

1
2
3
4 IN THE MATTER OF THE PETITION OF OCEAN WIND LLC
5 PURSUANT TO N.J.S.A. 48:3-87.1(f) FOR A
6 DETERMINATION THAT CERTAIN EASEMENTS AND CONSENTS
7 NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS IN, AND
8 WITH RESPECT TO, THE COUNTY OF CAPE MAY ARE
9 REASONABLY NECESSARY FOR THE CONSTRUCTION OR
10 OPERATION OF THE OCEAN WIND 1 QUALIFIED OFFSHORE
11 WIND PROJECT

DOCKET NO. QO22050347

ORAL ARGUMENTS

H E L D:

12 Via ZOOM Video Conferencing
13 DIAL IN: 646-931-3860
14 WEBINAR ID: 81646887840
15 PARTICIPANT ID: 317323
16 Thursday, November 10, 2022
17 9:00 a.m.

B E F O R E:

18 JOSEPH L. FIORDALISO
19 PRESIDENT
20 NEW JERSEY
21 BOARD OF PUBLIC UTILITIES

22 TRANSCRIPTION BY:
23 Nancy Ambrose,
24 C.C.R.

25 J.H. BUEHRER & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
884 Breezy Oaks Drive
Toms River, New Jersey 08753

A P P E A R A N C E S:

BLANEY, DONOHUE & WEINBERG, P.C.
2123 Dune Drive, Suite 11
Avalon, New Jersey 08202
609-435-5368
BY: MICHAEL J. DONAHUE, ESQ.
mike@blaneydonohue.com
Appearing on behalf of the
County of Cape May

MC CROSSON & STANTON, P.C.
200 Asbury Avenue
Ocean City, New Jersey 08226
609-399-2411
BY: DOROTHY F. MC CROSSON, ESQ.
dmccrossonlaw@comcast.net
Appearing on behalf of the
City of Ocean City

MALEY GIVENS, P.C.
1150 Haddon Avenue Suite 210
Collingswood, New Jersey 08108
856-854-1515
BY: M. JAMES MALEY, JR., ESQ.
jmaley@maleygivens.com
Appearing on behalf of
Upper Township, New Jersey

STATE OF NEW JERSEY
DIVISION OF RATE COUNSEL
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, New Jersey 08625
609-984-1460
BY: BRIAN O. LIPMAN, ESQ.,
DIRECTOR

NEW JERSEY BOARD OF PUBLIC UTILITIES
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
609-913-6227
BY: KIMBERLY E. DIAMOND, ESQ.
Kimberly.Diamond@bpu.nj.gov
Office of General Counsel

(continued)

A P P E A R A N C E S :

(continued)

LAW OFFICES OF PAUL J. BALDINI, P.A.
4413 New Jersey Avenue
Wildwood, New Jersey 08260
609-729-2600
BY: PAUL J. BALDINI, ESQ.
Appearing on behalf of Participants,
Sea Isle City, Middle Township,
Lower Township, Borough of Avalon,
Stone Harbor, North Wildwood,
Wildwood, Wildwood Crest

MATTHEW J. PLATKIN,
ATTORNEY GENERAL STATE OF NEW JERSEY
140 East Front Street
Post Office Box 047
Trenton, New Jersey 08625-0047
609-815-2278
BY: MICHAEL R. BECK,
DEPUTY ATTORNEY GENERAL
Division of Law
Michael.Beck@law.njoag.gov

COZEN O'CONNOR
1010 Kings Highway South
Cherry Hill, New Jersey 08034
856-910-5000
BY: GREGORY EISENSTARK, ESQ.
geisenstark@cozen.com
Appearing on behalf of
Ocean Wind, L.L.C.

A L S O A P P E A R I N G :

SARA CASEY
KARLITO ALMEDA
NIKOLAS APOSTOLOU
New Jersey
Board of Public Utilities

1 NEW JERSEY BOARD OF PUBLIC UTILITIES
2 COMMISSIONERS:

3 ROBERT M. GORDON

4 DIANNE SOLOMON

5 MARY-ANNA HOLDEN

6 DR. ZENON CHRISTODOULOU
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PRESENTER	PAGE	REBUTTAL
GREGORY EISENSTARK, ESQ. Ocean Wind	12	70
MICHAEL J. DONOHUE, ESQ. County of Cape May	24	75
DOROTHY F. MC CROSSON, ESQ. City of Ocean City	47	79
BRIAN O. LIPMAN, ESQ. N.J. Division of Rate Counsel, Director	54	80 77
PAUL J. BALDINI, ESQ. Nine Participant Municipalities	59	

1 PRESIDENT FIORDALISO: Good morning.
2 My name is Joe Fiordaliso, and I am the President
3 of the New Jersey Board of Public Utilities.

4 I'm here with my colleagues, all of
5 them, and we are anxious to hear these opening
6 oral arguments. And the transparency of this
7 particular event is vital. We want everyone to
8 have the opportunity to contribute and so on.

9 Today we will have the oral argument
10 regarding the Petition filed by Ocean Wind, LLC
11 Requesting a Determination that Certain Easements
12 and Consents Needed for Certain Environmental
13 Permits in and with Respect to the County of Cape
14 May are Reasonably Necessary for the Construction
15 or Operation of the Ocean Wind Qualified Offshore
16 Wind Project. Docket Number QO22050347.

17 N.J.S.A. 48:3-87.1(F) grants the
18 Board the authority to make a determination on
19 this petition.

20 Since we have all four Commissioners
21 of the Board present today, the proceeding is a
22 public meeting of the New Jersey Board of Public
23 Utilities. Adequate notice of this meeting has
24 been provided as required by the Open Public
25 Meetings Act set forth in N.J.S.A. 10:4-6, et seq.

1 Today we have the following on the
2 docket in this matter: On May 20, 2022 Ocean
3 Wind, LLC filed a petition with the Board on June
4 8, 2022.

5 The County filed a motion that the
6 Board, requesting that the Board decline
7 jurisdiction over the petition, and that the Board
8 dismiss the petition without prejudice as ripe for
9 disposition and as nonadjustable under N.J.S.A.
10 48:3-87.1(F) and N.J.S.A. 20:3-1, et seq.

11 On June 20, 2022 Ocean Wind, LLC
12 filed a reply brief in opposition to the County's
13 June 8 motion. And on June 27, 2022 the County
14 filed a reply to Ocean Wind, LLC's June 20, 2022
15 reply brief.

16 On June 29, 2022 the Board issued an
17 order retaining the petition, directing that the
18 County be included as a necessary party and
19 designating me as the Presiding Officer.

20 As Presiding Officer, among other
21 things, I am authorized to secure a just and
22 expeditious determination on the issues regarding
23 this petition.

24 On July 5, 2022 I issued an order
25 setting the initial procedural schedule. On July

1 14, 2022 I issued an order modifying the initial
2 procedural schedule. I issued the order to
3 accommodate multiple government entities that
4 requested certain deadlines be extended so that
5 they could file motions to intervene.

6 On August 15, 2022 I issued an order
7 that modified the procedural schedule for a second
8 time. And that ruled on the motion to intervene
9 that the government entities had filed.

10 City of Ocean City and Upper Township
11 were granted Intervenor status, while other
12 motives were granted participant status.

13 On August 22, 2022 the County filed a
14 motion seeking the Board's recusal from this
15 matter and suspension of the procedural schedule.
16 In the motion the County requested that this
17 matter be transferred to the Office of
18 Administrative Law and reassigned to an
19 Administrative Law Judge.

20 Ocean Wind, LLC filed its reply on
21 August 22, a reply to this August 22 motion, on
22 September 1, 2022, and the County responded with
23 its reply on September 9, 2022.

24 On September 27, 2022 I issued an
25 order on the matters to dismiss and recuse,

1 denying both. On September 28, 2022 the Board
2 issued an order designating substitute public
3 hearings officer for two public hearings that were
4 held on September 29, 2022.

5 In addition, in oral arguments or
6 oral comments received from members of the public
7 during these two public hearings, public written
8 comments were accepted up to and including October
9 12, 2022, in accordance with the procedural
10 schedule.

11 The petition is one of the very first
12 of its kind to request authorization under
13 N.J.S.A. 48:3-87.1(f), the Offshore Wind Economic
14 Development Act, otherwise known as OWEDA. The
15 Board takes this responsibility very seriously and
16 is committed to providing a fair and transparent
17 process.

18 With us today are representatives
19 from the parties and Intervenors in this matter.
20 We have Ocean Wind, LLC; Cape May County, New
21 Jersey; City of Ocean City, New Jersey; Upper
22 Township, New Jersey; and the New Jersey Division
23 of Rate Counsel.

24 Each of these representatives will
25 have an opportunity to present their argument and

1 to provide rebuttal after all parties, Intervenor
2 and Participants have spoken.

3 The nine Participant municipalities
4 in this matter will also have an opportunity to
5 present their short, and I underline short,
6 arguments as well.

7 These nine Participants are as
8 follows: Borough of Avalon; Township of Dennis;
9 Township of Lower; Township of Middle; City of
10 North Wildwood; City of Sea Isle City; Borough of
11 Stone Harbor; City of Wildwood; and the Borough of
12 Wildwood Crest.

13 The representatives speaking on
14 behalf of these municipalities who are with us
15 today will have the opportunity to present such
16 arguments. As I already mentioned, the
17 Commissioners are present today and may ask
18 questions.

19 I want to remind the parties, the
20 Intervenor and the Participants that arguments in
21 this proceeding should be limited to the matter at
22 hand. Specifically, whether the easements and
23 consents that Ocean Wind, LLC seeks and that are
24 needed for certain environmental permits in and
25 with respect to the County of Cape May, are

1 reasonably necessary for the construction or
2 operation of Ocean Wind 1 Qualified Offshore Wind
3 Project.

4 Please refrain from discussing
5 offshore wind generally, other issues regarding
6 Ocean Wind 1 Qualified Offshore Wind Project or
7 any other matters outside the scope of the matter
8 at hand.

9 I would ask that when you are
10 speaking, please be sure that your camera is on
11 and that you are unmuted. And when you are not
12 speaking, please turn both your camera and your
13 microphone off.

14 The procedure today will be as
15 follows: First I will ask each of the parties and
16 Intervenors to place their appearances on the
17 record and make their statement.

18 Second, I will ask each of the
19 Participants to place their appearances on the
20 record and make their statements. Third, after
21 all statements have been made, I will ask each
22 party and Intervenor if they would like to make a
23 rebuttal statement.

24 I will now ask the parties and
25 Intervenors to state their appearance and deliver

1 their statements. With that, I invite Ocean Wind,
2 LLC to make its statement.

3 MR. EISENSTARK: Thank you, President
4 Fiordaliso. This is Gregory Eisenstark with the
5 law firm Cozen O'Connor on behalf of the
6 Petitioner, Ocean Wind, LLC.

7 Just as a matter of procedure,
8 President Fiordaliso, should I make my opening
9 argument now, or are you going to take all of the
10 other appearances first and then come back to me?

11 PRESIDENT FIORDALISO: No, you can
12 make your statement now, sir.

13 MR. EISENSTARK: Okay. Thank you,
14 President Fiordaliso, and thank other members of
15 the Board and Board Staff who are present here
16 today for the opportunity to participate in this
17 Oral Argument.

18 I'm going to start by summarizing the
19 filing. I think as everyone who is here today
20 knows, this petition in this matter involves Ocean
21 Wind 1, which will be the first qualified offshore
22 wind project constructed off the coast of New
23 Jersey. It's an 1100 megawatt project.

24 In order to get the power that will
25 be generated by the wind farm out in the Atlantic

1 Ocean to shore where the load is, where the users
2 are, where the power is needed, you need to bring
3 the power ashore via cables, wires.

4 For the Ocean Wind 1 project there
5 have been two interconnection points onshore that
6 have been identified. One in Lacey Township in
7 Ocean County, and one in Upper Township in Cape
8 May County.

9 This matter, of course, concerns the
10 onshore cable to the Upper Township point of
11 interconnection, which will be at a new substation
12 that will be constructed near the old BL England
13 generating plant. That's an old fossil fuel-fired
14 electric generation plant that is now out of
15 service.

16 As President Fiordaliso alluded to a
17 couple minutes ago, the statutory basis for this
18 filing are the 2021 amendments to the Offshore
19 Wind Economic Development Act, or OWEDA. That is
20 N.J.S.A. 48:3-87.1(f), and then subparagraphs two
21 and three.

22 Let me say also at the outset, Ocean
23 Wind filed this petition only after extensive
24 discussions and outreach with the County of Cape
25 May, in hopes that we can reach accommodations,

1 reach agreements, to let the project move forward
2 with the route to the point of interconnection in
3 Upper Township without the need to file this
4 petition.

5 The project began discussions with
6 the County in 2019 shortly after it received the
7 OREC award. There have been many discussions over
8 that period of time between now and the time the
9 petition is filed, but unfortunately no real
10 progress was made to resolve it.

11 And for that reason, because time is
12 moving forward, there are many, many commitments
13 the project has, both commitments to the State,
14 contractual commitments, deadlines, the project
15 really had no choice but to file the petition
16 asking the Board to step in here.

17 As I think most folks are aware, the
18 issues in this filing are fairly limited. There
19 are really only two issues.

20 One is that Ocean Wind is asking the
21 Board to approve its acquisition of a temporary
22 and a permanent easement over a parcel of land
23 that is owned by the County.

24 The second issue is under the OWEDA
25 amendments, we're asking the Board to essentially

1 preempt the County consents for certain New Jersey
2 Department of Environmental Protection permits.

3 That's required because when a
4 developer wants to construct something that
5 requires environmental approvals on property
6 that's owned by some other entity, in this case
7 it's Cape May County, the property owner has to
8 consent to the deed and the permits.

9 Again, the project has sought the
10 consent of Cape May County, but Cape May has not
11 been willing to give that consent.

12 Therefore, we've had to come to the
13 Board to ask the Board to essentially step into
14 the County's role and say yes, it's okay, you may
15 proceed with those DEP permit applications, and
16 hopefully at the end of the day receive the
17 necessary DEP permits.

18 With respect to the route, let me
19 just briefly summarize the onshore portion of the
20 route that's at issue here. And for those of you
21 that are familiar with the proceeding that just
22 concluded a little while ago regarding Ocean City,
23 it is, of course, the same route we're talking
24 about.

25 The preferred route that is described

1 in the petition would make landfall, come ashore,
2 so to speak, at 35th Street and proceed west to
3 Bay Avenue and then north on Bay Avenue to
4 Roosevelt Boulevard.

5 And then it crosses what's referred
6 to either as Crook Horn Creek or Peck's Bay at the
7 Roosevelt Boulevard bridge.

8 It then will continue along Roosevelt
9 Boulevard within public rights-of-way, turning
10 north on State Route 9, and then proceed to the
11 proposed substation property near BL England.

12 Again, the easements in question here
13 are right at the point where the cable will cross
14 the Roosevelt Boulevard bridge area at Crook Horn
15 Creek.

16 And just before I forget, I just want
17 to make it clear that Ocean Wind has made an
18 offer, which remains outstanding to the County, to
19 acquire the easements. We made the offer back in
20 the spring of this year. The offer's not been
21 accepted, we haven't received a counterproposal.

22 That offer to acquire the easements
23 remains outstanding and is still valid.

24 The other point I'd just like to
25 make, just so it's clear, is that all portions of

1 the onshore cable that we're talking about here
2 will be installed underground. We're not talking
3 about overhead construction.

4 This construction will be underground
5 construction, very similar to the types of
6 underground construction that public utilities
7 have used throughout New Jersey for many, many
8 years, for decades.

9 It will be installed in one of two
10 methods. Either the bulk of the construction
11 along the public roadways will be installed in
12 underground conduits, the same way that existing
13 underground infrastructure is installed in many
14 municipalities throughout the state. It will be
15 no different.

16 In certain areas at the beach landing
17 and at the bridge crossing, it will be installed
18 using what's called horizontal directional
19 drilling, which is a slightly different method,
20 which this simply allows you to cross certain
21 areas by basically drilling in a horizontal
22 fashion to install the cable.

23 But again, I just want to emphasize
24 the construction in these underground electric
25 lines really are no different than the many other

1 underground electric lines that are installed and
2 have operated for decades and decades throughout
3 the State of New Jersey without issue.

4 A little bit more specifics, a few
5 more specifics on the actual easements. As I said
6 before, both of them, both the easements are on
7 the exact same lot and block. It's Block 350.01,
8 Lot 17.01.

9 This is property that is, as I said,
10 on the northern side of the road at the crossing
11 of the Crook Horn Creek.

12 The first easement that we've
13 identified would be a temporary easement that
14 totals .257 acres, so about a quarter-of-an-acre
15 that would be used only during the construction
16 portion of the project in that area.

17 It would be a temporary easement that
18 the project would need for 18 months from the
19 start of construction. Once construction is
20 completed and the line is in service, that
21 temporary easement will no longer be needed.

22 The permanent easement is on the same
23 lot and block, and that totals 0.357 acres. That
24 easement will be approximately 30 feet wide and
25 will be used for the underground cable.

1 Again, and just a little bit more
2 detail -- and of course, all of the details are in
3 our petition, our filing, our pre-filed
4 testimony. And the DEP permits, as I said before,
5 are primarily division of land use resource
6 permits and related approvals that are required
7 from the DEP, and the consent the Board needs to
8 approve the project's ability to move forward with
9 those permits in lieu of the County consent for
10 them to be pursued.

11 I'm going to turn now briefly to the
12 statutory standard of review. And President
13 Fiordaliso already said it, so I won't beat a dead
14 horse here. But the issue is, of course, whether
15 the requested easements in this issue are
16 reasonably necessary for the construction or
17 operation of the qualified offshore wind project.

18 And it's important to remember that,
19 in fact, the same reasonably necessary standard
20 applies to the preemption of the consents for the
21 DEP permits. I think it's important to remember
22 that reasonably necessary doesn't mean absolutely
23 necessary.

24 It doesn't mean that the chosen, the
25 preferred onshore route is the absolute best. It

1 doesn't mean even that it's the least expensive
2 route. It only, reasonably necessary means what
3 you would think it means when you read it from a
4 common sense perspective.

5 It means that the solution of the
6 project as proposed is a reasonable one that will
7 achieve the desired result here, the
8 interconnection of the offshore part of the
9 project to the onshore electric grid.

10 In regard to the selection of the
11 preferred route, our direct or rebuttal testimony
12 goes into extensive detail about the siting
13 process. It was a very iterative process where
14 the project in a very high level identified many
15 different potential points of interconnection.

16 Those, for a variety reasons that are
17 discussed in the testimony, were narrowed down,
18 and eventually determined that the two best ones
19 for this project, given where the offshore lease
20 area is located, given what the onshore, what the
21 capacity of the existing onshore electric grid is
22 at different locations, and narrowed it down to
23 the two I mentioned earlier, Lacey Township and
24 the point in Upper Township.

25 The route selection process was

1 thorough. After the points of interconnection
2 were identified, it was another iterative, both
3 qualitative and quantitative process, where Ocean
4 Wind looked at many different potential routes to
5 get from the ocean to Upper Township.

6 It looked at the impacts that this
7 route would have on a variety of different
8 stakeholders, of course on the residents, on the
9 environmental impacts, impacts on marine issues
10 with the different bodies of water that are in
11 this area, impacts on historic resources.

12 Ease of construction, whether or not
13 it's constructible. You can't pick a route and
14 then find out that it's impossible to construct
15 it, because there are engineering reasons why it
16 can't be constructed.

17 So there were a whole host of
18 different criteria that the project evaluated.
19 And ultimately, in regard to the interconnection
20 in Upper Township, the route that we've described
21 in the filing and that involves these two
22 particular easements, was determined to have the
23 least cumulative impacts of any of the potential
24 routes.

25 And that's why it was chosen. That's

1 why Ocean Wind is moving forward with this point
2 of interconnection and this route.

3 Again, I think we've heard, and I'll
4 save some of this for my rebuttal testimony, but
5 we've heard from various different parties about
6 different issues that they've raised.

7 I think when the Board will review
8 Ocean Wind's testimony, its direct testimony, its
9 rebuttal testimony, it's abundantly clear that the
10 filing satisfies the statutory standard of
11 reasonably necessary.

12 We've gone through everything, we've
13 explained what the construction practices will
14 be. We've explained -- one of the other statutory
15 criteria that I should mention here and is covered
16 extensively in the testimony we had, the project
17 is required to consult with the municipality, or
18 in this case the County, prior to filing the
19 petition.

20 We did that. There was extensive
21 outreach, as I said, from day one. Ocean Wind
22 would have and still would strongly prefer to
23 reach agreements with the County, so we would not
24 need the Board to rule on this petition.

25 Unfortunately time is moving forward,

1 as I said before. And if those agreements could
2 not be reached in a reasonable amount of time, so
3 we simply at this time, to meet the deadlines in
4 the Board's 2019 order and as far as starting
5 construction, we need to move forward now, you
6 know.

7 The other thing I'll just say here
8 briefly, we've heard some of the other parties
9 here have said, well, it's premature because the
10 federal permitting process hasn't concluded yet.
11 Well, that simply isn't correct. It's not
12 premature for the Board to rule on these issues
13 now.

14 Because first of all, the easement
15 issues, we need easements in order to be able to
16 finalize the route and to begin construction. We
17 can't construct without the easements and we can't
18 begin construction without the NJDEP permits.

