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**To:** "Mark Lohbauer" <[mlohbauer@jgscgroup.com](mailto:mlohbauer@jgscgroup.com)>, "Keith Carter" <[Keith.Carter@njpinelands.state.nj.us](mailto:Keith.Carter@njpinelands.state.nj.us)>  
**Sent:** Sunday, December 1, 2013 2:47:33 PM  
**Subject:** OPRA request - draft MOA documents

December 1, 2013

Dear Mr. Carter:

I am writing to you in your capacity as Pinelands Commission OPRA compliance official.

As you know, the Commission publicly released a draft MOA on the afternoon of Wednesday November 27, 2013. The form of release was via posting on the Commission's website. I became aware of this document later Wednesday afternoon.

Thursday was Thanksgiving, so the first business day for the public to review the document was Friday, November 29, 2013. I have worked diligently since then, including Saturday and Sunday.

As you also may be aware, there were several "new" documents referenced as a basis for the draft MOA that had not been presented publicly by Commission staff or the applicant South Jersey Gas Co., or publicly discussed by Commissioners.

Based on a very quick initial review of the draft MOA, pursuant to OPRA, I request the following public records:

- 1) The NJ DEP 1980 *Air Quality Assessment of the New Jersey Pinelands*
- 2) The NJ DEP air quality modeling used as a basis for this statement:  
  
"The NJDEP, at the Commission staff's request, undertook an air quality modeling analysis to assess the air quality benefits of repowering the BLE plant on the Pinelands Area. "
- 3) The US Department of Energy document "*National Electric Transmission Congestion Study (2006 & 2009)*"
- 4) The two reports prepared by POWERGEM, LLC (Power Grid Engineering & Markets)
5. The PJM 2011 *Regional Transmission Expansion Plan*, Book 5, Section 8, p. 143-144.

6. The SJG "reliability modeling" cited in the draft MOA.

7) the factual basis for these conclusion - taken verbatim from the draft MOA - A  
- H below:

A) "Given the current lack of an alternate supply line, a failure in either of these existing pipelines, especially during the cold weather months, **could subject up to 140,000 of SJG's existing customers to long-term gas outages, thereby placing the safety and welfare of these customers at risk.** "

B) The proposed pipeline would also improve gas supply availability and pressures to feed these areas on peak and near-peak days, thereby potentially reducing the need for additional pipe installations in the future, many of which would likely be located within the Pinelands Area.

C) The proposed route is also not expected to have any impacts on the environmental resources of the Pinelands or, given that the totality of the proposed pipeline will be constructed in existing paved and disturbed road rights-of-way, give rise to new fragmentation of the Forest area.

D) As a result, there will be **no impacts to wetlands** as a result of construction of the proposed pipeline. Moreover, with regard to wetland buffers, because the proposed pipeline will be constructed in paved and previously disturbed road rights of way, any impacts would involve, at most, temporary disturbances given such **disturbances would be restored to their prior condition.**

E) "if a utility line is jacked or directionally drilled underground, so that there is no surface disturbance of any freshwater wetlands, transition areas, or State open waters **and there is no draining or dewatering of freshwater wetlands**, no Department approval is required under this Chapter.

F) shut down of the BLE plant **is likely to require the construction of new electrical transmission lines in the Pinelands Area to account for lost generation.**

G) The State's 2011 Energy Master Plan ("EMP") expresses a firm goal of promoting a diverse portfolio of new, clean, **cost-effective** in-state electric generation to ensure a **reliable supply of energy and capacity at reasonable rates** while advocating for policies that help control electricity costs, maintain system reliability, and adhere to environmental objectives. **The proposed natural gas pipeline and the repowering of the BLE plant directly serve these goals.**

H) As discussed below, the repowered **BLE plant is expected to supply the majority of its electricity to the Pinelands Area** and to provide reliable power

generation. The continued operation of the BLE plant is critical to ensuring adequate electric supply to Pinelands Region, New Jersey coastal areas and helps the State directly to achieve the goals of the *EMP*.

I appreciate your timely and favorable response and note that the OPRA 7 business day reply clock starts tomorrow, Monday December 2, 2013.

Respectfully,

Bill Wolfe, Director

NJ PEER

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