

Disclaimer

These minutes reflect the actions taken by the Commission during its July 10, 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 July 21, 2009.

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

Minutes

July 10, 2009

Commissioners Present

William Brown, Guy Campbell, Leslie M. Ficcaglia, John A. Haas, Robert Jackson, Daniel M. Kennedy, Stephen Lee, III, Judith Link, Edward Lloyd, Robert McIntosh, Francis A. Witt and Vice-Chairman, Norman F. Tomasello. Also present were Executive Director John C. Stokes and Deputy Attorney General Amy Donlon.

Commissioners Absent

Candace Ashmun and Paul E. Galletta

Vice-Chairman Tomasello called the meeting to order at 9:40 a.m.

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

Vice-Chairman Tomasello introduced Judith Link to the Pinelands Commission. He said that Ms. Link was nominated by Governor Corzine and confirmed by the State Senate. She resides in Mays Landing and is a member of the Hamilton Township Environmental Commission. He said that Ms. Link has a Masters Degree in Biology, and she will be a valuable member of the Commission. He asked Ms. Link to step forward so that DAG Donlon can administer her Oath of Office.

DAG Donlon administered the Oath of Office to Ms. Link.

Vice-Chairman Tomasello and members of the Commission welcomed Commissioner Link to the Commission.

Mr. Stokes called the roll.

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

Election of Vice-Chairman

Vice-Chairman Tomasello opened the floor to nominations for Vice-Chairman.

Commissioner Witt nominated Commissioner Tomasello to serve as Vice-Chairman of the Pinelands Commission. Commissioner Brown seconded the motion. Commissioner Haas moved that the nominations be closed. Commissioner Campbell seconded the motion. With the Commission agreeing to close the nominations, the Commission voted to have Commissioner Tomasello serve as Vice-Chairman of the Pinelands Commission by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Vice-Chairman Tomasello opened the floor to nominations for Acting Vice-Chairman.

Commissioner Lee nominated Commissioner Ashmun to serve as Acting Vice-Chairman of the Pinelands Commission. Commissioner Campbell seconded the motion. Commissioner Lee moved that the nominations be closed. Commissioner Haas seconded the motion. With the Commission agreeing to close the nominations, the Commission voted to have Commissioner Ashmun serve as Acting Vice-Chair of the Pinelands Commission by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Committee Assignments

Vice-Chairman Tomasello stated that there will be no changes made to Committee assignments at this time. He said that he will be talking to Commissioner Link about Committee assignments and announce those at a later date.

Closed Session

Mr. Stokes indicated that there is a matter that the Commission has to discuss in closed session relating to a contract matter with Communications Workers of America.

DAG Donlon read a resolution to retire into closed session to discuss matters relating to a contract with Communications Workers of America (CWA).

Commissioner Lee moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Return to Open Session

Vice-Chairman Tomasello reopened the public portion of the meeting.

DAG Donlon reported that the Commission discussed in closed session matters involving terms of the collective bargaining agreement. She said that it is anticipated that action on this matter will take place later in today's meeting. She indicated that no action was taken during closed session.

Minutes

Vice-Chairman Tomasello presented the June 12, 2009 open and closed session Commission meeting minutes. Commissioner Haas moved the adoption of the minutes. Commissioner Kennedy seconded the motion.

The Commission adopted the minutes by a vote of 12 to 0.

Committee Chairs' and Executive Director's Reports

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on July 2, 2009 and adopted the minutes from the June 4, 2009 meeting.

The Committee reviewed the Resolution To Ratify Memoranda of Agreement with the Communications Workers of America, Local 1040. Mr. Stokes explained the details of the MOA which will avoid a reduction in force during FY 2010. The Committee unanimously recommended Commission approval of the resolution.

The Committee reviewed the Resolution To Adopt the Pinelands Commission's Fiscal Year 2010 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund. Mr. Stokes provided information on the FY2010 Work Plan and an overview of the five budgets that support the work plan. He stated that only 55.5 of 66 full time positions are financed in FY10 and he is concerned with the quantity and level of work with the decreased staffing level. Ms. Connor reviewed the estimated expenditures and revenue contained in the Operating Budget including reduced State funding. She emphasized that this is a very tight budget and provided details of several accounts. She pointed out the budget notes that authorize the Executive Director to spend in excess of \$29,000. Mr. Stokes and Ms. Connor discussed the other four budgets in detail. The Committee unanimously recommended Commission approval of the resolution.

