



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: July 3, 2018

Subject: Summary of the July 13, 2018 Meeting Packet

Minutes

The June 8, 2018 Commission Meeting minutes are included in your packet.

Public Development Applications

The following public development applications are being recommended for approval with conditions:

1. **Application Number 1984-0655.032/South Jersey Transportation Authority**, Egg Harbor Township, Regional Growth Area, Construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road.
2. **Application Number 1985-0726.010/New Jersey Schools Development Authority**, Pemberton Township, Regional Growth and Forest Area, Demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school.
3. **Application Number 1990-0868.029/NJ State Forest Fire Service**, Bass River Township, Preservation Area District, Clearing of 16.4 acres of trees to restore visibility from the Bass River State Forest fire tower.
4. **Application Number 1996-1386.003/NJDEP Division of Parks and Forestry**, Pemberton Township, Preservation Area District, Forestry on 64 acres in Brendan T. Byrne State Forest.

Waiver of Strict Compliance

There are no Waiver of Strict Compliance applications on this month's agenda.

Letter of Interpretation

One Pinelands Development Credit Letter of Interpretation (attached) was issued since the last Commission meeting, allocating 1.25 PDCs to 21 acres.

Off-Road Vehicle Event Route Map Approval

One Off-Road Vehicle Event Route Map Approval (attached) was issued since the last Commission meeting.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on four ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Barnegat Township, Berlin Township, Egg Harbor Township and Lacey Township.

Other Items

Also included in this month's packet is:

1. A resolution which will allow the Commission to continue with its normal expenditures until the Fiscal Year 2019 budget is approved.
2. A list of pending Public Development and Waiver of Strict Compliance Applications for which public comment will be accepted at the July 13, 2018 Commission meeting; and
3. A memorandum from the Regulatory Programs office that finds one public development application to be consistent with an existing Memorandum of Agreement (MOA).

Closed Session

The Commission may need to convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, July 13, 2018

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey
9:30 a.m.

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- June 8, 2018

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for Public Development (Application Number 1984-0655.032)(construction of a foot traffic ramp from Amelia Earhart Blvd. to Tilton Rd.);
 - Approving With Conditions an Application for Public Development (Application Number 1985-0726.010)(construction of a 121,000 square foot

elementary school in Pemberton Township and the demolition of the Alexander Denbo Elementary School.);

- Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.029)(tree clearing to restore visibility from the Bass River State Forest fire tower.); and
- Approving With Conditions an Application for Public Development (Application Number 1996-1386.003)(Forestry on 64 acres in Brendan T. Byrne State Forest).

B. Planning Matters

- Municipal Master Plans and Ordinances
 - None
 - CMP Amendments
 - None
5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
 6. Master Plans and Ordinances Not Requiring Commission Action
 - Barnegat Township Ordinance 2018-18
 - Berlin Township Ordinance 2018-5
 - Egg Harbor Township Ordinance 21-2018
 - Lacey Township Ordinance 2018-16
 7. Other Resolutions
 - To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets
 8. Presentation: Pinelands Long-Term Economic Monitoring Program 2015-2016 Annual Report
 9. General Public Comment (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)

10. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)
11. Adjournment

Upcoming Meetings

Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon

Fri., July 27, 2018	Policy and Implementation Meeting (9:30 a.m.)
Fri., August 10, 2018	Pinelands Commission Meeting (9:30 a.m.)
Fri., August 24, 2018	Policy and Implementation Meeting (9:30 a.m.)



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:PublicProgramsOffice@pinelands.nj.gov) at Info@pinelands.nj.gov or call (609) 894-7300.

PINELANDS COMMISSION MEETING

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

MINUTES

June 8, 2018

Commissioners present

Bob Barr, Jordan P. Howell, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Absent

Candace Ashmun, Alan W. Avery Jr., Giuseppe Chila, Paul E. Galletta, D'Arcy Rohan Green and Gary Quinn.

Chairman Earlen called the meeting to order at 9:33 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 8 Commissioners present at the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the open and closed sessions of the May 11, 2018 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Lloyd seconded the motion.

The May 11, 2018 open and closed session Commission meeting minutes were adopted by a vote of 8 to 0.

Committee Chairs' Reports

Chairman Earlen provided an update on the May 18, 2018 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the April 27, 2018 meeting. The Committee recommended certification of Mullica Township Ordinance 6-2018, revising permitted uses, water quality standards and zoning boundaries applicable to the Pinelands Village of Weekstown to recognize a pre-existing non-conforming use, a boat building facility.

The Committee received an update on the re-examination of the Long-Term Economic Monitoring Program and efforts by staff to improve the report and consider what special studies should be undertaken. A report submitted by a consultant from Rutgers University is under review at this time. The Office of Information Technology has been consulted regarding the creation of an interactive website where users can download the data for their own use.

The Executive Director informed the Committee that the Federal Aviation Administration (FAA) and the South Jersey Transportation Authority (SJTA) are interested in changing the terms of a 2004 Memorandum of Agreement (MOA) that required the creation of grassland habitat in exchange for further development at the Atlantic City Airport. The FAA wants the habitat moved away from the runways due to concerns with airline safety and potential bird strikes. Chairman Earlen added that no action was taken on the matter.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- The Audit team is on-site and working on the FY 17 Audit.
- Construction for the Pinelands exhibits will begin on June 18th and is expected to be complete mid-September.
- Staff met with the Joint Base's new Environmental Chief.
- Staff is scheduled to meet at the Atlantic City Airport with SJTA, the FAA and New Jersey Department of Environmental Protection (NJDEP) Fish and Wildlife staff to look at the current grassland habitat. SJTA has concerns about the close proximity of the runway to bird habitat. FAA supports SJTA's concerns. The FAA issued a certification after the 2004 MOA went into effect that advised habitat should not be established near runways. SJTA has started looking for other potential habitat areas. ED Wittenberg said she hoped to have this matter on the July P&I Committee meeting agenda.

- Staff met with the New Jersey Farm Bureau and a consultant that is working on a transfer of development rights program for the state.

Director Larry Liggett updated the Commission on the following matters:

- There were funds included in the FY 18 Budget for a stormwater basin study in partnership with USGS. Staff will be proposing that those funds be rolled over into the FY 19 budget and increased so that two basins can be examined.
- Staff discussed the Pinelands Infrastructure Trust Fund with NJDEP representatives, who are interested in including Pinelands projects in their Intended Use Plan to be issued later this year. The Commission will ultimately need to adopt a revised Pinelands Infrastructure Master Plan containing revised priorities and criteria so that the approximately \$15 million in available funding can be appropriately allocated to new projects.
- Staff continues to work out the details of an archaeological field school at a Native American site in Shamong Township. The Archaeological Society of New Jersey is interested in partnering with the Commission on the dig now that the Commission's original partner, Monmouth University, is not able to participate.

Director Chuck Horner provided information on the following Regulatory matters:

- Mullica Township issued site plan approval for the Sweetwater Casino Restaurant. Township officials believe construction will begin in the fall.
- Commission staff attended a municipal court hearing that raised a State Right to Farm procedural issue. The State Right to Farm Act and its implementing regulations do not supersede the Pinelands Comprehensive Management Plan (CMP) regulations. The issue raised by the court hearing was how a Pinelands Area municipality, that administers the CMP regulations through their certified municipal land use ordinances, should proceed with potential Right to Farm issues. Written guidance in a letter from the State Agriculture Development Committee staff indicated that all potential municipal Right-to-Farm issues must first be filed with the County Agricultural Development Boards.
- Staff will be meeting with Southampton Township officials, at their request, to discuss whether a commercial use meets the Commission's regulations.

Communications Officer Paul Leakan updated the Commission on the following:

- Artifacts will soon be sent to Split Rock Studios in Minnesota to be used for the final production of the exhibits.
- Enrollment for the Summer Short Course on July 19th is up compared to last year.
- The Pinelands Orientation will be held on July 24th at the Commission. There will be a presentation on conformance.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the installation of a 1.42 acre ground mounted solar energy facility in Evesham Township.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1981-0556.051) (See Resolution # PC4-18-16). Commissioner Barr seconded the motion.

Commissioner Lohbauer said there is currently no mechanism in the CMP to require an evaluation as to whether an applicant has the ability to site solar panels on impervious surfaces before allowing such facilities to be developed on open fields. He suggested the matter be discussed by the P&I Committee.

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

Planning Matters

Chairman Earlen presented a resolution recommending the certification of Mullica Township's Ordinance 6-2018.

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Ordinance 6-2018, Amending Chapter 144 (Land Development) of the Code of Mullica Township. (See Resolution # PC4-18-17). Commissioner Pikolycky seconded the motion.

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

Chairman Earlen said the resolution related to adoption of CMP amendments changing the interested party definition will be tabled to a later date. He added that some Commissioners were not present at the closed session discussion last month where DAG Velzy offered guidance on this matter.

Public Comment on Public Development Applications and Items where the record is open

Thomas Doherty of New Gretna said he is opposed to the tree removal surrounding Bass River Fire Tower (Application # 1996-1386.003) because of the loss of recreation, history, environment and business. He said replacing the fire tower with a taller structure would be a better solution than removing trees.

Richard Buzby, Chief of Police for Little Egg Harbor Township, supports Application # 1996-1386.003 to remove trees surrounding the Brendan Byrne State Forest Fire Tower for better forest fire detection. He said he appreciates the history of the trees planted by the Civilian Conservation Corps (CCC), but early detection of forest fires is crucial in battling the fires and in protecting the lives of the public and firefighters and other emergency response teams. He said a new tower would be ideal but its not in the budget. He shared a letter addressed to Acting NJDEP Commissioner Catherine McCabe (See attached.)

Karl Swanseen of Bass River Township is opposed to removing trees at Bass River State Forest (Application # 1996-1386.003). He said the real issue is the age and height of the Bass River Fire Tower. He said other solutions to fire detection need to be investigated. He said other areas in New Jersey are using camera systems to detect fires.

Bill Brash of the New Jersey Fire Safety Council said he supports the removal of non-native trees currently blocking the view at the Bass River State Fire Tower. He said technology is great but cannot be relied upon in fire detection. (See attached letter of support.)

Carol Bitzberger of Bass River Township said alternatives in fire detection should be researched. She added that she wrote to the Commission and never got a response. She said she would like to see the use of cameras to detect fires.

Riki Losiewicz provided a brochure from EnviroVision, an imaging system that detects smoke. She also provided a handout on the original Bass River State Forest Management Plan Objectives. She said there are alternatives to detecting fires other than using antiquated fire towers and cutting trees. Handouts are attached.

Frank Runzol, Acting Fire Chief of Little Egg Harbor, said he supports Application # 1996-1386.003 for the tree removal at Bass River State Forest. He said the fire tower is the best mechanism to spot fires. He said it would be nice to replace the tower because of its age but due to financial constraints the replacement is not a possibility. He said the bottom line is life and property safety.

April Dolch of Bass River Township raised concerns about potential injuries to the men and woman who have to go up in the aging tower to fire watch. She said there should be more consideration into the application.

Kathy Gardener who provides guided hikes around the Bass River Fire Tower said the forest is enchanted.

Karl Swanseen reiterated that technology is the way to detect the fires.

John Ryan of Bass River Township said that the forest is a gem and we should use what happened at Lake Absegami as a lesson. He said that when cutting trees, less is best.

Sandy Anderson of Sweetwater said we need to preserve the forest that we have.

Director Horner stated that staff will address the comments offered today in the Public Development report.

Commissioner Prickett asked Director Horner about the Commission's process for responding to public comment.

Director Horner said staff responds back to the commenter, in writing, advising them that their comments have been received. Staff also addresses the comments in the public development report.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Egg Harbor Township Ordinance 2018-14
- Shamong Township Ordinance 2018-6
- Stafford Township Ordinance 2018-05
- Waterford Township Ordinance 2018-10

No members of the Commission had questions.

Other Resolutions

Chairman Earlen presented a resolution recommending the proposal of amendments to the CMP related to alternate design septic systems.

Commissioner Lloyd moved the adoption of a resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Alternate Design Wastewater Treatment Systems Pilot Program). (See Resolution # PC4-18-18) Commissioner Jannarone seconded the motion.

Chief Planner Susan R. Grogan said that at the April 27, 2018 P&I Committee meeting, Mr. Ed Wengrowski presented the Implementation Report for the Alternate Design Septic Systems Pilot Program. She said the Implementation Report recommended that the August 5, 2018 installation deadline for Pilot Program systems, of which there are four, be eliminated. She added that should a system need to be suspended from the program the CMP authorizes the Executive Director to cease installations of a specific technology. She said the amendments will also allow for new septic system technologies to participate in the Pilot Program.

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

General Public Comment

Diane Bynun of Medford, NJ, said she is concerned about the trees at Bass River State Forest. She said the trees were planted under President Franklin D. Roosevelt's administration and he loved trees.

Dr. Emile DeVito of the New Jersey Conservation Foundation raised an issue about a temporary deed restriction placed on a portion of land at a mining operation in Lacey Township. He said in the 1990's, a consultant's report determined that there were rare species on the property and that the surrounding land should be preserved. He said the land was never preserved, and a current threatened and endangered species report has not

found any species. He said because there were no findings, the mining operation was allowed to expand. He said the Commissioners don't know about these issues because mining is private development and reviewed only by staff. He also noted another mining application in Woodland Township. He said that the proposed deed restriction on the Woodmansie mine is better because it's not temporary like the deed restriction in Lacey Township. He said there should be public hearings on mining applications and better survey protocols.

Chairman Earlen asked staff to provide some details about the mining applications that Dr. DeVito commented on.

Director Horner said staff felt a temporary deed restriction was adequate based on the layout of property at the mining operation in Lacey Township.

Commissioner Prickett said he was unfamiliar with a temporary deed restriction and was curious if staff had used them in the past.

Director Horner said the Commission frequently enters into these types of agreements and not just for mining applications. He said the deed restrictions protect the areas that are potentially critical habitat.

Commissioner Lloyd said he agreed with Dr. DeVito's comments and it reminded him of Ocean Acres in the sense that once you develop a certain area, there are impacts on the T&E species located in the surrounding parcels. He said the Commission should be taking a closer look at temporary deed restrictions.

Director Horner offered that the Ocean Acres development was challenging but not quite the same as the Lacey Township mining application.

Commissioner Lohbauer asked how staff addresses conflicting Threatened & Endangered (T&E) species data.

Director Horner said there have been instances where a T&E survey has been submitted and staff knows that the results are not accurate, either based on a neighbor or interested party notifying the Commission of the presence of a certain T&E species. He said the Commission requires that surveys use the best scientific information available. He said the survey needs to be done during a season when the species is most active; for example, snakes surveys must be conducted during the spring and fall months. He said if an applicant submits a survey that was undertaken in the wrong season, they will have to re-survey during the correct season and re-submit.

Commissioner Lohbauer asked if a survey is received that produces negative T&E results but staff knows otherwise, can staff contest the results.

Director Horner said that staff encounters inconsistent T&E surveys quite often. He said when the Commission staff receives a municipal approval that is not consistent with the

CMP, the staff issues a letter to the applicant scheduling a public hearing. The applicant cannot move forward until the issue is resolved. He added that this is what Commission staff refers to as the “call up” process.

Director Horner added that the Woodmansie mining application was called up for inconsistencies with the T&E standards. He said the applicant is working on an alternative approach to resolve the issue and, at this time, all public hearings that have been scheduled have been adjourned until a later date.

