

Burlington County Times

Pinelands Commission postpones vote on pipeline resolution again

By David Levinsky

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PEMBERTON TOWNSHIP — The New Jersey Pinelands Commission met for the final time this year on Friday, but once again lacked enough commissioners to vote on a resolution to suspend its prior approval of a controversial natural gas pipeline through the pines.

The commission was scheduled to vote on the resolution clarifying that the South Jersey Gas pipeline proposal through Cape May and Cumberland counties is no longer authorized because of changes in the utility company's project. But the vote was postponed because a quorum of at least eight of the board's 15 commissioners were not present and eligible to vote.

The postponement was the latest in a long string of delays surrounding the long-anticipated resolution on the South Jersey Gas pipeline project.

Last month, the [commission put off a vote on the high-profile resolution](#) because it lacked a quorum when technical problems with the commission's phone conferencing system lost the connection to two commissioners who were trying to participate remotely.

On Friday, nine commissioners were present at the meeting, but the vote had to be scuttled because of potential conflicts involving two of the commissioners present.

Commissioner Ed Lloyd's recusal was anticipated. The environmental lawyer has not participated in any of the South Jersey Gas pipeline proceedings dating back to 2013 when the Eastern Environmental Law Center requested additional public hearings on the project. Lloyd is a longtime member of the law center's board.

The other recusal involved another commissioner present and was unexpected. Commission attorney, Stacy Roth, said she was informed of the potential conflict on Friday before the meeting began and that she was advising the commissioner to not participate in any proceedings related to the pipeline until the State Ethics Board decides the matter.

Roth and other commission officials declined to identify the commissioner or the conflict in question. She said without the commissioner's participation, the board would lack the required quorum to vote on the pipeline resolution.

"We don't have a quorum so (the resolution) will be put off until 2020," commission chairman Rick Prickett said during the meeting.

Jeff Tittel, director of the New Jersey Sierra Club, described the situation as reminiscent of the movie "Groundhog's Day" and said the commission's repeated failure to take action to rescind its prior approval of the gas pipeline imperils the pines.

"We need new appointments to the Pinelands Commission. We need to move this forward," Tittel said.

Conceived over five years ago, the South Jersey Gas pipeline project is easily among the most controversial proposals ever to come before the commission,

which is responsible for regulating development and land use within the million-acre Pinelands.

The 22-mile gas line was intended to fuel the formerly coal-powered BL England plant, which was to be covered to natural gas. But the project [hit a major snag earlier this year](#) when BL England announced it was no longer interested in repowering the plant and would not tie into the planned gas line.

Supplying the BL England was considered a key component for the project since Pinelands development rules specify that utility projects like the pipeline are permitted in certain parts of the Pinelands only if the project provides a direct benefit to the reserve and its residents.

Environmentalists like Tittel argue that without the power plant tie-in, the basis for the Pinelands Commission's approval is null and void, a position shared by an appeals courts, which remanded the matter back to the Pinelands Commission in May so it could reconsider its earlier approval of the pipeline project.

Since then, the commission has repeatedly postponed scheduled votes on resolutions related to the court's remand, frustrating environmental groups and other opponents of the project.

The language of the proposed resolution has also been criticized by opponents who want it to include stronger language. While the proposed resolution makes clear that the pipeline project may not proceed, it does not specifically rescind the commission's prior approval.

Tittel and other opponents fear that leaves an opening for the utility company to find another potential customer in the Pinelands and then seek the commission's go-ahead to move forward quickly without undergoing another lengthy review.

"(The resolution) puts it in limbo but it doesn't stop it," said Tittel.

Arnold Fishman, an outspoken pipeline opponent from Medford Lakes, also called on the commission to rescind its prior approval and deny the utility company's application "with prejudice."

"There's no reason to not close this application completely. Stick a fork in it, it's done," Fishman said.

The commission's difficulties in holding votes has also fueled pipeline opponents' frustration with the state Senate's inaction in confirming any of Gov. Phil Murphy's five nominations for appointments to the commission.

The governor is empowered to nominate seven of the commission's 15 board members but those appointments must be approved by the full Senate before they can be seated.

Murphy made his first nominations to the commission in January and others in the spring. So far, none of the five have been confirmed or even received a hearing with the Senate Judiciary Committee, a step typically required before the full Senate votes on a nomination.

The Judiciary Committee met Thursday morning and advanced more than 20 nominations, including three nominations to the State Planning Commission, but the panel took no action on any of Murphy's five Pinelands nominations.

Tittel blamed both Murphy and Senate President Stephen Sweeney, who controls the Senate's agenda, for the inaction.

"The governor has to play some hardball with the Senate to get these nominations moved," he said Friday.

Prickett, who was made commission chair in May by the governor, said Friday he was optimistic that the commission's numbers problems would be resolved soon and that Murphy's nominees would eventually be seated.

"Obviously it's clear we have to have a full commission so operations can move forward," he said.