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PINELANDS COMMISSION**Pinelands Comprehensive Management Plan Fees; Hearing Procedures; Action on Applications; Certificates of Filing; Public Hearings; Waivers of Strict Compliance; Map Status; Standards for Development and Land Use in Regional Growth Areas; Pinelands Development Credits; Pilot Program for Alternate Design Wastewater Treatment Systems****Adopted Amendments: N.J.A.C. 7:50-1.6, 4.3, 4.15, 4.34, 4.41, 4.70, 5.3, 5.28, 5.43, 5.46, 5.47, and 10.22**

Proposed: June 16, 2025, at 57 N.J.R. 1210(a).

Adopted: October 10, 2025, by the New Jersey Pinelands Commission, Susan R. Grogan, Executive Director.

Filed: December 5, 2025, as R.2026 d.013, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 13:18A-6.j.

Effective Date: January 5, 2026.

Expiration Date: Exempt.

The New Jersey Pinelands Commission (Commission) is adopting amendments to N.J.A.C. 7:50-1, General Provisions, 4, Development Review, 5, Minimum Standards for Land Uses and Intensities, and 10, Pilot Programs of the Pinelands Comprehensive Management Plan (CMP). The amendments were proposed on June 16, 2025 at 57 N.J.R. 1210(a). The adopted amendments more specifically relate to: (1) application fees for certain categories of development and Letters of Interpretation; (2) the expiration of completeness documents and waivers of strict compliance; (3) Regional Growth Areas and the Pinelands Development Credit Program; (4) the redesignation of the Black Run watershed in Evesham Township, Burlington County, from a Pinelands Rural Development Area to a Pinelands Forest Area; and (5) minor clarifications and updates.

The Commission transmitted the notice of proposal to each Pinelands municipality and county, as well as to other interested parties, for review and comment. Additionally, the Commission:

- Sent notice of the public hearing to all persons and organizations that subscribe to the Commission's public hearing registry;
- Sent notice of the public hearing and provided a copy of the notice of proposal to all Pinelands counties and municipalities, and other interested parties;
- Placed advertisements of the public hearing in the four official newspapers of the Commission, as well as on the Commission's own webpage;
- Submitted the proposed amendments to the Pinelands Municipal Council, pursuant to N.J.S.A. 13:18A-7.f;
- Distributed the proposed amendments to the news media maintaining a press office in the State House Complex; and
- Published a copy of the proposed amendments on its webpage at www.nj.gov/pinelands.

Summary of Public Comments and Agency Response:

The Commission accepted oral comments on the June 16, 2025 notice of proposal at the formal public hearing held in live video format (Zoom) before Commission staff on July 15, 2025, and written comments by regular mail, facsimile, or email through August 15, 2025. The public hearing was recorded in video format and is on file in the Commission's digital records. A total of 490 people provided comments on the notice of proposal either by oral testimony at the public hearing or in written comments. The following individuals and organizations submitted comments:

1. Nicole Wall
2. Joseph DeFeo
3. JR

4. Stephanie Wisenauer
5. Megan Applegate-Wood
6. Jennifer Rubeo
7. Abigail Bierman
8. Valerie Chumbley
9. Sherrie Pearl
10. Nicole Jacobberger
11. Joan Ford
12. Christina Bartnikowski
13. Charles and Beverly Trueland
14. Karina Sandoval
15. George
16. Werner Raff
17. Darren Marcotte
18. Allison Coulter
19. Maria Escalante
20. Christine Mamas
21. Lori Chimento (submitted written and oral comments)
22. Carl Stone
23. Diane Fanucci
24. Thomas Pluck
25. Clark Perks
26. Michael Lippert
27. Julie Alway
28. Jonathan M. Korn
29. Ed Stahl
30. Jillian Lauk
31. Michael Curran
32. Mary Franklin
33. Nancy Carter
34. Carol Arrowood
35. Patricia Kiernan
36. Kandie Press
37. Dr. Howard Press
38. Brandon Tomei
39. Maxwell McClendon
40. Julia Pestalozzi
41. Carly DeGirolamo
42. David C. Patterson, Esq., Maressa Patterson, LLC
43. Steve Malitsky
44. Joshua Dossick
45. Phil Warren
46. Anonymous
47. Edward Ferruggia
48. Marty Lawler
49. Anthony Bombara
50. Dipankar Chatterjee
51. Rick Walsh
52. Deana Siri
53. Sara Pyle
54. Rich & Loretta Lipp
55. Gwenn Albrecht
56. Marcin Kuszynski
57. Robert Talewsky
58. Jeff Alken
59. Evelyn Perkowska
60. Jesmin Mitra
61. Richard Bernstein
62. Roberta Bachman
63. Richard Taylor, Friends of the Black Run Preserve
64. Steven Fenster
65. Tracey Doron (submitted written and oral comments)
66. Brittany Jacobsen
67. Lori Bonfrisco
68. Rachel Read
69. Katharine
70. Andreea Trifas
71. Bruce George Smith
72. Denise L. Lytle
73. Diana Chauca

ADOPTIONS

74. Kathleen Goodman
75. Aimee Prendergast
76. Gia Wizeman
77. Don Vonderschmidt
78. Erica Jackson
79. Serena Jackson
80. Emily Darcy
81. Deborah Larsen
82. Juliana DePasquale
83. Stefania Mis
84. Alexander Bershadsky
85. Rebecca Canright
86. Nancy Reamy
87. Eric Baratta
88. Michael Rothmel
89. Kevin Papa (submitted written and oral comments)
90. Ellen Pedersen
91. Tyler Putman
92. Nicole Belolan
93. Kristie Desousa
94. Robert Paccione
95. Jessica Sautter
96. Alice Houseal
97. Christopher Norulak
98. Kathryn Newell
99. Margaret Harbison
100. Tara Rozanski
101. Darlene Saggiomo
102. Kim DeMeo
103. Jake Matro
104. Tim Batten
105. Thomas J. Carroll
106. Marina Linderman
107. Judith Leshner
108. Jennifer Mcloskey
109. Valerie Rey
110. Perry Capelakos
111. Anna Linderman
112. Christine Panagotopulos
113. Mary DeLia
114. Erin Panagotopulos
115. Nancy Raleigh
116. Jenna Romano
117. Alex Linderman
118. Stephanie Horton
119. Michael Pellegrino
120. Chantel Rivera
121. Linda Scholz
122. Sophia Wenzke
123. Mike Paglia
124. Emily Wheatley
125. Olesya Rosner
126. Julia McCay
127. Rajdeep Usgaonker
128. Chris Raab
129. Jen Wolfson
130. Amy King
131. Patrick Doyle
132. Evan Sharko
133. Diana Ryan
134. Autumn Haig
135. Dave Storms
136. Tina Cooper
137. Maegan Kuhlmann, New Jersey Sierra Club (submitted written and oral comments)
138. Kyle Novoa
139. Jessica Vanliere
140. Jackie Greger, New Jersey Sierra Club
141. Vanessa Marrocco
142. Denise Brush