Dr. Jonathan Peters said the USDA released new data on the long-term monitoring of recreation uses. He also said that the Bureau of Economic Analysis has found that not all recreation is created equal with regard to economic value. He said activities have both low and high economic values associated with recreational uses. He said the Long Term Economic Monitoring report should include additional analysis, as a growing amount of land in the Pinelands is preserved and or deed restricted.

Ryan Rebozo of the Pinelands Preservation Alliance said it is crucial that T&E surveys are conducted during the correct season, especially when plants are blooming and animals are not hibernating. He recommended the Commission take a closer look at its T&E survey protocols because even some small changes could make a big difference.

Dr. Emile DeVito of the New Jersey Conservation Foundation said there is a parcel on Route 72 owned by Woodland Township and surrounded by both state land and the Michael Huber Preserve. He said the parcel is home to many red-headed woodpeckers. He said Woodland Township has requested that the State declare the parcel in need of redevelopment. He said because of the bird habitat, the parcel should be acquired by the state.

Jason Howell of the Pinelands Preservation Alliance provided an update on the efforts of a 350-member volunteer group that has been cleaning up trash and debris throughout the Pinelands.

Other

Commissioner Prickett requested an update on the forestry application at Lake Absegami sometime in the near future.

Commissioner Lohbauer said that based on the information provided by the Attorney General’s office on the “interested party” matter at the May Commission meeting and before the matter is placed on the agenda for a vote, he would like to afford the public another opportunity to comment on the issue.

Adjournment

Commissioner Jannarone moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:27 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 22, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 116

TITLE: Approving With Conditions an Application for Public Development (Application Number 1981-0556.051)

Commissioner Lohbauer moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1981-0556.051

Applicant: Evesham Township School District
Municipality: Evesham Township
Management Area: Pinelands Rural Development Area
Date of Report: May 18, 2018
Proposed Development: Installation of a 1.42 acre ground mounted solar energy facility accessory to an existing school.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1981-0556.051 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	Howell	X			Prickett	X		
Avery			X	Jannarone	X			Quinn			X
Barr	X			Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta			X	Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 27, 2018

Nancy Wittenberg
 Executive Director

Sean W. Earlen
 Chairman



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

May 18, 2018

John Scavelli, Jr. Superintendent (via email)
Evesham Township School District
25 South Maple Avenue
Marlton, NJ 08053

Re: Application # 1981-0556.051
Block 51, Lot 3
Evesham Township

Dear Mr. Scavelli:

The Commission staff has completed its review of this application for installation of a 1.42 acre ground mounted solar energy facility on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 8, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Keith Smith (via email)



Michael and Sheila Abair (via email)
Jeffrey B. Saber, Esq. (via email)
Joan Rapetti (via email)
Bob McCullough (via email)



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Chairman

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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 18, 2018

John Scavelli, Jr. Superintendent (via email)
Evesham Township School District
25 South Maple Avenue
Marlton, NJ 08053

Application No.: 1981-0556.051
Block 51, Lot 3
Evesham Township

This application proposes installation of a 1.42 acre ground mounted solar energy facility on the above referenced 22.5 acre parcel in Evesham Township. The solar energy facility is proposed as an accessory use to the existing Richard Rice Elementary School.

The proposed solar energy facility will provide approximately forty nine percent of the total electricity demand of the Richard Rice Elementary School.

In 1981, the Pinelands Commission approved a Waiver of Strict Compliance (Waiver) for the development of 4,500 dwelling units and certain other facilities on a 1,784 acre parcel which included the above referenced 22.5 acre parcel (App. No. 1981-0556.001). That development is commonly referred to as Kings Grant. The Richard Rice Elementary School was one of the other facilities approved by the Waiver. The Waiver also approved the development of athletic fields associated with the school. The proposed solar facility will be located in an existing grassed area that contains one of the athletic fields that was approved by the Waiver.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.26)

The proposed development is located in a Pinelands Rural Development Area. The proposed development of a solar energy facility as an accessory use to the existing school is a permitted land use in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the parcel. The proposed solar energy facility will be located at least 50 feet from wetlands and no closer to wetlands than the existing recreational fields. The proposed development will not result in an irreversible adverse impact on wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located in an existing grassed athletic field. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, the applicant proposes to utilize a seed mixture that meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The Pinelands Protection Act was amended in 2010 to prohibit the Pinelands Commission from including the actual solar panels as impervious surface or impervious cover in any stormwater management calculation in the Pinelands Area. The solar panel mounting posts and associated grading will disturb less than 5,000 square feet. Based upon this limited disturbance, the application is not required to address the CMP stormwater management standards.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for this application. It was determined that there were no cultural resources eligible for Pinelands designation within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 13, 2017. Newspaper public notice was completed on February 8, 2018. The application was designated as complete on the Commission's website on May 1, 2018. The Commission's public comment period closed on May 11, 2018. The Commission received six written public comments regarding this application.

Commenter #1: The commenter submitted a copy of an email that was apparently intended for an addressee other than the Commission. The commenter indicated that the Pinelands Commission is proposing to destroy part of the Pinelands through the installation of a solar panel array and the commenter is seeking assistance to protest and to stop the proposed development.

Staff Response: The Commission staff appreciates the commenter's concern for the Pinelands. The Commission is not proposing the development of the solar energy facility. The Commission is reviewing an application filed by the Evesham Township Board of Education to develop the proposed solar energy facility. Based upon Commission staff review, the proposed development meets all of the standards contained in the CMP.

Commenters #2:

The commenters, residents of Villa Royale, an adjacent resident development, are opposed to the proposed development. The commenters indicated that they did not receive appropriate notification regarding this application. The commenters are concerned with impacts to stormwater runoff and wildlife. The commenters also requests information regarding the Commission's formal appeal process.

In addition, the commenters also raised concerns regarding why a roof top solar array could not be installed, the rationale for the number of proposed solar panels, the costs associated with the project, "the benefits in the utilization of said excessive panels beyond the scope of the Richard L. Rice School" and the rationale for locating the proposed solar array in a location that will allow for view of the solar array by surrounding residential dwellings, as opposed to locating the array out of sight.

Staff Response:

The CMP requires that notice be provided to all property owners within 200 feet of the parcel proposed for development. The commenters' address was included on the list of property owners within 200 feet of the above referenced lot that was provided to the applicant by Evesham Township. As required by the CMP, the Commission staff received a copy of the certified mail receipt documenting that the public notice was mailed to the commenters' address.

As indicated in the Public Development Application Report, the Pinelands Protection Act was amended to 2010 to prohibit the Pinelands Commission from including solar panels as impervious surface or impervious cover in any stormwater management calculations in the Pinelands Area. The solar panel mounting posts and associated grading will disturb less than 5,000 square feet. Based upon this limited disturbance, the application is not required to address the CMP stormwater management standards.

Based upon Commission staff review, the proposed development of a solar energy facility on an existing cleared athletic field will not result in disturbance of essential wildlife habitat.

The commenters are receiving a copy of the Executive Director's Public Development Application Report which contains the appeal procedures.

The Commission staff appreciates the remaining concerns expressed by the commenters. However, the commenters' remaining concerns are not matters regulated by the CMP. Since the solar energy facility is proposed as an accessory use to the existing school, the CMP does not require that the proposed solar energy facility be located or screened as viewed from existing residential dwellings on contiguous parcels. For informational purposes, the proposed solar facility will be located in an existing grassed area. No trees are proposed to be cleared. The proposed solar facility will be located approximately 120 feet from the nearest residential unit. There is an existing wooded area, ranging in width between 60 feet and 120 feet, located between the proposed solar facility and the existing residential dwellings. The commenters may wish to contact the Evesham Township Board of Education to discuss property buffering concerns and for further information regarding these concerns.

- Commenters #3 Commenters #3 (additional comments submitted by commenters #2) reiterates the comments expressed above by commenters #2 and expresses an additional concern regarding the vandalism of their home in the Villa Royale development.
- Staff Response: The Commission staff appreciates the concerns of the commenters. The Commission's regulations do not address vandalism. For the remaining concerns, please refer to the Commission staff responses to Commenters #2.
- Commenter #4: An attorney representing the Villa Royale Homeowner's Association commented that, although the homeowner's association does not object to the application, they request that that a sufficient buffer be maintained so as to not affect the residents of the Villa Royale community.
- Staff Response: The Commission staff appreciates the concerns of the commenter. Please refer to the Commission staff response to commenters #2 regarding buffering of the proposed solar facility. The commenter may wish to contact the Evesham Township Board of Education to discuss property buffering concerns.
- Commenter #5: The commenter is opposed to the use of a ground mounted solar array and feels that it is an infringement of the open space adjacent to their property.
- Staff Response: The Commission staff appreciates the concerns of the commenter. The CMP permits a solar facility on the parcel. The Commission staff has no information to indicate that the concerned area is legally restricted to open space. The commenter may wish to contact the Evesham Township Board of Education for further information regarding this matter.
- Commenter #6: The commenter requested a copy of the Executive Director's findings and conclusions.
- Staff Response: The commenter will receive a copy of the Executive Director's Public Development Application Report.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by French & Parrello Associates, dated December 11, 2017 and revised to May 1, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. All development, including clearing and land disturbance, shall be located at least 50 feet from wetlands.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission, received at the Commission office not later than 5:00 PM on June 5, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

From: comments
To: ABAIR, SHEILA
CC: AppInfo
Date: 1/31/2018 2:02 PM
Subject: Re: Opposition to Pinelands Application 1981-0556-051

By copy of this email, I am forwarding your letter to our Project Review Office.
Betsy Piner
(for the Planning Office)

>>> SHEILA ABAIR <abairms@comcast.net> 1/31/2018 1:24 PM >>>

To whom it may concern...Thank you all for your time, dedication and above all your caring concern in preserving our pinelands....I only recently was made aware of your Alliance...Please forgive me..

I had written and sent the attached letter in response to a letter received from the Pinelands Commission informing us of their intent to literally destroy (part of pinelands) less than 200 feet from our home.
They informed us that all the land will be set up with solar panels.
We would greatly appreciate any assistance and direction you could give us to not only protest but stop them from doing this...

Thank You, Thank You, Thank you

Michael J Abair

To: New Jersey Pinelands Commission; The Evesham Township Board of Education
From: Michael and Sheila Abair; Property Owners, Unit 46 Five Crown Royale
RE: Application Number 1981-0556.051

APP# 1981 0556.051

DOC Type 100

JAN 19 2018

January 15, 2018

Scanned _____

To Whom It May Concern:

Please be advised that we, the property owners of 46 Five Crown Royale Circle, and a growing number of deeply concerned neighbors, stand in adamant opposition to the proposal of the construction of a ground mounted solar array within 200 feet of our property.

As a preface to the following particular concerns, please note that sufficient notification of said proposal was not provided according to protocol and that communication of the proposal was delivered, thankfully, by another concerned property owner.

The very thought of the installation of an "array" of anything, literally within feet of the property which we purchased 31 years ago is simply unthinkable and unacceptable for a plethora of reasons, underscoring the following as a mere scratching of the surface of the issues inherent within this proposal:

When we purchased our property 31 years ago, at an additional premium for the back of our home facing what was a forest of trees, we were utterly dismayed at the near immediate deforestation which occurred for the purposes of laying a field which would eventually fall below the construction of Richard L. Rice Elementary School. The impact of that latter construction had a lasting effect on the units within Villa Royale at a higher elevation, causing excess water run-off and trenching which has gradually trickled down to our lower units causing flooding and further destruction of the few trees which remain in our "premium view." Further excavation of grounds adjacent to the units proposed is a guarantee for accelerated flooding and assurance of an irreversible interference with the preservation of the limited foliage behind each of our units. Wildlife, already suffering the remnant impact of condensed space, to the point of frequently corralling directly behind our homes, would be further compromised in a such a way that we find, quite frankly, deeply offensive in its issuance through a Commission entrusted with ecological preservation and trusted with ecologically sound and wild-life sensitive consultation.

As actively engaged stewards of the environment at the local level in a world gone "green," the following are but a brief sketch of the questions we wish to direct at those responsible for the issuance of this proposal:

- 1.) According to local media, each of the school systems in Evesham Township are moving towards the utilization of solar energy; progress to be recognized and celebrated! What is the rationale for the interference of wildlife, assured and traumatic deforestation due to flooding and industrialization of what little piece of the PINELANDS which remain behind the 51 units cited in this proposal when each of the other school systems will adopt the uniform ecologically sound measure of the installation of solar units upon the roofs of their buildings?
- 2.) As fiduciary stewards, equally concerned with the costs associated with any constructions which occurs within Evesham township, what is the rationale for the excessive number of panels, the costs associated with such a project and the benefits in the utilization of said excessive panels beyond the scope of Richard L. Rice School?
- 3.) As a community of concerned property owners who have specifically selected homes with the added benefit of connection with the limited natural beauty which remains within our view, what is

the rationale for a proposal to distract from the unique window into the wilderness which our homes graciously afford us when the clear protocol for the construction and arrangement of an array of solar units is near uniformly limited to corporate parks, well out of the sight of homeowners who also happen to be bird-watchers, garden-tenders and lovers of the land?

The aforementioned questions are but a starting point to the request for an appeal which will be carried out with the magnitude of an entire community outraged at the very thought of such an outrageous, intrusive and ecologically irresponsible action.

We thank you, in advance, for your careful consideration of our concerns, prompt response and, as necessary, disclosure of any requirements to initiate a formal appeal process which we will spearhead as soon as possible. We furthermore encourage you, should it be necessary, to be in anticipation of a community-wide appeal which will go to exhaustive measures, under the guidance of legal counsel as may be required, to prevent this gravely erroneous proposal from ever leaving the page upon which it was carelessly drafted.

Very Sincerely,

A handwritten signature in cursive script, appearing to read "Michael and Sheila Abair", written in dark ink.

Michael and Sheila Abair
46 Five Crown Royale
Marlton, NJ 08053
abairms@comcast.net
(609) 678-5376
(856) 701-2309

From: SHEILA ABAIR <abairms@comcast.net>
To: <Appinfo@njpin.es.state.nj.us>
Date: 1/11/2018 10:22 PM
Subject: Solar Array @ Rice School Pinelands Application 1981-0556.051

To whom it may concern

We are property owners at 46 Five Crown Royale, Villa Royale in Kings Grant. We are certainly within 200' of proposed installation of solar panels.....we are probably 40' away...We DID NOT receive any notice, we heard from our neighbor..

We are adamantly AGAINST any solar panels or ANYTHING being installed literally within feet of our property....

When we purchased our home 31 years ago, we paid an additional premium of 2500.00 for having our back facing the woods...as your aware, almost immediately the forest, woods, trees were cut down and became a field...We have so little trees in our back that, what little we have certainly WOULD NOT prevent us from having to look at solar panels in the premium location that we choose no less....

Wildlife, Water Runoff causing more water problems that we are all already experiencing, Vandalism, are but just the Tip of the iceberg on impacting all of our homes.

Why NOT on the Roof of the School? Like all the other schools...and buildings utilizing solar energy.

WE WOULD OF COURSE LIKE A COPY OF FINDINGS AND CONCLUSION

We DISAGREE, We PROTEST and want you to reply to this email and ...