Commissioner Ficcaglia indicated that there is a concern about the possibility of over spending the travel account.

Commissioner Ficcaglia made a motion to revise the FY 09 operating budget to increase the travel account from \$6,500 to \$9,000 and decrease the postage budget by \$2,500 from \$20,500 to

\$18,000. She indicated that there will be no change in the total budget. Commissioner Lee seconded the motion. The Commission adopted the motion by a vote of 12 to 0.

Commissioner Ficcaglia continued with the Personnel and Budget Committee meeting report noting that the Committee was briefed on the Equipment Capitalization Systems deletions. Ms. Connor reviewed the deletions along with a request to add back an item previously deleted. The Committee approved the deletions and the addition.

The Committee reviewed the check register and electronic funds transfer (EFT) disbursements for June 2009. Ms. Connor provided information on the checks and electronic fund transfers.

The Committee reviewed employee actions. Ms. Russell reviewed the employee actions during June 2009 and noted a request for an unpaid leave of absence has been received.

The Committee was provided an update on application fees. Ms. Connor updated the Committee on application fees for June and noted that a couple of large checks were received the last week in June.

A closed session was held to discuss confidential items including several CWA related matters.

CMP Policy and Implementation Committee Meeting

Commissioner Haas reported that the P&I Committee held its regular meeting on June 26, 2009 and adopted the minutes of the May 29, 2009 and June 17, 2009 meetings.

The Committee recommended the redesignation of Polygon D (Maurice River farm) from FA to APA.

The Committee made no recommendation for Polygon F (Galloway/Stockton)

The Committee recommended that Polygon K (Buena Vista/Monroe/Franklin) excluding K3 and the parcel to the north of the concerned lands, be redesignated from APA and RDA to FA.

The Committee met in closed session to discuss legal matters relating to the Council on Affordable Housing.

Commissioner Haas further reported that the CMP Policy and Implementation Committee held a special meeting met on June 17, 2009 and adopted the minutes of the May 27 special P&I meeting. The Committee received public comment on draft proposed changes to the Land Capability Map.

The Committee made recommendations regarding polygons in Evesham, Medford, Southampton and Pemberton Townships.

Audit Committee Meeting

Commissioner Witt reported that the Audit Committee held a Post Audit Committee meeting with the State Auditors on June 25, 2009. The Committee adopted the minutes of the February 26, 2009. The Committee received and discussed the draft FY 2008 Audit Report with the State Auditors who indicated that the report was clean and that there were no reportable findings in the report.

The Auditors discussed several items with the Committee. The first was the Government Unit Deposit Protection Act (GUDPA) and whether or not the Commission is covered under this act. It was noted that this matter should be addressed over the next year. The second item was GASB 54, which the Commission will be required to follow to comply with its year end financial statements. Thirdly, the Auditors suggested that staff review the Commission's CATS system to see if something could be done to lessen manual entries.

Lastly, the Auditors suggested that that Mr. Frenia, the Commission's financial consultant, should be kept on board to continue to do the financials since he has the expertise to deal with the new requirements of GASB 54. The final Audit Report for FY 2008 should be submitted to the Commission shortly. The meeting was then adjourned.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee did not meet.

Commissioner Lee referred to the Audit report and asked if the Commission has coverage for its deposits.

Commissioner Ficcaglia replied that it was indicated to the Audit Committee that the Commission's bank thought that the Commission was covered and according to the State Auditors the Commission is not covered. She said that this will need to be clarified quickly.

Mr. Stokes stated that the Commission does maintain covered balances most of the time but there are occasions where coverage would be exceeded by payroll and the like for a short time. Staff is taking steps now to see that this does not happen. He said, as mentioned by Commissioners Witt and Ficcaglia, it was staff's understanding from the bank that the Commission was covered and now we have found out that we are not covered.