ENVIRONMENTAL PROTECTION

143. Jessica Bader
144. Lea Dixon
145. Denise Pietsch
146. Julia Gandy
147. Mary Peyerl
148. Leonard Morlino
149. Katie Prutzman
150. Alex Meder
151. Patrick Ditmars
152. Carolyn McCrath
153. Alaina Clune
154. Diane Herbert (submitted written and oral comments)
155. Bill Craig
156. Karen Greenfeld
157. Julie Maravich
158. Claire Joslyn
159. Dominic Sorrentino
160. Kate Brady
161. Jason Howell, Pinelands Preservation Alliance
162. Tom Kenny
163. Sheila Woznuknau
164. Trisha Beling
165. Lisa Berg (submitted written and oral comments)
166. Alaina Bromley
167. Dr. Amy Golden, Friends of the Black Run Preserve
168. William Skinner
169. Nika Svirinazichyus
170. Maureen Toman-Logan
171. Rose Taylor
172. Francesca Martelli
173. Jaylin Baez
174. Christy Steglik
175. Maria Pezzato (submitted written and oral comments)
176. Mandy Skalski
177. Amy Gonzalez
178. Teresa Mullen
179. Olga Koturlash
180. Susan Pettijohn
181. Ahnelizse Solwaczny
182. Rosemary Bernardi
183. Dan Donnelly
184. Vanessa Garcia
185. Jeanette York
186. Tracy Capistrand
187. For Every Child, Student Led Organization
188. Adam C. Warner
189. Brandon Weinberg
190. Joan Nemeth
191. Lidia
192. Christian Bifulco
193. Kaitlyn Buchler
194. Sarah Linehan
195. Shane Heeraman
196. Paul Bartholomew
197. Sandra Myer
198. Brooke C
199. Anne Harrison
200. Tara Turse
201. Brett Greenfeld
202. John Long
203. Don Werder
204. Susan Harrison
205. Sarah Thomasson
206. Nicquelle Denney
207. Lydia Smith
208. Wendy Canzanese
209. Anna Ferster
210. Angelica
211. Zephy Turturro
212. Randy Freed

ENVIRONMENTAL PROTECTION

ADOPTIONS

213. Stephen Nuttall
 214. Megan Manogue
 215. Edwin Wurster
 216. Kevin Kraft
 217. Jennifer L. Kraft
 218. Christian Corby
 219. Brandon Lodriguss
 220. Kalista Kraft
 221. Sam Lyons
 222. Ryan Rupertus
 223. Anna Paccione
 224. Mark Midura
 225. Kollin Hughes
 226. Nanette Wizov
 227. Theodore Liu
 228. Eric Penalver
 229. Shaina Galley
 230. Christopher McManus
 231. Nathaniel Kott
 232. Marcus Coia
 233. Elyse Forcier
 234. Amanda Germain
 235. Colleen Keyser
 236. Edward Drakhlis
 237. Alexander J. Wenner
 238. Brittney Shepherd
 239. Willis Scott Moses
 240. Martha Cannon
 241. Marjorie Howley
 242. Nia Diamond
 243. Dominic Carrea
 244. Shantic
 245. Christopher Jardine
 246. Amber Stone
 247. Gianna
 248. Erin
 249. Beth Beutel
 250. Sarah Beard
 251. Racquel Pascucci
 252. Ranica Arrowsmith
 253. Sandy Koch
 254. Siera Carusone
 255. M
 256. Heather Weiss
 257. Kevin Gallardo
 258. Michael S. Scaramella, Esq.
 259. Kelsie Busch
 260. Colleen DePietro
 261. Ellen Fennick
 262. Linda Hall
 263. Hope Hall
 264. Greg Smith
 265. Bill Dreisbach
 266. Jeffrey A. Monico
 267. Lynda McDonough
 268. Catherine Herbert
 269. John Selvaggio
 270. Valerie Fogleman
 271. Sven Pfahlert
 272. Bobbie J. Herbs
 273. Sheila Nau
 274. Beth Holt
 275. Scott Schlafer
 276. Cary
 277. Ila Vassallo
 278. Jennifer Cardoso
 279. Tom Wall
 280. Ann Ferruggia
 281. Connie Evans
 282. Deborah Kahn

283. Emily Iacovoni
 284. David Taylor
 285. Holly Widzins
 286. Christine Todd
 287. Regina Disco
 288. Matt McCann, M.S. & Maya K. van Rossum, Delaware
 Riverkeeper Network
 289. Rajeev Sharma
 290. Kathy Emrich
 291. Melanie Ryan
 292. Britt Paris
 293. Cheryl Fisher
 294. Mike Kaliss
 295. Darren Morze
 296. Michelle Santore
 297. Denise Longo
 298. Jessica Franzini
 299. Alison Goldberg
 300. Colleen Mikolajczak
 301. Debbie Bonfiglio
 302. Lancelot Jeff-Macauley
 303. Robert Miller
 304. Richard Woodward
 305. Jeanette Basaure
 306. Andy Brzozowski
 307. Janet Slaven
 308. MaryAnne Cotugno
 309. Kimberly Corrigan
 310. James McGee
 311. Louis Surovick
 312. Sangita Kansupada
 313. Nicolle Krieger
 314. Jaime Austino
 315. Jed Singer
 316. Nancy Dippolito
 317. Matt Purcell
 318. Patrick Violante
 319. Anne Krieger
 320. Phyllis Garelick
 321. John Volpa
 322. Guy Romaniello
 323. Vince Santore
 324. Robert N. Spivack
 325. Wendy Joan Spivack
 326. Richard
 327. Herman Bhasin
 328. Eric Nelson
 329. Josh Falcone
 330. Kevin Krieger
 331. Terry & David Bongiovanni
 332. Martha Scull
 333. Andrew Finn
 334. Diane M. Foster
 335. Mr. & Mrs. RP Wolfangel
 336. Linda Marie Ross
 337. Natalie Smith
 338. Julie Gandy
 339. Steve Rakoczy
 340. Joseph Planamente
 341. Lucille Planamente
 342. Karen Kaplan
 343. Jordan Mead
 344. Lisa Swing
 345. Norma
 346. Harold Koenig
 347. Kurt Williams
 348. Robert Thomson
 349. Donna & Tuck Marcum
 350. Elena Grigoryeva
 351. Joseph D. Beronio