WE CERTAINLY REQUEST AN APPEAL AGAINST THIS EVEN BEING CONSIDERED

Sincerely

Michael and Sheila Abair

46 Five Crown Royale

Marlton, N.J. 0805

abairms@comcast.net mailto:abairms@comcast.net

856 701-2309

609 678-5376

Jeffrey B. Saper, Esquire

180 Tuckerton Road, Suite 2

Medford, New Jersey 08055

Telephone: 609 868 5336

E-Mail: jbsaperlaw@comcast.net

Member NJ Bar

January 11, 2018

SENT VIA FAX MAIL (609-894-7331) AND E-MAIL (AppInfo@njpinelands.state.nj.us)

NJ Pinelands Commission

PO Box 359

New Lisbon, NJ 08064

RE: Pinelands Application No. 1981-0556.051-Evesham Board of Education

Construction of Ground Mounted Solar Array- Block 51, Lot 3

Dear Sirs:

I represent the Villa Royale Home Owners Association, whose property is adjacent to the proposed construction project. I am in receipt of the Notice regarding referenced application, and I submit the following comment on behalf of the Association. As The Association does not object to this application; however, the Association respectfully submits that said construction and installation be performed in such a manner as to not affect the residents of the Villa Royale community, and that sufficient buffer (e.g., trees, vegetation or otherwise) be required so as to not affect the residents of the Villa Royale community.

Thank you for your courtesies and consideration in this matter.

Respectfully submitted,

Jeffrey B. Saper, Esq.,

Attorney for Villa Royale

Home Owners Association

From: Mike DelGais <mdelgais@aol.com>
To: <appinfo@njpines.state.nj.us>
Date: 12/27/2017 2:15 PM
Subject: Pine lands application # 1981-0556.061

I am a property owner with in 200' of this proposed project site. I am apposed to the use of ground mounted solar panels on this site. I feel it is an infringement of the open space adjacent to my property. I am requesting a copy of the Executive Director's findings.

Regards,
Joan Rapetti
42 Five Crown Royal Circle
Marlton, NJ, 08053

Sent from my iPhone

AppInfo - Pinelands Application 1981-0556-.051

From: BOB MCCULLOUGH <volleyball_bob@yahoo.com>
To: "Appinfo@njpines.state.nj.us" <Appinfo@njpines.state.nj.us>
Date: 12/16/2017 10:28 AM
Subject: Pinelands Application 1981-0556-.051
CC: ROBERT MCCULLOUGH <volleyball_bob@yahoo.com>

I am a property owner (77 Five Crown Royal Circle) within 200' of the Project Site for Subject Application of The Evesham Board of Education to construct a Ground-Mounted Solar Array.

I did receive written notice of the application.

I am herewith requesting a copy of the Executive Director's findings and conclusion relative to this application and project.

Robert W. McCullough
5 Cardinal Place
Barnegat, NJ 08005



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 17

TITLE: Issuing an Order to Certify Ordinance 6-2018, Amending Chapter 144 (Land Development) of the Code of Mullica Township

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, on February 3, 1984, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Mullica Township; and

WHEREAS, Resolution #PC4-84-11 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-84-11 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on March 27, 2018, Mullica Township adopted Ordinance 6-2018, amending Chapter 144 (Land Development) of the Township's Code by revising permitted uses, water quality standards and zoning boundaries applicable to the WV (Weekstown Village) District; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 6-2018 on April 4, 2018; and

WHEREAS, by letter dated April 6, 2018, the Executive Director notified the Township that Ordinance 6-2018 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 6-2018 was duly advertised, noticed and held on April 25, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 6-2018 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 6-2018 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 6-2018 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 6-2018 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 6-2018, amending Chapter 144 (Land Development) of the Code of Mullica Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Mullica Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

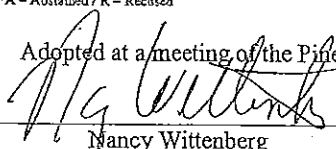
Record of Commission Votes

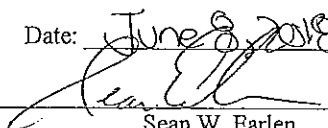
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	Howell	X			Prickett	X		
Avery			X	Jannarone	X			Quinn			X
Barr				Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta			X	Pikolycky	X						

*A = Absent / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 8, 2018


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON ORDINANCE 6-2018, AMENDING CHAPTER 144
(LAND DEVELOPMENT) OF THE CODE OF MULLICA TOWNSHIP**

May 18, 2018

Mullica Township
PO Box 317
Elwood, NJ 08217

FINDINGS OF FACT

I. **Background**

The Township of Mullica is located in western Atlantic County, in the central portion of the Pinelands Area. Pinelands municipalities that abut Mullica Township include Washington Township in Burlington County and Egg Harbor City, the Town of Hammonton and the townships of Galloway and Hamilton in Atlantic County.

On February 3, 1984, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Mullica Township.

On March 27, 2018, Mullica Township adopted Ordinance 6-2018, amending Chapter 144 (Land Development) of the Code of Mullica Township by revising permitted uses and water quality standards applicable in the WV (Weekstown Village) District. Ordinance 6-2018 also revises the boundary of the WV District. The Pinelands Commission received a certified copy of Ordinance 6-2018 on April 4, 2018.

By letter dated April 6, 2018, the Executive Director notified the Township that Ordinance 6-2018 would require formal review and approval by the Pinelands Commission.

II. **Master Plans and Land Use Ordinances**

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 6-2018, amending Chapter 144 (Land Development) of the Code of Mullica Township, introduced on February 27, 2018 and adopted March 27, 2018.

The above-mentioned ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Land Use Ordinance Relating to Development Standards

Ordinance 6-2018 amends Chapter 144 (Land Development) of the Code of Mullica Township by expanding the list of permitted uses in the WV (Weekstown Village) District. Specifically, Ordinance 6-2018 adds boat building, repair and sales as a permitted use. Ordinance 6-2018 also amends the Township's Zoning Map by expanding the boundaries of the WV District to include a portion of one lot (Block 5401, Lot 2) (see Exhibit #1). The lot in question is situated on Green Bank Road and contains the existing Viking Yachts boat building facility. As noted, only a portion of Block 5401, Lot 2 is being rezoned; the remainder of the property will continue to be located in the PA (Preservation Area) District. In total, Ordinance 6-2018 adds approximately 40 acres to the WV District.

The WV District comprises the Pinelands Village of Weekstown in Mullica Township, which is located in the northeastern corner of the municipality. Permitted uses in the WV District include single family detached dwellings on five acre lots, agriculture, agricultural commercial establishments, forestry, campgrounds, schools, churches, home occupations and bed and breakfast inns. As currently certified, Weekstown Village contains approximately 370 acres of land and 50 existing homes or principal non-residential structures. Future development potential in the village is quite limited, due to the five acre lot size requirement established by the Township, the lack of sewer infrastructure and wetlands constraints (see Exhibit #2). At most, an additional 15 homes or 95,000 square feet of nonresidential space might be feasible.

As is evident from Exhibit #2, the boundaries of Weekstown Village were carefully delineated when Mullica Township's land use ordinances were originally certified by the Commission in 1984. Existing developed properties along and at the intersections of Pleasant Mills, Green Bank and Weekstown Roads were included, with wetlands generally serving as the outer boundary of the Village. Where wetlands areas were included in the Village, it was because they comprised portions of developed lots or the edges of vacant, developable properties. One large farm in the northern portion of the Village was also included and has since been protected through the State's Farmland Preservation Program.

It is unclear why the property containing the boat building facility (then known as Ocean Yachts) was not included in Weekstown Village when Mullica Township was first certified. The boat

building facility has been in operation on this site since 1977, several years before the CMP was adopted. Normally, a nonresidential use of such significant size located on the boundary of a development-oriented Pinelands management area would be included in that management area. That did not happen in this case, perhaps due to the presence of intervening wetlands between the edge of the Village and the existing buildings on the Viking Yachts property. More likely, the implications of excluding the facility from the Village, thereby rendering it a nonconforming use in the Preservation Area District, were not yet fully understood. In the Pinelands Area, pre-existing nonconforming uses are governed by N.J.A.C. 7:50-5.2, which allows such uses to continue and expand under certain conditions. These conditions include a limitation on expansion to “50 percent of the floor area, the area of the use or the capacity of the use on January 14, 1981.” This particular facility was able to continue operating and expand over the past three decades but has arguably reached the 50 percent limit in floor area, area and/or capacity. Rezoning the property to the Pinelands Village makes the existing boat building facility a permitted use, no longer subject to N.J.A.C. 7:50-5.2(b). Outward expansion of the facility will still not be permitted due to the presence of wetlands and required wetlands buffers; however, redevelopment within the existing building footprint will now be feasible, as will an increase in employees and connection of existing buildings (over existing impervious surfaces) for additional floor area or office space. In short, the zoning change merely recognizes and encompasses an existing business, enhancing its long-term viability without allowing development of additional lands. Because this management area change (from Preservation Area District to Pinelands Village) involves a developed property and is essentially a correction of a prior management area line, no offsetting management area changes are necessary.

Ordinance 6-2018 makes one other amendment of note to Chapter 144 that will affect the rezoned property. Specifically, Ordinance 6-2018 expands the categories of development in Weekstown Village that will be allowed to use contiguous lands outside the Village for septic dilution purposes. Normally, N.J.A.C. 7:50-6.84(a)4iii and 5v of the CMP permit only single family dwellings on existing lots, nonresidential development on lots of five or fewer acres and residential cluster developments to use lands in other management areas or zoning districts for dilution. Ordinance 6-2018 provides this same opportunity for the expansion of nonresidential uses in the WV District, provided that the nonresidential use is in existence as of the effective date of the ordinance and that any contiguous lands outside the WV District used for dilution are in common ownership as of the effective date of the ordinance with the lot containing the existing nonresidential use. Based on this amendment, septic dilution calculations for the Viking Yachts facility will take into consideration the entirety of Block 5401, Lot 2 (71 acres), rather than only the 40 acres now located in the WV District. This will allow increased future employment at the facility and greater redevelopment flexibility within the existing building footprint. The alternative would have been to redesignate all 71 acres of the property from Preservation Area District to Pinelands Village, an inappropriate outcome given the northern portion of the parcel is vacant and undevelopable.

Allowing lands in a different management area and zoning district to be used to meet septic dilution requirements for expansion of nonresidential uses, regardless of lot size, is not something the CMP normally permits. However, this does not automatically render the Township’s ordinance inconsistent with the CMP. Pinelands municipalities have the ability to refine the various standards and provisions of the CMP and tailor them to local conditions,

provided CMP goals and objectives continue to be achieved. In this case, Mullica Township has chosen to adopt an ordinance that allows pre-existing nonresidential development in one of its village zoning districts to use lands already in common ownership for purposes of septic dilution. Based on the information available, an analysis of Weekstown Village reveals that this provision will be of extremely limited applicability. In all likelihood, the Viking Yachts facility is the only existing nonresidential use in the WV District that owns vacant contiguous lands outside the Village boundary. The standards adopted by Ordinance 6-2018 recognize that the facility is already using lands in the Preservation Area District for dilution purposes and allow that to continue after the zoning change. This represents an appropriate exercise of municipal flexibility, one that meets the objectives of the CMP.

The revised zoning boundaries, permitted uses and water quality standards adopted by Ordinance 6-2018 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

It should be noted that by adding lands to the WV District, Ordinance 6-2018 expands the area in Mullica Township in which sewer service is permitted. This will necessitate the submission of an Atlantic County Water Quality Management Plan revision to the New Jersey Department of Environmental Protection for review and approval.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 6-2018 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 6-2018 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The amendments adopted by Ordinance 6-2018 do not impact lands located along Mullica Township's boundary with any adjoining municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Mullica Township's application for certification of Ordinance 6-2018 was duly advertised, noticed and held on April 25, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 6-2018 were accepted through May 2, 2018 and received from the following individuals:

May 1, 2018 letter from Katherine Smith, Policy Advocate, Pinelands Preservation Alliance (see Exhibit #3)

May 1, 2018 letter from Chris Babek, Plant Engineering Manager, Viking Yachts (see Exhibit #4)

May 1, 2018 letter from John Leek, IV (see Exhibit #5)

EXECUTIVE DIRECTOR'S RESPONSE

On behalf of the Pinelands Preservation Alliance, Ms. Smith raises two concerns with Ordinance 6-2018. First, the ordinance adopts a zoning change that will result in wetlands habitat being added to a Pinelands Village, which Ms. Smith submits is inconsistent with N.J.A.C. 7:50-5.16. Second, the ordinance permits lands in other management areas and zoning districts to be used for septic dilution purposes in situations where the CMP (N.J.A.C. 7:50-6.84(a)4 and 5) does not. Ms. Smith suggests these amendments are evidence of the Township's attempts "to manipulate an area intended for preservation".

Ms. Smith's letter makes reference to the CMP's guidelines for delineation of Pinelands Village boundaries, including N.J.A.C. 7:50-5.16(a)5, which specifies that villages should not intrude into wetlands vegetation associations. The Executive Director agrees that this guideline should be followed to the greatest extent practicable, as the CMP directs. Accordingly, the area added to Weekstown Village has been limited to the developed portion of Block 5401, Lot 2 and surrounding areas already used for storage, parking and an existing septic system. The strip of wetlands between the existing Village boundary and the developed portion of Block 5401, Lot 2 is included only to ensure contiguity of the Village as a whole. The mere fact that there are wetlands on a property does not preclude its incorporation in a Pinelands Village. This is particularly true when the property in question is already developed. The zoning change adopted by Ordinance 6-2018 does not allow development to occur on wetlands or in required wetlands buffers. Rather, it merely changes the status of an existing business from a nonconforming use to a permitted use, thereby providing opportunities for increased employment and redevelopment within the existing building footprint.

With respect to septic dilution requirements, Ms. Smith's letter notes that Ordinance 6-2018 allows for a variation from CMP standards and may have unintended consequences if it applies to properties other

than the Viking Yachts facility. The Executive Director agrees that the standards adopted by Ordinance 6-2018 do not match what a strict interpretation of the CMP would call for. However, N.J.A.C. 7:50-6.84(a)4 and 5 of the CMP do acknowledge that there are circumstances under which lands in other management areas and zoning districts can be used when calculating septic dilution requirements. Here, another exception has been carefully crafted in recognition of pre-existing development. The exception applies only to the expansion of existing nonresidential uses in the WV District, and then only if the contiguous lands to be used for dilution are owned by the nonresidential use as of the effective date of Ordinance 6-2018. Based on the property ownership information available to Commission staff, there is only one property in the WV District that can meet all of the conditions, the Viking Yachts facility.

As discussed in section 2 above, the CMP provides Pinelands municipalities with flexibility in designing and implementing the land use and environmental standards of the CMP in recognition of the fact that modifications may be necessary to accommodate specific local conditions. Here, there is a clear example of a case where adjustments to CMP standards are warranted to recognize pre-existing development. As always when the Preservation Area District is involved, these adjustments must be very carefully considered. If the property affected by Ordinance 6-2018 were vacant, or if the septic dilution standards adopted by Ordinance 6-2018 applied to vacant properties in Weekstown Village, certification would not be recommended. This is not the case. Rather, the amendments made by the ordinance recognize a pre-existing use of substantial size and facilitate the continuation of an industry (boat building) of historical importance to the Township and the Pinelands region. The extent of the zoning change has been appropriately limited, as has the applicability of the new septic dilution requirement.







CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 6-2018 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Mullica Township Ordinance 6-2018.