19 Secondly, it's sort of the chicken
20 and the egg argument. The federal permitting
21 process requires consistency review, and the state
22 permits are needed in order to comply with the
23 federal permitting consistency review process.

24 So it simply isn't accurate that the
25 project, or quite frankly now that the petition

1 has been filed, the Board can or should wait for
2 the federal government to finalize their
3 permitting review.

4 It's simply, both things have to
5 happen at the same time, so the project can move
6 forward and finish the permitting stage of it, and
7 actually begin the construction phase of the
8 project.

9 At this point that covers what I'd
10 like to say in my initial comments. And I would
11 reserve the right to respond in rebuttal to the
12 statements of other parties as necessary. Thank
13 you.

14 PRESIDENT FIORDALISO: Thank you,
15 sir.

16 Next I invite the County of Cape May
17 to make its statement. And if its attorney would
18 state its appearance and then make the statement,
19 please?

20 MR. DONOHUE: Thank you.

21 President Fiordaliso, good morning.
22 Good morning to members of the Board. Good
23 morning to Participants and Staff. Thank you.

24 Michael Donohue of the Law Offices of
25 Blaney, Donohue & Weinberg in Avalon on behalf of

1 the County of Cape May.

2 Initially I want to indicate that the
3 County, of course, incorporates all of its
4 arguments, all of its paper submissions.

5 In the interest of the Board's time
6 and judicial economy I'm not going to argue every
7 single thing I've argued so far. It's of record.
8 Our motions, our objections continue, etc.

9 Like I said, I don't want to belabor
10 too many issues. But there are a number of things
11 that should be touched on, there are a number of
12 legal issues that need to be preserved in oral
13 argument.

14 As Mr. Eisenstark said, we're here
15 under the section of OWEDA 48:3-87.1(f), which
16 essentially allows the offshore wind project to
17 file a petition such as this with the BPU in order
18 for the BPU to do a couple of things.

19 Mainly to stand in the shoes of
20 elected officials. And that is the main reason or
21 a main reason why the County has felt compelled to
22 essentially, you know, object to the process.

23 The County feels strongly, or the
24 officials in the County feel strongly that the
25 voters should not be disenfranchised by a process

1 such as this, with all due respect to every member
2 of the Board, where an unelected State authority
3 steps into the shoes of elected officials and
4 essentially sets them aside and begins to make
5 decisions for them.

6 It's not unheard of, but this is a
7 brand new process. One thing that I think
8 everybody agrees on is these are matters of first
9 impression. It's a brand new statute, has not
10 been subject to judicial scrutiny. There's no
11 jurisprudential guidance on any aspect of it. But
12 there are other similar processes.

13 We understand that, we've argued that
14 as well. But these are matters of first
15 impression. Mr. Eisenstark touched on it as did
16 President Fiordaliso, the reasonably necessary
17 standard. The County disagrees that that serves
18 to utterly limit our discussion only to certain
19 things, but we are going to try to stay within
20 those parameters.

21 But the court has said that the
22 analysis of the reasonably and necessary standard
23 is to include consideration of all facts and
24 circumstances, and a balancing of interests.
25 That's in our papers, Borough of Glassboro v.

1 Grossman 457 New Jersey Super 416, a case from the
2 Appellate Division 2019.

3 So in the assessing reasonably
4 necessary analysis, the Board isn't compelled to
5 simply look at, well, does the applicant, the
6 petitioner, demonstrate, or form its own opinion
7 that, hey, this is reasonably necessary because we
8 looked at everything else and this is what we
9 would like to do?

10 That's not the standard. The
11 standard is to look at all of the facts and
12 circumstances, engage in a balancing of interest
13 to determine whether this particular route must be
14 the one.

15 The County argues that the applicant
16 petitioner should not be able to shift that burden
17 to the County, that they should have to be able to
18 establish conclusively that only this route is the
19 one that will work, and is reasonably necessary
20 for compelling substantial reasons, not just for
21 the benefit of the project.

22 And balancing all of the interests
23 here, as President Fiordaliso went through at the
24 top of this proceeding, there are a number of
25 parties here that are very interested. And there

1 is objections, which I'm sure you'll hear, I won't
2 speak for any of them.

3 This is, as the County has argued, a
4 quasi-judicial proceeding. I think any legal
5 conclusion to the contrary is wrong. And all of
6 those standards apply to this proceeding.

7 The County has made arguments of
8 rightness and justiciability. In other words, are
9 these matters really ready to be disposed of? And
10 the County has argued that they are not. What we
11 hear is time, time, time.

12 Time is certainly an important
13 consideration, but should it really be the only
14 consideration? Should the only consideration
15 really be, hey, if we don't get this done right
16 now, it may disrupt our timeline?

17 It's been this sort of a Catch 22 for
18 the County and other parties, because the argument
19 is made, well, we have an agreement with the BPU,
20 we have to start delivering this power. So
21 consequently all this has to happen now, time
22 should control the outcome.

23 That doesn't appear to be a very
24 reasonable argument.

25 In terms of the environmental reviews

1 that are to take place, as the Board is well aware
2 Universal Energy Management is in the process of a
3 draft and Environmental Impact Statement review.
4 There's a historical resource analysis taking
5 place.

6 The draft Environmental Impact
7 Statement is not scheduled to come to a sort of
8 point of finality until April of 2023. And other
9 processes, including DEP process, multiple
10 processes, there's about a half-dozen or so looks
11 like, applications for the DEP, will also be
12 moving forward.

13 And here's really the problem as the
14 County sees it in that regard, in terms of the
15 question of time, and I'll put it this way:

16 Not to be flip about it, but we've
17 all, I think everybody involved in this process,
18 been involved in complex state and federal
19 environmental permitting applications. Right?

20 Has anyone ever lived through that
21 experience and not had those agencies change their
22 project? I think the answer to that question is
23 no. It is almost a fait accompli that those
24 agencies are going to change what has been
25 proposed.

1 And if those changes impact this
2 preferred route, which they are likely to do for
3 reasons I'll talk about in a moment, we're going
4 to be back here again. I'll touch more on that in
5 a moment.

6 What we look at in terms of this
7 proceeding asks for two questions. The first is a
8 question of whether the BPU should put aside the
9 elected officials of Cape May County when it comes
10 to consent to the DEP applications.

11 Here's where we got hung up on that:
12 The certification required to be signed by the
13 County to submit to the DEP contains a provision
14 that says, we have reviewed all of the
15 documentation associated with all of these
16 applications and we find it to be accurate -- I'm
17 paraphrasing -- and complete. That's essentially
18 what that the certification requires.

19 No County official was in a position
20 to do that. And we were not provided with,
21 although Ocean Wind's answer was, well, you never
22 asked for it, but it should be clear that it's
23 part of the process that you're asking for consent
24 of this nature to provide all that documentation.

25 And frankly, there's no one, I

1 certainly would not be competent to review that
2 information, nor would any of the elected
3 officials. It would really require the County to
4 retain some expert who could review all of that
5 documentation and say it looks accurate, it looks
6 complete.

7 That never happened, never given the
8 opportunity really to do that. So in terms of
9 signing the consent, the County is not being
10 obstinate or trying to throw a monkey wrench in
11 this whole process. There's no official who could
12 sign it.

13 Because they did not make that
14 representation on a certification, which is
15 essentially swearing under oath to what's included
16 and what the DEP wanted.

17 So the representation is accurate on
18 its face that the County has not consented. But
19 there's substantial important legal and factual
20 reasons why that hasn't happened.

21 So at this point, Ocean Wind comes to
22 the Board and says, we need you to step into the
23 shoes of these five elected officials.

24 We just had an election a couple
25 nights ago. Tens of thousands of residents of

1 Cape May County voted for who they want to
2 represent them on the Board of County
3 Commissioners who make these types of decisions.

4 And Ocean Wind says, well, we're not
5 getting anywhere with the County, so we need,
6 respectfully again, unelected state authority to
7 step in, and we argue disenfranchise those voters,
8 the voter who trusted those five people to make
9 these types of decisions.

10 The first question is on the
11 consents. The consent is to allowing the
12 environmental applications to move forward. I
13 won't talk about any type of settlement type of
14 discussion we had, because those are confidential
15 and shouldn't be in this proceeding.

16 But there were some discussions
17 outside of the context about, is there a way to
18 offer our non-objection to the applications moving
19 forward, so to speak. Didn't really seem to be a
20 way to do that. There was consent in the form of
21 BPU requires or nothing.

22 And that's unfortunate. Because I
23 think if there was a third way, that question may
24 not be before the Board, but here we are.

25 The second part of the petition is

1 the taking. I think it's important to stress and
2 understand, this is a condemnation proceeding,
3 there's no other way to look at it. The Board is
4 being asked to take property interest from the
5 County. And if we have a condemnation proceeding,
6 then we are in the context of eminent domain.

7 Now, again, the County believes that
8 any conclusion that this is not a proceeding that
9 impacts or implicates the law of eminent domain is
10 just wrong. Now, it doesn't mean that every
11 provision of the Eminent Domain Act applies.

12 What it does mean is that the due
13 process that mirrors the due process procured in
14 the provisions of Eminent Domain has to be
15 afforded to the County.

16 There's, if you'll indulge me for one
17 moment, the courts have said the legislature may
18 not fight over arbitrate power of administrative
19 agencies.

20 But as long as the discretion of
21 administrative officers is hemmed in by standards
22 sufficiently defining guiding its exercise and
23 delegation of the eminent domain power can be
24 constitutional.

25 It's obvious that a statute that

1 allows an administrative agency to exercise the
2 right of condemnation also contemplates all
3 necessary requirements to satisfy due process.

4 So in other words, all those things
5 that are typical in an eminent domain proceeding
6 should be part of this process. This goes back to
7 what I pointed out in the beginning about these
8 being matters of first impression.

9 Every decision that the BPU makes in
10 the context of this petition will be implying
11 that. It would be establishing processes that
12 will be utilized, in all likelihood, on a number
13 of occasions, for perhaps this project, Ocean Wind
14 2, and other projects that are coming along.

15 So decisions that are made now are
16 extraordinarily important in terms of determining
17 how to mirror the due process provisions of the
18 Eminent Domain Act and the law interpreting it.

19 So certainly I'm not suggesting Ocean
20 Wind's being dismissive of this process. But it
21 is much more important in terms of this proceeding
22 that I think it has been afforded thus far, at
23 least.

24 Part of that due process is that the
25 property in question has to be subject to an

1 appraisal. That's sort of the sine qua non for
2 any condemnation proceeding. The property has to
3 be subject to an appraisal, the property itself.

4 What happened here, the County was
5 presented with an offer based on a appraisal of
6 other property, not this property. And as we
7 pointed out in the papers, that's not what the
8 Eminent Domain Act calls for.

9 In fact, the Act calls for the County
10 to have the ability to accompany the appraiser to
11 the site, to then get the appraisal, along with a
12 description of the methodology valuation used by
13 the appraiser.

14 Now, interestingly, and we appreciate
15 Ocean Wind finally doing this, an appraisal was
16 conducted in the last couple of weeks. We got the
17 report just a few days ago. But it's important to
18 understand that that -- and again, if you'll
19 indulge me --

20 N.J.S.A. 20:3-6 is part of the
21 Eminent Domain Act. It encourages entities to try
22 to resolve these issues before filing suit. And
23 they're pre-action requirements. The appraisal is
24 a big one.

25 The pre-action appraisal is a big one

1 because the courts are trying not to have to deal
2 with these things, right, as I'm sure the BPU
3 would prefer.

4 So that provision for a pre-action
5 appraisal often allows the parties to engage in
6 substantive discussions that avoid litigation.
7 And it is strictly required before any
8 condemnation action can be filed.

9 The court says the purpose is subject
10 to strict instruction. If a condemnor may ignore
11 statute and then later cure it during the
12 proceedings, the whole purpose of having a
13 pre-action appraisal will be completely
14 frustrated.

15 Indeed, an order for a stay so the
16 condemnor may then do what it should have done
17 earlier, will encourage noncompliance.

18 In other words, it will encourage
19 parties who seek a taking by eminent domain to
20 simply ignore the pre-action requirement. And the
21 courts go on to say that the remedy for that is
22 dismissal without prejudice.

23 So what do we have here? We have
24 undisputedly, beyond dispute, an action for a
25 taking, a condemnation action filed without

1 satisfaction of that pre-action requirement for an
2 appraisal beforehand.

3 The Eminent Domain Act, and
4 interestingly OWEDA in this section, then
5 requiring a 90-day period after the appraisal is
6 supplied before a suit can be brought, before a
7 petition can be filed, before a condemnation act
8 can be filed.

9 And the purpose of that 90-day period
10 is to do what the Act wants to happen, what the
11 courts want to happen, is to arm the condemnee
12 with the methodology on valuation, with the
13 appraisal, so that a realistic assessment can be
14 made and some discussion can be had during that
15 90-day period.

16 That never happened. And the courts
17 are clear that that cannot be cured mid-suit or
18 mid-petition, because that would encourage people
19 to not comply with that provision.

20 So the County argues that we now have
21 the appraisal. But really that portion of this
22 application should be dismissed without
23 prejudice.

24 And once it is, then the 90-day
25 period should start and parties can discuss

1 whether or not any of that methodology makes sense
2 in terms of valuation, or if the offer is
3 acceptable or could be negotiated.

4 And the County's argument in that
5 regard stands, I think the law requires, I think
6 that's where the court can come down.

7 In terms of the preferred route
8 versus alternate routes, etc., I won't get down
9 into minutia, the Board has all that, very
10 competent staff, experienced in these things to
11 review what has been submitted.

12 But as was argued in the Ocean City
13 petition context, and has been argued somewhat in
14 this petition context already, and as the County
15 submitted in the pretrial testimony of its County
16 engineer, in the opinion of the County, that
17 analysis has not been sufficient.

18 Even the analysis of the preferred
19 route is leaving out major components in terms of
20 this balancing of interest. Right? There are
21 nine, ten towns in Cape May County who have
22 essentially filed some opposition to the process,
23 some of them have a direct interest. Right?

24 Ocean City does, the County does.
25 That should be part of the balancing. Those folks

1 object to how this has been brought together to
2 the analysis that has been presented or not
3 presented. And that should be part of that
4 balance. That should be a major consideration.

5 In addition to that, our engineer
6 identified the fact that the preferred route is
7 going right through wetlands. Wetlands are a
8 terrifying word in an environmental setting
9 complex in our neck of the woods, and I'm sure in
10 the experience of many of the Board members.

11 As soon as you say the word wetlands,
12 you know you have to deal with a stack of
13 environmental considerations before you can
14 disturb one piece of cordgrass.

15 This route will go through wetlands.
16 And we're not sure how many areas of wetlands it
17 will disturb. Because Roosevelt Boulevard itself,
18 as our engineer argued, does not have a wide
19 improved shoulder.

20 It has mostly grass shoulder that, in
21 fact, is wetlands. It's a causeway right into a
22 barrier island. So much of it runs essentially
23 just right through wetlands.

24 So that roadway, that shoulder, also
25 abuts or is actually part of in some places the

1 wetlands. We don't know, there's been no analysis
2 of what that impact will be from this route.

3 Also, the engineer pointed out that
4 the Roosevelt Boulevard bridge over Crook Horn
5 Creek, will have to be widened and perhaps
6 replaced. There's a plan apparently to put
7 bumpers on the north side where this route is
8 proposed to go.

9 And no one has answered the question
10 of how that will impact the route in the future,
11 or the bridge, the ability to repair or replace
12 the bridge. And that raises the question then, if
13 that is going to happen during the 30-, 40-year
14 life span of this project, what happens then?

15 Do we have to shut down the entire
16 property, the entire operation, power generation
17 operation in order to move these lines? Do we
18 have to move the bridge to a different place that
19 can cost millions and millions of dollars to
20 taxpayers?

21 There's no consideration of those
22 questions whatsoever in the presentation or the
23 argument in favor of the proposed route. There
24 are also alternate routes that weren't considered,
25 as the engineer pointed out. And the Board can go

1 look at that detail in the testimony.

2 But there's a Parkway route that was
3 described where the upland Parkway right-of-way
4 could be potentially used. There's an abandoned
5 railroad, which could be used.

6 And these abandoned railroad beds,
7 I'm sure the Board sees in various places, and
8 probably has even dealt with no doubt, are being
9 utilized in this fashion very effectively. And
10 the railroad bed is being upgraded to contain the
11 facility underground very effectively on a route
12 that makes sense.

13 And then improving the abandoned
14 railroad beds to make it a bike path or a walking
15 path or something of that nature, which would be
16 fantastic for the community, and a great thing for
17 a corporate resident.

18 So all of those things, in addition
19 to all the other arguments we made, I think the
20 Board needs to consider when talking about what's
21 reasonably necessary and what the courts require
22 in this balancing approach, and considering all
23 the facts and circumstances.

24 Just indulge me for one second. What
25 we have not seen really, other than what is

1 essentially just opinion, and not really analysis,
2 not really a detailed breakdown analysis of all
3 the other routes -- Egg Harbor Bay route, Parkway
4 route, the railroad route -- I assume if that was
5 available we would all have it.

6 It wasn't done. Essentially there
7 appears to have been an assessment, this is the
8 shortest route and the cheapest route, this is
9 what we deem to be reasonably necessary. We don't
10 want to burden the project with extra costs.

11 But we don't know, because no
12 analysis has been presented in that regard,
13 whether there would be extra costs for these other
14 routes.

15 And in that balancing approach that
16 the courts require when you deal with something
17 that the question is reasonably necessary, money
18 is only one factor. But we don't know. And
19 that's part of the problem. We don't know because
20 that analysis has not been presented.

21 So I'll just recap. The County
22 resubmits all its arguments obviously. We think
23 that these issues are not ripe yet, they're not
24 complete. There's plenty of time. Time I know is
25 a factor.

1 But we are in the midst of a project
2 that will impact us, I say us, the State of New
3 Jersey, perhaps the world, in a good way, we all
4 hope so. But us here in Cape May County for 30
5 years, and we're talking about time.

6 The impacts to this will be great.
7 And I know this proceeding is not going to deal
8 with questions of the impacts to fisheries and
9 tourism and the view shed and those things. But
10 for us that's all very serious, very important.
11 And we think they should be considered.

12 What the County believes is going to
13 happen, and it's unfortunate, is that the Board
14 will act as it acts and the Board will make a
15 decision.

16 If the Board makes the decision to
17 approve this preferred route at this time, then
18 we're all going to watch the environmental permit
19 processes move forward and change the project and
20 change what has to be done and where it can be
21 done. And what happens then?

22 So let's, if you'll indulge me again,
23 play this out very quickly. The Board grants the
24 easements. Ocean Wind pursues its filing. We
25 operate interestingly under the Eminent Domain Act

1 at that point, which is specifically incorporated
2 into OWEDA by reference, to determine the value of
3 the property which we can agree.

4 And an easement is recorded, a
5 permanent easement over this piece of land, before
6 any of the environmental permitting is done. And
7 the environmental permitting goes back and says,
8 can't do it there, but it's got to move 200 feet
9 to the north or south.

10 Then we're back here again. Because
11 there won't be an easement for that portion of
12 land. And I shouldn't say we're back here again,
13 maybe we work it out. But if we don't, we're back
14 here again and doing this all over again.

15 Whereas, if those processes are
16 allowed to move forward we wouldn't have to do
17 that. And this will be the final part, one of the
18 final parts of the argument.

19 We have argued, and we don't seek
20 this, we argue this alternatively, we argued for a
21 dismissal without prejudice of the entire
22 application.

23 But this Board can bifurcate these
24 questions. In other words, split these things in
25 half.

1 The Board can look at the DEP consent
2 question and say, you know what, those
3 applications need to move forward for the reasons
4 Mr. Eisenstark said, so that all of the
5 environmental permitting processes can move
6 forward, and we're going to get into that.

7 But on the taking question we're
8 going to hold that, because we don't know yet.
9 It's not concretized, it's not certain yet for us
10 to say that's definitely where you're going to go,
11 that's definitely how you're going to do this. So
12 we're going to step in and effectuate a taking of
13 the County's property.

14 That question can be held until such
15 time as those environmental permitting processes
16 are complete. That would seem to make sense.
17 Again, we argue this alternative. It seems to
18 make a lot of sense.

19 The last thing I would say, because
20 there has been some dismissal of the State
21 Constitution, the Board is aware, it's in our
22 submissions, that there is a provision of our
23 State Constitution, Article 4, Section 7,
24 Paragraph 11, requires that any law concerning
25 municipal corporations or for local government or

1 concerning counties shall be liberally construed
2 in their favor. That's in our State
3 Constitution.

4 Ocean Wind seems to argue that the
5 Constitution can be set aside because OWEDA says
6 any laws that affect, this sort of trumps that.
7 But the County's position is the State
8 Constitution cannot be trumped in that manner.

9 And the County argues, the members of
10 the Board in considering this must consider that
11 constitutional provision and liberally construe
12 OWEDA in favor of the County, not in favor of the
13 petition.

14 So when there are questions of this
15 nature, the Constitution should be given some
16 respect in that regard.

17 I think that's all I have at this
18 moment. I appreciate it. I'm more than happy to
19 take questions from the Board at the appropriate
20 time. And we would reserve hopefully some time
21 for rebuttal, if necessary. Thank you.

22 PRESIDENT FIORDALISO: Thank you very
23 much, sir.

24 I now invite the City of Ocean City's
25 attorney to state her appearance and make their

1 statement.