ADOPTIONS

352. Natalie Santore
353. Benjamin Spalter
354. Michael Natale
355. Zachary Dunn
356. Matt Adler
357. Mike Raleigh
358. Edward Doescher
359. Aimee K. Bentley
360. Darren Norgren
361. Ann Gillespie
362. Stacey Behm
363. Elizabeth Quinn
364. Sandra L. Perchetti
365. Jeanne Mugler
366. Shannon May
367. Maria T. Byrne
368. Richard W. Nixon
369. Lesley C. Kirsch
370. Gaetano D'Agostino
371. Ewa Tzaferos
372. Kelly Banks
373. Kei Drashner
374. Steven Freeman
375. Courtney Warner
376. Alexander Karpodinis
377. Gabrielle Hance
378. Alfredo
379. Patrick Hennessy
380. Thomas
381. Kyle Rosencranz
382. Maureen Brandau
383. Jasmine Starks
384. Jeff Greenberg
385. David Pavelko
386. Eileen Anglin
387. Jonathan Lahoda
388. Michael J. Calhoun
389. Jennifer Cipparone
390. Anthony R. Algieri
391. Brielle Andrews
392. Kristen Roskam
393. Ryan Grantuskas
394. Diane Hardies
395. Nicole Toth
396. Melinda Johnson
397. Debbie Polekoff
398. Edward P. Coyle, Jr.
399. John Summer
400. Rebecca Corson
401. Frederick Smith
402. Matthew Duffield
403. Michael
404. Darcy Oordt
405. Robert Cleary
406. Liz Prazeres
407. Brian Lipski
408. William
409. Victoria Crowell
410. Erica Newsham
411. Chris
412. Edward
413. Jessica Sharick
414. Brandon T. Rozelle
415. Karyn Tappe
416. Sean R. Saunders
417. Candace Dare
418. Alex Younger
419. Holly Jarrett
420. Eileen White
421. Ashley Cubbler

ENVIRONMENTAL PROTECTION

422. Max Weiss
423. Daniel Duffield
424. Julianne Germain
425. Sandra Doyle
426. Corey Therrien
427. Kyle Dillon
428. Ben
429. Justin Schlaffer
430. Such Patel
431. Jay Jones
432. Bab Adase
433. George Rayzis
434. Katie Gatto
435. Stephen Klem
436. Kristin Wyka
437. Erika Frick
438. Matthew Zaum
439. David Acampa
440. Jamie Zaum
441. Diane Holzschuh
442. Evan Holzschuh
443. Chelsea Ward McIntosh
444. Kenny
445. Alex Charnow
446. Victoria Agovino
447. Tiffany Shinn
448. Philip Andrianos
449. Logan Penna
450. Arthur Pisko, Jr.
451. Chris Toner
452. Alexander Houseal, Jr.
453. Kyle Sosnicki
454. Leonard Rusciani
455. Mark J. Matthews
456. Emily Kulpa
457. Max Perry
458. Elizabeth Chen
459. Sharon Bennett
460. John J. Parker
461. David L. Hall
462. Waverly Pross
463. Dara Purvis
464. Nichole Hall
465. Michael Logue
466. J. Curley
467. Ben Brotsker
468. William Cavagnaro
469. Nicholas Cox
470. Katharine Bolton (Kaplan)
471. Dennis M. Toft, Esq.
472. Alyssa
473. Dina Cirignano
474. Aslan Basol
475. Christine Bresser
476. Philip Falcone
477. Art Citron
478. Kathy King
479. Shannon Chau
480. Melanie Love
481. Austin Carrig
482. Amy Noble
483. Alexa Guarni
484. Rebecca Murray
485. Anakaren Michel
486. Kathleen Ross
487. Heidi Yeh, Pinelands Preservation Alliance
488. Erin Dennison
489. Gabrielle Mangiamela
490. Teresa Mullen

The Commission's detailed response to the comments is set forth below. The numbers in parentheses after each comment correspond to the list of commenters above.

Application Fees (N.J.A.C. 7:50-1.6)

1. COMMENT: Two commenters expressed support for the proposed amendments to application fees. (187 and 487)

RESPONSE: The Commission thanks the commenters for their support.

Redesignation of Black Run Watershed, Evesham Township, Burlington County (N.J.A.C. 7:50-5.3)

2. COMMENT: A total of 342 commenters supported the amendments to the Land Capability Map redesignating the Black Run watershed from Rural Development Area to Forest Area, citing a wide range of reasons. Many expressed support for increased protection of the watershed's wildlife, habitats, water quality, and ecology. Some cited the need to protect the Kirkwood-Cohansey aquifer. Others highlighted the importance of protecting open space for health benefits and emotional well-being, or as a means to preserve the watershed and prevent development. (16, 17, 20 through 28, 36, 38, 40, 41, 43, 44, 45, 46, 47, 50, 51, 52, 53, 56, 58, 59, 60, 62, 63, 64, 65, 66, 72, 77, 78, 79, 80, 84, 85, 87, 88, 89, 90, 91, 94, 95, 98, 99, 102, 104, 105, 110, 111, 112, 113, 115, 117, 118, 125, 127, 130, 131, 132, 135 through 184, 187, 188, 190, 193, 194, 197, 202, 203, 204, 206 through 211, 214, 215, 216, 217, 219, 222, 223, 226, 228, 231, 232, 234, 235, 236, 239, 240, 241, 242, 243, 245, 249, 253, 254, 256, 257, 258, 259, 260, 262 through 268, 270, 271, 272, 274 through 280, 282, 283, 284, 287 through 300, 302, 303, 304, 305, 306, 309 through 331, 333, 335, 336, 337, 338, 340, 341, 342, 345 through 369, 371, 372, 373, 374, 375, 377, 379, 380, 381, 382, 383, 385, 387, 389, 390, 391, 392, 394, 395, 396, 398 through 410, 412 through 428, 430, 431, 435, 436, 437, 438, 439, 440, 444, 445, 446, 447, 449, 450, 451, 452, 453, 454, 457, 458, 460, 462, 463, 464, 466, 467, 469, 470, 472, 473, 474, 476, 477, 479, 480, 481, 484, 485, 487, and 490)

RESPONSE: The Commission appreciates the widespread support for the amendment. Over the past two decades, the Commission has conducted extensive work to evaluate the Black Run watershed's ecological integrity and to identify appropriate measures to protect its natural resources. The redesignation from Rural Development Area to Forest Area enhances resource protection by reducing development potential within the watershed. However, it should be recognized that the new Pinelands management area designation does not preserve lands in the watershed nor prevent all future development. It merely reduces the range and intensity of permitted land uses. Landowners may still pursue development of their properties consistent with the new Forest Area designation.

3. COMMENT: A total of 111 commenters opposed development in the Black Run watershed or the Black Run Preserve (Preserve), with some expressing concern that the Black Run Preserve could be developed, absent this rulemaking. (1 through 19, 21, 29, 30, 31, 32, 33, 35, 37, 41, 48, 54, 55, 57, 61, 67, 68, 69, 70, 71, 73, 74, 75, 76, 81, 82, 83, 86, 93, 96, 97, 100, 101, 103, 106, 107, 108, 109, 114, 116, 119, 120, 121, 122, 128, 129, 134, 175, 186, 191, 195, 196, 198, 199, 200, 201, 205, 212, 221, 238, 244, 246, 251, 252, 255, 261, 269, 273, 281, 285, 286, 301, 307, 308, 334, 339, 343, 370, 376, 384, 386, 388, 397, 411, 429, 432, 433, 442, 443, 448, 455, 456, 459, 461, 465, 468, and 486)

RESPONSE: This rulemaking does not relate to any specific development proposal, nor does it approve or prohibit development or result in the preservation of any land outright. Rather, it redesignates the Pinelands management area of the Black Run watershed from Rural Development Area to Forest Area, thereby imposing stricter land use regulations that reduce the intensity of permitted development. Owners of land within the affected area retain the right to pursue development projects that are consistent with the new Forest Area designation, as set forth at N.J.A.C. 7:50-5.23, and forthcoming amendments to Evesham's land use ordinance that are required to implement the new management area designation.