SRG/CMU
Attachments

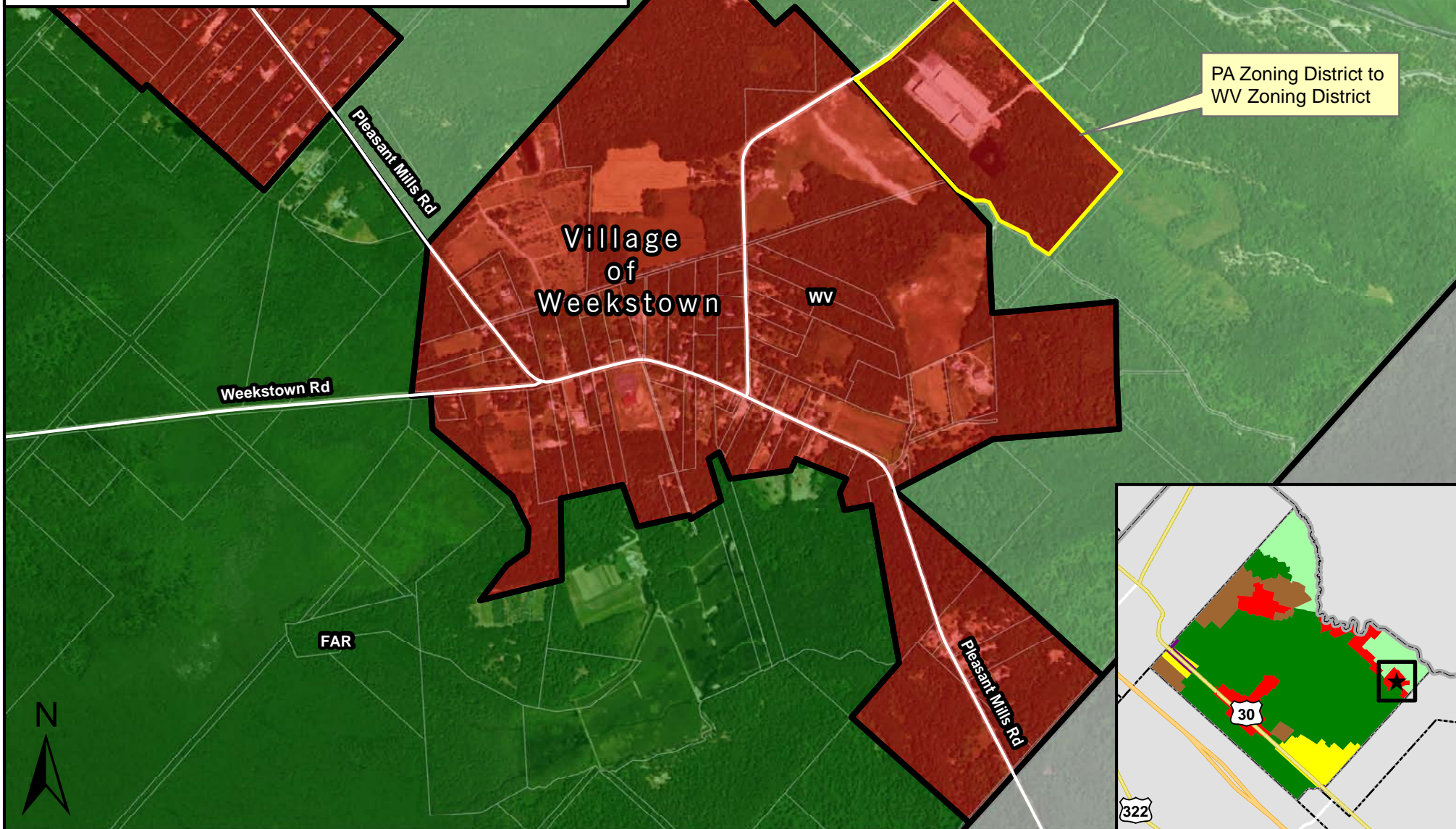
Mullica Twp. Proposed Zoning Change

Pinelands Management Areas

- | | |
|---|--|
|  Preservation Area District |  Preservation Area to Pinelands Village |
|  Forest Area |  Parcels |
|  Pinelands Village |  Existing Zoning |








0 0.25 0.5
Miles

Executive Director's Report
Mullica Ordinance 6-2018
Exhibit 1
5/18/2018



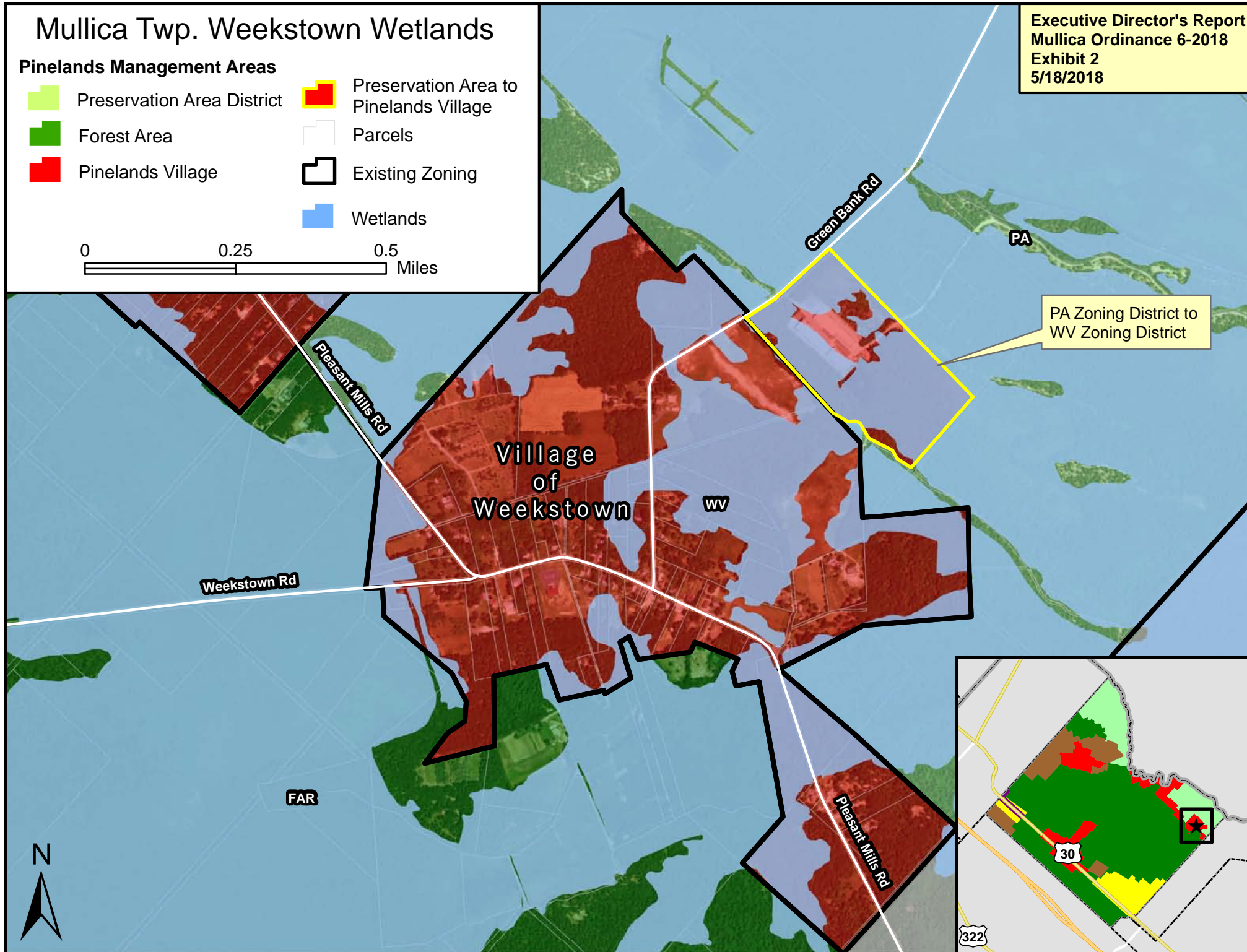
Mullica Twp. Weekstown Wetlands

Pinelands Management Areas

- | | |
|---|--|
|  Preservation Area District |  Preservation Area to Pinelands Village |
|  Forest Area |  Parcels |
|  Pinelands Village |  Existing Zoning |
| |  Wetlands |

0 0.25 0.5 Miles

Executive Director's Report
Mullica Ordinance 6-2018
Exhibit 2
5/18/2018





PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

Susan Grogan, Chief Planner
New Jersey Pinelands Commission
15 Springfield Rd
New Lisbon, NJ 08068

May 1, 2018

Re: Mullica Township Ordinance 6-2018

Dear Ms. Grogan,

I am writing on behalf of the Pinelands Preservation Alliance with regard to Mullica Township Ordinance 6-2018, which designates a portion of Block 5401, Lot 2 (Area) currently in the Preservation Area District as part of the Weekstown Village District as well as allows contiguous lands to be used for septic dilution regardless of their zoning district. This ordinance fails to comply with the Comprehensive Management Plan both in spirit and in letter. The township is attempting to manipulate an area intended for preservation that currently serves to protect the Mullica River from runoff and contamination.

N.J.A.C. 7:50-6.84(a)4iii, Minimum standards for point and non-point source discharges, explicitly forbids this type of ordinance:

Only contiguous land located within the same municipal zoning district and Pinelands management area as the proposed septic waste water treatment system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19.

The ordinance in question would allow contiguous lands to be used for septic dilution purposes without these key restrictions built into the Comprehensive Management Plan. Even if the development existed as of the 1981 date, Block 5401, Lot 2 is 71 acres, and there is no possibility for clustering non-residential development. In addition to this lot for which the ordinance is proposed, there may be other lots that fit these parameters that the Township and Commission may feel are inappropriate. These protections regarding septic dilution enable the Pinelands Commission and the public to reduce the risk of eutrophication in the Kirkwood-Cohansey. These regulations cannot be manipulated to serve landowners.

Further, N.J.A.C. 7:50-5.16, Guidelines for the delineation of boundaries of Pinelands Villages, states that “village delineations should not intrude into wetlands vegetation associations.” However, virtually the entirety of the Area is wetland habitat per the 2012 New Jersey Department of Environmental Protection Land Use data, in direct violation of this regulation. What is more, there is a documented breeding sighting of the state-threatened barred owl (*Strix varia*), a wetland-dependent species, within the Area.

Per N.J.A.C. 7:50-5.13, the Preservation Area District is “the heart of the Pinelands environment and represents the most critical ecological region in the Pineland” and it “must be protected from development and land use that would adversely affect its long-term ecological integrity.” We urge the Commission to uphold the spirit and letter of the Comprehensive Management Plan and work with the town to modify the ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Smith". The signature is fluid and cursive, with the first name "Katherine" and last name "Smith" clearly distinguishable.

Katherine Smith
Policy Advocate



New Jersey Pinelands Commission
15 Springfield Road
P.O. Box 359
New Lisbon, NJ 08064
Attn: Ms. Susan R. Grogan, PP, AICP

May 1, 2018

Via email

RE: Weekstown Village Expansion
Township of Mullica, Atlantic County, New Jersey

Dear Ms. Grogan:

Please accept this correspondence in support of the proposed certification of Mullica Township Ordinance 6-2018 by the New Jersey Pinelands Commission. Ordinance 6-2018, which amends Chapter 144 (Land Development) of the Code of Mullica Township by revising permitted uses and water quality standards applicable in the Weekstown Village District, as well as expanding the District, serves to recognize pre-existing uses and development patterns within this portion of the Township. Accordingly, by certifying this Ordinance, the New Jersey Pinelands Commission will aid the Township in correcting an oversight in its zoning district standards and provide for the continued viability of existing enterprise within the Township, all while stewarding and protecting the Township's sensitive natural resources.

The addition of "boat building, repair and sales" to permitted uses in Subchapter 144-135 memorializes a long-standing tradition of family boat-building in the Township. Beginning in 1977, well in advance of the effective date of the Pinelands Protection Act in 1979, this manufacturing facility was not included in the original Weekstown Village Area. By omitting the boat manufacturing facility from the Village, a planning incongruity was created. Ordinance 6-2018 corrects this planning omission. Viking Yacht's acquisition of the boat-building enterprise restores the history of family boat-building on-site and charts a course of renewed utility and purpose for this facility.

On behalf of Viking Yachts, our employees and partners, I respectfully ask for your support in certifying the Township's Ordinance 6-2018, especially to ensure the legacy of boat-building in the Township which is part of the historical industry in the Pinelands.

Sincerely,

A handwritten signature in blue ink that reads "Chris Babek".

Plant Engineering Manager – Viking Yachts

May 1, 2018

Ms. Susan R. Grogan, PP, AICP
New Jersey Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064 '

Re: Weekstown Village Ordinance
Mullica Twp., New Jersey

Dear Ms. Grogan,

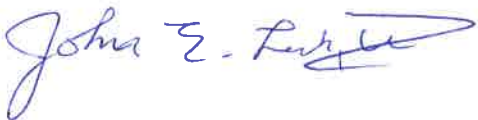
By way of introduction, I am one in a long line of boat builders that have called Block 5401, Lot 2 my professional home. Since 1977, my family has crafted boats on the banks of the Mullica River, and our family's boat-building tradition extends back many generations before that time. Presently, I live adjacent to Lot 2, the boat manufacturing site which is the subject of the Weekstown Village expansion (Ordinance 6-2018), and I am relieved to learn that the Township has taken steps to include the manufacturing plant in the Village.

Please accept my support of the Township's amendment to the Weekstown Village zoning standards and resolution currently under consideration by the Pinelands Commission. Not only does this action make sense from a planning perspective, it also secures a legacy that my family is quite proud of. When my grandfather started building boats on this property, the Pinelands Commission was not yet formed, but he took great effort to be a steward of the lands that surrounded the boat building operations. We continue to have a great appreciation for the natural resources and believe that the Ordinance continues to provide the protections necessary for the Township. The present owners, Viking Yachts, have continued to hold fast to the same responsible land stewardship and clean operations that were always cornerstones of my family's boat-building ethics.

Thank you for considering my input as an adjacent neighbor and Township resident.

Sincerely,

John Leek, IV





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 18

TITLE: To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner Lloyd moves and Commissioner Jannarone seconds the motion that:

WHEREAS, on May 10, 2002, the Pinelands Commission adopted amendments to the Comprehensive Management Plan that established the Alternate Design Treatment Systems Pilot Program; and

WHEREAS, these Comprehensive Management Plan amendments took effect on August 5, 2002; and

WHEREAS, pursuant to N.J.A.C. 7:50-10.23, the Executive Director reviewed this Pilot Program and reported on its implementation to the Commission in November 2006, November 2009 and November 2012; and

WHEREAS, based on the Executive Director's recommendations, the Commission adopted amendments to the Alternate Design Treatment Systems Pilot Program to, among other things, allow for continued installation and monitoring of alternate design wastewater treatment systems, recognize the successful performance of three technologies by authorizing them for use on permanent basis, remove two technologies from the Pilot Program due to non-participation and inability to meet Comprehensive Management Plan standards and provide an opportunity for new technologies to participate in the Pilot Program; and

WHEREAS, as required by N.J.A.C. 7:50-10.23, the Executive Director again reviewed the Pilot Program and reported on its implementation to the Commission in a report dated November 2017, last revised April 2018; and

WHEREAS, the 2017 Implementation Report recommends that the August 5, 2018 installation deadline for pilot program technologies be eliminated from the Comprehensive Management Plan because sufficient other safeguards exist that would allow for immediate suspension of a technology that does not meet CMP water quality standards;

WHEREAS, this recommendation and the full Implementation Report were discussed with the Commission's CMP Policy & Implementation Committee on April 27, 2018; and

WHEREAS, proposed amendments to the Comprehensive Management Plan to remove the installation deadline for Pilot Program technologies have been prepared and reviewed by the Pinelands Commission; and

WHEREAS, the Pinelands Commission wishes to consider the amendments to the Comprehensive Management Plan set forth in the attachment hereto, dated May 30, 2018; and

WHEREAS, the Pinelands Commission recognizes the need to proceed with proposal of these amendments as quickly as possible given that the August 5, 2018 installation deadline is rapidly approaching; and

WHEREAS, the Administrative Procedure Act of 1968, as amended, and the Office of Administrative Law implementing regulations set forth a detailed procedure governing proposed rulemaking; and

WHEREAS, the Pinelands Commission also wishes to obtain the comments of the public, governmental agencies and the Pinelands Municipal Council on the proposed amendments, in accordance with the Pinelands Protection Act and Subchapter 7 of the Comprehensive Management Plan; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Commission hereby authorizes the Executive Director to submit the proposed amendments to the Comprehensive Management Plan, attached hereto and dated May 30, 2018, and the required supporting documentation to the Office of Administrative Law for publication as proposed regulations;
2. The Executive Director shall transmit the proposed amendments to all Pinelands municipalities and counties and the Pinelands Municipal Council for review;
3. The public comment period on the proposed amendments shall extend 60 days from the date of publication of the proposal in the *New Jersey Register* and the Executive Director shall affix the date of a public hearing to receive comments on the proposed amendments; and
4. Subsequent to the comment period, the Executive Director shall expeditiously prepare proposed final amendments, with any pertinent changes to these amendments, for review by the Commission's CMP Policy and Implementation Committee, and shall submit same to the Commission for final action.