2 MS. MC CROSSON: Thank you, sir.
3 Good morning, President Fiordaliso, Commissioners,
4 Board Staff. Thank you for the opportunity to
5 present on behalf of Ocean City.

6 I was before the BPU in June in the
7 first petition that involved Ocean City, and for
8 purposes of this record, I'm going to reiterate
9 arguments made in that proceeding, which is
10 docketed as Q02202004.

11 Ocean City renews its argument that
12 the New Jersey Administrative Code under Section
13 7:36-26.8 permits the local government, be it
14 Ocean City or Cape May County, to initiate any and
15 all application for the diversion of land on its
16 recreation and open space inventory.

17 The 2021 amendment to N.J.S.A.'s
18 48:3-87.1, which appears to have been targeted at
19 Ocean City, and designed specifically to benefit
20 Ocean Wind and Orsted, denies Ocean City's power
21 to decide whether Ocean Wind, a private entity,
22 may take municipal or public property rights
23 within Ocean City and Cape May County.

24 Whether this amendment will be upheld
25 in the face of a legal challenge remains to be

1 seen. The City and now the County have cited to
2 New Jersey Constitution Article 4, Section 7,
3 Paragraph 11, any law concerning municipal
4 corporations formed for local government or
5 concerning counties shall be liberally construed
6 in their favor.

7 Of course that argument applies in
8 this case, as well as it did in the other. Ocean
9 City urges this Board to refer Ocean Wind's
10 petition to the Office of Administrative Law to
11 contest the case under N.J.S.A. 52:14F-1, et seq.,
12 for hearing and disposition.

13 All three factors set forth in the
14 case of Board of Education of the Upper Freehold
15 Regional School District versus State Health
16 Benefits Commission, 314 NJ Super 486, Appellate
17 Division 1998, are present in this matter as they
18 were in the prior case.

19 This hearing is required by statute.
20 The hearing will result in adjudication concerning
21 rights, duties, obligations, privileges, benefits
22 or other relations, and the hearing involves
23 specific parties, rather than a large segment of
24 the public.

25 Additionally, discovery is required

1 in this matter. Ocean Wind is focused on its
2 preferred route to cross Ocean City's beach,
3 across the barrier island itself, and Ocean City's
4 and Cape May County's wetlands.

5 They have dismissed the alternate
6 routes, including the route through Great Egg
7 Harbor Inlet. Ocean City, Cape May County and the
8 public have a right to know why the alternate
9 routes have been dismissed.

10 In the absence of factual support for
11 its claims that the alternate routes have the
12 challenges that Ocean Wind claims, the Board
13 should consider the possibility that these reasons
14 are pretextual, and that Ocean Wind is simply
15 pursuing the easiest or least expensive route to
16 its own benefit and to the detriment of the City,
17 the County and the public.

18 The lack of discovery in this process
19 may undermine its legitimacy in the eyes of the
20 public. In some respects this process may be
21 analogous to cases under the Eminent Domain Act,
22 where no or extremely limited discovery is
23 permitted.

24 However, considering whether
25 discovery should be required, the Board should

1 treat this matter in the same way it treats other
2 matters which come before them in the Municipal
3 Land Use Law, where the same standard of
4 reasonably necessary is applied.

5 As the City argued with respect to
6 the first Ocean Wind petition, Ocean Wind has
7 failed in its burden to establish that it's
8 proposed route cutting a swath across the width of
9 Ocean City and through Cape May County with a
10 backhoe is reasonably necessary.

11 Ocean City requests that the BPU
12 carefully consider the Great Egg Harbor route as
13 an alternate route to the BL England facility, and
14 compel Ocean Wind to provide evidence as to why
15 that alternate route is not being pursued.

16 Expert testimony is now required to
17 poke holes in Ocean Wind's argument about the
18 challenges which caused it to dismiss the Great
19 Egg Harbor route. The two routes seem to be
20 comparable, the route through Great Egg Harbor and
21 the route through Barnegat Bay as an underwater
22 route that presents challenges.

23 However, nothing that cannot be
24 overcome, as they have overcome those challenges
25 in the Oyster Creek project. The inlet is of

1 sufficient width to accommodate this route, as can
2 be readily seen, without impacting the burrowing
3 area in the Ocean City shore.

4 Restriction of other vessels during
5 construction in this wide inlet does not equate to
6 closure of the inlet, as Ocean Wind would have you
7 believe. Navigation would continue during the
8 temporary period of construction as it did when
9 the Ocean City-Longport Bridge was constructed.

10 They talk about disturbance of
11 shellfish habitat. Well, that can be addressed by
12 monetary contributions to the NJDEP's dedicated
13 fund for Shellfish Habitat Mitigation and
14 Restoration, pursuant to N.J.A.C. 7:7-9.2. This
15 is done on a regular basis.

16 And as noted before, Ocean Wind's
17 claim that the two historic bridges which could be
18 impacted by the Great Egg Harbor route is just
19 simply inaccurate. The overwhelming benefit of
20 the Great Egg Harbor route is the utter lack of
21 disturbance to the citizenry of Ocean City, Cape
22 May County, and the public in general.

23 The City's pristine beach and
24 wetlands and the County wetlands would not be
25 excavated or disturbed. The streets would not be

1 opened. Ocean City would still bear the aesthetic
2 effects of this project, but that's not before
3 this Board.

4 However, the Island and the County
5 would not be defaced, and the activities of the
6 people on the Island and the County would not be
7 interrupted.

8 Without evidentiary support for its
9 rejection of the Great Egg Harbor route and the
10 other routes, how can this Board evaluate
11 (inaudible)? If there's another route how can
12 this be determined to be reasonably necessary?

13 The challenges cited by Ocean Wind
14 appear to have been overcome in the Oyster Creek
15 proposal. Could the strategies utilized to reach
16 the Oyster Creek station be implemented in the
17 Great Egg Harbor Inlet? If so, why is Ocean Wind
18 insisting that the proposed route is reasonably
19 necessary?

20 I agree with Mr. Eisenstark. The
21 question before the Board is not whether the route
22 through Ocean City is the easiest, fastest, least
23 expensive. The Board is to determine whether
24 (inaudible). But not reasonable, that's not the
25 inquiry before you. It's reasonably necessary.

1 If there's more than one route, then
2 going through Ocean City is not reasonably
3 necessary. And Ocean Wind has not given any
4 information about alternate routes to make a
5 determination.

6 Until Ocean Wind explains why the
7 Great Egg Harbor route was rejected, and explains
8 how the obstacles upon which it bases its
9 rejection of the Great Egg Harbor route and other
10 routes are different than those that evidently it
11 believes it can overcome in the Oyster Creek
12 project, this Board cannot be certain that Ocean
13 Wind is not arbitrarily abusing the power that the
14 2021 amendment granted to it.

15 The Board should not make a finding
16 until the proposed route is demonstrated to be
17 reasonably necessary. Ocean City concurs with and
18 shared the arguments made on behalf of Cape May
19 County.

20 The idea of bifurcating the Board's
21 decision, allowing some of the permittees to go
22 forward without granting the easements, is a good
23 suggestion, one which we hope that the Board will
24 take seriously.

25 The record before you is deficient.

1 Ocean City asks the Board to either bifurcate its
2 decision, as Mr. Donohue suggested, or deny the
3 petition. And the Board (inaudible). The City
4 requests that the Board refer this petition to the
5 Office of Administrative Law.

6 Thank you.

7 PRESIDENT FIORDALISO: Thank you very
8 much for your comments.

9 I will now invite Upper Township's
10 attorney to state their appearance and give their
11 statement.

12 MR. MALEY: Good morning. Jim Maley
13 on behalf of Upper Township. And Upper Township
14 does not have an affirmative statement to make, we
15 just reserve for any rebuttal.

16 PRESIDENT FIORDALISO: Very good.
17 Thank you, sir. I will now call upon Rate Counsel
18 to state their appearance and to make their
19 statement.

20 MR. LIPMAN: Good morning, President
21 Fiordaliso and Commissioners. Brian Lipman of the
22 New Jersey Division of Rate Counsel. It's going
23 to be hard to follow that last argument and be
24 succinct, but I'll do my best.

25 The issue before the Board today, as

1 you know, is whether the requested easement is
2 reasonably necessary for the construction or
3 operation of the qualified wind project.

4 And it's important again to remember
5 what's not in front of the Board today. Offshore
6 wind is not in front of the Board. Where wind
7 turbines will be placed is not in front of the
8 Board. It's just this route, whether it is
9 reasonably necessary.

10 Rate Counsel sees two problems with
11 the Board making this decision at this time.
12 First, it's the procedural posture in this case.
13 Because of that the decision has essentially
14 already been made.

15 In the Ocean City matter the Board
16 found that the requested easements were reasonably
17 necessary. In doing so they evaluated the exact
18 same route that's in front of the Board now.

19 As we explained then, bifurcating
20 these two requests leaves out anyone participating
21 solely in this case. The Ocean City order came
22 out the day before the public hearing in this
23 matter, before written public comments were filed,
24 and before obviously this oral argument.

25 The result was that many people,

1 members of the public, were confused at the public
2 hearing for the matter, since the Ocean City order
3 was issued that day before. They questioned why
4 they were even attending a public hearing for
5 things that they perceived to have already been
6 decided.

7 Bifurcating the two matters confused
8 the public, and it also made the overall
9 procedural process of these matters more opaque.
10 Moreover, as a result of deciding in favor of the
11 Ocean City matter, it's virtually impossible for
12 the Board to rule against the petition here.

13 To do so would likely have to
14 overturn the Ocean City order, an extremely
15 unlikely outcome. Thereby, deciding the Ocean
16 City before hearing from the parties here, the
17 Board has essentially deprived the parties in this
18 matter the ability of being heard.

19 The second problem we see is the
20 record in this matter. We believe the record is
21 fundamentally flawed. There's a petition before
22 the Board.

23 The parties were not afforded the
24 opportunity to ask for discovery regarding that
25 petition. The parties were not afforded the

1 opportunity to cross-examine the witnesses
2 supporting that petition.

3 Essentially the Board has before it a
4 petition, and no party, including Board Staff, has
5 had the opportunity to properly determine if it's
6 accurate, credible or complete.

7 I would note that Mr. Eisenstark
8 referred briefly to rebuttal testimony that was
9 filed by Ocean Wind. There was no chance to ask
10 anything, either informal or otherwise, on the
11 rebuttal testimony.

12 And it's disingenuous for the Board
13 to then state that no person had evidence opposing
14 the petition. How could they? Due process serves
15 two essential purposes. To ensure that every
16 party has the opportunity to be truly heard, and
17 to give the decider of fact the confidence that
18 the evidence before it is viable.

19 Here neither has been accomplished,
20 and simply due process has not been afforded.
21 Ultimately the Board must determine that this
22 easement is reasonably necessary.

23 This is a higher bar than a simple
24 eminent domain case, which requires only
25 necessity. Reasonable was added to the statute

1 and it must have meaning.

2 Reliance from the eminent domain
3 statute is misplaced and has led to a process
4 where the parties, the public, and frankly, the
5 Board has been deprived of a full record upon
6 which to base a decision.

7 Rate Counsel will not, because we
8 cannot take a position on this petition. I am not
9 happy with this conclusion. And frankly the Board
10 should not be either.

11 The simple fact is that Rate Counsel
12 does not have sufficient information to reach a
13 reasonable decision. It is unclear to Rate
14 Counsel how the Board does either. Thank you.

15 PRESIDENT FIORDALISO: Thank you,
16 Director Lipman.

17 And thank everyone who has made a
18 statement thus far.

19 At this time I would like to invite
20 the nine participants to place their appearances
21 on the record. It's my understanding that Counsel
22 may be representing a number of these
23 municipalities.

24 So we're going to approach this, with
25 your permission, a little bit differently, and ask

1 the attorneys to state their appearance and
2 indicate the municipalities they are representing,
3 if it's more than one.

4 So if you would start stating your
5 appearance, please?

6 MR. BALDINI: I'm assuming you're
7 talking to me. And thank you, Mr. Chairman.

8 My name is Paul J. Baldini. I'm an
9 attorney, I'm licensed in the State of New
10 Jersey. And I do represent nine municipalities
11 before this Board, as I have done.

12 PRESIDENT FIORDALISO: So you are
13 representing all nine?

14 MR. BALDINI: Yes, sir, I am.

15 PRESIDENT FIORDALISO: Okay. Very
16 good. The floor is yours, sir.

17 MR. BALDINI: Thank you, sir, I
18 appreciate that. I also wish to thank the entire
19 board of the BPU for listening to these comments.

20 I am here on behalf of nine Cape May
21 County municipalities. These municipalities
22 sought intervention status and were denied the
23 opportunity to intervene.

24 So it is clear, I am here on behalf
25 of the City of Sea Isle, Dennis Township, Lower

1 Township, the Borough of Avalon, Middle Township,
2 the Borough of Wildwood Crest, the Borough of
3 Stone Harbor, the City of Wildwood, and the City
4 of North Wildwood.

5 Collectively I represent the
6 overwhelming majority of residents who reside in
7 Cape May County and will be affected by the
8 decisions of the Board.

9 At the outset, the municipalities
10 specifically reserve the right to challenge any
11 and all approvals granted to Ocean Wind pursuant
12 to this process.

13 The municipalities feel the Board
14 does not have authority to move forward with
15 this. The County has laid out numerous arguments,
16 and I will not repeat those here before the Board.

17 But I do reserve all rights to these
18 nine municipalities, including the right to appeal
19 and challenge the decision to deny Intervenor
20 status to these municipalities. By participating
21 in these proceedings we are not waiving any
22 rights.

23 Turning to consideration of Ocean
24 Wind's petition seeking authority to obtain an
25 easement over both Ocean City and County property,

1 there are a number of considerations. Some of the
2 considerations are specific to each municipality,
3 and some are general to all nine municipalities.

4 Under the statute N.J.S.A. 48:3-87.1,
5 one must keep in mind that this is a new statute,
6 which has never before been used. As such, it is
7 absolutely imperative that all municipalities and
8 all stakeholders be involved in the process.

9 The rules being made by the BPU as
10 the BPU goes through the process will, in the
11 future, affect all nine municipalities, yet they
12 have been effectively shut out of the process by
13 the BPU.

14 Decisions to be made by the BPU are
15 decisions that impact home rule and undermine the
16 legitimacy of the process. Heretofore, these
17 decisions were made by elected officials and the
18 affected communities. They will now be made by
19 the BPU.

20 I have been specifically immodest not
21 to address the legitimate and important issues of
22 residents of Cape May County, such as damage to
23 fragile beaches, wetlands and other protected
24 lands, impact on tourism, the fishing industry or
25 environmental damage to birds and whales. So be

1 it.

2 But these towns go on record as
3 calling out what is happening. The City of Sea
4 Isle City is immediately adjacent to Ocean City
5 and directly impacted by the easement sought.

6 If there is a way to deliver the
7 energy to its final inland destination that does
8 not run through the beaches of Ocean City or the
9 County access roads to Ocean City, then such
10 should be the preferred route.

11 The Great Egg Harbor route is a
12 reasonable route. It avoids roads traveled by and
13 on the residents of Sea Isle City.

14 Keep in mind that Sea Isle City send
15 its children to Ocean City High School. The
16 residents of Sea Isle City drive those streets
17 every day. They will be directly impacted by the
18 decisions made by the BPU.

19 The reasonable route of going through
20 Ocean City and along the County road may be
21 reasonable to the BPU, but is not reasonable to
22 the residents of the City of Sea Isle City.

23 Dennis Township being an inland
24 community has concerns over the way the route is
25 selected, with no financial disclosures by Ocean

1 Wind. Yet requests from the County and Ocean City
2 have been ignored.

3 The rush to move forward with taking
4 of land without the required Environmental Impact
5 Statements is particularly troubling to Dennis
6 Township.

7 Dennis is a rural community with
8 large sections of environmentally protected and
9 sensitive lands. To transverse these lands when
10 there are other more viable routes available is
11 disconcerting to the residents of Dennis
12 Township.

13 Lower Township is a community in Cape
14 May County that has both oceanfront beaches and
15 Delaware Bay beaches. The cavalier approach to
16 taking a land from Ocean City which is sensitive,
17 which is sensitive land, is a huge concern to
18 Lower Township.

19 As future wind development occurs in
20 the Atlantic Ocean and Ocean Wind proceeds south,
21 there will be arguments by Ocean Wind to not only
22 traverse Lower Township's pristine beaches in the
23 Atlantic Ocean, but for some residents its
24 pristine beach along the Delaware Bay.

25 The process of the taking and the

1 impact upon environmentally sensitive land is
2 extremely important to the Township of Lower
3 Township, and directly affects its residents.

4 If the easement in taking is provided
5 against Ocean City, then is Lower Township one of
6 the next communities to suffer such a fate? If
7 so, why aren't they at the table as stakeholders?

8 The Borough of Avalon is immediately
9 adjacent to the City of Sea Isle City, and also in
10 the line to have Ocean Wind place windmills
11 directly east of the community. This would be
12 Phase 2.

13 Avalon is a vacation town with sight
14 of the wind farm being detrimental to
15 vacationers. Quite frankly, this goes without
16 saying.

17 PRESIDENT FIORDALISO: If I may just
18 interrupt you for a moment? We're addressing the
19 transmission lines, not the location or the
20 position of wind turbines.

21 MR. BALDINI: Thank you, sir. And I
22 understand that you're now suppressing my right to
23 be heard here today. I understand that, I accept
24 it.

25 But understand that this City of, in

1 this case Avalon, will not stand by idly while
2 their opportunity to be heard is transversed. So
3 that we are clear, I reserve all rights relative
4 to these communities to be heard. Thank you, sir.

5 PRESIDENT FIORDALISO: I am not
6 suppressing anyone's right to state their
7 opinions. I did at the beginning of this
8 proceeding indicate that the arguments would be
9 directed specifically to the transmission lines
10 and their location.

11 MR. BALDINI: I remain with my
12 objection, sir. And so be it.

13 I'll turn to Middle Township, since
14 Avalon has been suppressed. Middle Township is an
15 inland community similar to Dennis Township, with
16 much protected pristine infrastructure.

17 Middle Township is also concerned
18 about the process, and in an effort to utilize the
19 process it involves all elected officials. One
20 can hardly say that a reasonable road or a
21 reasonable route is a route in which no elected
22 officials have a say.

23 So from Middle Township's
24 perspective, the very process is tainted and fails
25 to provide for appropriate input from affected

1 municipalities.

2 Middle Township also supports the
3 idea of using the Great Egg Bay Harbor route and
4 bypassing Ocean City and the County road. This is
5 the reasonable route. Quite frankly, the majority
6 of Cape May County residents understand that to be
7 the reasonable route, even if Ocean Wind does
8 not.

9 The Borough of Wildwood Crest is also
10 a beach-front community, which faces the same
11 problems that Ocean City faces, that Sea Isle
12 faces and that Avalon faces.

13 The Borough is a small community
14 which depends greatly -- I will stop after making
15 this statement, Mr. Chairman -- depends greatly on
16 tourism and influx of summer residents. The
17 implications are clear.

18 So again, I will not go into the area
19 you asked me not to go into. But I reserve the
20 rights on behalf of the Borough of Wildwood Crest
21 as well, as all nine municipalities.

22 The Borough of Stone Harbor is
23 watching the process and recognizes the risks to
24 residents and visitors of the Borough, as Stone
25 Harbor views the process which is unfolding.

1 The Borough of Stone Harbor has no
2 reason for the preferred route to go through
3 pristine beach-front property and along the County
4 road when there is an alternative route in Great
5 Egg Harbor.

6 The BPU is requested by this
7 municipality to take a closer look at what is a
8 preferred route and what is a reasonably preferred
9 route, and request that the Board take appropriate
10 action to protect the beach-fronts and protect the
11 County rights-of-way.

12 The City of Wildwood and the City of
13 North Wildwood are oceanfront communities
14 immediately adjacent to each other.

15 These communities face the same
16 issues as the Borough of Wildwood Crest faces, and
17 opposes the preferred route offered by Ocean Wind,
18 and supports Ocean City in its efforts to move the
19 preferred route to the Great Egg Harbor.

20 The communities implore the BPU to
21 listen to Ocean City and listen to the County and
22 listen to the elected officials, so that the BPU
23 can perform its function of allowing for a
24 transparent and open process, at the same time
25 ensuring that Ocean Wind is able to move forward

1 with its project in an environmentally sensitive
2 and appropriate fashion.

3 I also note it is clear from the
4 record that not only the County of Cape May, but
5 also Ocean City, have repeatedly reached out to
6 Ocean Wind. I heard the comments of Ocean Wind
7 that their offer remains open.

8 It is my suggestion that Ocean Wind
9 should be more proactive. Sit down with the
10 County, sit down with Ocean City, and find a way
11 to resolve these outstanding issues.

12 The stakeholders want to speak to
13 Ocean Wind, Ocean Wind should be open and
14 transparent in the way it deals with the
15 municipalities and the County.

16 The municipalities are further
17 concerned that the proposed installation along the
18 County road limits the County's ability to install
19 additional drainage or other underground
20 facilities due to proximity regulations.

21 As testified by the County engineer
22 at length before the Board, this is a problematic
23 process. Perhaps equally troubling is the fact
24 that Ocean Wind has failed to address the impact
25 of the need for elevated infrastructure in the

1 near future due to global warming.

