

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING
15 Springfield Road
New Lisbon, NJ

March 22, 2013 – 9:30 a.m.

MINUTES-*Adopted April 26, 2013*

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Leslie Ficaglia, Paul E. Galletta, Robert Jackson, Richard Prickett, and Candace Ashmun (1st Alternate)

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan Grogan, Paul Leakan, Robyn Jeney and Betsy Piner. Also present via telephone was Ms. Kerstin Sundstrom, with the Governor's Authorities Unit.

Chairperson Lohbauer called the meeting to order at 9:40 a.m.

1. Adoption of minutes from the February 22, 2013 CMP Policy and Implementation Committee meeting

Commissioner Ashmun moved the adoption of the minutes of the February 22, 2013 CMP Policy and Implementation Committee meeting. Commissioner Ficaglia seconded the motion and all voted in favor.

2. Pinelands Conservation Fund

Michael Catania, with Conservation Resources, Inc. (CRI) was present on the telephone for this discussion.

Mr. Catania said that he would be taking a position with Duke Farms but that CRI would continue to honor its contract with the Commission for land acquisition. He anticipated attending the Committee's April meeting.

Ms. Anne Heasley, with CRI, made a PowerPoint presentation (*Attachment A: Open Session Minutes*) noting that of the three projects approved by the Committee in the 2012 Round, the Maple Root River project (a 75-acre parcel in Jackson Township) had closed and the two remaining projects had May 31, 2013 deadlines (appraisals, certification of fair market value, and signed contracts) and were moving forward. She said that further discussion should be done in closed session.

At 9:44 a.m., Commissioner Jackson moved that the Committee meet in closed session to discuss acquisition matters. Commissioner Prickett seconded the motion and all voted in favor. Members of the public left the room.

At 9:53 a.m., the Committee resumed its meeting in open session.

Ms. Heasley summarized the closed session, saying that the Committee had recommended Commission approval of funding for a project in Cape May County in the amount of \$187,845.50, which is roughly 34.5% of the cost of the land. Because this is a contingency project, approval by the full Commission is required and it will be considered at the April 12, 2013 meeting. With the approval of this project, all Pinelands Conservation Funds have been allocated with the exception of those restricted funds for acquisition of parcels related to the widening of the Garden State Parkway (\$768,042.00).

The Committee expressed its appreciation to CRI for the success of the land acquisition program. Chairman Lohbauer thanked Mr. Catania and wished him all the best at Duke Farms.

Mr. Catania disconnected from the telephone at 9:55 a.m.

3. Pinelands Educational Advisory Council: appointments and reappointments

Mr. Paul Leakan made a PowerPoint presentation on the Pinelands Educational Advisory Council (PEAC), noting the recommendations to fill three vacancies and two reappointments to the Council (*See Attachment B*). He provided some background on the Committee's establishment and function. Among their accomplishments, typically funded by grants, were the development of the Pinelands National Reserve brochure and road signs, the Pinelands Curriculum Guide, the Pinelands Short Course (*the 24th Annual Pinelands Short Course was scheduled for March 23, 2013*) and the design for the exhibit center in the Richard J. Sullivan Center.

Commissioner Ficcaglia recommended that the Committee approve the three appointments and two re-appointments to the Pinelands Educational Advisory Council. Commissioner Ashmun seconded the motion and all voted in favor.

Chairman Lohbauer said that the members seemed to be a dedicated group who brought a diverse set of skills to the Council.

In response to Commissioner Prickett's question if Commissioners and members of the public could participate in the Council meetings, Mr. Leakan said that yes, both are welcome and that the meetings are posted under "Upcoming Meetings" on the Commission's monthly agenda.

4. Update on implementation of the Kirkwood/Cohansey study

Mr. Liggett made a PowerPoint presentation on the results of the Kirkwood/Cohansey (K/C) study (*Attachment C*). He said that he has been providing this presentation to the builders and to DEP. He said that the study can be used to evaluate both the regional and local impacts of the placement of or increased withdrawal from (public and private water supply) wells and to determine suggested changes to the CMP to better protect wetlands and surface waters. He said that the CMP references vague terms such as "minimize impacts" and "adverse ecological impacts" and these need to be better defined.

Mr. Liggett said that when considering how much water is being removed from the aquifer, one must know what HUC size (*hydrologic unit codes, part of the USGS watershed classification system providing a rough estimate of square miles of a watershed*) is being evaluated. For instance, a HUC-14 is roughly 8 square-miles, while a HUC-11 is roughly 65 square-miles. In the Pinelands there are 37 HUC-11 watersheds and 225 HUC-14 watersheds. Ideally, one would want to look at an area of roughly 20 square-miles. Through its Ecological Integrity Assessment (EIA), the Commission's Science Office had developed what it called Pinelands EIA Units. There are 92 of these EIA Units with an average size of about 21 square miles, a more useful study size than the HUC-11 or -14.

Mr. Liggett described the hydrologic response to groundwater withdrawal, metrics to evaluate regional/watershed scale impacts, possible ways to better estimate future impacts and how the study results might be used for planning for future water demands. He said that there were a number of ways to address regional impacts, including the Low Flow margin which could permit withdrawal at a percentage of the difference between the average annual low flow of a stream and a less frequent 10-year low flow. This percentage might be tailored differently in different management areas such as <25% in the development areas and < 10% in forested areas with a goal that the cumulative withdrawals not exceed the selected percentage. He noted that when siting wells, the ideal location within a watershed may not relate to jurisdictional boundaries in which case, political issues can arise.