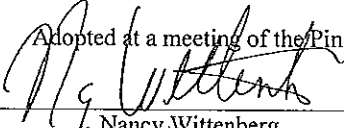
Record of Commission Votes

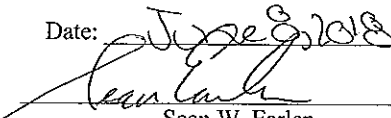
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	Howell	X			Prickett	X		
Avery			X	Jannarone	X			Quinn		X	
Barr	X			Lloyd	X			Rohan Green		X	
Chila			X	Lohbauer	X			Earlen	X		
Galletta			X	Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman

May 30, 2018

ENVIRONMENTAL PROTECTION

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Pilot Program for Alternate Design Wastewater Treatment Systems

Proposed Amendments: N.J.A.C. 7:50-6.84, 10.22 and 10.23

Authorized By: New Jersey Pinelands Commission, Nancy Wittenberg, Executive Director

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement

Proposal Number:

A **public hearing** concerning this proposal will be held on:

_____, 2018 at 7:00 P.M.

Richard J. Sullivan Center
15C Springfield Road
New Lisbon, New Jersey

Submit written comments by regular mail, facsimile or e-mail by October 5, 2018 to:

Susan R. Grogan, P.P., AICP

Chief Planner

Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

Facsimile: (609)894-7330

E-mail: planning@pinelands.nj.gov or through the Commission's website at

<http://nj.gov/pinelands/home/contact/planning.shtml>

The name and mailing address of the commenter must be submitted with all public comments.

The agency proposal follows:

Summary

The New Jersey Pinelands Commission (Commission) proposes to amend subchapters 6, Management Programs and Minimum Standards; and 10, Pilot Programs of the Pinelands Comprehensive Management Plan (CMP). The Pinelands CMP has been guiding land use and development activities in the Pinelands since it took effect on January 14, 1981. Since that time, the CMP has been amended a number of times, most recently in March 2018 through a set of amendments related to fees, escrows, application requirements and procedures, public notice and mailing requirement, water quality standards, landfill closure, signs and the Pilot Program for Alternate Design Wastewater Treatment Systems (see 50 N.J.R. 969(a)).

The amendments now being proposed by the Commission relate solely to the Pilot Program for Alternate Design Wastewater Treatment Systems. They are intended to modify the standards of this long-standing pilot program to allow for continued installation of certain wastewater treatment technologies in the Pinelands Area. A more detailed description of the pilot program and proposed amendments follows.

In 2000, the Pinelands Commission formed a special Ad Hoc Septic System Committee to research alternate septic system technologies that might better meet the water quality standards of the Comprehensive Management Plan (N.J.A.C. 7:50-6, Part VIII) for residential development on lots smaller than 3.2 acres, where such lots were already authorized pursuant to N.J.A.C. 7:50-5. In its research efforts, the Committee consulted wastewater engineering

professionals, state and regional on-site technology demonstration projects, alternate treatment system technology manufacturers, Pinelands Area county health departments and other state and local agencies. Based on this research, the Committee identified five technologies that it determined could be expected to meet Pinelands water quality standards for residential development on lots smaller than 3.2 acres in size. The identified technologies were the Amphidrome, Ashco RFS^{III}, Cromaglass, Bioclere and FAST treatment systems. Based upon nitrogen removal expectations and the Pinelands Septic Dilution Model, the Committee concluded the Amphidrome, Cromaglass, Bioclere and FAST systems could be permitted on lots of at least one acre and that the Ashco RFS^{III} system could be allowed on residential lots of at least 1.5 acres. All of the identified systems utilize proven biological nutrient removal processes to reduce nitrogen levels in treated wastewater. The water quality requirements of N.J.A.C. 7:50-6, Part VIII, include provisions that are aimed at controlling the amount of nitrogen that enters the environment because nitrogen itself is a significant pollutant and because it often serves as an indicator of changes in overall water quality.

The Ad Hoc Septic System Committee unanimously recommended that an interim program be developed for the approval, installation and monitoring of the five identified wastewater treatment technologies and that the interim program include conditions and safeguards to govern their use. To implement these recommendations, the Pinelands Commission adopted a set of amendments to the Comprehensive Management Plan that authorized the use of the technologies through the establishment of the Alternate Design Treatment Systems Pilot Program (see 34 N.J.R. 2804(b)). These Comprehensive Management Plan amendments, which took effect on August 5, 2002, are codified at N.J.A.C. 7:50-10, Part IV. The Pilot Program was implemented to provide a means to test whether the five identified technologies could be

maintained and operated so as to meet the water quality standards of the Comprehensive Management Plan in a manner that a homeowner can be reasonably expected to follow.

Implementation of the Pilot Program commenced on August 5, 2002, with the first pilot program treatment system installed in 2004. As of June 2017, a total of 305 pilot program systems have been installed in association with single-family residential development in 28 different Pinelands municipalities.

N.J.A.C. 7:50-10.23 of the Comprehensive Management Plan requires that the Executive Director review the Alternate Design Treatment Systems Pilot Program periodically and report the findings of that evaluation to the Pinelands Commission in a program implementation report. The criteria by which the Pilot Program is periodically evaluated are set forth at N.J.A.C. 7:50-10.23(b)1 through 6. The Executive Director issued program implementation reports in 2006, 2009 and 2012. Links to all reports may be found on the Commission's web site at www.nj.gov/pinelands. In response to the recommendations set forth in these reports, the Commission adopted amendments to the Comprehensive Management Plan to:

- Authorize the installation of Pilot Program technologies in all Pinelands municipalities;
- Provide the ability to install more than 10 of any Pilot Program technology in the same residential development;
- Grant permanent approval status to three Pilot Program technologies (Amphidrome, Bioclere and FAST) in recognition of their demonstrated ability to meet CMP water quality standards;
- Remove one technology (Ashco RFS^{III}) from the Pilot Program due to its commercial unavailability in the Pinelands Area;

- Remove one technology (Cromaglass) from the Pilot Program due to its inability to meet CMP water quality standards;
- Provide the Executive Director with the authority to impose an immediate suspension on all new installations of a Pilot Program technology that is not adhering to the requirements of the program or meeting CMP water quality standards;
- Provide an opportunity for additional prescreened technologies to enter the Pilot Program; and
- Continue the Pilot Program by allowing installation of new systems through August 5, 2018.

The above-referenced CMP amendments took effect in 2006, 2007, 2010, 2014 and 2018 and may be found at 38 N.J.R. 1829(b), 39 N.J.R. 5077(b), 42 N.J.R. 2422(a), 46 N.J.R. 1877(a) and 50 N.J.R. 969(a).

The Executive Director completed a fourth Implementation Report in November 2017, last revised in April 2018

(<http://www.nj.gov/pinelands/landuse/current/altseptic/Final%20April%2027%202018%20%202018%20ImplementationReport.pdf>). In this report, the Executive Director found that:

- The continued use of advanced on-site treatment technologies is essential to the efficient use and orderly development of the growth-oriented areas of the Pinelands Area;
- The Pilot Program provides an appropriate means to test whether technologies can be maintained and operated so as to meet CMP water quality standards in a manner that a homeowner can reasonably be expected to follow.

- The Pilot Program has been successful in identifying technologies that achieve compliance with Pinelands water quality standards when used for residential development on appropriately-sized lots.
- Landowners in the Pinelands Area benefit when new technologies are accepted into the Pilot Program, expanding choices and stabilizing prices.
- Proper operation and maintenance remains crucial to the long-term performance of the Pilot Program technologies.

Based on these findings, the Executive Director recommended that the Commission continue to monitor and evaluate the four technologies currently in the Pilot Program and issue another implementation report in November 2019. The Executive Director further recommended that two new technologies be added to the Pilot Program in 2018. Finally, the Executive Director recommended that the Commission amend the CMP to remove the current August 5, 2018 installation deadline for Pilot Program technologies.

The Commission is now proposing amendments to the CMP to revise the Pilot Program in response to the findings and recommendations set forth in the 2017 implementation report. Specifically, N.J.A.C. 7:50-10.22(a)4 and 10.23(h) are deleted in order to remove the August 5, 2018 deadline for installation of pilot program technologies. The Commission believes the installation deadline is no longer necessary, given that the Executive Director has the authority pursuant to N.J.A.C. 7:50-10.22(a)4 (previously (a)5) to immediately suspend all installations of a particular technology if monitoring data shows the system is not meeting CMP water quality standards. Likewise, the Executive Director may suspend installations if it becomes evident that a technology vendor is not complying with the terms of the Pilot Program. The Executive Director may also require an increased lot size for a particular technology if monitoring results

indicate a larger land area is necessary to meet CMP water quality standards. Because sufficient safeguards exist, a fixed installation deadline is not needed. It is worth noting that a fixed deadline has also proven over time to be difficult to administer. It often impacts development applications in progress and can only be changed upon completion of a lengthy rulemaking process.

In addition to removal of the installation deadline, N.J.A.C. 7:50-10.22(a)5 (previously (a)6) is amended to clarify the required certifications that must be provided to the Commission as a condition for use of an alternate design pilot program treatment system. This section previously required that the manufacturer of each system (or the manufacturer's agent) certify to the Commission and the county board of health that installation of each system has been properly completed. An amendment is being made to require that the certification be made by both the manufacturer and a New Jersey licensed professional engineer, and that the certification relate not only to proper installation of the system but also to its proper operation. These amended certification requirements will now be fully consistent with those already set forth in N.J.A.C. 7:50- 6.84(a)5v for advanced treatment systems that have been permanently authorized for use in the Pinelands Area. To avoid confusion, the Commission believes it important that certification requirements for all systems be identical.

N.J.A.C. 7:50-6.84(a)5iv(2)(F) and (3)(F) are amended to update the cross-references in these sections to the Pilot Program requirements that will be recodified at N.J.A.C. 7:50-10.22(a)5.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

No adverse social impact is anticipated as a consequence of the adoption of the proposed amendments. Society as a whole benefits from the protection of the Pinelands and the proposed amendments are designed to do just that. Any social impacts that do result are expected to be positive. Conversely, a negative social impact might result should the proposed amendments not be adopted. This stems from the fact that the existing rules, at N.J.A.C 7:50-10.22(a)4 and 10.23(h), prohibit the installation of pilot program treatment systems after August 5, 2018. Absent the adoption of the proposed amendments, pilot program systems could no longer be used after that date for residential development on unsewered properties of less than 3.2 acres in the Pinelands Area.

Economic Impact

The economic impact of the proposed amendments to the Pilot Program for Alternate Design Wastewater Treatment systems will clearly be positive for those landowners seeking to develop their one to 3.2 acre properties in unsewered areas of the Pinelands Area. Without the proposed amendments, use of pilot program technologies would not be permitted after August 5, 2018. Landowners would then have limited options available to them; they could only use one of the three permanently-approved advanced treatment technologies. Reduced choices could drive up the prices of these three approved technologies. Non-adoption of the amendments would also create a problem for landowners and homebuilders with applications in progress if they were unable to install their proposed pilot program systems prior to August 5, 2018.

Environmental Impact

Elimination of the installation deadline associated with the Alternate Design Wastewater Treatment Systems Pilot Program is expected to provide environmental benefit. Elimination of

the deadline provides a continued opportunity for installation of new systems, which carries with it the opportunity for the Commission to collect data and monitor existing pilot program technologies and authorize new prescreened advanced wastewater treatment systems to enter the program and be installed and monitored. The installation of additional systems will result in more monitoring and testing of effluent, and this will ultimately provide the Commission with more data to be evaluated as part of the pilot program. Provided they are maintained properly, these systems provide the potential for improved water quality when compared with conventional septic systems.

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. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals that the plan must meet, including the protection, preservation and enhancement of the land and water resources of the Pinelands. The proposed amendments are designed to meet those goals by allowing for the continued installation and monitoring of alternate design wastewater treatment systems for residential development through a highly successful pilot program.

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

Jobs Impact

Elimination of the impending deadline in the pilot program provides a continued opportunity for new home construction in areas that are zoned for such use but are not served by

public sewerage infrastructure. The proposed amendments may therefore result in the creation of jobs associated with new home construction. Conversely, non-adoption of the proposed amendments could have a negative impact on job creation by limiting the options of a small number of residential homebuilders in the unsewered portions of the Pinelands Area.

Agriculture Industry Impact

The proposed amendments are not expected to impact the agriculture industry in the Pinelands.

Regulatory Flexibility Analysis

The proposed amendments allow for installation of certain wastewater treatment technologies for residential development in the Pinelands Area beyond the August 5, 2018 deadline currently specified in the CMP. They also clarify certification requirements involving such technologies for purposes of ensuring consistency throughout the CMP. All of the other reporting, recordkeeping and compliance requirements of the Pilot Program continue to apply to the manufacturers of alternate design wastewater treatment systems authorized for use in the Pinelands Area. It is believed that at least some of these manufacturers may be small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. In meeting the standards for use of the authorized technologies that would continue to be authorized under the Pilot Program, these businesses may continue to incur costs relative to ensuring compliance with the maintenance and monitoring requirements of N.J.A.C. 7:50-10.22(a)5 (previously (a)6). It is unlikely, however, that engaging professional services will be necessary in order to do so. The design of systems for approval by County health departments and other agencies requires the services of a professional engineer under existing State law; that requirement is not changed by the proposed amendments. Furthermore, the requirements at N.J.A.C. 7:50-10.22(a)6 merely

involve the provision of certain manuals, maintenance guarantees and other documents that the manufacturers already have on hand, as well as the provision of resources for the collection and analysis of effluent sampling. This is not to say that the requirements represent insignificant costs for the manufacturers, particularly for the five-year non-cancellable maintenance contract required by N.J.A.C. 7:50-10.22(a)6vii. However, these requirements are a critical part of the proposed pilot program and the Commission would not be able to extend or expand the program without them. In any case, it is likely that the associated costs will be passed on to the homeowner by the manufacturers. These costs represent a relatively small price to pay for the opportunity to develop lots that would otherwise not be developable.

