail them to Irene Kim Asbury Secretary, Board of Public Utilities, P.O. Box 350, Trenton, NJ 08625-0350.

#### **Talking points to oppose South Jersey Gas pipeline at BPU Hearing or in writing:**

1. Construction of the proposed pipeline violates the Pinelands Comprehensive Management Plan (CMP), which bars the use of the Pinelands Forest Area as a transit route for such infrastructure development, unless it is "intended to primarily serve the needs of the Pinelands." N.J.A.C. 7:50-5.23. The South Jersey Gas pipeline does not satisfy this restriction.
2. The municipal land use provisions in question for this petition cannot be waived by the Board of Public Utilities because they are authorized and required by the National Parks and Recreation Act of 1979, the New Jersey Pinelands Protection Act and the Pinelands Comprehensive Management Plan. They are not subject to waiver via the Municipal Land Use Law but only through the waiver provisions of the township's certified land use ordinances.
3. The state Pinelands Commission already made the determination that the pipeline route violates the Pinelands Comprehensive Management Plan, and chose not to provide an exemption from those rules, in January 2014.
4. The construction of the pipeline on the proposed route is not "reasonably necessary for the service, convenience and welfare of the public." The pipeline will exclusively provide gas to the BL England power plant, and alternative routes to reach the plant are available. The pipeline as proposed will also bring a range of environmental harms that are contrary to the public welfare.