Executive Director's Report

Mr. Stokes reported on the following items:

Mr. Stokes introduced Jim Carey, Director of the Governor's Authorities Unit, and stated that Mr. Carey advises the Governor on a number of matters relating to the 60 plus authorities that exist throughout New Jersey. He said that Mr. Carey, along with Joe Neal, are the Commission's principal liaisons with the Governor's office. He thanked both Mr. Carey and Mr. Neal for all their help over the years.

Mr. Stokes met with former State Senator Nicholas Asselta, now a Commission member of the Board of Public Utilities, regarding solar facilities. He said that these facilities are becoming popular and staff believes there are opportunities in the Pinelands to couple solar production in such a way that it is consistent with the Commission's land use and environmental policies. He said that Senator Asselta agreed to have his director of renewable energy work with Mr. Liggett so they can analyze what the current policies are and how these might be improved to facilitate solar facilities development at appropriate locations.

Members of the Commission and staff had the opportunity to meet with the Pinelands Municipal Council (PMC) late last month. The Council discussed septic system management, the Pinelands Development Credit program, the potential Land Capability map changes, and clustering. One of the overriding concerns that many expressed was that the towns would be asked to assume responsibility for changing their ordinances, reviewing their master plans, publishing notices of ordinance changes and the costs associated with doing this. He spoke with the Personnel and Budget Committee about an opportunity to help the towns in their planning efforts. In reference to the Cape May Landfill expansion, staff has been told that the Department of Environmental Protection has now issued its permits. Once staff receives this confirmation, about \$5.5 million being held in escrow will get allocated to the Pinelands Conservation Fund. The allocation of these funds will be discussed with the P&B Committee. A good portion of these funds will probably be used for the acquisition of land, but there is an opportunity to set aside some of this money to help municipalities as they go through some of their planning efforts.

Commissioner Jackson referred to that meeting and said that the mayors were concerned that it is expensive to change their ordinances and master plans when the Commission does certain things but on the other hand they were upset that the Commission has so many programs going on at the same time. He said that dealing with several programs at once works in their favor because the Commission can make decisions on those issues and towns can get a package of changes to their ordinance, which will be cheaper to do all at once rather than doing them piecemeal. He said that it may be that some balance on this can be reached by the Commission in the future.

Mr. Stokes concurred and said that staff has discussed this with the Commission in terms of packaging some of these issues. The Commission did this a couple of months ago and moved ahead on four potential changes to its rules. He said that staff has discussed, on a number of occasions, this same idea with the PMC and believes they generally agree.

Mr. Stokes continued with his report.

Mr. Stokes met with Dr. Peter Mora, President of the Atlantic Cape Community College, to discuss some of the map changes that have been discussed and how they might affect some of the College's property. A college representative that had attended some of the P&I Committee meetings expressed concern about these map changes. The meeting with Dr. Mora was very productive and it was clear at the meeting that the College will have ample opportunity and space to expand its facilities to carry on its mission. The proposed changes should not affect the college's plans. He said that the College will be submitting a short term development plan for its existing campus and staff will be working with them on a longer term plan.

Two public hearings have been scheduled; one will be held on July 17 on the proposed septic management rule proposal and the other on July 22 on the forestry, wetlands, and the electric transmission right-of-way maintenance rule proposals. Once the public comment period ends on August 14, staff will be analyzing the comments as well as the outstanding questions and concerns that might be raised by the P&I Committee. Sometime in the fall or the winter, staff will be making a recommendation to the Committee and to the Commission on these rule proposals.

Mr. Liggett reported on the following items:

Woodbine Borough has requested that staff work with them and the County on their Water Quality Management Plan.

Staff has talked to the Agricultural Advisory Committee about the PDC rule proposal and provided them with a copy of the proposal. Staff sent out a letter to the Committee asking them for comments but nothing has been received as yet. Mr. Mounier, a member of the Committee, has spoken several times about this issue and has submitted comments, but the Committee itself has not submitted any formal comments about the proposal.

Mr. Liggett spent a day in Texas to talk to the Hill Country Alliance with regard to an aquifer they have there. They are running into some of the similar issues the Commission had when it was formed.