Notably, close to 60 percent of the redesignated area, including the area known as the Black Run Preserve, is already permanently preserved through various deed restrictions. The Preserve itself remains subject to a

deed restriction that requires protection of all lands in their natural, scenic and open existing state, with only low intensity recreational uses (for example, hiking and nature study) permitted. All other development in the Preserve is not permitted, either through the prior Rural Development Area designation or the new Forest Area designation.

4. COMMENT: One commenter, identifying themselves as the owner of an undeveloped property in the Black Run watershed without public road access, expressed concern about the effect of the management area redesignation on potential development of surrounding parcels that could provide access if developed. They requested designated legal access to their property and the ability for their family to develop the property in the future or to sell it to another party to develop. (202)

RESPONSE: The identified property and the surrounding lots are not located in the Black Run watershed and are not included in the area being redesignated from the Rural Development Area to the Forest Area. The property and adjacent lots are located in Evesham Township's Rural Development-3 (RD-3) Zone, which is within a Rural Development Area. Residential development in the RD-3 Zone is permitted at a density of 3.2 units per acre, with clustering of residential units on one-acre lots required when two or more units are proposed. The commenter's property and the surrounding lots may be developed, consistent with the minimum standards of the CMP and Evesham Township's land development regulations. The Commission has no authority to grant easements across private lands. Finally, the CMP does not restrict the sale of property or other property transactions anywhere in the Pinelands.

5. COMMENT: Multiple commenters requested that Evesham Township rezone the Black Run watershed to a Forest Area zoning district to protect the watershed and halt development. (482, 483, 486, 488, and 489)

RESPONSE: The Pinelands Protection Act and the CMP require Pinelands municipalities to adopt master plans and land development regulations consistent with the CMP and any amendment thereto. In accordance with N.J.S.A. 13:18A-12.b and N.J.A.C. 7:50-3.32, Evesham Township has one year from the effective date of this rulemaking to amend its ordinances to reflect the management area redesignation and submit implementing ordinance amendments, including a revised zoning map, to the Commission for review and certification. It must be noted that while the Forest Area designation effectuated by the CMP amendment and the required municipal implementing ordinances will enhance protection of the watershed, limited residential and nonresidential development will continue to be permitted. Elimination of future development potential can only be accomplished through acquisition and preservation of property or imposition of conservation easements or restrictions.

6. COMMENT: A total of 32 commenters expressed either general support for protecting the Pinelands Area and its resources or general opposition to development in the Pinelands. (15, 34, 49, 92, 123, 124, 126, 133, 185, 192, 213, 218, 220, 224, 225, 227, 229, 230, 233, 237, 247, 248, 250, 332, 334, 344, 378, 393, 434, 441, 475, and 478)

RESPONSE: The Commission thanks the commenters for their support in protecting the resources of the Pinelands and affirms that this rulemaking advances the goals of the Pinelands Protection Act and the CMP to preserve, protect, and enhance the resources of the Pinelands.

7. COMMENT: One commenter said the amendments should have included trail management standards for Pinelands open spaces affected by the redesignation to maximize accessibility for non-destructive, inclusive recreation. (476)

RESPONSE: While not the subject of this rulemaking, the Commission recognizes that availability of accessible trails in the Black Run watershed and throughout the Pinelands Area is an important issue. The development of any new recreational trails in the Pinelands Area requires application to the Commission and must meet the CMP's minimum environmental standards. These standards appropriately focus on resource protection and currently do not include special provisions for accessible trails. The Commission will be evaluating appropriate amendments to the CMP related to this issue as part of a future rulemaking effort.

Expiration of Completeness Documents and Waivers of Strict Compliance (N.J.A.C. 7:50-4.15, 4.34 and 4.70)

8. COMMENT: One commenter requested a grace period for applicants whose Certificate(s) of Filing will expire on the effective date

of this rulemaking to allow submission of information necessary to advance their proposed development. (42)

RESPONSE: The Commission does not agree that an additional grace period is warranted. In all cases, the completeness documents (Certificates of Completeness and Certificates of Filing) affected by this rulemaking are at least five years old and, in most cases, significantly older. Upon the effective date of this rulemaking, all completeness documents issued prior to January 1, 2004, will expire. Likewise, any Certificate of Completeness or Certificate of Filing that is five years old or older will expire, unless it has been used to obtain a municipal or county approval and the Executive Director has determined that the local approval does not raise any substantial issues with respect to conformance with the CMP and the municipal land use ordinance. The Commission believes this provides sufficient time for any applicant to obtain at least one local approval that is consistent with the CMP, particularly given the fact that Certificates of Filing clearly identify any inconsistencies an application has with the CMP and often spell out how those inconsistencies may be resolved. The same is true of letters that the Commission issues in response to local approvals when they are determined to raise substantial issues with respect to one or more CMP standards.

The Commission has already completed extensive efforts to notify applicants whose completeness documents were issued since January 1, 2004, for proposed development where no local approvals have been submitted to the Commission and found consistent with the CMP. These individual notices advised applicants that their Certificates of Filing would expire upon adoption of these rules or otherwise provided a future expiration date based on the amendments. Affected applicants were, thus, provided with an opportunity to obtain and/or submit local approvals and permits to the Commission prior to the effective date of this rulemaking or expiration of the associated completeness document.

The Executive Director retains the ability to determine that a preliminary or final municipal or county approval may take effect because it does not raise a substantial issue with respect to the CMP (see N.J.A.C. 7:50-4.37 and 4.40). This review process provides an opportunity for consideration of the particular circumstances of a development application and associated local approval(s) submitted for Commission review. As an example, such circumstances could include the Commission's receipt of a local approval in the days leading up to the expiration of the associated Certificate of Filing. If the Commission's review determines that approval raises no substantial issues, meaning all CMP land use and environmental standards are met, the Executive Director has the authority to allow the approval to take effect even after the expiration date of the Certificate of Filing. A similar decision could be made for a local approval issued and submitted one or two days after the expiration date of a Certificate of Filing. The Commission believes current CMP procedures provide sufficient flexibility to appropriately address the situations that inevitably arise when expiration dates are assigned. In other cases, particularly those where substantial issues related to an application and local approval have not been resolved, or CMP standards and/or municipal zoning have significantly changed in the years since a Certificate of Filing was issued, applicants and property owners will need to apply to the Commission for new Certificates of Filing.