2 So quite frankly, the point of that
3 is that if these roads become inundated and it
4 causes problems in raising that and protecting
5 these municipalities, then using the Great Egg
6 Harbor route would have been the reasonable route
7 and would not be impacted by global warming or
8 climate change or rising tides, as the beaches and
9 as critical infrastructure leading in and out
10 Ocean City will be impacted.

11 Finally, the record is devoid of any
12 cost analysis as to the alternate routes
13 considered by Ocean Wind. Although money is not
14 the only factor, the boroughs and the towns are
15 sensitive to the fact that financial
16 considerations come into place for everything.

17 So if we find that the costs are not
18 prohibitive but differential, then the reasonable
19 route should be Great Egg Harbor, as requested by
20 Ocean City, and not through its beaches and its
21 County roads.

22 I thank you for listening to these
23 comments. And I hope you have a good day, sir.

24 PRESIDENT FIORDALISO: I appreciate
25 your comments, sir. Thank you.

1 Now I will invite the parties and
2 Intervenors to make any rebuttal statements,
3 should they wish to do so. I will call on the
4 parties and Intervenors in the same order as
5 before.

6 Ocean Wind, you may proceed to make
7 your rebuttal statement, if you have one.

8 MR. EISENSTARK: Yes. Thank you,
9 President Fiordaliso. Gregory Eisenstark again on
10 behalf of Ocean Wind. I do have a bit of
11 rebuttal. I'll try to keep it short in the
12 interest of time 'cause we've already been going
13 for quite a while.

14 Let me respond first to some of the
15 arguments that Counsel for the County made. The
16 County's main objection seems to be to the statute
17 itself that allows, gives the Board jurisdiction
18 over this petition.

19 And again, the County repeated the
20 phrase, stand in the shoes of elected officials,
21 many, many times. The fact is under state law,
22 all municipal authority derives from state
23 legislature. So that's Number 1.

24 Secondly, it's clear in many, many
25 different contexts, including a public utility

1 context, that the legislature may empower the BPU
2 to supersede municipal or County approvals where
3 the statewide interest in public utilities, or in
4 this instance in offshore wind projects, is
5 paramount to local interest.

6 In fact, that's the very reason that
7 the BPU has had jurisdiction to overrule municipal
8 and county determinations with respect to local
9 zoning and siting approvals, since literally the
10 turn of the last century.

11 And it's the very reason why these
12 legislative amendments to OWEDA were necessary
13 here, to essentially give the Board the power to
14 override municipal objections or County
15 objections, where the interests of the state and
16 the citizens as a whole should be paramount. And
17 I submit that that applies here.

18 The law is clear that the Board, that
19 the legislature may empower the Board, or other
20 state municipalities, to do just what it has
21 empowered the BPU to do here.

22 Briefly, the County made an argument
23 that it didn't, couldn't or wouldn't consent to
24 the DEP permit applications because it didn't feel
25 that it was competent to review the documents, and

1 didn't have the expertise or knowledge to sign the
2 certification.

3 With all due respect, private
4 property owners, municipalities and counties sign
5 those DEP certifications every week of the year.
6 I'm sure the County has a county engineer, he
7 filed testimony in this case.

8 Why they felt they couldn't ask for a
9 copy of that, review them and get comfortable with
10 them, is beyond me. But with all due respect,
11 that's a bit of a weak argument.

12 Ocean Wind would be happy to share
13 those documents with the County, would have been
14 happy to share them if they asked for them, would
15 have been happy to sit down with them and explain
16 them if they needed assistance.

17 But that's a fairly standard part of
18 the BPU permitting process, that municipalities
19 and counties engage in all of the time.

20 Again, I won't go into a lot of
21 rebuttal to the County's argument about the
22 applicability of the Eminent Domain Act for one
23 primary reason, the County made those arguments in
24 its earlier motion to dismiss.

25 We replied and responded to them in a

1 lengthy legal brief. And the Board has denied the
2 County's motion and rejected all of those
3 arguments.

4 That issue has already been decided
5 in this case, and the Board simply decided here
6 again at the end of the case, quite frankly, that
7 the process that the OWEDA amendments lay out for
8 the acquisition of easements by condemnation are
9 clear.

10 The process starts with the BPU.
11 Once the BPU, if the BPU approved, gives the
12 authority for the offshore wind project to go
13 forward, then there's a process that's set forth
14 in the statute concerning the recording of the
15 property interest, and then the determination of
16 the appropriate compensation if the parties can
17 agree to it.

18 There's no due process issue here.
19 What the project has done and what the Board did
20 in the Ocean City case, and what we're asking the
21 Board to do in this case, complies with state law
22 in all respects.

23 Finally, both the County and Ocean
24 City made a number of comments suggesting that the
25 route selection process was insufficient. Again,

1 you know, I'm not going to belabor the point, but
2 there's extensive written testimony in the record
3 of this proceeding.

4 Ocean Wind has filed direct and
5 rebuttal testimony explaining the route selection
6 process, explaining in detail the alternate routes
7 that were considered and why those routes were
8 ultimately not pursued, including the Great Egg
9 Harbor route that a number of parties have spoken
10 in favor here today.

11 So for the parties to come and argue
12 that there's been no analysis of alternate routes
13 is simply not true. And I'll just direct the
14 Board to look at Ocean Wind's testimony in this
15 case where that analysis is provided.

16 Finally, a brief response to comments
17 that a few parties have made, the County and I
18 believe the non-municipality Participants just
19 made, that there may be future changes to road
20 structures or to a bridge, or that the DEP or the
21 federal government may change part of the project
22 on review.

23 That's just speculation. There's no
24 evidentiary basis in the record to sustain that.
25 It's pure speculation of Counsel. A lot of things

1 may happen.

2 But we're here today, we need to move
3 forward with the project. We've made a record
4 before the Board on the easements that we're
5 seeking and the consents that we're seeking.

6 And you know, who knows what's going
7 to happen in the future, five, ten, 40 years from
8 now? All of that is just speculation. And it's
9 no basis for the Board to wait, none of that is
10 any factual or evidential basis for the Board to
11 bifurcate this proceeding and only give the permit
12 consents but hold off on the easements.

13 We need to go forward now. That's
14 the position Ocean Wind is taking. The record is
15 complete. It's ripe for the Board to make a
16 decision. And we encourage the Board to do so.

17 That's all I have on rebuttal,
18 President Fiordaliso, and I thank you.

19 PRESIDENT FIORDALISO: Thank you.

20 I now invite Cape May County to make
21 its rebuttal statement, if they have one.

22 MR. DONOHUE: Thank you, sir. I
23 appreciate it, and I appreciate the Board's time
24 and attention, I really do.

25 First of all, the County joins in the

1 arguments made by Ocean City, by Rate Counsel and
2 by the lead Counsel for the nine municipalities.
3 We would reiterate all of the arguments we've
4 submitted so far. We re-up here.

5 Not to belabor them, interesting that
6 the argument is that the County is a creature of
7 the state and therefore the elected officials
8 don't matter. I'm not sure it's exactly what Mr.
9 Eisenstark's saying, to be fair, but it's sort of
10 how it came out.

11 That can't be a reasonable position
12 to take. Elected officials do matter, the voters
13 do matter. The fact that they entrust these
14 elected officials with these types of decisions,
15 that matters.

16 Ocean Wind argues that the body of
17 law with regard to the Municipal Land Use Law and
18 the authority of the Board in that context should
19 overlay OWEDA context. Maybe that's a reasonable
20 argument.

21 But that has not been tested in any
22 court. There is nothing, there's no jurisprudence
23 to tell us that applies, that that makes sense,
24 that is how the law would be interpreted.

25 And as I indicated previously, and

1 certainly not telling members of the Board
2 anything they don't already know, every decision
3 here is a matter of first impression, will have a
4 lasting impact on every municipality, every
5 county, that might ultimately be affected by wind
6 projects. Those are pretty heavy ambiguity issues
7 and they shouldn't just be dismissed out of hand.

8 In terms of signing the
9 certification, just because so many people sign
10 those without thinking, doesn't mean the County is
11 compelled to sign without thinking.

12 And we appreciate the admission that
13 Ocean Wind did not supply all of the underlying
14 documentation that would have allowed the County
15 to do their own analysis.

16 And again, Ocean Wind seeks to engage
17 in burden shifting and put the burden on the
18 County. That was their burden, not ours. Just as
19 it's their burden to provide detailed and complete
20 and specific requests, as the Board will see in
21 our submissions or has seen already, requests that
22 we got literally contained in letters the
23 parenthetical phrase, if required, and a whole
24 list of things that Ocean Wind said, well, we need
25 your consent for this if required.

1 The burden shouldn't be on the County
2 to determine what's required for the project, that
3 should be on the project. The project should have
4 to come and say precisely, specifically, this is
5 exactly what we need and we need your consent.

6 How can anyone consent to something
7 when somebody says, hey, I need your consent to
8 this, if it's required? Well, how do we know it's
9 required? That's your job, not ours.

10 No one has argued that there's been
11 no analysis of alternate routes. We've argued
12 there has not been substantial and complete
13 analysis. And most importantly, as Rate Counsel
14 pointed out, there's not been any tested analysis,
15 because we weren't afforded the opportunity for
16 discovery and cross-examination.

17 So what's come before the Board is a
18 one-sided argument. It is not contested. It has
19 not been subjected to scrutiny. It has not been
20 subject to cross-examination, none of that has
21 happened in this proceeding.

22 As we have argued in our paper
23 submissions, all that is contrary to
24 administration procedures and procedures that are
25 supposed to be employed in this type of petition

1 proceeding.

2 And it is not speculation in terms of
3 wetlands and all these other environmental issues,
4 it's not speculation. It's very informed,
5 educated, reasonable inferences that are typical
6 in this type of proceeding.

7 So with that, I thank the Board for
8 your attention and your time this morning. And I
9 yield back, Mr. President. Thank you.

10 PRESIDENT FIORDALISO: Thank you for
11 your comments, sir.

12 I now invite the City of Ocean City
13 to make its rebuttal statement, if they have one.

14 MS. MC CROSSON: Thank you. Mr.
15 Donohue has covered all the points that I would
16 make on behalf of Ocean City. Rather than repeat
17 them, I'd like to adopt his arguments that he made
18 in response or in rebuttal.

19 And also, Ocean City would also adopt
20 the positions taken by Rate Counsel and Counsel
21 for Participant municipalities which were made
22 after our argument.

23 I have nothing further. Thank you.

24 PRESIDENT FIORDALISO: Thank you.

25 I now invite Upper Township to make a

1 rebuttal statement, if they have one.

2 MR. MALEY: Thank you. On behalf of
3 the Township we don't have any comments. We're
4 good. Thanks.

5 PRESIDENT FIORDALISO: Thank you,
6 sir. I now invite Rate Counsel to make any
7 rebuttal statement, if they have one.

8 MR. LIPMAN: I'll be extremely
9 brief. I just want to point out that the
10 arguments you've heard show that there's still
11 factual disputes, that a proper hearing with
12 proper ability to cross-examination, discovery,
13 etc., would have resolved and provided a robust
14 record from which the Board can make its ultimate
15 determination.

16 Thank you.

17 PRESIDENT FIORDALISO: Thank you,
18 sir.

19 I want to thank everyone who has
20 participated today. This is an important issue
21 and one where transparency is extremely important.

22 I will now ask my colleagues if they
23 have any questions or comments they wish to make
24 at this time?

25 COMMISSIONER GORDON: President,

1 Commissioner Bob Gordon here. I just want to
2 thank all of those who made their presentations
3 today. And I assure you that the Board will be
4 reviewing that information very carefully. Thank
5 you.

6 PRESIDENT FIORDALISO: Thank you.
7 Anyone else would like to make a statement or have
8 any questions?

9 COMMISSIONER HOLDEN: President
10 Fiordaliso, I would like to assure all the
11 participants and all the Intervenors and the
12 parties that we have, we take all testimony, all
13 of the voluminous information that's been provided
14 to us in all of the situations, into
15 consideration.

16 And should also note that many of us
17 on the Board have been elected officials and have
18 years of experience in Land Use Law, as well as
19 what we have to take into consideration, what the
20 legislature has deemed necessary for the utility
21 Board. Thank you.

22 PRESIDENT FIORDALISO: Thank you.
23 Anyone else?

24 MR. CHRISTODOULOU: Mr. President, if
25 I can have a few words?

1 PRESIDENT FIORDALISO: Sure.

2 MR. CHRISTODOULOU: Thank you. And
3 thank you everyone, really, for the very
4 informative information, not just from today's
5 testimony but from the written testimony that are
6 we are reviewing.

7 And I just want to assure everyone
8 that the entire Board takes this matter very
9 seriously. And as my colleagues have mentioned
10 already, we will take every bit of information
11 given to us to make the most informed and far
12 reaching decisions that we can.

13 So thank you all very much. And
14 please rest assured that we will do a very great
15 job on everyone's behalf.

16 PRESIDENT FIORDALISO: Thank you.

17 COMMISSIONER SOLOMON: President
18 Fiordaliso, I also have some comments to make, and
19 I also want to ask Counsel if they can clarify
20 some other points with respect to the standard,
21 the reasonableness standard they're suggesting.

22 One, that we consider Municipal Land
23 Use applications over the Eminent Domain
24 standard. Is that the argument that is being
25 made? I guess this is Counsel for Cape May.

1 PRESIDENT FIORDALISO: Counsel for
2 Cape May?

3 MR. DONOHUE: Yes, thank you.
4 Commissioner Solomon, if I understand your
5 question, my argument is the Municipal Land Use
6 sort of roadblock that sometimes get thrown up,
7 that the Board has authority and has had for a
8 very long time to sort of make decisions for the
9 benefit of the broader community, right, instead
10 of a narrow community.

11 The argument is that the body of law
12 should apply here and be looked at by the Board.
13 But this does not involve Municipal Land Use in
14 any respect. It's a brand new statute, and
15 whether or not that makes sense the Board will
16 have to determine, and maybe ultimately a court.

17 Our argument in terms of the Eminent
18 Domain Act is that the law is clear that
19 essentially the due process in this proceeding has
20 to mirror the due process there.

21 It doesn't have to adopt the entire
22 Eminent Domain Act, although I should note a
23 portion of it is specifically incorporated by
24 reference in OWEDA.

25 But that flavor, so to speak, of due

1 process isn't part of this proceeding. So if the
2 taking is to be effectuated, the condemnee should
3 be entitled to those rights that exist there.

4 As Rate Counsel pointed out, I think
5 it was Rate Counsel, it's a limited process. It's
6 a limited process in terms of discovery.

7 It's designed to hopefully have the
8 parties confer beforehand, which is why we spend
9 so much time talking about that appraisal
10 requirement, a 90-day period after that's provided
11 to try and talk these things out. That due
12 process was not afforded here.

13 So our argument is not necessarily
14 that the bylaw of Municipal Land Use interfaces
15 with BPU's obligations doesn't apply at all, we
16 just don't know. We don't know that and I feel
17 for the Board, because there's no jurisprudence to
18 guide you.

19 Our argument is that because a taking
20 is being effectuated, the law is clear that that
21 due process protection, things that would
22 typically be afforded, has to be afforded here.
23 Does that answer your question?

24 COMMISSIONER HOLDEN: Yes. So you're
25 saying that there needs to be more broadly a look

1 at in terms of due process requirements under this
2 proceeding, our proceeding?

3 MR. DONOHUE: Yes, yes. Yes,
4 Commissioner.

5 COMMISSIONER HOLDEN: So
6 additionally, things within the record, I think it
7 was Rate Counsel was suggesting, are missing from
8 the record for us to consider because of the
9 application that we've made with respect to due
10 process?

11 MR. DONOHUE: I would say, not to
12 belabor it, but I would echo what Rate Counsel
13 argued, and we've argued this in our submissions,
14 that that process of discovery and
15 cross-examination is designed to create that
16 robust record, that tested analysis, rather than a
17 one-sided analysis.

18 So that the Board can look at that
19 and say we are confident that we have a very
20 robust record, that the opinions of the
21 petitioner's experts have been tested, and subject
22 to a real thorough analysis. The questions have
23 been asked and the parties have been afforded the
24 opportunity to cross-examine and ask those
25 questions so that the record is complete.

1 And as Rate Counsel pointed out, an
2 argument we join in and others joined in, that
3 hasn't happened here. So yes, correct,
4 absolutely, that would be part of the due process
5 that we're talking about.

6 COMMISSIONER HOLDEN: That would go
7 to, I think it was the last proceeding we had,
8 though it hasn't been brought up much in this
9 proceeding, in looking at the cost for an issue,
10 the preferred route. Well, that's not
11 determinative on which route is selected.

12 That is something you would say we
13 are entitled to have provided to the Board for
14 consideration and to probe as part of this
15 proceeding. Is that what you're suggesting?

16 MR. DONOHUE: Yes. In fact, we, as
17 the County, in response to the petition have the
18 luxury of having Rate Counsel, right, that's
19 involved in these proceedings, who's pointed that
20 out with tremendous expertise and very well
21 argued, that those analyses have not been
22 presented either.

23 Cost is a factor, but it's not the
24 controlling factor. Right? But we don't know,
25 again, it's something we just don't know because

1 all the other potential routes have not been
2 subject to that analysis.

3 There's been no presentation on those
4 questions to say, the Egg Harbor route is great,
5 hypothetically, but it's going to cost an extra
6 \$150 million.

7 We don't know. Right? We don't know
8 if it is demonstrably so much more expensive to go
9 that route that it would not then be reasonable,
10 right, under the reasonably necessary analysis.

11 So yes, that is an argument that was
12 made consistently during the Ocean City proceeding
13 by Rate Counsel and in this proceeding that we
14 have joined.

15 COMMISSIONER HOLDEN: That's all I
16 have at this time. Thank you. I didn't know if
17 anybody else wanted to speak to the things that I
18 raised, but thank you.

19 PRESIDENT FIORDALISO: Thank you,
20 Dianne. I think it's worth mentioning that, and I
21 mentioned it at the beginning, the transparency is
22 extremely important. And as Commissioner Holden
23 mentioned, many of us or some of us have been
24 elected officials. And we certainly understand
25 from that perspective what local municipalities

1 encounter.

2 I think we have to keep in mind, and
3 I'm sure those who have a legal background
4 understand this, the only authority the Board of
5 Public Utilities has is what is given to us by
6 elected officials. And those elected officials
7 comprise the legislature.

8 So I think that that's an important
9 factor to certainly keep in mind. I think it's
10 also important to keep in mind -- and I don't have
11 any questions, I think all of the attorneys
12 presented their cases well.

13 And we will, as one of my colleague
14 mentioned thoroughly go through all of the
15 information, written information we've gotten from
16 stakeholders, information from our first gathering
17 and certainly from these oral arguments, to come
18 to what we believe is in the best determination
19 for the communities of Cape May and for the entire
20 State of New Jersey.

21 That's our charge. And we take this
22 very, very seriously because it's a serious
23 matter. We understand that. So if you leave with
24 nothing else in mind, know that we take your
25 comments and your oral arguments and all of the

1 other testimony we've received very seriously.

2 And it's reviewed. And sometimes it
3 takes us a while to come to a decision. All of
4 you have been given the opportunity to present
5 your oral arguments.

6 And now that the parties and
7 Intervenors have also been given the opportunity
8 for rebuttal statements, I will conclude this
9 meeting.

10 Please be advised that no formal
11 action will be taken today on this matter. All
12 arguments and rebuttal arguments made today and
13 all recorded materials submitted under the docket
14 will be taken into consideration.

15 The Board will take formal action on
16 the petition at a later date. And certainly
17 everyone will be apprised of that time frame once
18 it is determined.

19 I want to thank my fellow
20 Commissioners. It is now, I have 10:58 a.m., and
21 this meeting is closed.

22 Thank you very much. Have a
23 wonderful day, everyone.

24 (The hearing is adjourned.)
25

C E R T I F I C A T E

I, NANCY AMBROSE, LICENSE NO. 30XI00199300, a
Certified Court Reporter of the State of New
Jersey, do hereby certify that the foregoing is a
true and accurate transcript of the testimony as
taken stenographically by and before me at the
time, place and on the date hereinbefore set
forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative
nor employee nor attorney nor counsel of any of
the parties to this action, and that I am neither
a relative nor employee of such attorney or
counsel, and that I am not financially interested
in the action.