Mr. Stokes indicated that Mr. Liggett's trip was at no expense to the Pinelands Commission.

Mr. Horner reported on the following items:

Staff met twice this week with representatives of the South Jersey Transportation Authority which is asking for completion of the third west bound lane on the Atlantic City Expressway. This application is moving through the Commission for the entire length of the Pinelands Area.

Staff met with Burlington County representatives last week about the proposed improvements to Burlington County Route 530. The County has plans to widen and create a median for safety improvements. An issue has arisen with regard to a farm that had PDCs severed and whether a transportation improvement can be built on those lands that are subject to a PDC restriction. Staff is working in coordination with the PDC Bank and the DEP, Green Acres, trying to review alternatives that may be available to minimize encroachment onto that farm.

In reference to the conservation plan the Commission approved several years ago to protect northern pine snake habitat in Ocean Acres in Barnegat Township, the developer reserved the right through a settlement agreement to do further studies on 38 acres of that 200 acre conservation area. The 2-year survey work has been completed by the developer and this information has been submitted to the staff. The report indicates that the applicant did not find any northern pine snakes in the 38 acre parcel. Staff made a preliminary staff recommendation which will be submitted to all the interest parties, including the property owners within 200 feet of that 38 acres and they will have 30 days to comment on the survey itself as well as staff

preliminary recommendation. Following that 30 days, staff will make a final recommendation on the matter. Staff's preliminary recommendation is that the applicant has demonstrated that the 38 acres does not constitute critical habitat for northern pine snakes.

Commissioner Lee referred to the meeting that was held on July 8 to discuss roadside plants. He said that his concern is that these things to protect plants and reduce mowing may narrow the road shoulders. He said that this may reduce the time to react to deer and the like when driving. He said that highway safety should be folded into the discussion. He said that an easy way to maintain road shoulders is to mow but not to go any deeper than the poles or 4 feet. He said this would be a trade off between creating habitat to the edge of the pavement and protecting right-of-way safety.

Mr. Stokes concurred and said that the Pinelands Preservation Alliance (PPA) has been working on management prescriptions, but staff has not reviewed these in detail as yet. These management prescriptions will be shared with the Counties. He said that the proposed streamlining agreements convey the counties roadside plant matter and recognize that whatever the maintenance prescriptions are they need to reflect public safety.

Commissioner Lee said that this issue was discussed with the Public and Governmental Programs Committee including the importance of simple prescriptions for the highway department individuals that can be easily done in the field.

Commissioner Haas concurred with Commissioner Lee's comments.

Commissioner Ficcaglia stated that there is probably a way to strike a balance by deciding when to mow, indicating that there are times when doing this are much less critical. She said one doesn't want to lose seed stock and prevent the plant from growing at all. She said that there is probably a lot of opportunity to work around this and maintain safety as well as the plant life.

Mr. Stokes said that staff member Mr. Kutner, who is managing this project, is here today and he is sure that Mr. Kutner is making a note of this, as well as the PPA staff who are also here today.

Public Comment on Agenda Items

Ms. Theresa Lettman of the Pinelands Preservation Alliance commented on the public development application for the Whitehorse Road in Woodland Township. She said that PPA is not opposed to the project assuming that the applicant will perform only the thinning and clearing operation and not a road widening project. She said that they do not wish to insist that a full threatened and endangered species survey be undertaken, assuming that the applicant performs only the treatment that is proposed. She said that they do want to emphasize that the official Pinelands Commission correspondence should not include inaccurate statements. They have a long standing and ongoing concern that threatened and endangered plant issues are often given short shrift in the development review process. The statement in the public development report reads the "existing variable width sand road does not have roadside shoulders which might offer suitable habitat for threatened and endangered species." This statement is false and raises level of concern. She noted that the road leads to wet areas where habitat is suitable for a variety

of protected plants species as well as protected plants species along the dry upland portions of the road. She said that the statement should be revised so that the record reflects the facts.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1987-1058.059, South Jersey Transportation Authority, 1988-0474.005, Pemberton Township, 1990-0260.003, Professor F. Thomas Ledig, 1991-0836.052, Naval Air Engineering Station, Lakehurst, 2007-0137.001, Galloway Township and 2009-0026.001, New Jersey Forest Fire Service, are applications for public development recommended for approval with conditions.