He said that, although it is expensive, wastewater recharge should be evaluated as the aquifer is fed by water from the surface. But recharge requires high treatment levels to deal with substances such as pharmaceuticals and hormones. Also, in some areas, clay layers and other soil problems make recharge difficult. Theoretically, in the Pinelands stormwater is captured and recharged; that is now a Statewide requirement of DEP.

Chairman Lohbauer said that the development of a regional plan is the Pinelands' obligation and that water use should not be dictated by political boundaries.

Mr. Liggett said that in 1988, the Camden County municipalities of Winslow, Waterford and Chesilhurst entered into a regional agreement that related zoning, water supply and sewer service so there is precedent in planning cooperatively.

Mr. Liggett said that staff is sharing the results of the K/C study with others and trying to decide when to move ahead with new rules or wait for DEPs water supply plan (The New Jersey Statewide Water Supply Plan) which should go to public hearing in the spring.

In response to a question from Chairman Lohbauer, Mr. Leakan said that he would post Mr. Liggett's presentation on the Commission's web site

5. Public comment

Mr. Rich Bizub, with the Pinelands Preservation Alliance, urged the Commission to proceed with its own water supply planning efforts and not wait for DEP to issue its Statewide plan. He said that it has been 16 years since DEP had issued the last Statewide water supply plan and it

was unknown when the next one might be issued. He said that DEPs plan is not sensitive enough to the environment. He said that the HUC size is an important issue when evaluating a development application and one must look at the impacts at an appropriate scale. He said that the K/C was a great planning tool to protect watersheds and encouraged the Commission to use it to determine if some watersheds were at a tipping point already and ask how much more water withdrawal can be allowed before impacting wetlands.

6. Other Items of Interest

Mr. Leakan said that the 24th annual Pinelands Short Course was scheduled for tomorrow, Saturday, March 23, 2013, at the Burlington County College starting at 9 a.m. He said that there are 33 programs, 18 of which are new. He said that there would be a number of information booths available with books and artwork for sale. Also, yesterday's article in the Burlington County Times has generated much interest and last minute enrollment.

Ms. Roth said that she has been working on an MOA with the Board of Public Utilities for the retrofit of the B.L. England electrical generation plant as it converts from coal and oil to natural gas. She said that South Jersey Gas had applied to build the pipeline and had done an exceptionally good job of looking at alternatives and developing a route through the Pinelands that would involve only 15 miles within the Pinelands Area (through Forest Area [FA], Rural Development Area [RDA] and Pinelands Village [PV]) with most of it traveling through existing right-of-way. She said that the pipeline will also serve as an alternative service route for existing customers, noting that most of the 100,000 customers in Cape May County are served currently by a single pipeline, thus there is no redundancy in case of a malfunction/service interruption.

Ms. Roth said that a development application had been submitted to the Commission. It is not yet complete as the applicant continues to look at T/E and cultural impacts and deal with stormwater issues. For the Commission, the biggest issue is the construction of infrastructure within the FA that is to serve development *outside* the FA. She said that she would be bringing a deviation MOA to the Committee this spring and will be doing a thorough review to make sure that there are no other deviations from the CMP. There is a very tight schedule because the B.L. England plant must be either retrofitted or shut down by 2015 so construction must occur before that deadline.

Mr. Liggett reminded the Committee of the brief presentation he had made at its February 22, 2013 meeting regarding secondary impacts related to the development of a full interchange at Exit #44 of the Garden State Parkway (GSP). He said that Atlantic County is serving as the agent for the GSP and they have had appraisals done on all the subject properties within the potential impact areas. He said that if the property owners are not interested in selling, then the goal is to "memorialize" (freeze) the zoning so that no more intense development would be permitted than is permitted now under its current RDA zoning.

Ms. Roth said that she had been developing an agreement with Atlantic County's Counsel, similar to what was prepared in relation to the secondary impacts resulting from the widening of the GSP. She said that the County has encumbered \$100,000 and developed a list of acquisition projects from its Open Space Trust Fund. A public hearing has been scheduled for April 3, 2013

at the Anthony "Tony" Canale Training Center in Egg Harbor Township. Furthermore, Galloway Township has passed a resolution in support of this agreement. She anticipated that a draft MOA would be before the P&I Committee in April.

Commissioner Ashmun asked about the provisions of Senate Bill 2583 and expressed concern about language related to Pinelands RGA, PT and PV and opportunities related to economic development and affordable housing.

Ms. Roth responded that this is the same language as had been developed by staff in 2009 to provide the same economic opportunities to Pinelands growth areas as those in non-Pinelands municipalities with growth area designations recognized in the State Plan. Ms. Grogan added that she had been pleased to see that the legislation retained the same language that had been included previously. Ms. Ashmun suggested that she had other concerns within the bill. Chairman Lohbauer suggested that Ms. Roth disseminate the bill to the Committee so that they could read it for themselves. Ms. Roth responded that she had an amended version which deleted the obligation for affordable housing under A-500 as COAH is not functioning currently.

The meeting adjourned at 11:42 a.m. (moved by Commissioner Ficcaglia and seconded by Commissioner Prickett).

Certified as true and correct:

Betsy Piner, Principal
Principal Planning Assistant

Date: April 3, 2013

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