NANCY AMBROSE
Certified Court Reporter
of the State of New Jersey

	33:11;34:18;35:8,9, 21;37:3,7,10;43:14, 25;49:21;72:22; 83:18,22	84:12,22,22;85:23 Again (24) 15:9;16:12;17:23; 19:1;22:3;30:4;32:6; 33:7;35:18;43:22; 44:10,12,14,14;45:17; 55:4;66:18;70:9,19; 72:20;73:6,25;77:16; 86:25	49:21 analyses (1) 86:21 analysis (23) 26:22;27:4;29:4; 38:17,18;39:2;40:1; 42:1,2,12,20;69:12; 74:12,15;77:15; 78:11,13,14;85:16,17, 22;87:2,10	46:19;65:25;67:9; 68:2;73:16 approvals (5) 15:5;19:6;60:11; 71:2,9 approve (3) 14:21;19:8;43:17 approved (1) 73:11 approximately (1) 18:24 April (1) 29:8 arbitrarily (1) 53:13 arbitrate (1) 33:18 area (6) 16:14;18:16;20:20; 21:11;51:3;66:18 areas (3) 17:16,21;39:16 argue (6) 25:6;32:7;44:20; 45:17;46:4;74:11 argued (16) 25:7;26:13;28:3,10; 38:12,13;39:18; 44:19,20;50:5;78:10, 11,22;85:13,13;86:21 argues (4) 27:15;37:20;46:9; 76:16 argument (31) 6:9;9:25;12:9,17; 23:20;25:13;28:18, 24;38:4;40:23;44:18; 47:11;48:7;50:17; 54:23;55:24;71:22; 72:11,21;76:6,20; 78:18;79:22;82:24; 83:5,11,17;84:13,19; 86:2;87:11 arguments (26) 6:6;9:5;10:6,16,20; 25:4;28:7;41:19; 42:22;47:9;53:18; 60:15;63:21;65:8; 70:15;72:23;73:3; 76:1,3;79:17;80:10; 88:17;25:89:5,12,12
\$				
\$150 (1) 87:6	action (6) 36:8,24,25;67:10; 89:11,15 activities (1) 52:5 acts (1) 43:14 actual (1) 18:5 actually (2) 24:7;39:25 added (1) 57:25 addition (3) 9:5;39:5;41:18 additional (1) 68:19 Additionally (2) 48:25;85:6 address (2) 61:21;68:24 addressed (1) 51:11 addressing (1) 64:18 Adequate (1) 6:23 adjacent (3) 62:4;64:9;67:14 adjourned (1) 89:24 access (1) 62:9 accommodate (2) 8:3;51:1 accommodations (1) 13:25 accompany (1) 35:10 accompli (1) 29:23 accomplished (1) 57:19 accordance (1) 9:9 accurate (5) 23:24;30:16;31:5, 17;57:6 achieve (1) 20:7 acquire (2) 16:19,22 acquisition (2) 14:21;73:8 acres (2) 18:14,23 across (2) 49:3;50:8 Act (17) 6:25;9:14;13:19;	ago (4) 13:17;15:22;31:25; 35:17 agree (3) 44:3;52:20;73:17 agreement (1) 28:19 agreements (3) 14:1;22:23;23:1 agrees (1) 26:8 allowed (2) 44:16;77:14 allowing (3) 32:11;53:21;67:23 allows (5) 17:20;25:16;34:1; 36:5;70:17 alluded (1) 13:16 almost (1) 29:23 along (8) 16:8;17:11;34:14; 35:11;62:20;63:24; 67:3;68:17 alternate (12) 38:8;40:24;49:5,8, 11;50:13,15;53:4; 69:12;74:6,12;78:11 alternative (2) 45:17;67:4 alternatively (1) 44:20 although (3) 30:21;69:13;83:22 ambiguity (1) 77:6 amendment (3) 47:17,24;53:14 amendments (4) 13:18;14:25;71:12; 73:7 among (1) 7:20 amount (1) 23:2 analogous (1)	answered (1) 40:9 anxious (1) 6:5 apparently (1) 40:6 appeal (1) 60:18 appear (2) 28:23;52:14 appearance (7) 11:25;24:18;46:25; 54:10,18;59:1,5 appearances (4) 11:16,19;12:10; 58:20 appears (2) 42:7;47:18 Appellate (2) 27:2;48:16 applicability (1) 72:22 applicant (2) 27:5,15 application (4) 37:22;44:22;47:15; 85:9 applications (10) 15:15;29:11,19; 30:10,16;32:12,18; 45:3;71:24;82:23 applied (1) 50:4 applies (5) 19:20;33:11;48:7; 71:17;76:23 apply (3) 28:6;83:12;84:15 appraisal (14) 35:1,3,5,11,15,23, 25;36:5,13;37:2,5,13, 21;84:9 appraiser (2) 35:10,13 appreciate (7) 35:14;46:18;59:18; 69:24;75:23,23;77:12 apprised (1) 89:17 approach (4) 41:22;42:15;58:24; 63:15 appropriate (5)	arm (1) 37:11 Article (2) 45:23;48:2 ashore (2) 13:3;16:1 aside (3) 26:4;30:8;46:5 aspect (1) 26:11 assessing (1) 27:3

assessment (2) 37:13;42:7 assistance (1) 72:16 associated (1) 30:15 assume (1) 42:4 assuming (1) 59:6 assure (3) 81:3,10;82:7 assured (1) 82:14 Atlantic (3) 12:25;63:20,23 attending (1) 56:4 attention (2) 75:24;79:8 attorney (4) 24:17;46:25;54:10; 59:9 attorneys (2) 59:1;88:11 August (4) 8:6,13,21,21 authority (10) 6:18;26:2;32:6; 60:14,24;70:22; 73:12;76:18;83:7; 88:4 authorization (1) 9:12 authorized (1) 7:21 available (2) 42:5;63:10 Avalon (8) 10:8;24:25;60:1; 64:8,13;65:1,14; 66:12 Avenue (2) 16:3,3 avoid (1) 36:6 avoids (1) 62:12 award (1) 14:7 aware (3) 14:17;29:1;45:21	balance (1) 39:4 balancing (7) 26:24;27:12,22; 38:20,25;41:22;42:15 BALDINI (6) 59:6,8,14,17;64:21; 65:11 bar (1) 57:23 Barnegat (1) 50:21 barrier (2) 39:22;49:3 base (1) 58:6 based (1) 35:5 bases (1) 53:8 basically (1) 17:21 basis (5) 13:17;51:15;74:24; 75:9,10 Bay (8) 16:3,3,6;42:3; 50:21;63:15,24;66:3 beach (4) 17:16;49:2;51:23; 63:24 beaches (7) 61:23;62:8;63:14, 15,22;69:8,20 beach-front (2) 66:10;67:3 beach-fronts (1) 67:10 bear (1) 52:1 beat (1) 19:13 become (1) 69:3 bed (1) 41:10 beds (2) 41:6,14 beforehand (2) 37:2;84:8 began (1) 14:5 begin (3) 23:16,18;24:7 beginning (3) 34:7;65:7;87:21 begins (1) 26:4 behalf (13) 10:14;12:5;24:25; 47:5;53:18;54:13; 59:20,24;66:20; 70:10;79:16;80:2;	82:15 belabor (4) 25:9;74:1;76:5; 85:12 believes (3) 33:7;43:12;53:11 benefit (5) 27:21;47:19;49:16; 51:19;83:9 Benefits (2) 48:16,21 best (4) 19:25;20:18;54:24; 88:18 beyond (2) 36:24;72:10 bifurcate (3) 44:23;54:1;75:11 bifurcating (3) 53:20;55:19;56:7 big (2) 35:24,25 bike (1) 41:14 birds (1) 61:25 bit (6) 18:4;19:1;58:25; 70:10;72:11;82:10 BL (3) 13:12;16:11;50:13 Blaney (1) 24:25 Block (3) 18:7,7,23 Board (116) 6:3,18,21,22;7:3,6, 6,7,16;9:1,15;12:15, 15;14:16,21,25;15:13, 13;19:7;22:7,24; 23:12;24:1,22;26:2; 27:4;29:1;31:22;32:2, 24;33:3;38:9;39:10; 40:25;41:7,20;43:13, 14,16,23;44:23;45:1, 21;46:10,19;47:4; 48:9,14;49:12,25; 52:3,10,21,23;53:12, 15,23;54:1,3,4,25; 55:5,6,8,11,15,18; 56:12,17,22;57:3,4, 12,21;58:5,9,14; 59:11,19;60:8,13,16; 67:9;68:22;70:17; 71:13,18,19;73:1,5, 19,21;74:14;75:4,9, 10,15,16;76:18;77:1, 20;78:17;79:7;80:14; 81:3,17,21;82:8;83:7, 12,15;84:17;85:18; 86:13;88:4;89:15 Board's (5) 8:14;23:4;25:5;	53:20;75:23 Bob (1) 81:1 bodies (1) 21:10 body (2) 76:16;83:11 Borough (15) 10:8,10,11;26:25; 60:1,2,2;64:8;66:9,13, 20,22,24;67:1,16 boroughs (1) 69:14 both (10) 9:1;11:12;14:13; 18:6,6;21:2;24:4; 60:25;63:14;73:23 Boulevard (6) 16:4,7,9,14;39:17; 40:4 BPU (27) 25:17,18;28:19; 30:8;32:21;34:9;36:2; 47:6;50:11;59:19; 61:9,10,13,14,19; 62:18,21;67:6,20,22; 71:1,7,21;72:18; 73:10,11,11 BPU's (1) 84:15 brand (3) 26:7,9;83:14 breakdown (1) 42:2 Brian (1) 54:21 bridge (9) 16:7,14;17:17;40:4, 11,12,18;51:9;74:20 bridges (1) 51:17 brief (5) 7:12,15;73:1;74:16; 80:9 briefly (5) 15:19;19:11;23:8; 57:8;71:22 bring (1) 13:2 broaden (1) 83:9 broadly (1) 84:25 brought (3) 37:6;39:1;86:8 bulk (1) 17:10 bumpers (1) 40:7 burden (8) 27:16;42:10;50:7; 77:17,17,18,19;78:1 burrowing (1)	51:2 bylaw (1) 84:14 bypassing (1) 66:4
C				
	cable (5) 13:10;16:13;17:1, 22;18:25 cables (1) 13:3 call (2) 54:17;70:3 called (1) 17:18 calling (1) 62:3 calls (2) 35:8,9 came (2) 55:21;76:10 camera (2) 11:10,12 can (37) 12:11;13:25;24:1,5; 33:23;36:8;37:6,7,8, 13,14,25;38:6;39:13; 40:19,25;43:20;44:3, 23;45:1,5,14;46:5; 51:1,11;52:10,11; 53:11;65:20;67:23; 73:16;78:6;80:14; 81:25;82:12,19;85:18 capacity (1) 20:21 Cape (31) 6:13;9:20;10:25; 13:7,24;15:7,10,10; 24:16;25:1;30:9;32:1; 38:21;43:4;47:14,23; 49:4,7;50:9;51:21; 53:18;59:20;60:7; 61:22;63:13;66:6; 68:4;75:20;82:25; 83:2;88:19 carefully (2) 50:12;81:4 case (17) 15:6;22:18;27:1; 48:8,11,14,18;55:12, 21;57:24;65:1;72:7; 73:5,6,20,21;74:15 cases (2) 49:21;88:12 Catch (1) 28:17 cause (1) 70:12 caused (1) 50:18 causes (1)			
B				
back (9) 12:10;16:19;30:4; 34:6;44:7,10,12,13; 79:9 background (1) 88:3 backhoe (1) 50:10				

69:4 causeway (1) 39:21 cavalier (1) 63:15 century (1) 71:10 Certain (10) 6:11,12;8:4;10:24; 15:1;17:16,20;26:18; 45:9;53:12 certainly (8) 28:12;31:1;34:19; 77:1;87:24;88:9,17; 89:16 certification (5) 30:12,18;31:14; 72:2;77:9 certifications (1) 72:5 Chairman (2) 59:7;66:15 challenge (3) 47:25;60:10,19 challenges (5) 49:12;50:18,22,24; 52:13 chance (1) 57:9 change (6) 29:21,24;43:19,20; 69:8;74:21 changes (2) 30:1;74:19 charge (1) 88:21 cheapest (1) 42:8 chicken (1) 23:19 children (1) 62:15 choice (1) 14:15 chosen (2) 19:24;21:25 CHRISTODOULOU (2) 81:24;82:2 circumstances (3) 26:24;27:12;41:23 cited (2) 48:1;52:13 citizenry (1) 51:21 citizens (1) 71:16 City (79) 8:10,10;9:21,21; 10:9,10,10,11;15:22; 38:12,24;46:24;47:5; 7,11,14,19,23;48:1,9; 49:7,16;50:5,9,11; 51:3,21;52:1,22;53:2,	17;54:1,3;55:15,21; 56:2,11,14,16;59:25; 60:3,3,25;62:3,4,4,8, 9,13,14,15,16,20,22, 22;63:1,16;64:5,9,9, 25;66:4,11;67:12,12, 18,21;68:5,10;69:10, 20;73:20,24;76:1; 79:12,12,16,19;87:12 City-Longport (1) 51:9 City's (5) 46:24;47:20;49:2,3; 51:23 claim (1) 51:17 claims (2) 49:11,12 clarify (1) 82:19 clear (14) 16:17,25;22:9; 30:22;37:17;59:24; 65:3;66:17;68:3; 70:24;71:18;73:9; 83:18;84:20 climate (1) 69:8 closed (1) 89:21 closer (1) 67:7 closure (1) 51:6 coast (1) 12:22 Code (1) 47:12 colleague (1) 88:13 colleagues (3) 6:4;80:22;82:9 Collectively (1) 60:5 comfortable (1) 72:9 coming (1) 34:14 comments (16) 9:6,8;24:10;54:8; 55:23;59:19;68:6; 69:23,25;73:24; 74:16;79:11;80:3,23; 82:18;88:25 Commission (1) 48:16 COMMISSIONER (11) 80:25;81:1,9;82:17; 83:4;84:24;85:4,5; 86:6;87:15,22 Commissioners (6) 6:20;10:17;32:3; 47:3;54:21;89:20	commitments (3) 14:12,13,14 committed (1) 9:16 common (1) 20:4 communities (7) 61:18;64:6;65:4; 67:13,15,20;88:19 community (10) 41:16;62:24;63:7, 13;64:11;65:15; 66:10,13;83:9,10 comparable (1) 50:20 compel (1) 50:14 compelled (3) 25:21;27:4;77:11 compelling (1) 27:20 compensation (1) 73:16 competent (3) 31:1;38:10;71:25 complete (9) 30:17;31:6;42:24; 45:16;57:6;75:15; 77:19;78:12;85:25 completed (1) 18:20 completely (1) 36:13 complex (2) 29:18;39:9 complies (1) 73:21 comply (2) 23:22;37:19 components (1) 38:19 comprise (1) 88:7 concern (1) 63:17 concerned (2) 65:17;68:17 concerning (6) 45:24;46:1;48:3,5, 20;73:14 concerns (2) 13:9;62:24 conclude (1) 89:8 concluded (2) 15:22;23:10 conclusion (3) 28:5;33:8;58:9 conclusively (1) 27:18 concretized (1) 45:9 concurs (1)	53:17 condemnation (8) 33:2,5;34:2;35:2; 36:8,25;37:7;73:8 condemnee (2) 37:11;84:2 condemnor (2) 36:10,16 conducted (1) 35:16 conduits (1) 17:12 confer (1) 84:8 confidence (1) 57:17 confident (1) 85:19 confidential (1) 32:14 confused (2) 56:1,7 consent (16) 15:8,10,11;19:7,9; 30:10,23;31:9;32:11, 20;45:1;71:23;77:25; 78:5,6,7 consented (1) 31:18 Consents (7) 6:12;10:23;15:1; 19:20;32:11;75:5,12 consequently (1) 28:21 consider (6) 41:20;46:10;49:13; 50:12;82:22;85:8 consideration (11) 26:23;28:13,14,14; 39:4;40:21;60:23; 81:15,19;86:14;89:14 considerations (4) 39:13;61:1,2;69:16 considered (4) 40:24;43:11;69:13; 74:7 considering (3) 41:22;46:10;49:24 consistency (2) 23:21,23 consistently (1) 87:12 Constitution (7) 45:21,23;46:3,5,8, 15;48:2 constitutional (2) 33:24;46:11 construct (3) 15:4;21:14;23:17 constructed (4) 12:22;13:12;21:16; 51:9 constructible (1)	21:13 Construction (21) 6:14;11:1;17:3,4,5, 6,10,24;18:15,19,19; 19:16;21:12;22:13; 23:5,16,18;24:7;51:5, 8;55:2 construe (1) 46:11 construed (2) 46:1;48:5 consult (1) 22:17 contain (1) 41:10 contained (1) 77:22 contains (1) 30:13 contemplates (1) 34:2 contest (1) 48:11 contested (1) 78:18 context (8) 32:17;33:6;34:10; 38:13,14;71:1;76:18, 19 contexts (1) 70:25 continue (3) 16:8;25:8;51:7 contractual (1) 14:14 contrary (2) 28:5;78:23 contribute (1) 6:8 contributions (1) 51:12 control (1) 28:22 controlling (1) 86:24 copy (1) 72:9 cordgrass (1) 39:14 corporate (1) 41:17 corporations (2) 45:25;48:4 cost (5) 40:19;69:12;86:9, 23;87:5 costs (3) 42:10,13;69:17 Counsel (26) 9:23;54:17,22; 55:10;58:7,11,14,21; 70:15;74:25;76:1,2; 78:13;79:20,20;80:6;
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

82:19,25;83:1;84:4,5; 85:7,12;86:1,18; 87:13 counterproposal (1) 16:21 counties (4) 46:1;48:5;72:4,19 County (112) 6:13;7:5,13,18; 8:13,16,22;9:20; 10:25;13:7,8,24;14:6; 23:15;1,7,10;16:18; 19:9;22:18,23;24:16; 25:1,3,21,23,24; 26:17;27:15,17;28:3; 7,10,18;29:14;30:9; 13,19;31:3,9,18;32:1; 2,5;33:5,7,15;35:4,9; 37:20;38:14,15,16,21; 24:42;21:43;4,12; 46:9,12;47:14,23; 48:1;49:7,17;50:9; 51:22,24;52:4,6; 53:19;59:21;60:7,15, 25;61:22;62:9,20; 63:1,14;66:4,6;67:3, 11,21;68:4,10,15,18, 21;69:21;70:15,19; 71:2,8,14,22;72:6,6, 13,23;73:23;74:17; 75:20,25;76:6;77:5, 10,14,18;78:1;86:17 County's (10) 7:12;15:14;38:4; 45:13;46:7;49:4; 68:18;70:16;72:21; 73:2 couple (4) 13:17;25:18;31:24; 35:16 course (7) 13:9;15:23;19:2,14; 21:8;25:3;48:7 court (5) 26:21;36:9;38:6; 76:22;83:16 courts (7) 33:17;36:1,21; 37:11,16;41:21;42:16 covered (2) 22:15;79:15 covers (1) 24:9 Cozen (1) 12:5 create (1) 85:15 creature (1) 76:6 credible (1) 57:6 Creek (8) 16:6,15;18:11;40:5;	50:25;52:14,16;53:11 Crest (5) 10:12;60:2;66:9,20; 67:16 criteria (2) 21:18;22:15 critical (1) 69:9 Crook (4) 16:6,14;18:11;40:4 cross (3) 16:13;17:20;49:2 crosses (1) 16:5 cross-examination (4) 78:16,20;80:12; 85:15 cross-examine (2) 57:1;85:24 crossing (2) 17:17;18:10 CROSSON (2) 47:2;79:14 cumulative (1) 21:23 cure (1) 36:11 cured (1) 37:17 cutting (1) 50:8	deciding (2) 56:10,15 decision (13) 34:9;43:15,16; 53:21;54:2;55:11,13; 58:6,13;60:19;75:16; 77:2;89:3 decisions (12) 26:5;32:3,9;34:15; 60:8;61:14,15,17; 62:18;76:14;82:12; 83:8 decline (1) 7:6 dedicated (1) 51:12 deed (1) 15:8 deem (1) 42:9 deemed (1) 81:20 defaced (1) 52:5 defending (1) 33:22 deficient (1) 53:25 definitely (2) 45:10,11 Delaware (2) 63:15,24 delegation (1) 33:23 deliver (2) 11:25;62:6 delivering (1) 28:20 demonstrably (1) 87:8 demonstrate (1) 27:6 demonstrated (1) 53:16 denied (2) 59:22;73:1 denies (1) 47:20 Dennis (7) 10:8;59:25;62:23; 63:5,7,11;65:15 deny (2) 54:2;60:19 denying (1) 9:1 DEP (14) 15:15,17;19:4,7,21; 29:9,11;30:10,13; 31:16;45:1;71:24; 72:5;74:20 Department (1) 15:2 depends (2)	66:14,15 deprived (2) 56:17;58:5 derives (1) 70:22 described (3) 15:25;21:20;41:3 description (1) 35:12 designating (2) 7:19;9:2 designed (3) 47:19;84:7;85:15 desired (1) 20:7 destination (1) 62:7 detail (4) 19:2;20:12;41:1; 74:6 detailed (2) 42:2;77:19 details (1) 19:2 Determination (7) 6:11,18;7:22;53:5; 73:15;80:15;88:18 determinations (1) 71:8 determinative (1) 86:11 determine (7) 27:13;44:2;52:23; 57:5,21;78:2;83:16 determined (4) 20:18;21:22;52:12; 89:18 determining (1) 34:16 detriment (1) 49:16 detrimental (1) 64:14 developer (1) 15:4 Development (3) 9:14;13:19;63:19 devoid (1) 69:11 Dianne (1) 87:20 different (14) 17:15,19,25;20:15, 22;21:4,7,10,18;22:5, 6;40:18;53:10;70:25 differential (1) 69:18 differently (1) 58:25 direct (5) 20:11;22:8;38:23; 74:4,13 directed (1)	65:9 directing (1) 7:17 directional (1) 17:18 directly (4) 62:5,17;64:3,11 Director (1) 58:16 disagrees (1) 26:17 disclosures (1) 62:25 disconcerting (1) 63:11 discovery (9) 48:25;49:18,22,25; 56:24;78:16;80:12; 84:6;85:14 discretion (1) 33:20 discuss (1) 37:25 discussed (1) 20:17 discussing (1) 11:4 discussion (3) 26:18;32:14;37:14 discussions (5) 13:24;14:5,7;32:16; 36:6 disenfranchise (1) 32:7 disenfranchised (1) 25:25 disingenuous (1) 57:12 dismiss (4) 7:8;8:25;50:18; 72:24 dismissal (3) 36:22;44:21;45:20 dismissed (4) 37:22;49:5,9;77:7 dismissive (1) 34:20 disposed (1) 28:9 disposition (2) 7:9;48:12 dispute (1) 36:24 disputes (1) 80:11 disrupt (1) 28:16 District (1) 48:15 disturb (2) 39:14,17 disturbance (2) 51:10,21
	D			
	damage (2) 61:22,25 date (1) 89:16 day (7) 15:16;22:21;55:22; 56:3;62:17;69:23; 89:23 days (1) 35:17 dead (1) 19:13 deadlines (3) 8:4;14:14;23:3 deal (4) 36:1;39:12;42:16; 43:7 deals (1) 68:14 dealt (1) 41:8 decades (3) 17:8;18:2,2 decide (1) 47:21 decided (3) 56:6;73:4,5 decider (1) 57:17			