Mr. Stokes noted that the public development application that Ms. Lettman is referring to is Application #2009-0026.001, New Jersey Forest Fire Service.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1987-1058.059, 1988-0474.005, 1990-0260.003, 1991-0836.052, 2007-0137.001, and 2009-0026.001). (See Resolution #PC4-09-36 attached). Commissioner Haas seconded the motion.

Commissioner Jackson asked if the Commission will be able to amend the public record on the application Ms. Lettman is referring to.

Mr. Stokes said that the Commission should discuss the matter to see if indeed the report needs to be revised. He said that the report is attached to the resolution and stated that the relevant sentence is located on page 2, fourth paragraph down.

Mr. Horner said that staff attempted to say in that sentence that this is a sand road in the Pinelands where the forest is growing right up to the edge of the road. It doesn't have the typical open shoulders that are seen in other roads throughout the Pinelands where good habitat frequently is found for threatened and endangered plant species. Mr. Horner said that the sentence is not that much of an issue and recommended that the report not be changed, but rather, insert language in the cover letter that is sent out on this project to clarify issue.

The Commission concurred with Mr. Horner's recommendation.

Commissioner Lee questioned why there is an application for this project at all, stating that he thought that fire breaks were an exempt activity.

Mr. Horner stated that fire fuel breaks are exempt. He said there have been ongoing discussions over the years as to what constitutes a fuel break. He read the regulation to the Commission. He said that, based on staff's understanding from the provision adopted in 1981, the conditions deal with plow lines and not necessarily clearing a forest to create fire breaks.

Commissioner Lee and Mr. Horner discussed what constitutes fire breaks. Commissioner Lee said that this needs to be thought through, indicating that construction of a modest fire break, something more than a plow line, is reasonable and appropriate and actually meets the spirit of the Commission's regulations. He said that there should be a way to do this and feels the Commission needs to continue to think about this issue.

Commissioner Lloyd said that the conclusion of the report says that that proposed tree removal and understory mowing is comparable to forestry and asked why staff uses "comparable" here.

Mr. Horner said that the location of the project is in the Pinelands Preservation Area and the rules list what is permitted in this area.

Commissioner Jackson asked if this particular language should be addressed by the Commission.

Mr. Horner replied that this is something that can be addressed when the opportunity presents itself.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Brown was not present for the vote.

Commissioner Kennedy left the room.

Mr. Stokes stated that Application Number 1981-2384.009, Burlington County College is an application for public development recommended for approval with conditions.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 1981-2384.009). (See Resolution #PC4-09-37 attached). Commissioner Campbell seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioners Brown and Kennedy were not present for the vote.

Commissioner Kennedy returned.

Commissioner Haas recused himself the following matter and left the room.

Mr. Stokes stated that Application Number 2004-0479.001, County of Ocean Engineering Department, is an application for public development recommended for approval with conditions.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 2004-0470.001). (See Resolution #PC4-09-38 attached). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioners Brown and Haas were not present for the vote.

Commissioner Haas returned.

Mr. Stokes stated that Application Number 1982-2515.001, Joseph De Mesquita, is an application for a waiver of strict compliance recommended for denial.

Commissioner Lloyd moved the adoption of the Resolution Denying an application for a Waiver of Strict Compliance (Application Number 1982-2515.001). (See Resolution #PC4-09-39 attached). Commissioner Jackson seconded the motion.

Commissioner Lee said that this report seems to be much more detailed than usual denials and asked if there is a reason for that.

Mr. Horner replied that this was a very involved application and explained that the waiver regulations have two components and summarized them for the Commission. He said that the majority of waiver applications that staff process are under the first component. The other standard says that, if an applicant doesn't meet the types of specified development or cannot meet the minimal environmental standards in the first component, another test is performed to show that there is not a minimum beneficial use of the property. He said that this applicant has pursued the second standard.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Brown was not present for the vote.