9. COMMENT: One commenter said that a Certificate of Filing should remain in effect without expiration while applicants are pursuing local approvals or assembling property for a development project. (471)

RESPONSE: The Commission affirms its rationale for establishing a five-year duration for completeness documents and does not support broad extensions of the type described by the commenter. The purpose of these amendments is to reduce administrative burdens on Commission staff, local permitting agencies, and applicants, while ensuring that proposed development is consistent with current CMP and municipal standards by providing a more efficient and effective way of taking current environmental conditions of lands proposed for development into consideration. Allowing Certificates of Filing to remain in effect based on a subjective determination as to what constitutes "pursuit" of a local approval would be administratively burdensome to document and track, contrary to the intent of the amendments. Likewise, extending the life span of a Certificate of Filing to accommodate an applicant's timeline for assemblage or acquisition of property would be extremely difficult to implement by regulation and likely impossible to track, given that the

Commission is generally unaware of and uninvolved in such property transactions.

It is also important to note that Certificates of Completeness and Certificates of Filing are not approvals. Rather, these documents signify that a complete application for development in the Pinelands Area has been submitted to the Commission and allow the applicant to move forward with obtaining required approvals from municipal and county permitting agencies. Completeness documents do not provide protection from changes to regulations in the CMP or at the State or municipal level. Expiration ensures that outdated completeness documents are not used to advance applications unlikely to meet current CMP standards. Over time, the likelihood of regulatory changes that could affect consistency of the proposed development with CMP, State, or municipal regulations tends to increase. The practical impact on affected applicants is that they must reapply to the Commission if they wish to pursue development of their property.

Pursuant to this rulemaking, a Certificate of Filing does not expire if the applicant obtains a local approval and the Commission issues a letter stating that the local approval can take effect. An applicant needs only one local permit or approval, followed by a Commission letter allowing it to take effect, to have the associated Certificate of Filing remain in effect in perpetuity. For example, after these amendments take effect, if the Commission issues a Certificate of Filing on May 1, 2026, indicating consistency with applicable standards, the applicant could use that Certificate of Filing to obtain municipal site plan approval on January 15, 2031. Upon timely receipt of that approval and assuming all standards continue to be met, the Commission would complete its review and issue a letter within 15 to 30 days allowing the site plan approval to take effect. That effective local approval prevents the Certificate of Filing from expiring on May 1, 2031, and allows the applicant to continue to obtain any other necessary permits and approvals, such as septic permits and building permits.

10. COMMENT: One commenter said that automatic expiration of Certificates of Filing constitutes a taking of property. (471)

RESPONSE: The Commission respectfully disagrees. The Commission's issuance of a Certificate of Filing does not confer or remove any ownership or development rights. As described above, it merely documents that an applicant has filed a complete application for development with the Commission, and it identifies any aspects of the proposal that are inconsistent with the CMP or municipal ordinances. Issuance of the Certificate of Filing allows the applicant to obtain necessary municipal or county approvals for the development proposal. If a Certificate of Filing expires in accordance with these amendments, the applicant or property owner will simply need to submit a new application to the Commission for review and processing.

11. COMMENT: One commenter expressed support for expiration of Certificates of Completeness documents and certain Waivers of Strict Compliance granted prior to March 2, 1992. (487)

RESPONSE: The Commission thanks the commenter for their support.

Regional Growth Areas and Pinelands Development Credits (N.J.A.C. 7:50-5.28, 5.43, and 5.46)

12. COMMENT: One commenter expressed support for the intent of the amendments at N.J.A.C. 7:50-5.28(a)3v but opposed allowing municipal discretion to exempt units made affordable to low- and moderate-income households from Pinelands Development Credit (PDC) requirements. Rather, they requested the rule include an automatic exemption for such units and advocated that no PDCs be required for any inclusionary development projects, not just the affordable units. (471)

RESPONSE: The Commission appreciates the support for the amendment's intent but does not agree with and cannot implement the requested change. The Pinelands Protection Act (N.J.S.A. 13:18A; P.L. 1979, c. 111, § 14, as amended by P.L. 1987, c. 267, § 2) prohibits the Commission from considering the number of low- or moderate-income housing units as a criterion for approval, rejection, or conditional approval of any municipal master plan or land use ordinance (see N.J.S.A. 13:18A-12a). As such, the Commission does not have the authority to require municipalities to exempt any or all affordable or inclusionary housing units from the requirement to redeem PDCs.

However, the Commission has reviewed and certified municipal ordinances that exempt certain housing types, such as affordable units, from PDC redemption pursuant to the municipal flexibility provisions of the CMP. The amendments codify this successful practice by expressly allowing municipalities to adopt such exemptions if they so choose and if specified requirements are met. These requirements are intended to ensure that a reduction in the overall number of PDC opportunities that a municipality is required to provide in its RGA zoning plan does not occur. Therefore, any exemption from PDC redemption requirements must be offset by increased and/or guaranteed PDC use elsewhere within the municipality's Regional Growth Area so that the necessary number of PDC opportunities is maintained.

Pursuant to this rulemaking, a municipality may adopt an ordinance exempting 100 percent affordable housing projects or inclusionary developments from PDC redemption, provided the municipal land use ordinance continues to accommodate the minimum number of required opportunities for the use of PDCs in the municipality's Regional Growth Area zoning plan. Over the past 10 to 15 years, Pinelands municipalities have accomplished these sorts of amended zoning plans by transferring PDC obligations to other lands or zones in the municipal RGA or adopting mandatory PDC requirements for development of market rate units in one or more zoning districts or redevelopment areas.

Broad PDC exemptions for all units in inclusionary developments in one or more RGA zoning districts are likely to be challenging to accommodate. A more limited approach, such as through a redevelopment plan designed to permit a specific project on a specific parcel of land, has and will continue to be more feasible. However, all such proposals will have to be reviewed in the context of the municipality's overall Regional Growth Area plan.

13. COMMENT: One commenter expressed support for the amendments at N.J.A.C. 7:50-28, specifically those providing greater flexibility in the distribution of housing types zoned for in Regional Growth Areas, allowing PDC use for non-residential development, and allowing certain housing types, such as affordable housing, to be exempt from PDC requirements. (487)

RESPONSE: The Commission thanks the commenter for their support.

General Comments

14. COMMENT: One commenter said the rulemaking must be supported. (189)

RESPONSE: The Commission appreciates the commenter's support.

15. COMMENT: One commenter expressed support for a prohibition of deforestation. (39)

RESPONSE: The rulemaking does not expressly prohibit deforestation. However, the redesignation of the Black Run watershed from Rural Development Area to Forest Area reduces development potential and, consequently, the extent of deforestation associated with development. The amendments also include revisions to the PDC program, which incentivize the preservation of sensitive environmental and agricultural lands within the Pinelands.

Federal Standards Statement

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. § 471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. This legislation set forth rigorous goals that the plan must meet but did not specify standards governing individual uses or topics, such as those covered by the adopted amendments. The plan was subject to the approval of the United States Secretary of the Interior, as are all amendments to the CMP.

There are no other Federal requirements that apply to the subject matter of the amendments being adopted.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 1. GENERAL PROVISIONS

7:50-1.6 Fees

(a)-(b) (No change.)