disturbed (1) 51:25 diversion (1) 47:15 Division (5) 9:22;19:5;27:2; 48:17;54:22 Docket (3) 6:16;7:2;89:13 docketed (1) 47:10 documentation (4) 30:15;24;31:5; 77:14 documents (2) 71:25;72:13 dollars (1) 40:19 domain (19) 33:6,9,11,14,23; 34:5,18;35:8,21; 36:19;37:3;43:25; 49:21;57:24;58:2; 72:22;82:23;83:18,22 done (9) 28:15;36:16;42:6; 43:20,21;44:6;51:15; 59:11;73:19 DONOHUE (10) 24:20,24,25;54:2; 75:22;79:15;83:3; 85:3,11;86:16 doubt (1) 41:8 down (8) 20:17,22;38:6,8; 40:15;68:9,10;72:15 draft (2) 29:3,6 drainage (1) 68:19 drilling (2) 17:19,21 drive (1) 62:16 due (21) 26:1;33:12,13;34:3, 17,24;57:14,20; 68:20;69:1;72:3,10; 73:18;83:19,20,25; 84:11,21;85:1,9;86:4 during (8) 9:7;18:15;36:11; 37:14;40:13;51:4,7; 87:12 duties (1) 48:21	21:12 easement (16) 14:22;18:12,13,17, 21,22,24;23:14;44:4, 5,11;55:1;57:22; 60:25;62:5;64:4 Easements (17) 6:11;10:22;16:12, 19,22;18:5,6;19:15; 21:22;23:15,17; 43:24;53:22;55:16; 73:8;75:4,12 easiest (2) 49:15;52:22 east (1) 64:11 echo (1) 85:12 Economic (2) 9:13;13:19 economy (1) 25:6 educated (1) 79:5 Education (1) 48:14 effectively (3) 41:9,11;61:12 effects (1) 52:2 effectuate (1) 45:12 effectuated (2) 84:2,20 effort (1) 65:18 efforts (1) 67:18 egg (20) 23:20;42:3;49:6; 50:12,19,20;51:18,20; 52:9,17;53:7,9;62:11; 66:3;67:5,19;69:5,19; 74:8;87:4 EISENSTARK (10) 12:3,4,13;25:14; 26:15;45:4;52:20; 57:7;70:8,9 Eisenstark's (1) 76:9 either (7) 16:6;17:10;54:1; 57:10;58:10,14;86:22 elected (17) 25:20;26:3;30:9; 31:2,23;61:17;65:19, 21;67:22;70:20;76:7, 12,14;81:17;87:24; 88:6,6 election (1) 31:24 electric (5) 13:14;17:24;18:1;	20:9,21 elevated (1) 68:25 else (5) 27:8;81:7,23;87:17; 88:24 eminent (19) 33:6,9,11,14,23; 34:5,18;35:8,21; 36:19;37:3;43:25; 49:21;57:24;58:2; 72:22;82:23;83:17,22 emphasize (1) 17:23 employed (1) 78:25 empower (2) 71:1,19 empowered (1) 71:21 encounter (1) 88:1 encourage (4) 36:17,18;37:18; 75:16 encourages (1) 35:21 end (2) 15:16;73:6 Energy (2) 29:2;62:7 engage (4) 27:12;36:5;72:19; 77:16 engineer (7) 38:16;39:5,18;40:3, 25;68:21;72:6 engineering (1) 21:15 England (3) 13:12;16:11;50:13 ensure (1) 57:15 ensuring (1) 67:25 entire (7) 40:15,16;44:21; 59:18;82:8;83:21; 88:19 entities (3) 8:3,9;35:21 entitled (2) 84:3;86:13 entity (2) 15:6;47:21 entrust (1) 76:13 Environmental (20) 6:12;10:24;15:2,5; 21:9;28:25;29:3,6,19; 32:12;39:8,13;43:18; 44:6,7;45:5,15;61:25; 63:4;79:3	environmentally (3) 63:8;64:1;68:1 equally (1) 68:23 equate (1) 51:5 essential (1) 57:15 essentially (16) 14:25;15:13;25:16, 22;26:4;30:17;31:15; 38:22;39:22;42:1,6; 55:13;56:17;57:3; 71:13;83:19 establish (2) 27:18;50:7 establishing (1) 34:11 et (3) 6:25;7:10;48:11 etc (3) 25:8;38:8;80:13 evaluate (1) 52:10 evaluated (2) 21:18;55:17 even (5) 20:1;38:18;41:8; 56:4;66:7 event (1) 6:7 eventually (1) 20:18 everybody (2) 26:8;29:17 everyone (8) 6:7;12:19;58:17; 80:19;82:3,7;89:17, 23 everyone's (1) 82:15 evidence (3) 50:14;57:13,18 evidential (1) 75:10 evidentiary (2) 52:8;74:24 evidently (1) 53:10 exact (2) 18:7;55:17 exactly (2) 76:8;78:5 excavated (1) 51:25 exercise (2) 33:22;34:1 exist (1) 84:3 existing (2) 17:12;20:21 expeditious (1) 7:22	expensive (4) 20:1;49:15;52:23; 87:8 experience (3) 29:21;39:10;81:18 experienced (1) 38:10 expert (2) 31:4;50:16 expertise (2) 72:1;86:20 experts (1) 85:21 explain (1) 72:15 explained (3) 22:13,14;55:19 explaining (2) 74:5,6 explains (2) 53:6,7 extended (1) 8:4 extensive (4) 13:23;20:12;22:20; 74:2 extensively (1) 22:16 extra (3) 42:10,13;87:5 extraordinarily (1) 34:16 extremely (6) 49:22;56:14;64:2; 80:8,21;87:22 eyes (1) 49:19
F				
face (3) 31:18;47:25;67:15 faces (5) 66:10,11,12,12; 67:16 facilities (1) 68:20 facility (2) 41:11;50:13 fact (12) 19:19;35:9;39:6,21; 57:17;58:11;68:23; 69:15;70:21;71:6; 76:13;86:16 factor (6) 42:18,25;69:14; 86:23,24;88:9 factors (1) 48:13 facts (3) 26:23;27:11;41:23 factual (4) 31:19;49:10;75:10;				

80:11 failed (2) 50:7;68:24 fails (1) 65:24 fair (2) 9:16;76:9 fairly (2) 14:18;72:17 fait (1) 29:23 familiar (1) 15:21 fantastic (1) 41:16 far (6) 23:4;25:7;34:22; 58:18;76:4;82:11 farm (2) 12:25;64:14 fashion (3) 17:22;41:9;68:2 fastest (1) 52:22 fate (1) 64:6 favor (7) 40:23;46:2,12,12; 48:6;56:10;74:10 federal (6) 23:10,20,23;24:2; 29:18;74:21 feel (4) 25:24;60:13;71:24; 84:16 feels (1) 25:23 feet (2) 18:24;44:8 fellow (1) 89:19 felt (2) 25:21;72:8 few (4) 18:4;35:17;74:17; 81:25 fight (1) 33:18 file (4) 8:5;14:3,15;25:17 filed (20) 6:10;7:3,5,12,14; 8:9,13,20;13:23;14:9; 24:1;36:8,25;37:7,8; 38:22;55:23;57:9; 72:7;74:4 filing (9) 12:19;13:18;14:18; 19:3;21:21;22:10,18; 35:22;43:24 final (3) 44:17,18;62:7 finality (1)	29:8 finalize (2) 23:16;24:2 finally (4) 35:15;69:11;73:23; 74:16 financial (2) 62:25;69:15 find (4) 21:14;30:16;68:10; 69:17 finding (1) 53:15 finish (1) 24:6 FIORDALISO (38) 6:1,2;12:4,8,11,14; 13:16;19:13;24:14, 21;26:16;27:23; 46:22;47:3;54:7,16, 21;58:15;59:12,15; 64:17;65:5;69:24; 70:9;75:18,19;79:10, 24;80:5,17;81:6,10, 22;82:1,16,18;83:1; 87:19 firm (1) 12:5 first (18) 9:11;11:15;12:10, 21;18:12;23:14;26:8, 14;30:7;32:10;34:8; 47:7;50:6;55:12; 70:14;75:25;77:3; 88:16 fisheries (1) 43:8 fishing (1) 61:24 five (3) 31:23;32:8;75:7 flavor (1) 83:25 flawed (1) 56:21 flip (1) 29:16 floor (1) 59:16 focused (1) 49:1 folks (2) 14:17;38:25 follow (1) 54:23 following (1) 7:1 follows (2) 10:8;11:15 forget (1) 16:16 form (2) 27:6;32:20	formal (2) 89:10,15 formed (1) 48:4 forth (3) 6:25;48:13;73:13 forward (21) 14:1,12;19:8;22:1, 25;23:5;24:6;29:12; 32:12,19;43:19; 44:16;45:3,6;53:22; 60:14;63:3;67:25; 73:13;75:3,13 fossil (1) 13:13 found (1) 55:16 four (1) 6:20 fragile (1) 61:23 frame (1) 89:17 frankly (8) 23:25;30:25;58:4,9; 64:15;66:5;69:2;73:6 Freehold (1) 48:14 front (4) 55:5,6,7,18 frustrated (1) 36:14 fuel-fired (1) 13:13 full (1) 58:5 function (1) 67:23 fund (1) 51:13 fundamentally (1) 56:21 further (2) 68:16;79:23 future (6) 40:10;61:11;63:19; 69:1;74:19;75:7	20:19,20;31:7; 46:15;53:3;82:11; 88:5;89:4,7 gives (2) 70:17;73:11 Glassboro (1) 26:25 global (2) 69:1,7 goes (5) 20:12;34:6;44:7; 61:10;64:15 Good (13) 6:1;24:21,22,22; 43:3;47:3;53:22; 54:12,16,20;59:16; 69:23;80:4 GORDON (2) 80:25;81:1 government (7) 8:3,9;24:2;45:25; 47:13;48:4;74:21 granted (4) 8:11,12;53:14; 60:11 granting (1) 53:22 grants (2) 6:17;43:23 grass (1) 39:20 great (21) 41:16;43:6;49:6; 50:12,18,20;51:18,20; 52:9,17;53:7,9;62:11; 66:3;67:4,19;69:5,19; 74:8;82:14;87:4 greatly (2) 66:14,15 Gregory (2) 12:4;70:9 grid (2) 20:9,21 Grossman (1) 27:1 guess (1) 82:25 guidance (1) 26:11 guide (1) 84:18 guiding (1) 33:22	10:22;11:8;77:7 happen (8) 24:5;28:21;37:10, 11;40:13;43:13;75:1, 7 happened (6) 31:7,20;35:4;37:16; 78:21;86:3 happening (1) 62:3 happens (2) 40:14;43:21 happy (5) 46:18;58:9;72:12, 14,15 Harbor (24) 10:11;42:3;49:7; 50:12,19,20;51:18,20; 52:9,17;53:7,9;60:3; 62:11;66:3,22,25; 67:1,5,19;69:6,19; 74:9;87:4 hard (1) 54:23 hardly (1) 65:20 Health (1) 48:15 hear (3) 6:5;28:1,11 heard (10) 22:3,5;23:8;56:18; 57:16;64:23;65:2,4; 68:6;80:10 hearing (10) 48:12,19,20,22; 55:22;56:2,4,16; 80:11;89:24 hearings (3) 9:3,3,7 heavy (1) 77:6 held (2) 9:4;45:14 hemmed (1) 33:21 here's (2) 29:13;30:11 Heretofore (1) 61:16 hey (3) 27:7;28:15;78:7 high (2) 20:14;62:15 higher (1) 57:23 historic (2) 21:11;51:17 historical (1) 29:4 hold (2) 45:8;75:12 HOLDEN (6)
		G	H	
		gathering (1) 88:16 general (2) 51:22;61:3 generally (1) 11:5 generated (1) 12:25 generating (1) 13:13 generation (2) 13:14;40:16 given (9)	habitat (2) 51:11,13 half (1) 44:25 half-dozen (1) 29:10 hand (3)	

81:9;84:24;85:5; 86:6;87:15;22 holes (1) 50:17 home (1) 61:15 hope (3) 43:4;53:23;69:23 hopefully (3) 15:16;46:20;84:7 hopes (1) 13:25 horizontal (2) 17:18,21 Horn (4) 16:6,14;18:11;40:4 horse (1) 19:14 host (1) 21:17 huge (1) 63:17 hung (1) 30:11 hypothetically (1) 87:5	66:17 implore (1) 67:20 implying (1) 34:10 important (17) 19:18,21;28:12; 31:19;33:1;34:16,21; 35:17;43:10;55:4; 61:21;64:2;80:20,21; 87:22;88:8,10 importantly (1) 78:13 impossible (2) 21:14;56:11 impression (4) 26:9,15;34:8;77:3 improved (1) 39:19 improving (1) 41:13 inaccurate (1) 51:19 inaudible (3) 52:11,24;54:3 include (1) 26:23 included (2) 7:18;31:15 including (7) 9:8;29:9;49:6;57:4; 60:18;70:25;74:8 incorporated (2) 44:1;83:23 incorporates (1) 25:3 Indeed (1) 36:15 indicate (3) 25:2;59:2;65:8 indicated (1) 76:25 indulge (4) 33:16;35:19;41:24; 43:22 industry (1) 61:24 inferences (1) 79:5 influx (1) 66:16 informal (1) 57:10 information (10) 31:2;53:4;58:12; 81:4,13;82:4,10; 88:15,15,16 informative (1) 82:4 informed (2) 79:4;82:11 infrastructure (4) 17:13;65:16;68:25;	69:9 initial (3) 7:25;8:1;24:10 Initially (1) 25:2 initiate (1) 47:14 inland (3) 62:7,23;65:15 Inlet (5) 49:7;50:25;51:5,6; 52:17 input (1) 65:25 inquiry (1) 52:25 insisting (1) 52:18 install (2) 17:22;68:18 installation (1) 68:17 installed (6) 17:2,9,11,13,17; 18:1 instance (1) 71:4 instead (1) 83:9 instruction (1) 36:10 insufficient (1) 73:25 interconnection (8) 13:5,11;14:2;20:8, 15;21:1,19;22:2 interest (9) 25:5;27:12;33:4; 38:20,23;70:12;71:3, 5;73:15 interested (1) 27:25 interesting (1) 76:5 interestingly (3) 35:14;37:4;43:25 interests (3) 26:24;27:22;71:15 interfaces (1) 84:14 interpreted (1) 76:24 interpreting (1) 34:18 interrupt (1) 64:18 interrupted (1) 52:7 intervene (3) 8:5,8;59:23 Intervenor (3) 8:11;11:22;60:19 Intervenors (9)	9:19;10:1,20;11:16, 25;70:2,4;81:11;89:7 intervention (1) 59:22 into (15) 15:13;20:12;26:3; 31:22;38:9;39:21; 44:2;45:6;66:18,19; 69:16;72:20;81:14, 19;89:14 inundated (1) 69:3 inventory (1) 47:16 invite (10) 12:1;24:16;46:24; 54:9;58:19;70:1; 75:20;79:12,25;80:6 involve (1) 83:13 involved (5) 29:17,18;47:7;61:8; 86:19 involves (4) 12:20;21:21;48:22; 65:19 island (4) 39:22;49:3;52:4,6 Isle (9) 10:10;59:25;62:4, 13,14,16,22;64:9; 66:11 issue (10) 14:24;15:20;18:3; 19:14,15;54:25;73:4, 18;80:20;86:9 issued (8) 7:16,24;8:1,2,6,24; 9:2;56:3 issues (17) 7:22;11:5;14:18,19; 21:9;22:6;23:12,15; 25:10,12;35:22; 42:23;61:21;67:16; 68:11;77:6;79:3 iterative (2) 20:13;21:2	86:2 joined (2) 86:2;87:14 joins (1) 75:25 Judge (1) 8:19 judicial (2) 25:6;26:10 July (2) 7:24,25 June (7) 7:3,11,13,13,14,16; 47:6 jurisdiction (3) 7:7;70:17;71:7 jurisprudence (2) 76:22;84:17 jurisprudential (1) 26:11 justiciability (1) 28:8
I				K
idea (2) 53:20;66:3 identified (5) 13:6;18:13;20:14; 21:2;39:6 idly (1) 65:1 ignore (2) 36:10,20 ignored (1) 63:2 immediately (3) 62:4;64:8;67:14 immodest (1) 61:20 Impact (12) 29:3,6;30:1;40:2, 10;43:2;61:15,24; 63:4;64:1;68:24;77:4 impacted (5) 51:18;62:5,17;69:7, 10 impacting (1) 51:2 impacts (8) 21:6,9,9,11,23; 33:9;43:6,8 imperative (1) 61:7 implemented (1) 52:16 implicates (1) 33:9 implications (1)				keep (6) 61:5;62:14;70:11; 88:2,9,10 kind (1) 9:12 knowledge (1) 72:1 known (1) 9:14 knows (2) 12:20;75:6
				L
				Lacey (2) 13:6;20:23 lack (2) 49:18;51:20 laid (1) 60:15 land (16) 14:22;19:5;44:5,12; 47:15;50:3;63:4,16, 17;64:1;76:17;81:18; 82:22;83:5,13;84:14 landfall (1) 16:1 landing (1) 17:16 lands (3) 61:24;63:9,9 large (2) 48:23;63:8 last (5) 35:16;45:19;54:23; 71:10;86:7 lasting (1) 77:4
			J	
			Jersey (17) 6:3,22;9:21,21,22, 22;12:23;15:1;17:7; 18:3;27:1;43:3;47:12; 48:2;54:22;59:10; 88:20 Jim (1) 54:12 job (2) 78:9;82:15 Joe (1) 6:2 join (1)	

later (2) 36:11;89:16	26:18	10:9;59:25;63:13, 18,22;64:2,5	MC (2) 47:2;79:14	mirrors (1) 33:13
Law (22) 8:18,19;12:5;24:24; 33:9;34:18;38:5; 45:24;48:3,10;50:3; 54:5;70:21;71:18; 73:21;76:17,17,24; 81:18;83:11,18;84:20	limited (5) 10:21;14:18;49:22; 84:5,6	luxury (1) 86:18	mean (6) 19:22,24;20:1; 33:10,12;77:10	misplaced (1) 58:3
laws (1) 46:6	limits (1) 68:18	M	meaning (1) 58:1	missing (1) 85:7
lay (1) 73:7	line (2) 18:20;64:10	main (3) 25:20,21;70:16	means (3) 20:2,3,5	Mitigation (1) 51:13
lead (1) 76:2	lines (5) 17:25;18:1;40:17; 64:19;65:9	Mainly (1) 25:19	meet (1) 23:3	modified (1) 8:7
leading (1) 69:9	LIPMAN (4) 54:20,21;58:16;	major (2) 38:19;39:4	meeting (4) 6:22,23;89:9,21	modifying (1) 8:1
lease (1) 20:19	80:8	majority (2) 60:6;66:5	Meetings (1) 6:25	moment (5) 30:3,5;33:17;46:18; 64:18
least (5) 20:1;21:23;34:23; 49:15;52:22	list (1) 77:24	makes (6) 34:9;38:1;41:12; 43:16;76:23;83:15	Megawatt (1) 12:23	monetary (1) 51:12
leave (1) 88:23	listen (3) 67:21,21,22	making (2) 55:11;66:14	member (1) 26:1	money (2) 42:17;69:13
leaves (1) 55:20	listening (2) 59:19;69:22	MALEY (3) 54:12,12;80:2	members (7) 9:6;12:14;24:22; 39:10;46:9;56:1;77:1	monkey (1) 31:10
leaving (1) 38:19	literally (2) 71:9;77:22	Management (1) 29:2	mention (1) 22:15	months (1) 18:18
led (1) 58:3	litigation (1) 36:6	manner (1) 46:8	mentioned (6) 10:16;20:23;82:9; 87:21,23;88:14	more (13) 18:4,5;19:1;30:4; 34:21;46:18;53:1; 56:9;59:3;63:10;68:9; 84:25;87:8
legal (6) 25:12;28:4;31:19; 47:25;73:1;88:3	little (4) 15:22;18:4;19:1;	many (20) 14:7,12,12;17:7,7, 13,25;20:14;21:4; 25:10;39:10,16; 55:25;70:21,21,24,24; 77:9;81:16;87:23	mentioning (1) 87:20	Moreover (1) 56:10
legislative (1) 71:12	LLC (8) 6:10;7:3,11;8:20; 9:20;10:23;12:2,6	marine (1) 21:9	method (1) 17:19	morning (8) 6:1;24:21,22,23; 47:3;54:12,20;79:8
legislature (6) 33:17;70:23;71:1, 19;81:20;88:7	LLC's (1) 7:14	materials (1) 89:13	methods (1) 17:10	most (3) 14:17;78:13;82:11
legitimacy (2) 49:19;61:16	load (1) 13:1	matter (26) 7:2;8:15,17;9:19; 10:4,21;11:7;12:7,20; 13:9;48:17;49:1;50:1; 55:15,23;56:2,11,18, 20;76:8,12,13;77:3; 82:8;88:23;89:11	Michael (1) 24:24	mostly (1) 39:20
legitimate (1) 61:21	local (6) 45:25;47:13;48:4; 71:5,8;87:25	matters (10) 8:25;11:7;26:8,14; 28:9;34:8;50:2;56:7, 9;76:15	microphone (1) 11:13	motion (8) 7:5,13;8:8,14,16, 21;72:24;73:2
length (1) 68:22	located (1) 20:20	May (51) 6:14;7:2;9:20; 10:17,25;13:8,25; 15:7,10,10,14;24:16; 25:1;28:16;30:9;32:1, 23;33:17;36:10,16; 38:21;43:4;47:14,22, 23;49:4,7,19,20;50:9; 51:22;53:18;58:22; 59:20;60:7;61:22; 62:20;63:14;64:17; 66:6;68:4;70:6;71:1, 19;74:19,21;75:1,20; 82:25;83:2;88:19	Middle (7) 10:9;60:1;65:13,14, 17,23;66:2	motions (2) 8:5;25:8
lengthy (1) 73:1	location (2) 64:19;65:10	maybe (3) 44:13;76:19;83:16	mid-petition (1) 37:18	motives (1) 8:12
letters (1) 77:22	locations (1) 20:22		midst (1) 43:1	move (17) 14:1;19:8;23:5; 24:5;32:12;40:17,18; 43:19;44:8,16;45:3,5; 60:14;63:3;67:18,25; 75:2
level (1) 20:14	long (2) 33:20;83:8		mid-suit (1) 37:17	moving (5) 14:12;22:1,25; 29:12;32:18
liberally (3) 46:1,11;48:5	longer (1) 18:21		might (1) 77:5	much (10) 34:21;39:22;46:23; 54:8;65:16;82:13; 84:9;86:8;87:8;89:22
licensed (1) 59:9	look (10) 27:5,11;30:6;33:3; 41:1;45:1;67:7;74:14; 84:25;85:18		million (1) 87:6	multiple (2) 8:3;29:9
lieu (1) 19:9	looked (4) 21:4,6;27:8;83:12		millions (2) 40:19,19	municipal (13) 45:25;47:22;48:3; 50:2;70:22;71:2,7,14; 76:17;82:22;83:5,13;
life (1) 40:14	looking (1) 86:9		mind (6) 61:5;62:14;88:2,9, 10,24	
likelihood (1) 34:12	looks (3) 29:10;31:5,5		minutes (1) 13:17	
likely (2) 30:2;56:13	lot (6) 18:7,8,23;45:18; 72:20;74:25		minutia (1) 38:9	
limit (1)	Lower (7)		mirror (2) 34:17;83:20	