Other Development Review Matters

Mr. Stokes stated that there were three PDC Letters of Interpretation issued this month. They allocated 8.25 PDCs to a total of 201.59 acres. There were two Letters of Interpretation issued this month regarding the presence or absence of wetlands.

Other Resolutions of the Commission

Mr. Stokes presented the Resolution To Ratify Memoranda of Agreement with the Communications Workers of America, Local 1040. (See Resolution PC4-09-40 attached).

Mr. Stokes stated that if the Commission approves this resolution, copies of the resolution and agreement will be available for public inspection.

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Stokes presented the Resolution To Adopt the Pinelands Commission's Fiscal Year 2010 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund. (See Resolution #PC4-09-41 attached).

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

Mr. Stokes discussed the budget that staff is recommending to the Commission for FY 2010. He said that staff is recommending an operating budget of roughly \$3,950,000.000. He indicated that this is one of several budgets that the Commission adopts. He briefly went over the operating fund expenses of personnel and non-personnel costs, operating fund finances and noted the comparison between the audited expenses of FY 2006 to FY2010. He discussed the recommended draw from the undesignated fund balance of roughly \$280,000 to balance the recommended operating budget. He said that expenses usually end up less than what is actually budgeted and he presumes that this trend will continue so that we will not have to draw the full \$280,000 at the end of the year. He described the other budgets consisting of the Kirkwood-Cohansey, Pinelands Conservation Fund, PDC Purchase Program, and the CCMUA Land Acquisition Fund. He went over the budgeted staff positions and the estimated work months as well as the FY2010 work plan, calculating the work months for ongoing operations and the 38 specific projects that are listed. He noted that staff can not do the same amount of work that it has done in the past due to staffing resources. He then highlighted and briefed the Commission on 5 of the 38 projects that are new projects. These are the Fort Dix Recycling Review, PCF Financial Plan, Joint Military Base Streamlining, Local Review Officer, and the Internet Map Access. (See presentation attached).

Commissioner Lee referred to the Cape May County Utilities Authority expansion moving through the Commission without a great deal of discussion. He said the concept of the Cape May mitigation funds being used for something other than land acquisition is a new thought to him. He questioned whether Cape May County understands that the uses of the money, once it is in the Conservation Fund, can now include things like municipal zoning changes and the like.

Mr. Stokes replied that Cape May does know this and stated that when the Commission adopted the rule this issue was specifically discussed. He said that the Conservation Fund has three components to it, community planning, conservation planning and research, and land acquisition. He said that it is ultimately the Commission who will decide how to allocate the funds. He said that the rules expressly provide for this, but it is the Commission's decision to make.

The Commission adopted the resolution by a vote of 12 to 0.

Commissioner Witt stated, as a member of the Personnel and Budget Committee, that staff has done a great job, not only in handling the budget, but also in handling the renegotiation of the agreement with the CWA. He personally thanked Mr. Stokes and the staff for an outstanding job. He said that he has never seen management work so well and results so great. Commissioners Campbell and Ficcaglia concurred with Commissioner's comments.

Mr. Stokes thanked them for the comment and noted that the CWA membership deserves credit for making a difficult decision in an effort to avoid layoffs.

Ordinances Not Requiring Commission Action

Mr. Stokes stated that Hamilton Township Ordinance 1644-2009, Hamilton Township Ordinance 1647-2009, Hammonton Town Ordinance 22-2004, Hammonton Town Ordinance 28-2004, Monroe Township Ordinance 0:05-2009, Monroe Township Ordinance 0:06-2009, Toms River Township Ordinance 4175-09, Upper Township Ordinance 013-2009, Winslow Township Ordinance 0-2009-012, and Woodbine Borough Ordinance 505-2009, are ordinance amendments that do not raise a substantial issue with regard to the provisions of the Comprehensive Management Plan. The Commission took no action, allowing the ordinance amendments to take effect.

Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities

Mr. Fred Akers, Great Egg Harbor River Association, commented on the management area changes and stated that he feels that these changes have become so distorted that it may be that this project should be discontinued. He said that there is a lot of information that has not been utilized in the process, especially relating to wetlands buffers. He said that the whole process can be streamlined just by applying 300 foot buffers.