No differing requirements have been established for small businesses under the pilot program. Instead, the same maintenance and monitoring requirements will continue to be imposed relative to the authorized technologies, regardless of business size. This is necessary to balance protection of Pinelands resources with the Commission's desire to provide a continued opportunity for residential development on lots that are less than 3.2 acres in size in unsewered areas of the Pinelands. In fact, the Commission has identified proper system maintenance as the primary factor in ensuring that the alternate technologies will function in a manner that is consistent with CMP water quality standards. It is therefore critical that the requirements continue to be imposed on all of the manufacturers or their agents.

The proposed amendments impose no other reporting, recordkeeping or compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments have the potential to reduce the cost of alternate design treatment systems for those landowners seeking to develop homes on lots between one and 3.2 acres in size in the unsewered portions of the Pinelands Area. With the removal of the installation deadline for such systems, current and future technologies participating in the Pilot Program may continue to be used. A range of options for landowners is thereby preserved, perhaps leading to increased competition among the vendors of existing and new pilot program technologies, resulting in decreased costs of the systems for homeowners.

While the proposed amendments may result in a decrease in the costs of alternate design treatment systems, and therefore a decrease in the average cost of housing utilizing such systems, it is important to note that these systems are being installed in the unsewered portions of the Pinelands Area and primarily in the Regional Growth Areas, Pinelands Villages and Pinelands Towns. Permitted densities in the unsewered portions of these management areas are relatively low, ranging from one unit per acre to one unit per 3.2 acres. Housing units in those portions of the Pinelands Area within which most affordable housing is targeted or anticipated would not be affected as such units are typically expected to be served by public sanitary sewer.

Smart Growth Development Impact Analysis

The proposed amendments allow for the continued installation and monitoring of alternate design treatment systems for residential development in the Pinelands Area through the Commission's Pilot Program. These systems are used by landowners in the unsewered portions of the Pinelands Area that are zoned for residential development on lots of less than 3.2 acres in size. These areas are primarily located in Regional Growth Areas, Pinelands Villages and Pinelands Towns, management areas designated for development by the CMP, equivalent to designated centers under the State

Development and Redevelopment Plan. The proposed amendments do not increase the amount of permitted residential development in these management areas; rather, they provide a continued opportunity for the development of housing in accordance with municipal zoning plans that were previously approved by the Commission. Thus, the proposed amendments are not expected to result in any changes in housing production within designated centers or in any other portions of the Pinelands Area. There will be no effect on new construction in Planning Areas 1 and 2 as designated by the State Development and Redevelopment Plan as these State Planning Areas do not exist in the Pinelands Area.

Full text of the proposal follows (additions indicated with underlines thus; deletions indicated in brackets [thus]):

7:50-6.84 Minimum standards for point and non-point source discharge

(a) The following point and non-point sources may be permitted in the Pinelands:

1.-4. (No change.)

5. Individual on-site septic waste water treatment systems that are intended to reduce the level of nitrate/nitrogen in the waste water, provided that the following standards are met:

i.-iii. (No change.)

iv. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, (Appendix A) subject to the provisions of

(a)5v below and based on the following assumptions and requirements.

For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to N.J.A.C. 7:50-5.30 or 5.47:

(1) (No change.)

(2) For Amphidrome, Bioclere and FAST systems:

(A)-(E)(No change.)

(F) The manufacturer or its agent shall provide to each owner an operation and maintenance manual and shall provide a five-year warranty consistent with the requirements of N.J.A.C. 7:50-[10.22(a)6viii]10.22(a)5viii;

(G)-(J) (No change.)

(3) Other on-site septic waste water treatment systems shall only be credited with reducing total nitrogen concentration to the extent authorized by an experimental monitoring program approved by the Pinelands Commission. Such an experimental monitoring program shall only be approved if:

(A)-(E) (No change.)

(F) The system meets all the requirements in N.J.A.C. 7:50-[10.22(a)6i]10.22(a)5i through x; and

(G) (No change.)

SUBCHAPTER 10 PILOT PROGRAMS

PART IV – ALTERNATE DESIGN TREATMENT SYSTEMS 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.-3. (No change.)

[4. The USEPA ETV or NSF/ANSI Standard 245 technologies approved by the Commission for participation in the pilot program pursuant to N.J.A.C. 7:50-10.23(b) are authorized to be installed until August 5, 2018.]

[5]4. The Executive Director shall submit an annual report to the Commission describing installation, maintenance and performance data for each technology. The Executive Director also shall submit an interim report to the Commission if it is determined there is a significant installation, maintenance or performance issue with one or more technologies that needs to be addressed before the issuance of the next annual report. Copies of each annual and interim report shall be provided to each manufacturer and agent of a technology that is discussed in that report. If it is determined in a report either that a manufacturer or its agent is not adhering to any of the requirements of this pilot program or that any one of the technologies, based on maintenance or installation issues or on an evaluation of all the monitoring results for that technology under this pilot program, is not meeting the minimum water quality standards in N.J.A.C. 7:50-6.83 or the two parts per million total nitrogen requirement in [(a)6x] (a)5x below on all lots

smaller than 3.2 acres or on lots smaller than a particular size because the effluent exiting the system is higher than was anticipated in establishing the lot sizes in (a)3 above:

i.-ii. (No change.)

[6]5. Conditions for the use of alternate design pilot program treatment systems are as follows:

i.-iv. (No change.)

v. The manufacturer or its agent and a New Jersey licensed professional engineer shall certify to the Commission and the local board of health that installation of each system has been properly completed and that the system and all of its components are operating properly. The manufacturer or its agent [and] shall include in the certification the cost of the installation and a description of any problem encountered during the installation;

vi.-xi (No change.)

7:50-10.23 Pinelands Commission approval and evaluation

(a)-(g) (No change.)

[(h) Nothing in this section shall be construed to authorize the installation of any USEPA ETV and NSF/ANSI Standard 245 treatment technology approved by the Commission for participation in the pilot program after August 5, 2018 as set forth in N.J.A.C. 7:50-10.22(a)4, unless a rule has been adopted by the Commission which expressly authorizes such installation pursuant to (f) or (g) above.]



LITTLE EGG HARBOR TOWNSHIP

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<http://www.leht.com>

April 24, 2018

New Jersey Department of Environmental Resources, Natural & Historic Resources

PO Box 420

Trenton, NJ 08625-0420

Attn: Acting Commissioner Catherine R. McCabe

Re: Bass River Fire Tower

COPY

Dear Commissioner McCabe:

About a year ago we wrote to express our support for the NJ State Forest Fire Service in an effort to remove some non native white pine trees that had been planted near the Bass River Fire Tower in the 1930's by the former U. S. Civilian Conservation Corps (CCC). Those trees had, at that point, grown to such a height that overshadowed that tower and greatly reduced its utility for its intended purpose, which is the early detection of pinelands fires to aid the prompt dispatch and response of emergency fire equipment to suppress these fires before they become overwhelming disasters as they will if undetected and unchecked. It is now our understanding that this issue still remains in doubt and we wanted, once again, to express our support for the Service in these regards.

These blazes, either intentional or accidental, have occurred in this area for hundreds of years and, once ignited, they are, in some cases, known to grown quickly to an enormous size that quickly devours the forest resource and then proceed to threaten the surrounding homes and businesses in many communities. On many occasions these fires have overwhelmed all fire fighting resources and a number of fire fighters have been lost, as well as a number of other persons trying in vain to flee these conflagrations. It seems, in fact, ironic that many CCC personnel were themselves lost in such incidents and that their later planting of these non-native trees was done to partially repair the damage from those fires. How sad it is that the product of their labor has now grown to such an extent to threaten the lives of present day forest firefighters, such as the four volunteers lost there in 1977. In that tragic case the fire was detected too late to be contained without extreme risk by those fire fighters. This remains an abiding memory and has remained a scar on the lives of many families here since.

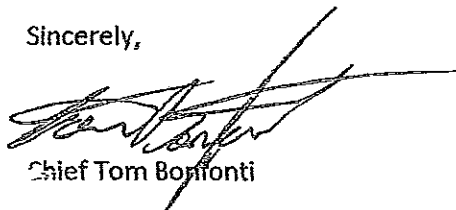
There was a recent event that we believe makes this case that perhaps anything else we could say. On April 22, 2018 a major forest wildfire broke out in Washington Township, Burlington County. At the point of its ignition it would have been about nine miles from the Bass River Tower. Although Bass River

was one of the closest towers, it was actually the last in the area to observe the blaze with towers as far away as Medford (at 17 miles, twice as far) being able to observe it first. We believe this delayed the response to this fire which, once again, grew to destroy some 843 acres of forest land and also would have consumed homes, but for the actions of the brave men and women of the NJ Forest Fire Service and local volunteers.

This tower has served, for decades, as a sentinel that protects our communities from the ever present dangers of wildfires here. We are always thusly at risk, simply because of the inherently volatile nature of local forests, as opposed to less risky conditions found elsewhere. National media outlets, such as Rolling Stone Magazine, have, in fact, noted this phenomenon and, we believe, correctly stated the incredible danger that Pinelands communities face in part due to inadequate mitigation activities. We have, in Little Egg Harbor, maximized our mitigation activities and will continue to do so. No amount of mitigation, however, can replace the benefit of early detection and efficient fire fighting when the inevitable occurs.

Make no mistake, we greatly appreciate the story of the CCC's and their abiding legacies in our forests. Their story has become an inexorable part of local lore and your interest in the preservation of those legends is laudable. We ask you to keep in mind, however, that this tower is an essential piece of the wildfire detection infrastructure that was designed and placed as such decades ago. It is our understanding that all alternatives have been explored and all have been found wanting. The Service, in addition, has pared the proposed cut down to the lowest possible area of impact. Sometimes, as we believe is this case here, it is necessary to eliminate a very small part of something great for the greater good. Because these forests are an integral part of our communities we believe that inadequate monitoring will present a clear and present danger to the businesses, homes and, ultimately, the people who work and live here. We ask you to approve the revised proposal of the NJ Forest Fire Service for these reasons immediately. Thank you, once again, for this opportunity to express our opinion in these regards.

Sincerely,



Chief Tom Bonfonti


Mystic Island Fire Company



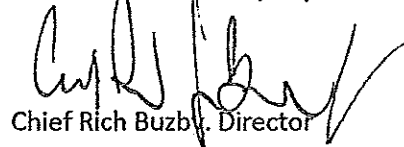
Chief Anthony D'Andrea

West Tuckerton Fire Company

Chief Frank Runza



Parkertown Fire Company



Chief Rich Buzby, Director

Little Egg Harbor Township O.E.M.

Cc: Honorable Governor Phil Murphy

NJ 9th Legislative District

Little Egg Harbor Township Committee

NJ Forest Fire Service



New Jersey Fire Safety Council

5 Wildwood Way
Freehold, NJ 07728
P: 732.890.0725
E: Bill@wildfiresafetycouncil.org
WEB: njfiresafetycouncil.org

June 7, 2018

Board of Trustees

Bill Brash, *President*

John Cowie, *Trustee*

Maris Gabliks, *Trustee*

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Comments to the proposed Public Development
Application No. 1990-0868.029
Tree removal to improve visibility from Bass River State
Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The New Jersey Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park fire tower for the following reasons:

- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.
- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers act as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the NJ Fire Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

William F. Brash Jr.

William F. Brash Jr.
President

Bass River State Forest Management Plan Objectives

MANAGEMENT POLICY:

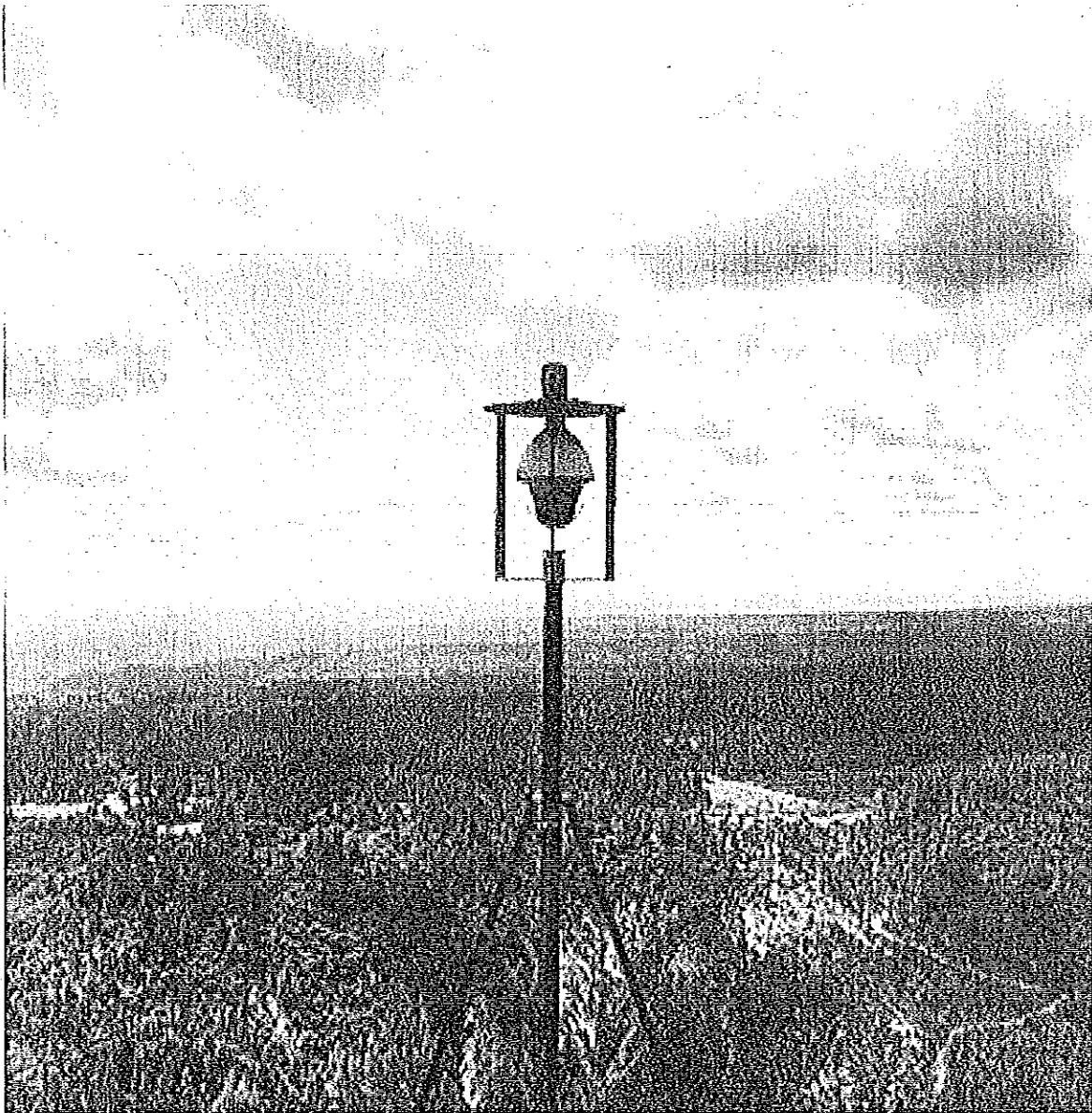
Objectives:

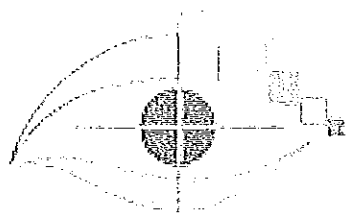
- From:
- "A Forest Management Plan for
the Bass River State Forest New
Gretna, N.J. Willis M. Baker,
1927."
- 1-To acquire an area of sufficient size to permit of efficient administration.
 - 2-To replace present scrubby, inferior tree growth with thrifty stands of the best species capable of producing the best and largest timber crops in the shortest time.
 - 3-Eventually to produce a sustained annual yield of forest products for local consumption and to supply the local wood industries.
 - 4-By the sale of forest products, the removal of which benefits the forest silviculturally, to raise as much State income as is possible, so that the forest way become self supporting and eventually show a net profit.
 - 5-To increase and develop the recreational use of the forest by the public.
 - 6-To discover a system of silvicultural management, which, supplemented by a reasonably efficient fire protection organization, will result in adequate protection at a justifiable cost.
 - 7-In all lines of work to conduct studies and investigations to determine the best methods to use, costs, and results, and to demonstrate them to the public as a Guide for the practice of private forestry.