(c) The application fee for a commercial, institutional, industrial, or other non-residential development application submitted pursuant to N.J.A.C. 7:50-4.14, 4.33, 4.52, or 4.66 shall be calculated in accordance with the following, based on typical construction costs, except as provided at (c)1 through 10 below:

Construction Cost	Required Application Fee
\$0 - \$500,000	1.25 percent of construction costs
\$500,001 - \$1,000,000	\$6,250 + one percent of construction costs above \$500,000
Greater than \$1,000,000	\$11,250 + 0.75 percent of construction costs above \$1,000,000

Typical construction costs shall include all costs associated with the development for which the application is being submitted, including, but not limited to, site improvement and building improvement costs, but shall not include interior furnishings, atypical features, decorative materials, or other similar features. Supporting documentation of the expected construction costs shall be submitted as part of the application for development, unless the maximum fee pursuant to (e)6 below is required, in which case, no such documentation shall be necessary.

1.-10. (No change.)

(d) (No change.)

(e) The application fee required at the time of submission of a development application in accordance with (a) through (d) above or (f) below shall:

1. Be increased by \$3,125 if an individual on-site septic system is proposed pursuant to N.J.A.C. 7:50-6.84(a)5iv(2)(J) or (3);

2. Be increased by \$250.00 if a Waiver of Strict Compliance is required pursuant to N.J.A.C. 7:50-4.63, unless the application is submitted solely for purposes of demonstrating that a parcel is of limited practical use pursuant to N.J.A.C. 7:50-9.2(a);

3. Be increased by \$1,000 for any application for major development that is submitted, in part or in whole, for purposes of resolving an outstanding violation of this Plan;

4. Be increased by \$500.00 for any application for minor development that is submitted, in part or in whole, for purposes of resolving an outstanding violation of this Plan;

5. (No change in text.)

6. Except where an increased fee is required pursuant to (e)3 or 4 above, not exceed \$50,000, unless a public agency is the applicant, in which case, the fee shall not exceed \$25,000.

(f) (No change.)

(g) The application fee for a development application submitted by a qualified tax-exempt religious association or corporation or a qualified tax-exempt non-profit organization shall be \$500.00 or the amount calculated in accordance with (a) through (d) above, whichever is less. If the development application is submitted, in part or in whole, for purposes of resolving an outstanding violation of this Plan, the application fee shall be increased in accordance with (e)3 or 4 above. For purposes of this provision, the term "qualified tax-exempt religious association or corporation" means a religious association or corporation that is exempt from Federal income taxation pursuant to Sections 501(c)(3) or (d) of the Internal Revenue Service Code, Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Sections 501(c)(3) and (d). For purposes of this provision, the term "qualified tax-exempt non-profit organization" means a non-profit organization that is exempt from Federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Service Code, Title 26, Subtitle A, Chapter 1, Subchapter F, Part I, Section 501(c)(3).

(h) The fee for a Letter of Interpretation or Amended Letter of Interpretation submitted pursuant to N.J.A.C. 7:50-4, Part VI, shall be determined according to the following:

1. There shall be no fee for a Letter of Interpretation involving the allocation of Pinelands Development Credits, except for an Amended Letter of Interpretation requested within five years of the issuance of the original Letter of Interpretation, in which case, the fee shall be \$250.00 plus \$6.25 per acre of land for which the amended allocation is requested;

ADOPTIONS

2. The application fee for a Letter of Interpretation or Amended Letter of Interpretation to determine the presence or absence of wetlands or wetlands transition areas shall be \$1,000;

3. The application fee for a Letter of Interpretation or Amended Letter of Interpretation to verify a wetlands line or to determine the extent of any required wetlands transition areas shall be \$1,000 plus \$100.00 per acre of the parcel, or portion thereof, subject to the provisions at (e)6 above; and

4. The application fee for any other Letter of Interpretation or Amended Letter of Interpretation shall be \$500.00.

(i)-(l) (No change.)

SUBCHAPTER 4. DEVELOPMENT REVIEW

7:50-4.3 Commission hearing procedures

(a) (No change.)

(b) Notice of public hearing.

1. (No change.)

2. Persons entitled to notice:

i. Notice of public hearings shall be given by the Commission:

(1)-(5) (No change.)

(6) If the public hearing involves an amendment proposed by the Commission pursuant to N.J.A.C. 7:50-7, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the director of the board of county commissioners and county executive of each Pinelands county. In addition, a copy of the notice shall be published in all the official newspapers of the Pinelands Commission and posted on the Commission's website.

(7) If the public hearing involves an inter-governmental memorandum of agreement pursuant to N.J.A.C. 7:50-4.52, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the director of the board of county commissioners and county executive of each Pinelands county that may be directly affected by the memorandum of agreement under consideration. In addition, a copy of the notice shall be published in those official newspapers of the Pinelands Commission having general circulation in the area that may be directly affected by the memorandum of agreement and posted on the Commission's website.

(8) (No change.)

(9) If the public hearing involves a comprehensive plan submitted to the Commission pursuant to N.J.A.C. 7:50-5.4(c)6, by sending a copy of the notice and the comprehensive plan, by mail, to the mayor of each Pinelands municipality and the director of the board of county commissioners and county executive, if any, of each Pinelands county. In addition, a copy of the notice shall be published in all of the official newspapers of the Pinelands Commission and posted on the Commission's website.

ii. (No change.)

3.-4. (No change.)

(c)-(e) (No change.)

7:50-4.15 Action by Executive Director on application

(a) Within 90 days following the receipt of a complete application for development, the Executive Director shall review the application and all information submitted by the applicant or any other person relating to the application and upon completion of such review, issue a Certificate of Completeness stating whether the application should be approved, approved with conditions, or disapproved. The application may be approved or approved with conditions only if the development as proposed, or subject to any conditions that may be imposed, conforms to each of the minimum standards for development approval established at N.J.A.C. 7:50-4.16. The Executive Director may propose in said Certificate of Completeness any reasonable condition that he or she finds is necessary to achieve the objectives of this Plan. The Executive Director shall provide a copy of the Certificate of Completeness to the applicant, the Commission, all persons who have individually submitted information concerning the application, all persons who have requested a copy of said decision, and any person, organization, or agency that has registered pursuant to N.J.A.C. 7:50-4.3(b)2i(2).

(b) Any Certificate of Completeness issued by the Executive Director on or after January 1, 2004, shall expire five years from the date of issuance, unless:

ENVIRONMENTAL PROTECTION

1. The applicant has obtained local approval and the Executive Director has determined that the approval raises no substantial issues with respect to the conformance of the proposed development with the minimum standards of this Plan pursuant to N.J.A.C. 7:50-4.19 or 4.22; or

2. The applicant has obtained approval by the Commission pursuant to N.J.A.C. 7:50-4.5.

(c) Any Certificate of Completeness issued by the Executive Director prior to January 1, 2004, shall be deemed expired and may not be used to obtain local approval or approval by the Commission.