Other Agenda Items

Presentation - Forest Stewardship Agreement

Mr. Stokes introduced Amy Cradic, Assistant Commissioner of the Department of Environmental Protection. He stated that Ms. Cradic has been involved in an important Pinelands project which is the Southern Medford Evesham Conservation Plan. He said that she served on the Steering Committee for that project. She has since assumed the position of Assistant Commissioner for Natural and Historic Resources, which is the side of the Department that the Pinelands Commission has the most interaction with. He said that the Commission has proposed improved forest management rules which were developed over a number of years through the hard work of the Commission's Forestry Advisory Committee. He noted that the Department is well represented on that Committee. He said that the Commission developed a Forest Stewardship agreement with DEP about 10 years ago. The idea was that the Commission could partner with DEP in simplifying reviews of forest stewardship proposals in the Pinelands. He said that this agreement envisioned a coordinated review process which neither the Department nor the Commission have yet fully fulfilled. He said that he feels that these new forestry rules provide an opportunity to reinvigorate the cooperative review process. He said that Ms. Cradic will brief the Commission on this as well as the other agreements that the Commission has with the Department.

Commissioner Lee said that his family has been practicing forest stewardship in the Pinelands for about 140 years and said that he would like to recuse himself from the discussion.

Ms. Cradic, through a power point presentation, explained a unique opportunity by the Department on Forest Stewardship. She said that the Department recently met with Senator Smith and that the Department now has a funding source to do some very solid forest stewardship state-wide. She noted that more than half of the state's property is in the Pinelands. She said that they are looking to amend the legislation to include some funding for private lands

as well. She said this program presents a unique opportunity for them to look at prior MOAs that have been established over two decades, as well as incorporate the work that was done on the forestry rules and include internal practices that have changed within the Department of Environmental Protection. She said that she is hoping in the next 6 months they can take four MOAs and update them into one combined MOA with the Department and the Pinelands Commission.

Ms. Cradic went through the different DEP units who participate in land management. She went over the current 4 memoranda of agreement. She stated that in moving forward the Department would like to update and combine the four MOA's into one comprehensive agreement with the Commission. She said that 10% of the Regional Green House Gas Initiative (RGGI) funding is allocated to support stewardship on restoration projects on state forest and tidal marshes. She said that the Department is working on amending this legislation to also include some funding from the Global Warming Solutions Fund (GWSF) incentives for private land owners who do good stewardship forestry on their properties. Ms. Cradic discussed the GWSF Strategic Land-Management Action Plan and state land properties consisting of over 700,000 acres in the state and over half amount located in the Pinelands Area. She discussed the memorandum of agreement they have with the Pinelands Commission concerning forest stewardship plans on private lands and the forest stewardship plans statewide. Lastly, Ms. Cradic went through the benefits of a partnership and for the combined MOA. (See presentation attached).

Ms. Cradic indicated that the Department has worked closely with the Pinelands Commission for a long time and stated that while each are seeking the same goals, everyone gets caught up in managing a lot of activities. She said that they don't have resources to go through a lengthy process when everyone is trying to accomplish the same goals. She said that with the funding they can do some solid forestry stewardship in the Pinelands and follow the rules and regulations that are established by Commission. She said that they are hoping that everyone can come together with an agreement that can make this happen.

Commissioner Lloyd asked for a copy of Ms. Cradic's slide presentation.

Commissioner Kennedy stated that this all deals with state lands and asked about local governments that are looking to have the same activities. He asked if there is any streamlining and efficiencies that can be done for them through this new MOA.

Ms. Cradic said that this is a question for the Commission itself.

Mr. Stokes stated that Mr. Horner and Ms. Young will be going out to counties with a template for streamlining development activities and, although that agreement does not specifically address forest management, it would seem to him that once there is a template with DEP, this ought to be appropriate to discuss with the counties.

Commissioner Kennedy asked about non-profits and whether they can participate in the program.