84:14 municipalities (26) 10:3,14;17:14; 58:23;59:2,10,21,21; 60:9,13,18,20;61:3,7, 11;66:1,21;68:15,16; 69:5;71:20;72:4,18; 76:2;79:21;87:25 municipality (4) 22:17;61:2;67:7; 77:4 must (5) 27:13;46:10;57:21; 58:1;61:5	17:7;18:3;26:7,9; 27:1;43:2;47:12;48:2; 54:22;59:9;61:5; 83:14;88:20 Next (2) 24:16;64:6 nights (1) 31:25 nine (12) 10:3,7;38:21;58:20; 59:10,13,20;60:18; 61:3,11;66:21;76:2 NJ (1) 48:16 NJAC (1) 51:14 NJDEP (1) 23:18 NJDEP's (1) 51:12 NJSA (9) 6:17,25;7:9,10; 9:13;13:20;35:20; 48:11;61:4 NJSA's (1) 47:17 non (1) 35:1 nonadjustable (1) 7:9 noncompliance (1) 36:17 none (2) 75:9;78:20 non-municipality (1) 74:18 non-objection (1) 32:18 nor (1) 31:2 North (7) 10:10;16:3,10;40:7; 44:9;60:4;67:13 northern (1) 18:10 note (4) 57:7;68:3;81:16; 83:22 noted (1) 51:16 notice (1) 6:23 Number (10) 6:16;25:10,11; 27:24;34:12;58:22; 61:1;70:23;73:24; 74:9 numerous (1) 60:15	31:15 object (2) 25:22;39:1 objection (2) 65:12;70:16 objections (4) 25:8;28:1;71:14,15 obligations (2) 48:21;84:15 obstacles (1) 53:8 obstinate (1) 31:10 obtain (1) 60:24 obvious (1) 33:25 obviously (2) 42:22;55:24 occasions (1) 34:13 occurs (1) 63:19 Ocean (135) 6:10,15;7:2,11,14; 8:10,20;9:20,21; 10:23;11:2,6;12:1,6, 20;13:1,4,7,22;14:20; 15:22;16:17;21:3,5; 22:1,8,21;30:21; 31:21;32:4,34;13,19; 35:15;38:12,24; 43:24;46:4,24;47:5,7, 11,14,19,20,20,21,23; 48:8,9;49:1,2,3,7,12, 14;50:6,6,9,11,14,17; 51:3,6,9,16,21;52:1, 13,17,22;53:2,3,6,12, 17;54:1;55:15,21; 56:2,11,14,15;57:9; 60:11,23,25;62:4,8,9, 15,20,25;63:1,16,20, 20,21,23;64:5,10; 66:4,7,11;67:17,18, 21,25;68:5,6,6,8,10, 13,13,24;69:10,13,20; 70:6,10;72:12;73:20, 23;74:4,14;75:14; 76:1,16;77:13,16,24; 79:12,16,19;87:12 oceanfront (2) 63:14;67:13 O'Connor (1) 12:5 October (1) 9:8 off (3) 11:13;12:22;75:12 offer (7) 16:18,19,22;32:18; 35:5;38:2;68:7 offered (1) 67:17	offer's (1) 16:20 Office (3) 8:17;48:10;54:5 Officer (3) 7:19,20;9:3 officers (1) 33:21 Offices (1) 24:24 official (2) 30:19;31:11 officials (18) 25:20,24;26:3;30:9; 31:3,23;61:17;65:19, 22;67:22;70:20;76:7, 12,14;81:17;87:24; 88:6,6 Offshore (14) 6:15;9:13;11:2,5,6; 12:21;13:18;19:17; 20:8,19;25:16;55:5; 71:4;73:12 often (1) 36:5 old (2) 13:12,13 Once (4) 18:19;37:24;73:11; 89:17 one (36) 9:11;13:6,7;14:20; 17:9;20:6;22:14,21; 26:7;27:14,19;30:25; 33:16;35:24,25; 39:14;40:9;41:24; 42:18;44:17;53:1,23; 59:3;61:5;64:5;65:19; 70:7;72:22;75:21; 78:10;79:13;80:1,7, 21;82:22;88:13 ones (1) 20:18 one-sided (2) 78:18;85:17 only (15) 13:23;14:19;18:15; 20:2;26:18;27:18; 28:13,14;42:18; 57:24;63:21;68:4; 69:14;75:11;88:4 onshore (8) 13:5,10;15:19;17:1; 19:25;20:9,20,21 opaque (1) 56:9 Open (5) 6:24;47:16;67:24; 68:7,13 opened (1) 52:1 opening (2) 6:5;12:8	operate (1) 43:25 operated (1) 18:2 Operation (6) 6:15;11:2;19:17; 40:16,17;55:3 opinion (3) 27:6;38:16;42:1 opinions (2) 65:7;85:20 opportunity (17) 6:8;9:25;10:4,15; 12:16;31:8;47:4; 56:24;57:1,5,16; 59:23;65:2;78:15; 85:24;89:4,7 opposes (1) 67:17 opposing (1) 57:13 opposition (2) 7:12;38:22 oral (10) 6:6,9;9:5,6;12:17; 25:12;55:24;88:17, 25;89:5 order (18) 7:17,24;8:1,2,6,25; 9:2;12:24;23:4,15,22; 25:17;36:15;40:17; 55:21;56:2,14;70:4 OREC (1) 14:7 Orsted (1) 47:20 others (1) 86:2 otherwise (2) 9:14;57:10 ours (2) 77:18;78:9 out (26) 12:25;13:14;21:14; 34:7;35:7;38:19;40:3, 25;43:23;44:13; 55:20,22;60:15; 61:12;62:3;68:5;69:9; 73:7;76:10;77:7; 78:14;80:9;84:4,11; 86:1,20 outcome (2) 28:22;56:15 outreach (2) 13:24;22:21 outset (2) 13:22;60:9 outside (2) 11:7;32:17 outstanding (3) 16:18,23;68:11 over (11) 7:7;14:7,22;33:18;
N				
name (2) 6:2;59:8 narrow (1) 83:10 narrowed (2) 20:17,22 nature (3) 30:24;41:15;46:15 Navigation (1) 51:7 near (3) 13:12;16:11;69:1 necessarily (1) 84:13 Necessary (35) 6:14;7:18;11:1; 15:17;19:16,19,22,23; 20:2;22:11;24:12; 26:16,22;27:4,7,19; 34:3;41:21;42:9,17; 46:21;50:4,10;52:12, 19,25;53:3,17;55:2,9, 17;57:22;71:12; 81:20;87:10 necessity (1) 57:25 neck (1) 39:9 need (17) 13:2;14:3;18:18; 22:24;23:5,15;25:12; 31:22;32:5;45:3; 68:25;75:2,13;77:24; 78:5,5,7 Needed (6) 6:12;10:24;13:2; 18:21;23:22;72:16 needs (3) 19:7;41:20;84:25 negotiated (1) 38:3 neither (1) 57:19 New (22) 6:3,22;9:20,21,22, 22;12:22;13:11;15:1;	NJ (1) 48:16 NJAC (1) 51:14 NJDEP (1) 23:18 NJDEP's (1) 51:12 NJSA (9) 6:17,25;7:9,10; 9:13;13:20;35:20; 48:11;61:4 NJSA's (1) 47:17 non (1) 35:1 nonadjustable (1) 7:9 noncompliance (1) 36:17 none (2) 75:9;78:20 non-municipality (1) 74:18 non-objection (1) 32:18 nor (1) 31:2 North (7) 10:10;16:3,10;40:7; 44:9;60:4;67:13 northern (1) 18:10 note (4) 57:7;68:3;81:16; 83:22 noted (1) 51:16 notice (1) 6:23 Number (10) 6:16;25:10,11; 27:24;34:12;58:22; 61:1;70:23;73:24; 74:9 numerous (1) 60:15			
	O			
	oath (1)			

40:4;44:5,14;60:25; 62:24;70:18;82:23 overall (1) 56:8 overcome (4) 50:24,24;52:14; 53:11 overhead (1) 17:3 overlay (1) 76:19 override (1) 71:14 overrule (1) 71:7 overturn (1) 56:14 overwhelming (2) 51:19;60:6 OWEDA (12) 9:14;13:19;14:24; 25:15;37:4;44:2;46:5, 12;71:12;73:7;76:19; 83:24 own (3) 27:6;49:16;77:15 owned (2) 14:23;15:6 owner (1) 15:7 owners (1) 72:4 Oyster (4) 50:25;52:14,16; 53:11	8:12;10:3;79:21 Participants (8) 10:2,7,20;11:19; 24:23;58:20;74:18; 81:11 participate (1) 12:16 participated (1) 80:20 participating (2) 55:20;60:20 particular (3) 6:7;21:22;27:13 particularly (1) 63:5 parties (29) 9:19;10:1,19;11:15, 24;22:5;23:8;24:12; 27:25;28:18;36:5,19; 37:25;48:23;56:16, 17,23,25;58:4;70:1,4; 73:16;74:9,11,17; 81:12;84:8;85:23; 89:6 parts (1) 44:18 party (4) 7:18;11:22;57:4,16 path (2) 41:14,15 Paul (1) 59:8 Peck's (1) 16:6 people (5) 32:8;37:18;52:6; 55:25;77:9 perceived (1) 56:5 perform (1) 67:23 perhaps (4) 34:13;40:5;43:3; 68:23 period (7) 14:8;37:5,9,15,25; 51:8;84:10 permanent (3) 14:22;18:22;44:5 permission (1) 58:25 permit (4) 15:15;43:18;71:24; 75:11 Permits (12) 6:13;10:24;15:2,8, 17;19:4,6,9,21;23:18, 22;47:13 permitted (1) 49:23 permittees (1) 53:21 permitting (11)	23:10,20,23;24:3,6; 29:19;44:6,7;45:5,15; 72:18 person (1) 57:13 perspective (3) 20:4;65:24;87:25 Petition (42) 6:10,19;7:3,7,8,17, 23;9:11;12:20;13:23; 14:4,9,15;16:1;19:3; 22:19,24;23:25; 25:17;32:25;34:10; 37:7;38:13,14;46:13; 47:7;48:10;50:6;54:3, 4;56:12,21,25;57:2,4, 14;58:8;60:24;70:18; 78:25;86:17;89:16 Petitioner (3) 12:6;27:6,16 petitioner's (1) 85:21 phase (2) 24:7;64:12 phrase (2) 70:20;77:23 pick (1) 21:13 piece (2) 39:14;44:5 place (8) 11:16,19;29:1,5; 40:18;58:20;64:10; 69:16 placed (1) 55:7 places (2) 39:25;41:7 plan (1) 40:6 plant (2) 13:13,14 play (1) 43:23 Please (7) 11:4,10,12;24:19; 59:5;82:14;89:10 plenty (1) 42:24 point (13) 13:10;14:2;16:13, 24;20:24;22:1;24:9; 29:8;31:21;44:1;69:2; 74:1;80:9 pointed (8) 34:7;35:7;40:3,25; 78:14;84:4;86:1,19 points (5) 13:5;20:15;21:1; 79:15;82:20 poke (1) 50:17 portion (5)	15:19;18:16;37:21; 44:11;83:23 portions (1) 16:25 position (6) 30:19;46:7;58:8; 64:20;75:14;76:11 positions (1) 79:20 possibility (1) 49:13 posture (1) 55:12 potential (4) 20:15;21:4,23;87:1 potentially (1) 41:4 power (10) 12:24;13:2,3;28:20; 33:18,23;40:16; 47:20;53:13;71:13 practices (1) 22:13 pre-action (6) 35:23,25;36:4,13, 20;37:1 precisely (1) 78:4 preempt (1) 15:1 preemption (1) 19:20 prefer (2) 22:22;36:3 preferred (16) 15:25;19:25;20:11; 30:2;38:7,18;39:6; 43:17;49:2;62:10; 67:2,8,8,17,19;86:10 pre-filed (1) 19:3 prejudice (4) 7:8;36:22;37:23; 44:21 premature (2) 23:9,12 present (9) 6:21;9:25;10:5,15, 17;12:15;47:5;48:17; 89:4 presentation (2) 40:22;87:3 presentations (1) 81:2 presented (7) 35:5;39:2,3;42:12, 20;86:22;88:12 presents (1) 50:22 preserved (1) 25:12 PRESIDENT (41) 6:1,2;12:3,8,11,14;	13:16;19:12;24:14, 21;26:16;27:23; 46:22;47:3;54:7,16, 20;58:15;59:12,15; 64:17;65:5;69:24; 70:9;75:18,19;79:9, 10,24;80:5,17,25; 81:6,9,22,24;82:1,16, 17;83:1;87:19 Presiding (2) 7:19,20 pretextual (1) 49:14 pretrial (1) 38:15 pretty (1) 77:6 previously (1) 76:25 primarily (1) 19:5 primary (1) 72:23 prior (2) 22:18;48:18 pristine (5) 51:23;63:22,24; 65:16;67:3 private (2) 47:21;72:3 privileges (1) 48:21 proactive (1) 68:9 probably (1) 41:8 probe (1) 86:14 problem (3) 29:13;42:19;56:19 problematic (1) 68:22 problems (3) 55:10;66:11;69:4 procedural (7) 7:25;8:2,7,15;9:9; 55:12;56:9 procedure (2) 11:14;12:7 procedures (2) 78:24,24 proceed (4) 15:15;16:2,10;70:6 proceeding (31) 6:21;10:21;15:21; 27:24;28:4,6;30:7; 32:15;33:2,5,8;34:5, 21;35:2;43:7;47:9; 65:8;74:3;75:11; 78:21;79:1,6;83:19; 84:1;85:2,2;86:7,9, 15;87:12,13 proceedings (3)
P				
paper (2) 25:4;78:22 papers (2) 26:25;35:7 Paragraph (2) 45:24;48:3 parameters (1) 26:20 paramount (2) 71:5,16 paraphrasing (1) 30:17 parcel (1) 14:22 parenthetical (1) 77:23 Parkway (3) 41:2,3;42:3 part (16) 20:8;30:23;32:25; 34:6,24;35:20;38:25; 39:3,25;42:19;44:17; 72:17;74:21;84:1; 86:4,14 participant (3)				

<p>36:12;60:21;86:19 proceeds (1) 63:20 process (61) 9:17;20:13;13,25; 21:3;23:10;21,23; 25:22;25;26:7;29:2,9, 17:30;23;31:11; 33:13;13;34:3,6,17, 20:24;38:22;49:18, 20:56;9;57:14,20; 58:3;60:12;61:8,10, 12,16;63:25;65:18,19, 24;66:23,25;67:24; 68:23;72:18;73:7,10, 13,18,25;74:6;83:19, 20:84;1,5,6,12,21; 85:1,10,14;86:4 processes (8) 26:12;29:9,10; 34:11;43:19;44:15; 45:5,15 procured (1) 33:13 progress (1) 14:10 prohibitive (1) 69:18 Project (43) 6:16;11:3,6;12:22, 23;13:4;14:1,5,13,14; 15:9;18:16,18;19:17; 20:6,9,14,19;21:18; 22:16;23:25;24:5,8; 25:16;27:21;29:22; 34:13;40:14;42:10; 43:1,19;50:25;52:2; 53:12;55:3;68:1; 73:12,19;74:21;75:3; 78:2,3,3 projects (3) 34:14;71:4;77:6 project's (1) 19:8 proper (2) 80:11,12 properly (1) 57:5 property (18) 15:5,7;16:11;18:9; 33:4;34:25;35:2,3,6, 6;40:16;44:3;45:13; 47:22;60:25;67:3; 72:4;73:15 proposal (1) 52:15 proposed (9) 16:11;20:6;29:25; 40:8,23;50:8;52:18; 53:16;68:17 protect (2) 67:10,10 protected (3)</p>	<p>61:23;63:8;65:16 protecting (1) 69:4 Protection (2) 15:2;84:21 provide (5) 10:1;30:24;50:14; 65:25;77:19 provided (8) 6:24;30:20;64:4; 74:15;80:13;81:13; 84:10;86:13 providing (1) 9:16 provision (6) 30:13;33:11;36:4; 37:19;45:22;46:11 provisions (2) 33:14;34:17 proximity (1) 68:20 Public (28) 6:3,22,22,24;9:2,3, 6,7,7;16:9;17:6,11; 47:22;48:24;49:8,17, 20;51:22;55:22,23; 56:1,1,4,8;58:4; 70:25;71:3;88:5 pure (1) 74:25 purpose (3) 36:9,12;37:9 purposes (2) 47:8;57:15 pursuant (2) 51:14;60:11 pursued (3) 19:10;50:15;74:8 pursues (1) 43:24 pursuing (1) 49:15 put (4) 29:15;30:8;40:6; 77:17</p>	<p>quasi-judicial (1) 28:4 quickly (1) 43:23 quite (6) 23:25;64:15;66:5; 69:2;70:13;73:6</p>	<p>22;27:3,7,19;41:21; 42:9,17;50:4,10; 52:12,18,25;53:2,17; 55:2,9,16;57:22;67:8; 87:10 reasons (7) 20:16;21:15;27:20; 30:3;31:20;45:3; 49:13 reassigned (1) 8:18 rebuttal (23) 10:1;11:23;20:11; 22:4,9;24:11;46:21; 54:15;57:8,11;70:2,7, 11;72:21;74:5;75:17, 21;79:13,18;80:1,7; 89:8,12 recap (1) 42:21 receive (1) 15:16 received (4) 9:6;14:6;16:21; 89:1 recognizes (1) 66:23 record (22) 11:17,20;25:7;47:8; 53:25;56:20,20;58:5, 21;62:2;68:4;69:11; 74:2,24;75:3,14; 80:14;85:6,8,16,20,25 recorded (2) 44:4;89:13 recording (1) 73:14 recreation (1) 47:16 recusal (1) 8:14 recuse (1) 8:25 refer (2) 48:9;54:4 reference (2) 44:2;83:24 referred (2) 16:5;57:8 refrain (1) 11:4 regard (7) 20:10;21:19;29:14; 38:5;42:12;46:16; 76:17 regarding (5) 6:10;7:22;11:5; 15:22;56:24 Regional (1) 48:15 regular (1) 51:15 regulations (1)</p>	<p>68:20 reiterate (2) 47:8;76:3 rejected (2) 53:7;73:2 rejection (2) 52:9;53:9 related (1) 19:6 relations (1) 48:22 relative (1) 65:3 Reliance (1) 58:2 remain (1) 65:11 remains (4) 16:18,23;47:25; 68:7 remedy (1) 36:21 remember (3) 19:18,21;55:4 remind (1) 10:19 renews (1) 47:11 repair (1) 40:11 repeat (2) 60:16;79:16 repeated (1) 70:19 repeatedly (1) 68:5 replace (1) 40:11 replaced (1) 40:6 replied (1) 72:25 reply (6) 7:12,14,15;8:20,21, 23 report (1) 35:17 represent (3) 32:2;59:10;60:5 representation (2) 31:14,17 representatives (3) 9:18,24;10:13 representing (3) 58:22;59:2,13 request (2) 9:12;67:9 requested (7) 8:4,16;19:15;55:1, 16;67:6;69:19 Requesting (2) 6:11;7:6 requests (6)</p>
	<p>Q</p>			
	<p>QO2202004 (1) 47:10 QO22050347 (1) 6:16 qua (1) 35:1 Qualified (6) 6:15;11:2,6;12:21; 19:17;55:3 qualitative (1) 21:3 quantitative (1) 21:3 quarter-of-an-acre (1) 18:14</p>	<p>reason (7) 14:11;25:20,21; 67:2;71:6,11;72:23 reasonable (20) 20:6;23:2;28:24; 52:24;57:25;58:13; 62:12,19,21,21;65:20, 21;66:5,7;69:6,18; 76:11,19;79:5;87:9 reasonableness (1) 82:21 Reasonably (28) 6:14;11:1;19:16,19, 22;20:2;22:11;26:16,</p>		

