

**From:** Jim Walsh <jwalsh@fwwatch.org>  
**To:** "mlohbauer@jgscgroup.com" <mlohbauer@jgscgroup.com>, "Nancy.Wittenberg@n..."  
**CC:** Jim Walsh <jwalsh@fwwatch.org>, David Pringle <dpringle@cleanwater.org>....  
**Date:** 12/3/2013 11:24 AM  
**Subject:** Reject proposed (MOA) between to allow South Jersey Gas Company to construct a gas pipeline through the protected Pinelands  
**Attachments:** Public Participation Letter to Commission Final.pdf

Dear Chairman Lohbauer and Executive Director Wittenberg:

I respectfully ask that you forward this letter to the Members of the New Jersey Pinelands Commission.

Sincerely,

Jim Walsh  
NJ Director  
Food & Water Watch

Letter of Concern to Commissioners

Chairman Mark Lohbauer and Commissioners

Pinelands Commission  
PO Box 359  
15 Springfield Road  
New Lisbon, New Jersey 08064  
Phone: (609) 894-7300 Fax: (609) 894-7330

December 3, 2013

Dear Chairman Lohbauer and Commissioners:

We, the undersigned, urge the Pinelands Commission to reject without delay the proposed Memorandum of Agreement (MOA) between the Pinelands Commission and the Board of Public Utilities to allow South Jersey Gas Company to construct a gas pipeline through the protected Pinelands. Failing this request, we ask that you at least amend the current process to provide adequate public participation on this matter.

Under normal circumstances, a public agency's development plans must conform to all of the land use and development standards of the Pinelands Comprehensive Management Plan (CMP). In rare circumstances, when a proposal does not comply with the CMP, the Pinelands Commission may enter into an MOA with a public agency carrying out specified development activities. An MOA may not be made on behalf of privately-financed, owned, and managed commercial enterprises.

The Pinelands Commission's own process for reviewing an MOA is not being followed for South Jersey Gas Company's proposed pipeline.[1] The accelerated rate of the Pinelands Commission's review is stripping the public of its opportunity to meaningfully comment on this proposal. Public participation is not meant to be merely a procedural hurdle. The public's engagement allows alternative perspectives to be considered, the public agency and the Pinelands Commission to address concerns, and, ultimately,

produce the best outcome for the Pinelands.

The Pinelands Commission announced on November 27th that it would hold a public hearing on this MOA on December 9, 2013. Although we recognize the Pinelands Commission is in technical compliance with N.J.A.C. 7:50-4.3(b)(3), the announcement was made on the first day of Hanukkah and the day before Thanksgiving, both important holidays. The Commission's announcement during these holidays severely limits the time available for the public to review the proposal and supplemental material, identify missing information, and prepare testimony. Indeed, the time available will not even allow access to important documents through the Open Public Records Act, which grants the government seven days after the request is received to make the requested documents available. In order to comply with the spirit of hearing the public's concerns, we request this time is extended particularly due to the holiday season.

The accelerated rate at which the Pinelands Commission is reviewing this MOA for South Jersey Gas Company's proposed pipeline does not reflect the Pinelands Commission's sober obligations, comply with the its own guidance document on the process for considering MOAs, or provide an opportunity for meaningful public comment.

Again we urge the Commission to reject this proposal without delay. Failing this request, we ask that you provide the public with an adequate opportunity to comment on this proposal. To this end, we request the Commission reschedule the public hearing on this matter providing at least thirty days from the notice of hearing until the hearing is held. Furthermore, due to the linear impacts of South Jersey Gas Company's proposed pipeline, we request that the Commission schedule multiple hearings in order to allow the public opportunity to participate along the entire length of the project.

Thank you for your consideration of our concerns.

Sincerely,

Amy Goldsmith  
Director, Clean Water Action / New Jersey Environmental Federation

Georgina Shanelly  
Chair, Citizens United for Renewable Energy (CURE)

Cindy Zipf  
Executive Director, Clean Ocean Action

Maya K. van Rossum  
The Delaware Riverkeeper, Delaware Riverkeeper Network

Dr. Bob Allen  
Chair, Don't Gas the Pinelands

Doug O'Malley  
Director, Environment NJ

Jim Walsh  
New Jersey Director, Food & Water Watch

Janet Tauro  
Chair, Grandmothers, Mothers, and More for Energy Safety (GRAMMES)  
Chair of the Board of Directors of Clean Water Action/NJEF

Mike Sheridan  
Keep the Frack Out

Steven Fenichel, MD  
Physicians For Social Responsibility

Carleton Montgomery  
Executive Director, Pinelands Preservation Alliance

Michele S. Byers  
Executive Director, New Jersey Conservation Foundation

Bill Wolfe  
Director, NJ PEER, (Public Employees for Environmental Responsibility)

Jeff Tittel  
Director, NJ Sierra Club

Captain Joel S. Fogel  
President, WATERWATCH International  
Chairman, Environmental Affairs, The Explorers Club  
Member, Ground Water Advisory Committee, Atlantic County Utilities Authority

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[1] See Pinelands Commission, The Process for Considering an Intergovernmental Agreement, available at <http://www.state.nj.us/pinelands/infor/moa/>.

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