7:50-4.34 Certificate of Filing; required for determination of completeness

(a) Upon determining that an application is complete, the Executive Director shall issue a Certificate of Filing.

(b) No local permitting agency shall determine that any application for development is complete unless it is accompanied by a Certificate of Filing issued pursuant to this section. Such certificate may identify any inconsistencies of the proposed development with the standards of this Plan or the local certified land use ordinances and may indicate that if such inconsistencies are not resolved by a local approval, that local approval will be subject to review by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.37 and 4.40. Any such information in the Certificate of Filing is for the guidance of the applicant and local permitting agency only. Such information in no way shall be considered a final determination by either the Executive Director or the Pinelands Commission.

(c) Any Certificate of Filing issued by the Executive Director on or after January 1, 2004, shall expire five years from the date of issuance, unless:

1. The applicant has obtained local approval and the Executive Director has determined that the approval raises no substantial issues with respect to the conformance of the proposed development with the minimum standards of this Plan pursuant to N.J.A.C. 7:50-4.37 or 4.40; or

2. The applicant has obtained approval by the Commission pursuant to N.J.A.C. 7:50-4.5.

(d) Any Certificate of Filing issued by the Executive Director prior to January 1, 2004, shall be deemed expired and may not be used to obtain local approval or approval by the Commission.

7:50-4.41 Public hearing

If the Executive Director determines that the approval should be reviewed by the Commission, he or she shall, within 45 days following receipt of a completed notice of final determination given pursuant to N.J.A.C. 7:50-4.35(e), conduct a public hearing to be held pursuant to the procedures set forth at N.J.A.C. 7:50-4.3. The applicant shall have the burden of going forward and the burden of proof at the public hearing. Applications from applicants who do not provide notice for any hearing and do not make a timely request for adjournment shall be recommended for denial. For applicants who do not appear at more than one scheduled public hearing, the Executive Director may determine that no further adjournment of the public hearing will be provided. Following conclusion of the public hearing, the Executive Director shall review the record of the public hearing and issue a report on the public hearing to the Commission. The Executive Director may recommend that the Commission approve the application, approve the application with conditions, or disapprove the application. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local permitting agency, all persons who have individually submitted information concerning the application, all persons who have requested a copy of said determination, and any person, organization, or agency that has registered pursuant to N.J.A.C. 7:50-4.3(b)2i(2). However, an applicant may, at his or her option, waive all time limits for review imposed by the Pinelands Protection Act or this Plan and request that the hearing be held by an administrative law judge pursuant to the procedures established at N.J.A.C. 7:50-4.91.

7:50-4.70 Effect of grant of waiver; expiration; recordation; effective date

(a)-(d) (No change.)

(e) Waivers approved pursuant to former N.J.A.C. 7:50-4.66(a)1, repealed effective March 2, 1992, shall *expire one year from the effective date of these rules* *January 5, 2027*.

SUBCHAPTER 5. MINIMUM STANDARDS FOR LAND USES AND INTENSITIES

7:50-5.3 Map status

(a) The following maps, the originals of which are maintained at the offices of the Commission, are hereby designated and established as a part of this Plan and shall be as much a part of this Plan as if they were set out in full in this Plan:

1.-23. (No change.)

24. Land Capability, Plate 28, as amended as of *[(the effective date of this rulemaking)]* *January 5, 2026*;

25.-26. (No change.)

7:50-5.28 Minimum standards governing the distribution and intensity of development and land use in Regional Growth Areas

(a) Any use not otherwise limited pursuant to N.J.A.C. 7:50-6 may be permitted in a Regional Growth Area, provided that:

1. Except as provided at (a)2, 3, 4, 5, 6, and 7 below and Part IV of this subchapter, the total number of dwelling units authorized by a municipality for a Regional Growth Area shall be equal to the following density per acre of developable land:

i.-xxx. (No change.)

2. (No change.)

3. The land use element of a municipal master plan and land use ordinance shall reasonably permit development to occur within a range of densities; provided that:

i. The total amount of residential development permitted at (a)1 above is exceeded by at least 50 percent through the use of Pinelands Development Credits;

ii. All residentially zoned districts are reasonably expected to be developed within their assigned density ranges;

iii. Municipal master plans and land use ordinances shall provide that development at a density that is greater than the lowest density in each range can be carried out only if the increase in density is achieved through a density bonus for use of Pinelands Development Credits;

iv. Municipal master plans and land use ordinances may accommodate all or a portion of the Pinelands Development Credit obligation assigned at (a)3i above by requiring the use of Pinelands Development Credits for nonresidential development; and

v. Municipalities may identify housing types for which no PDC use will be necessary, including housing units made affordable to low, and moderate-income households pursuant to N.J.S.A. 52:27D-311, provided the municipal land use ordinance includes provisions to guarantee the use of Pinelands Development Credits for other housing types or in other zoning districts within the municipality's Regional Growth Area, such that the minimum requirements at (a)3i above are met.

4. Any local approval, including variances, that grants relief from residential density or lot area requirements shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver of Strict Compliance for the dwelling unit or lot has been approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-4, Part V.

5.-6. (No change.)

7. Nothing at (a) above is intended to prevent a municipality, as part of a certified master plan or land use ordinance, from:

i. (No change.)

ii. Increasing the total number of dwelling units assigned pursuant to (a)1 and 3 above in order to achieve identified municipal objectives; provided that infrastructure is available or can be provided to serve the areas to be zoned for increased residential density, such areas do not include significant environmental limitations and the use of Pinelands Development Credits is required for a percentage of the permitted dwelling units. Said percentage shall be established in consideration of the type of dwelling unit permitted, maximum permitted density, and the rate at which Pinelands Development Credits have been used in the municipality's Regional Growth Area as a whole;

iii. Decreasing by as much as 10 percent the total number of dwelling units assigned pursuant to (a)1 above; provided that the Pinelands Development Credit program requirements set forth at (a)3 above are met relative to the adjusted dwelling unit total and provided further that the adjustment is consistent with land tenure patterns, the character of portions of the regional growth area, the provision of infrastructure and community services, and the natural resource characteristics of the area; or

iv. Decreasing the total number of dwelling units assigned pursuant to (a)1 above to a density of no less than 2.5 units per acre of developable land; provided that any such decrease is certified by the Commission pursuant to N.J.A.C. 7:50-3 as of *[(the effective date of this rulemaking)]* *January 5, 2026* and:

(1)-(3) (No change.)

8. (No change.)

(b) (No change.)

7:50-5.43 Pinelands Development Credits established

(a) Except for land which is owned by a public agency on January 14, 1981, land that is thereafter purchased by the State for conservation purposes, land that is subject to an easement limiting the use of land to non-residential uses or land otherwise excluded from entitlement pursuant to (b) below, every parcel of land in the Preservation Area District, an Agricultural Production Area, or a Special Agricultural Production Area shall have a use right known as "Pinelands Development Credits" that can be used for development in Regional Growth Areas and in accordance with N.J.A.C. 7:50-4.62(d), 5.27(c), and 5.32(b).