Silvicultural policy demands cutting and reforestation of all rundown timber areas as rapidly as possible and the accomplishment of sustained yield. This policy necessitates the cutting and salvaging of all inferior, damaged and silviculturally mature timber as rapidly as possible and then reforesting by planting where natural reproduction has not been dependent upon. On most of the area this work will have to be done without the realization of income. It is thought that most of the area will require planting.



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The ForestWatch® System

Protecting People

Defending Property

Preserving Resources

Vital early detection and rapid, informed decision-making is saving lives, property and resources when fires flare up.

The ForestWatch® Wildfire Detection and Monitoring System – developed by South Africa-based technology firm EnviroVision Solutions – is one of the most advanced wildfire detection systems in the world.

Combining high-definition imaging systems with purpose-built image processing software, ForestWatch uses mathematical and image processing algorithms to optically scan wide areas and detect the earliest telltale signs of smoke. This signature is used to alert an operation at a control center monitoring many imaging systems and thousands of square miles of property, and draw their attention to where a problem may be developing. The operator can use a range of tools including the powerful zoom lens capability of the camera, and image processing tools that make smoke vastly more visible than to the naked eye, to determine if the apparent smoke is actionable or not. If so, the smoke column can be located and referenced to available Geographic information to identify the appropriate responding agency, landowner, and other information, and resources dispatched accurately.

The award-winning ForestWatch® Wildfire Detection and Monitoring System is a powerful decision support tool and early warning system that has been used with great success by governments and forestry industries around the world since 2003 – protecting your greatest assets in a cost-effective and resource-conscious manner.

Why Computer Augmented Detection?

The use of advanced vision systems such as cameras, computers and software to automatically detect forest fires has generated some debate among forest managers. We recognize traditional detection methods – such as human lookouts and aerial surveillance – have been used effectively for many years.

EVS wants to emphasize making the switch to automated detection through ForestWatch(r) produces some definite benefits beginning with faster response time, cost savings and greater coverage. Those benefits just scratch the surface of all of the tools ForestWatch(r) brings to the firefighting industry.

Significant reduction in time
between fire ignition,
discovery and dispatch:



Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational
awareness while reducing
staff costs:



Nighttime detection for 24/7
protection:



Real-time visual and weather data:



Multiple uses for year-round operational efficiency:



Learn more about ForestWatch®

- [Why ForestWatch®](#) is your best choice in an automatic fire detection system.
- [A step-by-step explanation](#) of how ForestWatch® works.
- Where ForestWatch® and other EVS smart sensory systems are [currently in operation](#).
- [ForestWatch® success stories](#): Media articles and our clients speaking for themselves.

Alternatively, you can [contact EnviroVision Solutions](#) for more information.

ForestWatch®

Wildland Fire Detection and Monitoring System

A key component in successfully preventing widespread destruction from wildland fires is early detection.

EnviroVision Solutions (EVS) offers the ForestWatch® wildland fire detection system which uses advanced video analytics and precision cameras to detect the first indications of smoke from a wildland fire.

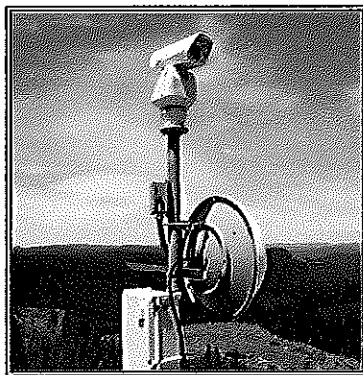
Fire agencies, in years past, constructed fire lookout towers staffed by trained personnel who were relied upon to alert firefighters of new blazes. In the early 1900's, when the first towers were erected, communication was accomplished via carrier pigeon and Morse code using heliography; the Osborne Fire Finder was developed to plot the location of the fire.

Radios, cellphones, Global Positioning Systems, and computers have helped advance the art and science of fire detection and firefighting methods to a cost effective, highly efficient system, but the initial detection of a wildfire is still largely dependent on the human eye detecting signs of fire.

The ForestWatch® software leverages modern technologies to alert watchers to the potential presence of a fire, to precisely map the location, and provide images, with an accurate latitude and longitude, to dispatch centers and responders. Fire agencies can use this information to quickly and accurately determine the risk and confidently deploy an appropriate initial attack. EVS has installed this system on more than 250 Lookouts, cell towers, and other structures globally, and has over a decade of operational experience.

Camera Capabilities

EVS' cameras are installed singly or in pairs to monitor a full 360° panorama from a view point. In normal operation the camera is constantly scanning, under computer direction, continually on watch for signs of smoke. A detection operator, monitoring several cameras, can take manual control of any camera with a mouse click, zoom to target and utilize the high magnification lens and high resolution imagery to identify and validate the source of a suspected smoke. Near-infrared capabilities allow the cameras to see through smoke, to the flaming front of the fire, providing fire managers with real time situational awareness.



Computer Detection

The ForestWatch® software running at each camera location controls the camera, performs image stabilization, enhancement, and compression to reduce the communication bandwidth by 40:1 or more while delivering high quality images back to a central monitoring location.

The Detector component of the ForestWatch® software utilizes these high quality images and EVS' proprietary algorithms to provide early detection of smoke while discriminating between smoke and dust clouds, fog, flocks of birds, and other false positives. When an alert is generated by the ForestWatch® software it draws a bounding box on the image displayed on the operator workstation. The operator can inspect the area of interest using the powerful camera features and vision enhancements built into the system to investigate far more quickly and effectively than traditional methods would allow.

Once a potential fire has been verified the system can be used to alert responsible parties via email, SMS, or telephone, and the images may be viewed from any internet browser using the ForestWatch Online web presence.

Custom Map Display

As part of the ForestWatch® installation a Geographic Information System(GIS) component is loaded which includes topographic data allowing the cameras to be fully georeferenced. This means a fire's coordinates can be determined from a single camera without triangulation. Known facilities and activities which may cause false alarms can be identified and masked. The GIS map display can import standard ESRI shapefiles, allowing easy integration of locally relevant data. Names of specific landmarks and structures can be added to aid locational awareness and assist in guiding responders. As the operator moves the cursor across the image the Latitude and Longitude are continuously displayed. An operator can produce images of the fire and it's location and make them available to fire personnel outside the monitoring center. Burn permits, lightning data, weather station data, and automated vehicle location data may also be displayed on the camera images or on the GIS display.

Eyes in the Dark

Many wildfires start at night when detection is more difficult and the risk of resources being dispatched to a wrong location are higher due to darkness. The nighttime detection mode of ForestWatch® allows 24 hour detection, and the georeferenced imagery leaves no doubt about the

location of a fire. A daytime view of the area of interest can be overlaid on the night view to provide the operator with visual context. The ForestWatch® software can be trained to ignore the usual lights at night in an area which allows precise detection of brighter than normal or unusually located light sources, even in urban interface areas with numerous lights and roadways.

Image Access

Unlike staffed lookout towers, all EVS camera images can be viewed on any device anywhere with Internet access and a web browser, including smart phones and tablets. This gives fire managers and firefighters unparalleled access to near real-time images, providing fire intelligence and situational awareness.

ForestWatch® provides Fire Managers with the ability to monitor emerging and ongoing incidents, to maximize the effectiveness of available resources and to identify if there is a need to order additional resources. Increased situational awareness at the command center enhances firefighter safety. ForestWatch® systems allow a fire agency to more effectively utilize personnel and resources.

Forensics

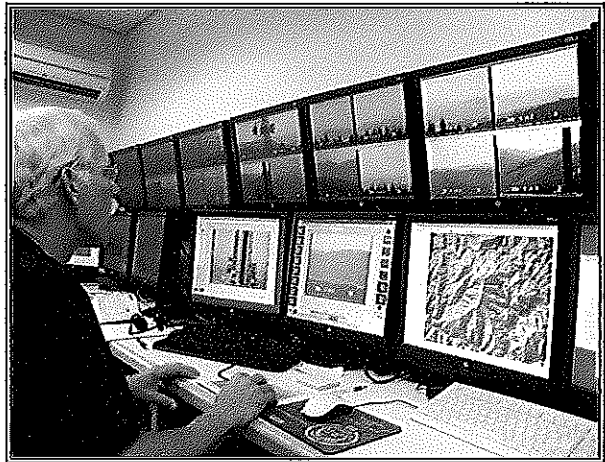
The ForestWatch® system archives image and telemetry data from all cameras continually. This information can be used in fire investigations and in the prosecution of arsonists. The date and time stamped on each image provides solid evidence of what happened when. The system has also been effective in the prosecution of poaching, vandalism, timber theft, and has assisted in Search and Rescue operations. The continuous tracking of a fire's full lifecycle also helps with the After Action Review to help hone skills and evaluate the effectiveness of specific actions.

Cost Effectiveness

Utilizing the ForestWatch® system a single operator working from a secure central location can monitor many remote Protection Zones, surveying thousands of square miles with computer enhanced vision and awareness. A smoke event can be detected, located precisely, and evaluated by this operator within minutes of ignition. If an alarm is raised the dispatch center gets not only the location

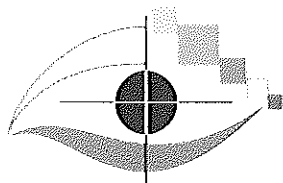
and description of the fire but that actual image that raised the alert, as well as historic images. They have the full GIS map display at their fingertips, and the ability to track the development of the fire visually minute by minute.

The cost of the ForestWatch software and infrastructure to support a remote camera system represents a small fraction of the cost that would be required to support a staffed lookout. The system can also augment currently staffed towers by offering after hours coverage, powerful camera optics, georeferencing, and a high speed digital communication channel available to the tower lookouts. Low power consumption and environmental hardening allow for remote, off-grid installations.



Field Tested

Douglas Forest Protective Association (DFPA) has been using the ForestWatch Wildfire Detection and Monitoring System across Southwestern Oregon since 2006. At their dispatch center in Roseburg, Oregon, operators at four workstations monitor 30 cameras overlooking thousands of square miles of commercial timber, public, and recreational lands. The system currently serves several agencies including the Oregon Department of Forestry, The Bureau of Land management, and the United States Forest Service. Other large deployments in Canada and California attest to the systems effectiveness.



EVS

EnviroVision Solutions

For more information on ForestWatch®
please contact us:

Phone: 541-236-7040

Email: Info@EVSolutions.biz

EnviroVision Solutions USA

1224 NE Walnut #144

Roseburg, Or. 97470

Or visit our website at:

<http://www.EVSolutions.biz>



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1984-0655.032)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1984-0655.032

Applicant:
Municipality:
Management Area:
Date of Report:
Proposed Development:

South Jersey Transportation Authority
Egg Harbor Township
Pinelands Regional Growth Area
June 21, 2018
Construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-0655.032 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

June 21, 2018

Steve Mazur
South Jersey Transportation Authority
101 Atlantic City International Airport, Suite 106
Egg Harbor Township, NJ 08234

Re: Application # 1984-0655.032
Amelia Earhart Boulevard & Tilton Road
Block 101, Lots 2 - 4
Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board (via email)
Egg Harbor Township Construction Code Official (via email)
Egg Harbor Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jennifer Steen, PE (via email)





PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Steve Mazur
South Jersey Transportation Authority
101 Atlantic City International Airport, Suite 106
Egg Harbor Township, NJ 08234

Application No.: 1984-0655.032
Amelia Earhart Boulevard & Tilton Road
Block 101, Lots 2 - 4
Egg Harbor Township

This application proposes construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road located within the above referenced rights-of-way and 19.3 acre parcel in Egg Harbor Township.

This proposed twenty foot wide traffic ramp will permit southbound traffic on Amelia Earhart Boulevard to access Tilton Road in a westbound direction.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The project is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. Approximately 800 linear feet of the proposed development will be located within 300 feet of wetlands.

The CMP permits road improvements (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland

buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing developed areas, maintained road shoulders and forested areas. Approximately one acre of oak-pine forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 28 sheets, prepared by WSP USA Inc. and dated as follows:

Sheets 1-11 & 13-28 – April 9, 2018
Sheet 12 – May 23, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey
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NEW LISBON, NJ 08064
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www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0726.010)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1985-0726.010

Applicant:
Municipality:
Management Area:

Date of Report:
Proposed Development:

New Jersey Schools Development Authority
Pemberton Township
Pinelands Forest Area
Pinelands Regional Growth Area
June 21, 2018
Demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0726.010 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

June 21, 2018

Thomas Schrum
New Jersey Schools Development Authority
32 East Front Street
PO Box 991
Trenton, NJ 08625

Re: Application # 1985-0726.010
Block 848, Lot 10
Block 849, Lots 1.02, 2, 11.01, 14 & 15
Pemberton Township

Dear Mr. Schrum:

The Commission staff has completed its review of this application for demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Keith Smith





PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Thomas Schrum
New Jersey Schools Development Authority
32 East Front Street
PO Box 991
Trenton, NJ 08625

Application No.: 1985-0726.010
Block 848, Lot 10
Block 849, Lots 1.02, 2, 11.01, 14 & 15
Pemberton Township

This application proposes demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school located on the above referenced 55.74 acre parcel in Pemberton Township.

On July 14, 2017, the Commission approved the demolition of the Crichton Elementary School located on Block 849, Lot 2 and the temporary paving of 711 linear feet of the Rancocas Lane right-of-way (App. No. 1985-0726.009). The proposed 121,000 square foot elementary school will be located in the area previously occupied by the demolished Crichton Elementary School. The Alexander Denbo Elementary School will be demolished once the new elementary school has been constructed.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area and a Pinelands Forest Area. The proposed development will be located within the Pinelands Regional Growth portion of the parcel. The proposed elementary school is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing disturbed and paved areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The existing school building lacks any potential for designation as a significant cultural resource. There is no evidence of other cultural activity on the parcel. Based upon these determinations, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 20, 2017. Newspaper public notice was completed on July 23, 2017. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 24 sheets, prepared by French & Parrello Associates and dated as follows:

 Sheets 1-6, 9, 12-19 & 22-24 - May 18, 2018
 Sheets 7, 8, 20 & 21 - May 18, 2018; last revised May 25, 2018
 Sheets 10 & 11 - April 27, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.029)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and Certificate of Appropriateness and the recommendation of the Executive Director that the following application be approved with conditions:

1990-0868.029

Applicant: NJDEP, Division of Parks and Forestry

Municipality: Bass River Township

Management Area: Pinelands Preservation Area District

Date of Report: June 22, 2018

Proposed Development: Tree clearing to restore visibility from the Bass River State Forest fire tower.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0868.029 for public development and a Certificate of Appropriateness is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

June 22, 2018

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Re: Application # 1990-0868.029
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

Dear Applicant:

The Commission staff has completed its review of this application for tree clearing to restore visibility from the Bass River State Forest fire tower. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Any persons that provided written and/or verbal public comments regarding this application and either a mailing address or an email address are receiving a copy of this recommendation.