Mr. Stokes replied yes, through the Forest Stewardship Program, and stated that the goal is to take the 12-year old framework for coordinated forest stewardship reviews and bring it up-to-date. This would cover any property that would go into the Forest Stewardship Program. Although the Forest Stewardship Program does not include county lands, he said that the template developed could have real application to county lands as well.

A gentleman from the audience stated that the stewardship program was initially written to allow municipalities and counties to utilize the RGGI monies, but this was taken out at some point in the process.

Commissioner Kennedy said that it would be a good step for the state to coordinate with private owners, non-profits, and local government also.

Commissioner Haas asked Ms. Cradic to describe the scope of the project in terms of how much activity there will be once there is an agreement.

Ms. Cradic referred to the Berkeley Triangle and said that they want to use this as a model state-wide.

Mr. Jim Barresi, State Forester, stated that there are about 147 stewardship properties that are in the Pinelands right now and each plan is good for 10 years. He said they are trying to move forward with the development of forest stewardship plans on state properties. He said that all of the lands that are managed by their department basically would be under a stewardship type plan that would be covered by this MOA.

Commissioner Haas asked Mr. Barresi to explain the Berkeley Triangle.

Mr. Barresi replied that the Berkeley Triangle basically is a designation of several different properties within Fish and Wildlife, Division of Parks and Forestry, Natural Land Trust and Hovanian piece. They are trying to develop a joint management agreement that covers sectors of the different properties which recognize the different objectives and pull together all of the stakeholders that are currently managing those properties to develop a set of goals and objectives to restore some of the ecological benefits that forestry can provide to that landscape.

Ms. Cradic said that the plan creates habitat improvements for non game or for threatened and endangered plants and includes forest protection practices. She said at the end of the day there will be some harvesting, noting that the objectives were ecologically based.

A lady from the audience commented on the three major objectives which consisted of fire protection, threatened and endangered species and overall forest management practices.

Mr. Stokes stated that the Commission's attorneys have suggested that the Commission has to be a little careful about getting into too many particulars because if an application comes before the Commission, it might have to serve as the ultimate decision maker.

Mr. Barresi stated that they have been able to pull together some funding resources under the National Fire Plan so a lot of what the Berkeley Triangle is hoping to accomplish are these fuel breaks and fire breaks that protect development.

Commissioner Jackson asked how this plays into access for people and recreation.

Ms. Cradic replied that active kinds of recreational opportunities are not considered as part of this project. Rather based on resource based recreation, bird watching and the like will be fostered.

Commissioner Jackson asked if they would be enhancing things to draw birders, etc.

Mr. Barresi stated that they are going to make the habitat but won't be building a boardwalk, trail, etc.

Ms. Cradic said that forest harvesting will create a revenue source for Audubon and the state to help pay for the habitat improvements on the property.

Mr. Akers asked since the Pinelands are a Federal Reserve if New Jersey going to be able to tap into any potential climate change adaptation money.

Ms. Cradic replied that they have a state based program and a cooperative agreement with 10 states. The Federal Government is looking at an overarching program nationally.

Mr. Stokes said that one of the challenges the DEP, Pinelands Commission, and the property owners will face is, what is ecological restoration. He said our job is to try to maintain a typical Pinelands environment. He said he is convinced that everyone is on the same page with this project but that we will need to flesh out some of the details. He said in order to get the agreements moving the Department should attend the next Public and Governmental Programs Committee and, in the meantime, he asked the Department to outline in more detail some of the elements that they would like to see in the agreement.

Ms. Cradic stated that the Department can present a combined MOA that is drafted consistent with the forestry rules the Commission has been working on.

Mr. Stokes stated that Mr. Horner will be the Commission's principal contact on this matter.

Mr. Lee Rosenson of the Pinelands Preservation Alliance referred to the Department moving slowly on this program, noting that it has taken many years. He asked if the Department has the resources now to do the stewardship plans.

Ms. Cradic stated that there is funding now that will allow them to contract out to create those forest stewardship plans with the oversight of the state forestry staff. She said that funding and staff did hinder them in the past.

Adjournment

Commissioner Campbell moved to adjourn the meeting. Commissioner Jackson seconded the motion. The Commission agreed to adjourn the meeting at 12:05 p.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____