

Disclaimer

These minutes reflect the actions taken by the Commission during its April 17, 2009 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on April 17, 2009.

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

Minutes

April 17, 2009

PART I

Commissioners Present

Candace Ashmun, William Brown, Guy Campbell, Leslie M. Ficcaglia, Paul E. Galletta, John A. Haas, Robert Jackson, Daniel M. Kennedy, Edward Lloyd, Robert McIntosh.* Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes

* Participated by telephone

Commissioners Absent

Stephen Lee III, Francis A. Witt and Acting Chairman, Norman F. Tomasello

Commissioner Ashmun called the meeting to order at 9:30 a.m.

Deputy Attorney General Haynes read the Open Public Meetings Act Statement.

Mr. Stokes called the roll.

The Commission and public in attendance pledged allegiance to the Flag.

Public Comment on Part I Agenda Items

No public comments were made.

Resolutions

Mr. Stokes presented the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Right-of-Way Pilot Program) (See Resolution #PC4-09-17 attached).

Mr. Stokes reminded the Commission that as part of the 2004 agreement with the Board of Public Utilities, a comprehensive plan for the proper maintenance of electric transmission rights-of-way was to be prepared so as to provide ecological benefits for the Pinelands Area and improve electric transmission safety and reliability. The Science Office has prepared such a plan in consultation with the Board of Public Utilities and three companies – the Public Service Enterprise Group, Jersey Central Power and Light and Atlantic City Electric. This Plan prescribes a variety of vegetation management practices that seek to achieve several ecological and transmission objectives, chief among them to (1) create and maintain relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native Pinelands plants and animals, including threatened and endangered species and (2) ensure the reliability and safety of the electric transmission system in the Pinelands by creating and maintaining low growth vegetation communities. The ROW Plan sets forth specific vegetation management prescriptions for each of more than 3,000 spans along approximately 233 miles of right-of-way in the Pinelands Area.

Commissioner Haas congratulated the Science staff on an excellent job.

Commissioner Haas moved the adoption of the resolution. Commissioner Campbell seconded the motion.

Commissioner Ashmun inquired how the Commission will alert people that live along the rights of way to give them an opportunity to comment.

Mr. Stokes replied that several press releases have been done and steps will be taken to get the word out.

The Commission adopted the resolution by a vote of 10 to 0.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Septic Management) (See Resolution #PC4-09-18 attached).

Mr. Stokes briefed the Commission on the Commission's previous septic pilot program rules and new DEP septic management rules. The proposed rules outline a basic management strategy in the Pinelands. They provide guidance and structure for our municipalities to follow in complying with DEP requirements. They will need to establish programs, although counties and others can be involved. Their expenses can be recouped through fees, which should be only modest.

Commissioner Ashmun congratulated Mr. Wengrowski on a well done educational program.

Commissioner Lloyd moved the adoption of the resolution. Commissioner Brown seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan (Wetlands Management) (See Resolution #PC4-09-19 attached).

Commissioner Ashmun recused herself and appointed Commissioner Brown to chair in her absence.

Mr. Stokes stated that the Commission has, over time, received a number of proposals involving wetlands restoration. However, the CMP does not expressly permit or otherwise address vegetation management activities in wetlands. The proposed amendments would expressly authorize vegetation management activities in wetlands under the following limited circumstances: where wetlands have been impacted by exotic species or Phragmites; where such activities will return inactive farm fields to a characteristic Pinelands wetland type; or where such activities will achieve specific ecological goals.

Commissioner Kennedy asked whether the proposed rules make clear that wetlands restoration would be allowed on parcels protected by PDC deed restrictions. Also, will it be the staff's interpretation that such activities will be allowed on parcels already subject to such deed restrictions.

Mr. Stokes replied in the affirmative.

Commissioner Galletta moved the adoption of the resolution. Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Forestry) (See Resolution #PC4-09-20 attached).

Commissioner Galletta recused himself and left the room.

Mr. Stokes briefed the Commission on the proposed amendments related to forestry. He noted that the Commission's Forestry Advisory Committee (FAC) had been reconstituted in 2004 by then Chairman Florio and charged with reviewing the forestry provisions of the CMP. The FAC was directed to recommend management practices designed to ensure that forestry activities in the Pinelands are consistent with the Commission's mandate to protect and maintain the Pinelands environment while ensuring that forestry remains a viable economic and cultural resource. The FAC submitted its report to the Commission in 2006. The recommendations

contained in that report have been translated into the proposed regulations before the Commission for consideration today.

Commissioner Haas proposed that a minor change be made to the standards for disking on page 40 of the rule proposal. An alternate page 40 was distributed noting the change. He suggested that disking continue to be prohibited in Pine Plains Native Forest Types but be permitted in Pine Shrub Oak Native Forest Types under certain circumstances. Specifically, disking would be permitted in those areas where pine regeneration is the management objective identified in a forestry application. Revised rule language to implement this suggested change was distributed for the Commission's consideration.

Mr. Stokes stated that different forest types are identified in the rules; silvicultural practices are permitted in most but there are some limitations. Pine-Shrub oak is globally rare. The FAC wanted to make sure permitted forestry practices did not result in large scale destruction of Pine-Shrub oak; however, some small scale activities were felt to be okay. The rule allows selective use of herbicides in areas of pine regeneration. "Light" disking is another option which some will feel is preferable to herbicides.

Mr. Kutner stated that this will not kill the shrubs.

Commissioner Haas moved the change to the amendment. Commissioner Lloyd seconded the motion.

Commissioner Kennedy moved the adoption of the resolution. Commissioner Campbell seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

Commissioners Ashmun and Galletta returned to the room.

Commissioner Ashmun inquired as to the timeline for New Jersey Register publication and the public comment period.

Ms. Grogan stated that the four rule proposals authorized at today's meeting would be published in the New Jersey Register in mid-June, with public comment accepted until August 14th. One or more public hearings will be held in July or early August.

Adjournment

Commissioner Ashmun moved to adjourn Part I of the meeting. Commissioner Ficcaglia seconded the motion. The Commission agreed to adjourn Part I of the meeting at 10:05 a.m.

Certified as true and correct:

Kathleen A. Whitton
Secretary to the Executive Director

Date: _____