50:11;54:4;55:20; 63:1;77:20,21 require (3) 31:3;41:21;42:16 required (16) 6:24;15:3;19:6; 22:17;30:12;36:7; 48:19;25:49:25; 50:16;63:4;77:23,25; 78:2,8,9 requirement (3) 36:20;37:1;84:10 requirements (3) 34:3;35:23;85:1 requires (7) 15:5;23:21;30:18; 32:21;38:5;45:24; 57:24 requiring (1) 37:5 reserve (7) 24:11;46:20;54:15; 60:10;17;65:3;66:19 reside (1) 60:6 resident (1) 41:17 residents (13) 21:8;31:25;60:6; 61:22;62:13,16,22; 63:11,23;64:3;66:6, 16,24 resolve (3) 14:10;35:22;68:11 resolved (1) 80:13 resource (2) 19:5;29:4 resources (1) 21:11 Respect (12) 6:13;10:25;15:18; 26:1;46:16;50:5;71:8; 72:3,10;82:20;83:14; 85:9 respectfully (1) 32:6 respects (2) 49:20;73:22 respond (2) 24:11;70:14 responded (2) 8:22;72:25 response (3) 74:16;79:18;86:17 responsibility (1) 9:15 rest (1) 82:14 Restoration (1) 51:14 Restriction (1) 51:4	resubmits (1) 42:22 result (4) 20:7;48:20;55:25; 56:10 retain (1) 31:4 retaining (1) 7:17 re-up (1) 76:4 review (12) 19:12;22:7;23:21, 23;24:3;29:3;31:1,4; 38:11;71:25;72:9; 74:22 reviewed (2) 30:14;89:2 reviewing (2) 81:4;82:6 reviews (1) 28:25 right (21) 16:13;24:11;28:15; 29:19;34:2;36:2; 38:20,23;39:7,21,23; 49:8;60:10,18;64:22; 65:6;83:9;86:18,24; 87:7,10 rightness (1) 28:8 right-of-way (1) 41:3 rights (7) 47:22;48:21;60:17, 22;65:3;66:20;84:3 rights-of-way (2) 16:9;67:11 ripe (3) 7:8;42:23;75:15 rising (1) 69:8 risks (1) 66:23 road (7) 18:10;62:20;65:20; 66:4;67:4;68:18; 74:19 roadblock (1) 83:6 roads (4) 62:9,12;69:3,21 roadway (1) 39:24 roadways (1) 17:11 robust (3) 80:13;85:16,20 role (1) 15:14 Roosevelt (6) 16:4,7,8,14;39:17; 40:4	route (84) 14:2;15:18,20,23, 25;16:10;19:25;20:2, 11,25;21:7,13,20; 22:2;23:16;27:13,18; 30:2;38:7,19;39:6,15; 40:2,7,10,23;41:2,11; 42:3,4,4,8,8;43:17; 49:2,6,15;50:8,12,13, 15,19,20,21,22;51:1, 18,20;52:9,11,18,21; 53:1,7,9,16;55:8,18; 62:10,11,12,19,24; 65:21,21;66:3,5,7; 67:2,4,8,9,17,19;69:6, 6,19;73:25;74:5,9; 86:10,11;87:4,9 routes (20) 21:4,24;38:8;40:24; 42:3,14;49:6,9,11; 50:19;52:10;53:4,10; 63:10;69:12;74:6,7, 12;78:11;87:1 rule (4) 22:24;23:12;56:12; 61:15 ruled (1) 8:8 rules (1) 61:9 run (1) 62:8 runs (1) 39:22 rural (1) 63:7 rush (1) 63:3	11:7 scrutiny (2) 26:10;78:19 Sea (9) 10:10;59:25;62:3, 13,14,16,22;64:9; 66:11 second (6) 8:7;11:18;14:24; 32:25;41:24;56:19 Secondly (2) 23:19;70:24 section (5) 25:15;37:4;45:23; 47:12;48:2 sections (1) 63:8 secure (1) 7:21 seek (2) 36:19;44:19 seeking (4) 8:14;60:24;75:5,5 seeks (2) 10:23;77:16 seem (3) 32:19;45:16;50:19 seems (3) 45:17;46:4;70:16 sees (3) 29:14;41:7;55:10 segment (1) 48:23 selected (2) 62:25;86:11 selection (4) 20:10,25;73:25; 74:5 send (1) 62:14 sense (7) 20:4;38:1;41:12; 45:16,18;76:23;83:15 sensitive (6) 63:9,16,17;64:1; 68:1;69:15 September (5) 8:22,23,24;9:1,4 seq (3) 6:25;7:10;48:11 serious (2) 43:10;88:22 seriously (5) 9:15;53:24;82:9; 88:22;89:1 serves (2) 26:17;57:14 service (2) 13:15;18:20 set (4) 6:25;46:5;48:13; 73:13 sets (1)	26:4 setting (2) 7:25;39:8 settlement (1) 32:13 shall (2) 46:1;48:5 share (2) 72:12,14 shared (1) 53:18 shed (1) 43:9 shellfish (2) 51:11,13 shift (1) 27:16 shifting (1) 77:17 shoes (4) 25:19;26:3;31:23; 70:20 shore (2) 13:1;51:3 short (3) 10:5,5;70:11 shortest (1) 42:8 shortly (1) 14:6 shoulder (3) 39:19,20,24 show (1) 80:10 shut (2) 40:15;61:12 side (2) 18:10;40:7 sight (1) 64:13 sign (5) 31:12;72:1,4;77:9, 11 signed (1) 30:12 signing (2) 31:9;77:8 similar (3) 17:5;26:12;65:15 simple (2) 57:23;58:11 simply (12) 17:20;23:3,11,24; 24:4;27:5;36:20; 49:14;51:19;57:20; 73:5;74:13 sine (1) 35:1 single (1) 25:7 Sit (3) 68:9,10;72:15 site (1)
		S		
		same (13) 15:23;17:12;18:7, 22;19:19;24:5;50:1,3; 55:18;66:10;67:15, 24;70:4 satisfaction (1) 37:1 satisfies (1) 22:10 satisfy (1) 34:3 save (1) 22:4 saying (3) 64:16;76:9;84:25 schedule (5) 7:25;8:2,7,15;9:10 scheduled (1) 29:7 School (2) 48:15;62:15 scope (1)		

35:11 siting (2) 20:12;71:9 situations (1) 81:14 slightly (1) 17:19 small (1) 66:13 solely (1) 55:21 SOLOMON (2) 82:17;83:4 solution (1) 20:5 somebody (1) 78:7 sometimes (2) 83:6;89:2 somewhat (1) 38:13 soon (1) 39:11 sort (8) 23:19;28:17;29:7; 35:1;46:6;76:9;83:6,8 sought (3) 15:9;59:22;62:5 south (2) 44:9;63:20 space (1) 47:16 span (1) 40:14 speak (6) 16:2;28:2;32:19; 68:12;83:25;87:17 speaking (3) 10:13;11:10,12 specific (3) 48:23;61:2;77:20 Specifically (8) 10:22;44:1;47:19; 60:10;61:20;65:9; 78:4;83:23 specifics (2) 18:4,5 speculation (5) 74:23,25;75:8;79:2, 4 spend (1) 84:8 split (1) 44:24 spoken (2) 10:2;74:9 spring (1) 16:20 stack (1) 39:12 Staff (5) 12:15;24:23;38:10; 47:4;57:4	stage (1) 24:6 stakeholders (5) 21:8;61:8;64:7; 68:12;88:16 stand (3) 25:19;65:1;70:20 standard (12) 19:12,19;22:10; 26:17,22;27:10,11; 50:3;72:17;82:20,21, 24 standards (2) 28:6;33:21 stands (1) 38:5 start (5) 12:18;18:19;28:20; 37:25;59:4 starting (1) 23:4 starts (1) 73:10 state (30) 11:25;14:13;16:10; 17:14;18:3;23:21; 24:18;26:2;29:18; 32:6;43:2;45:20,23; 46:2,7,25;48:15; 54:10,18;57:13;59:1, 9;65:6;70:21,22; 71:15,20;73:21;76:7; 88:20 statement (20) 11:17,23;12:2,12; 24:17,18;29:3,7;47:1; 54:11,14,19;58:18; 66:15;70:7;75:21; 79:13;80:1,7;81:7 statements (7) 11:20,21;12:1; 24:12;63:5;70:2;89:8 statewide (1) 71:3 stating (1) 59:4 station (1) 52:16 status (4) 8:11,12;59:22; 60:20 statute (11) 26:9;33:25;36:11; 48:19;57:25;58:3; 61:4,5;70:16;73:14; 83:14 statutory (4) 13:17;19:12;22:10, 14 stay (2) 26:19;36:15 step (5) 14:16;15:13;31:22;	32:7;45:12 steps (1) 26:3 still (4) 16:23;22:22;52:1; 80:10 Stone (5) 10:11;60:3;66:22, 24;67:1 stop (1) 66:14 strategies (1) 52:15 Street (1) 16:2 streets (2) 51:25;62:16 stress (1) 33:1 strict (1) 36:10 strictly (1) 36:7 strongly (3) 22:22;25:23,24 structures (1) 74:20 subject (7) 26:10;34:25;35:3; 36:9;78:20;85:21; 87:2 subjected (1) 78:19 submissions (5) 25:4;45:22;77:21; 78:23;85:13 submit (2) 30:13;71:17 submitted (4) 38:11,15;76:4; 89:13 subparagraphs (1) 13:20 substantial (3) 27:20;31:19;78:12 substantive (1) 36:6 substation (2) 13:11;16:11 substitute (1) 9:2 succinct (1) 54:24 suffer (1) 64:6 sufficient (3) 38:17;51:1;58:12 sufficiently (1) 33:22 suggested (1) 54:2 suggesting (5) 34:19;73:24;82:21;	85:7;86:15 suggestion (2) 53:23;68:8 suit (2) 35:22;37:6 summarize (1) 15:19 summarizing (1) 12:18 summer (1) 66:16 Super (2) 27:1;48:16 supersede (1) 71:2 supplied (1) 37:6 supply (1) 77:13 support (2) 49:10;52:8 supporting (1) 57:2 supports (2) 66:2;67:18 supposed (1) 78:25 suppressed (1) 65:14 suppressing (2) 64:22;65:6 sure (10) 11:10;28:1;36:2; 39:9,16;41:7;72:6; 76:8;82:1;88:3 suspension (1) 8:15 sustain (1) 74:24 swath (1) 50:8 swearing (1) 31:15	14:21;18:13,17,21; 51:8 ten (2) 38:21;75:7 Tens (1) 31:25 terms (14) 28:25;29:14;30:6; 31:8;34:16,21;38:2,7, 19;77:8;79:2;83:17; 84:6;85:1 terrifying (1) 39:8 tested (4) 76:21;78:14;85:16, 21 testified (1) 68:21 testimony (21) 19:4;20:11,17;22:4, 8,8,9,16;38:15;41:1; 50:16;57:8,11;72:7; 74:2,5,14;81:12;82:5, 5;89:1 Thanks (1) 80:4 Thereby (1) 56:15 Therefore (2) 15:12;76:7 thinking (2) 77:10,11 Third (2) 11:20;32:23 thorough (2) 21:1;85:22 thoroughly (1) 88:14 though (1) 86:8 thousands (1) 31:25 three (2) 13:21;48:13 throughout (3) 17:7,14;18:2 throw (1) 31:10 thrown (1) 83:6 thus (2) 34:22;58:18 tides (1) 69:8 timeline (1) 28:16 times (1) 70:21 Today (18) 6:9,21;7:1,9;18; 10:15,17;11:14; 12:16,19;54:25;55:5; 64:23;74:10;75:2;
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

80:20;81:3;89:11,12 today's (1) 82:4 together (1) 39:1 top (1) 27:24 totals (2) 18:14,23 touch (1) 30:4 touched (2) 25:11;26:15 tourism (3) 43:9;61:24;66:16 town (1) 64:13 towns (3) 38:21;62:2;69:14 Township (33) 8:10;9:22;10:8,9,9; 13:6,7,10;14:3;20:23; 24:21;5:20;54:13,13; 59:25;60:1,1;62:23; 63:6,12,13,18;64:2,3, 5;65:13,14,15,17; 66:2;79:25;80:3 Township's (3) 54:9;63:22;65:23 transferred (1) 8:17 transmission (2) 64:19;65:9 transparency (3) 6:6;80:21;87:21 transparent (3) 9:16;67:24;68:14 transverse (1) 63:9 transversed (1) 65:2 traveled (1) 62:12 traverse (1) 63:22 treat (1) 50:1 treats (1) 50:1 tremendous (1) 86:20 troubling (2) 63:5;68:23 true (1) 74:13 truly (1) 57:16 trumped (1) 46:8 trumps (1) 46:6 trusted (1) 32:8	try (4) 26:19;35:21;70:11; 84:11 trying (2) 31:10;36:1 turbines (2) 55:7;64:20 turn (4) 11:12;19:11;65:13; 71:10 turning (2) 16:9;60:23 two (16) 9:3,7;13:5,20; 14:19;17:9;20:18,23; 21:21;30:7;50:19; 51:17;55:10,20;56:7; 57:15 type (4) 32:13,13;78:25; 79:6 types (4) 17:5;32:3,9;76:14 typical (2) 34:5;79:5 typically (1) 84:22	14:9;22:25 unheard (1) 26:6 Universal (1) 29:2 unlikely (1) 56:15 unmuted (1) 11:11 up (4) 9:8;30:11;83:6; 86:8 upgraded (1) 41:10 upheld (1) 47:24 upland (1) 41:3 upon (4) 53:8;54:17;58:5; 64:1 Upper (13) 8:10;9:21;13:7,10; 14:3;20:24;21:5,20; 48:14;54:9,13,13; 79:25 urges (1) 48:9 use (8) 19:5;50:3;76:17; 81:18;82:23;83:5,13; 84:14 used (7) 17:7;18:15,25; 35:12;41:4,5;61:6 users (1) 13:1 using (3) 17:18;66:3;69:5 Utilities (5) 6:3,23;17:6;71:3; 88:5 utility (2) 70:25;81:20 utilize (1) 65:18 utilized (3) 34:12;41:9;52:15 utter (1) 51:20 utterly (1) 26:18	value (1) 44:2 variety (2) 20:16;21:7 various (2) 22:5;41:7 versus (2) 38:8;48:15 vessels (1) 51:4 via (1) 13:3 viable (2) 57:18;63:10 view (1) 43:9 views (1) 66:25 virtually (1) 56:11 visitors (1) 66:24 vital (1) 6:7 voluminous (1) 81:13 voted (1) 32:1 voter (1) 32:8 voters (3) 25:25;32:7;76:12	weren't (2) 40:24;78:15 west (1) 16:2 wetlands (13) 39:7,7,11,15,16,21, 23;40:1;49:4;51:24, 24;61:23;79:3 whales (1) 61:25 what's (8) 16:5;17:18;31:15; 41:20;55:5;75:6;78:2, 17 whatsoever (1) 40:22 Whereas (1) 44:15 whole (5) 21:17;31:11;36:12; 71:16;77:23 who's (1) 86:19 wide (3) 18:24;39:18;51:5 widened (1) 40:5 width (2) 50:8;51:1 Wildwood (11) 10:10,11,12;60:2,3, 4;66:9,20;67:12,13,16 willing (1) 15:11 Wind (84) 6:10,15,16;7:3,11, 14:8;20:9;13,20; 10:23;11:2,2,5,6,6; 12:1,6,21,22,25;13:4, 19,23;14:20;16:17; 19:17;21:4;22:1,2,1; 25:16;31:21;32:4; 34:13;35:15;43:24; 46:4;47:20,21;49:1, 12,14;50:6,6,14;51:6; 52:13,17;53:3,6,13; 55:3,6,6;57:9;60:11; 63:1,19,20,21;64:10, 14,20;66:7;67:17,25; 68:6,6,8,13,13,24; 69:13;70:6,10;71:4; 72:12;73:12;74:4; 75:14;76:16;77:5,13, 16,24 windmills (1) 64:10 Wind's (8) 22:8;30:21;34:20; 48:9;50:17;51:16; 60:24;74:14 wires (1) 13:3 wish (3)
	U		W	
	ultimate (1) 80:14 ultimately (5) 21:19;57:21;74:8; 77:5;83:16 unclear (1) 58:13 under (14) 7:9;9:12;14:24; 25:15;31:15;43:25; 47:12;48:11;49:21; 61:4;70:21;85:1; 87:10;89:13 underground (10) 17:2,4,6,12,13,24; 18:1,25;41:11;68:19 underline (1) 10:5 underlying (1) 77:13 undermine (2) 49:19;61:15 underwater (1) 50:21 undisputedly (1) 36:24 unelected (2) 26:2;32:6 unfolding (1) 66:25 unfortunate (2) 32:22;43:13 unfortunately (2)	V		
		vacation (1) 64:13 vacationers (1) 64:15 valid (1) 16:23 valuation (3) 35:12;37:12;38:2	wait (2) 24:1;75:9 waiving (1) 60:21 walking (1) 41:14 wants (2) 15:4;37:10 warming (2) 69:1,7 watch (1) 43:18 watching (1) 66:23 water (1) 21:10 way (12) 17:12;29:15;32:17, 20,23;33:3;43:3;50:1; 62:6,24;68:10,14 weak (1) 72:11 week (1) 72:5 weeks (1) 35:16 Weinberg (1) 24:25	

59:18;70:3;80:23 within (4) 16:9;26:19;47:23; 85:6 without (16) 7:8;14:3;18:3; 23:17,18;36:22,25; 37:22;44:21;51:2; 52:8;53:22;63:4; 64:15;77:10,11 witnesses (1) 57:1 wonderful (1) 89:23 woods (1) 39:9 word (2) 39:8,11 words (5) 28:8;34:4;36:18; 44:24;81:25 work (2) 27:19;44:13 world (1) 43:3 worth (1) 87:20 wrench (1) 31:10 written (5) 9:7;55:23;74:2; 82:5;88:15 wrong (2) 28:5;33:10	89:20 11 (2) 45:24;48:3 1100 (1) 12:23 12 (1) 9:9 14 (1) 8:1 15 (1) 8:6 17.01 (1) 18:8 18 (1) 18:18 1998 (1) 48:17			
		4		
		4 (2) 45:23;48:2 40 (1) 75:7 40-year (1) 40:13 416 (1) 27:1 457 (1) 27:1 48:3-87.1 (2) 47:18;61:4 48:3-87.1F (5) 6:17;7:10;9:13; 13:20;25:15 486 (1) 48:16		
	2	5		
	2 (2) 34:14;64:12 20 (3) 7:2,11,14 20:3-1 (1) 7:10 20:3-6 (1) 35:20 200 (1) 44:8 2019 (3) 14:6;23:4;27:2 2021 (3) 13:18;47:17;53:14 2022 (16) 7:2,4,11,13,14,16, 24;8:1,6,13,22,23,24; 9:1,4,9 2023 (1) 29:8 22 (4) 8:13,21,21;28:17 257 (1) 18:14 27 (2) 7:13;8:24 28 (1) 9:1 29 (2) 7:16;9:4	5 (1) 7:24 52:14F-1 (1) 48:11		
		7		
		7 (2) 45:23;48:2 7:36-26.8 (1) 47:13 7:7-9.2 (1) 51:14		
Y		8		
year (2) 16:20;72:5 years (4) 17:8;43:5;75:7; 81:18 yield (1) 79:9		8 (2) 7:4,13		
		9		
Z		9 (2) 8:23;16:10 90-day (5) 37:5,9,15,24;84:10		
zoning (1) 71:9				
0				
0.357 (1) 18:23	3			
1	30 (2) 18:24;43:4 30- (1) 40:13 314 (1) 48:16 350.01 (1) 18:7 35th (1) 16:2			
1 (6) 8:22;11:2,6;12:21; 13:4;70:23 10:4-6 (1) 6:25 10:58 (1)				