(b) Pinelands Development Credits are hereby established at the following ratios:

1.-4. (No change.)

5. Pinelands Development Credit allocations shall be rounded to the nearest one-quarter of a Credit, with the exception of any such allocation that totals less than 0.125 Pinelands Development Credits, unless the standards at (b)6 or 7 below are met.

6.-8. (No change.)

(c) (No change.)

7:50-5.46 Aggregation of Pinelands Development Credits

Pinelands Development Credits may be aggregated from different parcels for use in accordance with N.J.A.C. 7:50-5.43(a).

7:50-5.47 Recordation of deed restriction

(a) (No change.)

(b) Such deed restriction shall specify the number of Pinelands Development Credits allocated and that the parcel may only be used in perpetuity for the following uses:

1.-4. (No change.)

(c) (No change.)

SUBCHAPTER 10. PILOT PROGRAMS

7:50-10.22 General standards

(a) Alternate design pilot program treatment systems shall be authorized for residential use in all municipalities; provided that the following standards are met:

1.-4. (No change.)

5. Conditions for the use of alternate design pilot program treatment systems are as follows:

i.-viii. (No change.)

ix. The property owner shall record, with the deed to the property, a notice consistent with the sample deed notice approved pursuant to (a)2vi above that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required at (a)2iv above, and grants access, with reasonable notice, to the local board of health, the Commission, and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to this pilot program or any subsequent rules adopted by the Commission that apply to said system;

- x.-xiii. (No change.)
 (b)-(c) (No change.)

HEALTH

(a)

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

Standards for Licensure of Long-Term Care Facilities

Certification of Nurse Aides in Long-Term Care Facilities

Adopted Amendment: N.J.A.C. 8:39-43.10

Proposed: May 5, 2025, at 57 N.J.R. 887(a).

Adopted: November 21, 2025, by Jeffrey A. Brown, Acting Commissioner, with the approval of the Health Care Administration Board.

Filed: November 21, 2025, as R.2026 d.003, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Effective Date: January 5, 2026.

Expiration Date: November 22, 2028.

Summary of Public Comments and Agency Responses:

The Department of Health (Department) received comments from the following:

1. James W. McCracken, LNHA, President and CEO, LeadingAge® New Jersey and Delaware, Hamilton Township, NJ;
2. Tyla Minniear, Chief Operating Officer, New Jersey Health Care Quality Institute, Princeton, NJ, and Jake McDonald, Senior Policy Advocacy Specialist, PHI, New York, NY, as Co-Leads for The Essential Jobs, Essential Care™ New Jersey Coalition; and
3. Christine Stearns, Chief Government Relations Officer, New Jersey Hospital Association, Princeton, NJ;
4. Daria Waszak, DNP, RN, CNE, COHN-S, Executive Director, New Jersey Collaborating Center for Nursing, Newark, NJ.

Quoted, summarized, and/or paraphrased below, are the comments and the Department's responses thereto. The number in parentheses following each comment, below, corresponds to the commenter number, above.

1. COMMENT: A commenter "applauds the [Department's] work ... in responding to requests to update the required qualifications for ... CNA ... instructors and evaluators." The commenter states that "New Jersey suffers from a shortage of qualified CNA evaluators[,] which makes it more difficult for people who want to become CNAs to receive the certification they need. This contributes to the crisis-level shortage of CNAs [that the State is] experiencing ... Despite the shortage, New Jersey's requirements for evaluator qualifications [exceed F]ederal requirements; unduly limiting the number of evaluators with no apparent benefit to New Jersey residents. By eliminating these unnecessary requirements, the [proposed amendment would] increase the number of evaluators and, subsequently, the number of people becoming CNAs. Decisive action is needed now given [the] current acute shortage of CNAs. For these reasons, [the commenter] applaud[s] the Department's work to update the qualification requirements. The shortage of CNAs in New Jersey is being felt by workers, patients, providers, and families. Without timely action, this shortage will only grow worse." (2)

2. COMMENT: Commenters "express support for the proposed [amendment at] N.J.A.C. 8:39-43.10(n)[,] which would align New Jersey's nurse aide training program evaluator requirements with the Centers for Medicare and Medicaid Services requirements ... at 42 CFR 483.154(c)(4)(ii)." The commenters appreciate "the Department's consideration of the importance of increasing the number of qualified nurse aide evaluators at a time when the field is working to attract new individuals to the role of nursing assistant in long[-]term care and other settings." (1 and 3)

3. COMMENT: A commenter "applaud[s] the Department's efforts to update the qualification requirements for [CNA] evaluators." The commenter states that in 2024, it worked with other entities to collect data on the New Jersey CNA workforce, "which revealed that 39 [percent] of [then-existing] "CNAs planned to retire within two years." The commenter states that, given the existing "and ongoing shortage projections of healthcare workers in [New Jersey,] it is essential that ... barriers to training [be reduced] by making more evaluators available without impacting quality and safety" and that exceeding Federal requirements "does not serve [State] residents who are in need of CNAs in varied settings nor ... appear [to] improve quality and safety." (4)

RESPONSE TO COMMENTS 1, 2, AND 3: The Department acknowledges the commenters' support for the proposed rulemaking.

Federal Standards Statement

The adopted amendment is not being adopted pursuant to the authority of, or to implement, comply with, or participate in, any program established pursuant to Federal law or a State statute that incorporates or refers to any Federal law, standard, or requirement. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

SUBCHAPTER 43. CERTIFICATION OF NURSE AIDES IN LONG-TERM CARE FACILITIES

8:39-43.10 Approval of a nurse aide in long-term care facilities training program—nurse aide training program instructor/evaluator

(a)-(m) (No change.)

(n) Each nurse aide training program evaluator shall:

1. Be licensed in New Jersey as a registered professional nurse; and
2. Possess at least one year of full-time or full-time equivalent experience as a registered professional nurse providing care for the elderly or the chronically ill of any age.

(o)-(r) (No change.)

(b)

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

Hospital Licensing Standards

Adopted Amendments: N.J.A.C. 8:43G-1.2 and 4.1

Proposed: April 7, 2025, at 57 N.J.R. 645(a).

Adopted: November 21, 2025, by Jeffrey A. Brown, Acting Commissioner, Department of Health, with the approval of the Health Care Administration Board.

Filed: November 21, 2025, as R.2026 d.004, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5.

Effective Date: January 5, 2026.

Expiration Date: April 13, 2027.

Summary of Public Comments and Agency Responses:

The Department of Health (Department) received comments from the following:

1. Lea Chen;
2. Christopher E. Miller, Author, Political Scientist, and Advocate for People with Disabilities, Neptune City, NJ;
3. Gwen Orlowski, Executive Director, Disability Rights New Jersey, Trenton, NJ;
4. Jean Public; and
5. Christine Stearns, Chief, Government Relations and Policy, New Jersey Hospital Association, Princeton, NJ.

Quoted, summarized, and/or paraphrased below are the comments and the Department's responses. The numbers in parentheses following each comment correspond to the numbers representing the commenters above.