Public comment on this application raised questions regarding the future use of fire towers in the Pinelands Area and identified alternatives to tree clearing for fire towers. Our staff will contact NJDEP to initiate discussions on this matter.



Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

Encls: Appeal Procedure
Public Comments

c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Jeremy Webber (via email)
Sally Bourguignon (via email)
Timothy MacDonald (via email)
Karl Swanseen (via email)
Carol Bitzberger (via email)
Andrew and Rosemary Anderson (via email)
Eileen Brower (via email)
Robyn and Jeffrey Firth (via email)
Sonny Basore (via email)
Leslie & Earl Brower (via email)
Steve Lange (via email)
Lee Ann Blake (via email)
Sean Wilson (via email)
Chad Clarke (via email)
Samantha Ryan (via email)
Dianne Worthington (via email)
Benjamin Brower (via email)
Katie Jaeckel (via email)
Lindsey Brower (via email)
Michael & Kristie Masucci (via email)
Christopher Brower (via email)
Arthur Albine (via email)
Bill Brash (via email)
Amanda Somes, Bass River Township Clerk (via email)
Jarrod Miller (via email)
Edward & Ann Marie Hoffman (via email)
Todd Tally (via email)
Christine Tally (via email)
Nancy Reid (via email)
John DiGiacomo
Richard Buzby, Chief of Little Egg Harbor Township Police Department
Frank Runzol, Acting Fire Chief of Little Egg Harbor Township



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT AND CERTIFICATE OF APPROPRIATENESS

June 22, 2018

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Application No.: 1990-0868.029
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

This application proposes clearing of 16.4 acres of trees from the above referenced 436 acre parcel located in Bass River State Forest in Bass River Township. The 86 foot tall Bass River State Forest fire tower is located on the parcel. The purpose of the tree clearing is to restore visibility in all directions from the fire tower.

The applicant represents that the fire tower covers an area of visibility of approximately 200 square miles for detecting and suppressing wildfire. The applicant further represents that a public safety threat is currently posed to communities such as New Gretna, Ocean Acres, Smithville and Tuckerton due to obstructed views from the fire tower.

The 16.4 acres proposed for tree clearing are comprised of seven separate areas surrounding the fire tower. All trees within the seven areas will be removed. The seven areas range in size from one acre to four acres. All seven areas are located within approximately 1,400 linear feet of the fire tower and contain trees in excess of 90 feet tall.

An application for tree clearing of 2.7 acres on Block 48, Lot 1 and Block 49, Lot 12 in Bass River Township was approved by the Commission in 1995 (App. No. 1995-1054.001). The clearing occurred in Bass River State Forest, immediately adjacent to the fire tower.

STANDARDS

The Commission staff has reviewed the proposed tree clearing for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22)

The parcel is located in the Pinelands Preservation Area District. The existing fire tower is a permitted land use as an accessory structure to Bass River State Forest. The CMP allows the proposed clearing of trees, with conditions, provided the clearing is necessary to accommodate a permitted land use.

Vegetation Management Standards (N.J.A.C. 7:50-6.23)

The CMP (N.J.A.C. 7:50-6.23(a)) requires that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The CMP (N.J.A.C. 7:50-6.23(b)) also requires that, where practical, all clearing activities associated with a permitted use shall avoid wooded areas. The applicant has demonstrated that it is not practical to avoid clearing the wooded areas.

After the proposed tree clearing, the application proposes site preparation of the 16.4 acres by drum chopping, wood disking. The application has been amended to eliminate the proposed use of herbicides.

After site preparation, the application proposes replanting of trees in the 16.4 acres proposed to be cleared. Native tree seedlings will be planted. In addition, Loblolly pine, a non-native species previously existing in the cleared areas, will be planted. White pine, a non-native species previously existing in the cleared areas, will not be replanted due to its fast rate of growth.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed tree clearing. The Commission staff reviewed the proposed tree clearing to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff also reviewed the proposed tree clearing to determine impacts on T&E animal and plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed tree clearing, the applicant proposes to conduct visual surveys to identify and mark any trees containing cavities or nests for potential T&E avian species. Any trees containing potential T&E avian species cavities or nests will be marked and left standing.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any tree clearing, drum chopping or wood disking undertaken between November 1 and April 30.

The proposed tree clearing is designed to avoid irreversible adverse impacts on habitats that are critical

to the survival of any local populations of T&E animal species.

The applicant has demonstrated that no suitable habitat exists for any T&E plant species of concern.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The 16.4 acres proposed for tree clearing are part of pine plantations established in Bass River State Forest between the years 1933 and 1942 by the Civilian Conservation Corps (CCC). The New Jersey Historic Preservation Office (NJHPO) determined in 2004 that Bass River State Forest was eligible for designation on the New Jersey and National Register of Historic Places as the (BRFHD). The NJHPO made this determination of eligibility based upon the Bass River State Forest's association with Franklin D. Roosevelt's New Deal CCC program. Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC.

In accordance with the CMP (N.J.A.C. 7:50-6.154), the Commission staff has determined that the trees proposed for removal constitute a significant historic resource. The CMP (N.J.A.C. 7:50-6.156) requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resources from among three alternatives: preservation of the resource in place, if possible; preservation of the resource at another location, if preservation in place is not possible; or recordation.

Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. This Certificate of Appropriateness requires recordation of the significant historic resource in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

No disturbance will occur greater than six inches below the ground surface. Based upon its review, the Commission staff determined that, since the proposed tree clearing will result in minimal ground disturbance, a cultural resource survey is not required.

The Forest Fire Service represented that NJHPO recommended planting of tree seedlings that would maintain the character of the historic pine plantations. The applicant proposes to replant the area after clearing with native tree seedlings and non-native species that existed in the previous plantation, except White pine, which will not be replanted due to its fast rate of growth.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the 16.4 acres proposed for tree clearing was completed on May 9, 2018. Newspaper public notice was completed on May 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. The Commission received verbal comments from 11 individuals at its June 8, 2018 meeting and 31 written comments (attached) regarding this application.

- Verbal Commenter 1: Tom Dougherty: The commenter opposes the proposed tree clearing because they use the trails going through the pine plantation where the existing forest fire tower and proposed clearing is located. The commenter supports the use of alternative forest fire detection technologies, such as drones. The commenter also supports finding funding for a new tower.
- Verbal Commenter 2: Richard Buzby, Chief of Little Egg Harbor Township Police Department and Office of Emergency Management: The commenter supports the proposed tree clearing. The commenter indicated that funding is a problem for raising the tower. The commenter further indicated that new forest fire detection technologies may have a role in the future. The commenter indicated that the pine plantation was planted, and the forest fire tower was built, in memory of past firefighters who died in the line of duty fighting wildfires in the Pinelands. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document A.
- Verbal Commenter 3: Carl Swanseen: The commenter opposes the tree clearing and supports the use of alternative technologies, such as cameras on towers and camera monitoring systems for wildfire detection instead of a manned fire tower. The commenter also favored replacing the existing tower with a 120 foot high tower. The commenter indicated that the acreage proposed for tree clearing is the “gateway” to the community. The commenter also indicated that the life expectancy of the existing tower may be 10 additional years. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Documents B and F.
- Verbal Commenter 4: Bill Brash: The commenter is in support of the tree clearing. The commenter indicated that current drone technology is not compatible with aerial assets necessary to put out forest fires. The commenter further indicated that a fire observer in a tower is vital in providing information to others during a forest fire. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document C.
- Verbal Commenter 5: Carol Bitzberger: The commenter opposes the tree clearing. The commenter noted that the tower is not manned at night like a continuous video camera feed could be.
- Verbal Commenter 6: Rickie Lasowitz: The commenter opposes the proposed tree clearing and noted the aged condition of the tower. The commenter indicated that the Pinelands is a global asset. The commenter indicated that replacing the tower would decrease the acre of trees to be destroyed. The commenter supports the use of alternative technologies, such as cameras on towers, for wildfire detection. The commenter also opposes herbicide use in the State Forest. The commenter referenced a 1927 State Forest Plan for Bass River and noted that the State Forest is pro-timber industry. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Documents D and G.

- Verbal Commenter 7: Frank Runzol, Acting Fire Chief of Little Egg Harbor Township: The commenter supports the proposed tree clearing for the fire tower. The commenter indicated that, to date, alternate technologies don't work. This verbal commenter submitted written material(s) at the Commission meeting. That material(s) is attached to this Report as Document E.
- Verbal Commenter 8: April Walsh: The commenter opposes the proposed tree clearing for the forest fire tower. The commenter indicated that the fire tower constructed in 1939 is failing and poses a safety hazard to personnel using it.
- Verbal Commenter 9: Cathy Gardener: The commenter opposes the proposed tree clearing. The commenter indicated that they volunteer to lead hikes in the State Parks and that this forest is invaluable for public recreation.
- Verbal Commenter 10: John Ryan: The commenter opposes the proposed tree clearing and the resulting habitat loss. The commenter indicated that the recent State Forest clearing at Lake Absegami and at Wharton's Harrisville Lake are examples of overly drastic clearing used by the State and the commenter does not want that repeated at the fire tower. The commenter indicated there are less intrusive alternatives.
- Verbal Commenter 11: S. Anderson: The commenter opposes the tree clearing.

Written Comments

- Written Commenter 1: Sally Bourguignon: The commenter opposes the proposed tree clearing for the forest fire tower. The commenter suggests topping of the concerned trees. The commenter is concerned about impacts to wildlife. The commenter favors funding a new tower or raising the existing tower.
- Written Commenter 2: Timothy MacDonald: The commenter opposes the proposed tree clearing for the fire tower. The commenter supports alternatives. The commenter requests that the Forest Service provide a list of alternatives that they have considered. The commenter indicated the existing tower has exceeded its life expectancy.
- Written Commenter 3: Karl Swanseen (dated 4/18): The commenter believes that the trees proposed for clearing, magnificent old and majestic pines, are historic plantations and living monuments. The commenter indicated that the forest is enjoyed by visitors to the forest. The commenter believes that the proposed tree clearing will be highly visible. The commenter supports the use of alternative technologies for wildfire detection.
- Written Commenter 4: Karl Swanseen (dated 6/8/18): The commenter indicated that the recent forest clearing by the State at Harrisville Lake was much larger than necessary. The commenter believes that the trees are part of historic pine plantations. The commenter indicated that the existing tower is beyond its expected useful life. The commenter supports construction of a new tower

or the use of alternative technologies for wildfire detection. The commenter believes that alternate technologies would allow more accurate tracking of both firefighters and a forest fire. The commenter poses numerous questions such as why did the Forest Fire Service originally propose to clear trees from 82 acres, the cost of clearing 82 acres, why the Forest Fire Service did not consider a smaller tower in a more appropriate location and why undertake tree clearing if the life expectancy of the tower has passed. The commenter also questions the economic impact of the tree clearing on camping and the recreational economies.

Written Commenter 5:

John DiGiacomo: The commenter opposes the tree clearing. The commenter enjoys the scenic beauty of the trees. The commenter is concerned about impacts to wetlands. The commenter believes the existing fire tower is outdated. The commenter supports the use of camera systems to monitor for forest fires.

Written Commenter 6:

Carol Bitzberger (Bass River Beautification Club): The commenter opposes the proposed tree clearing. The comment appreciates the scenic beauty of the forest. The commenter indicated that the trees proposed for removal are part of an historic plantation. The commenter believes there are alternatives to clearing the trees. The commenter supports the use of alternative technologies, such as cameras.

Written Commenter 7:

Andrew and Rosemary Anderson: The commenters oppose the proposed tree clearing. The commenters are concerned about impact of the proposed tree removal on those that visit the forest and its impact on wildlife. The commenter supports alternative approaches such as replacing the existing tower with a taller tower and the use of alternative technologies, such as cameras on towers and camera monitoring systems, for wildfire detection.

Written Commenter 8:

Todd Tally: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life. The commenter believes that the existing trees have historical significance.

Written Commenter 9:

Christine Tally: The commenter opposes the proposed tree clearing. The commenter believes the existing trees are a beautiful and unique piece of nature. The commenter supports the use of alternative technologies for wildfire detection. The commenter questions the cost of the proposed tree clearing, the remaining life span of the tower and the maintenance costs for the tower.

Written Commenter 10:

Eileen Brower: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection.

Written Commenter 11:

Robyn Firth: The commenter opposes the proposed tree clearing. The commenter believes that the forest is historical and beautiful. The

commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 12:

Jeffery Firth: The commenter opposes the proposed tree clearing. The commenter believes that the forest is historical and beautiful. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 13:

Sonny Basore: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life. The commenter believes that the existing trees have historical significance.

Written Commenter 14:

Leslie and Earl Brower: The commenters oppose the proposed tree clearing. The commenters believe that the forest is historical and beautiful. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that the existing tower is beyond its expected service life.

Written Commenter 15:

Steve Lange: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes that clearing the forest to save the forest is counterproductive.

Written Commenter 16:

Lee-Ann Blake: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees constitute beautiful and unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 17:

Sean Wilson: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are a beautiful and unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 18:

Chad Clarke: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are a beautiful and

unique woodland. The commenter believes the existing tower is beyond its expected service life. The commenter is concerned with costly upkeep and ultimate replacement of the existing tower. The commenter believes the forest is a testament to the heritage and history of the area.

Written Commenter 19:

Samantha Ryan: The commenter opposes the proposed tree clearing. The commenter appreciates the natural beauty of the area. The commenter supports the use of alternative technologies for wildfire detection. The commenter opposes forest clear cutting. The commenter favors replacing the existing fire tower.

Written Commenter 20:

D. Worthington: The commenter opposes the proposed tree clearing. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter hopes an alternative solution can be identified.

Written Commenter 21:

Benjamin Brower: The commenter opposes the proposed tree clearing. The commenter appreciates the beauty of the white pine plantations and that the tree clearing will destroy history. The commenter supports the use of alternative technologies for wildfire detection. The commenter supports heightening the existing tower. The commenter is concerned with the impact of proposed tree removal on those that visit the forest. The commenter appreciates the history of the tree plantations that were planted by the Civilian Conservation Corps in the 1930's.

Written Commenter 22:

Katie Jaeckel: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter believes the existing trees are beautiful. The commenter believes the existing tower is antiquated. The commenter supports a new and higher fire tower.

Written Commenter 23:

Lindsey Brower-Hagar: The commenter opposes the proposed tree clearing. The commenter supports the use of alternative technologies for wildfire detection. The commenter appreciates the splendor of the existing trails through the trees.

Written Commenter 24:

Michael and Kristie Masucci: The commenters oppose the proposed tree clearing. The commenters live adjacent to the fire tower and are concerned with the visual impact of the tree clearing on their parcel. The commenters are concerned with the impact of herbicide use on their onsite potable water well.

Written Commenter 25:

Christopher Brower: The commenter opposes the proposed tree clearing. The commenter lives down the street from the proposed clear cut. The commenter believes that the forest has significant historical and aesthetic value to the community. The commenter believes that existing trails will be devastated by the clear cutting. The commenter supports other ways for the Forest Fire Service to achieve its goal.

- Written Commenter 26: Arthur Abline, Manchester Township Fire Safety Council Chairman: The Manchester Township Fire Safety Council supports the proposed tree clearing. The commenter believes that the public safety benefits of an unobstructed view of the area have obvious health and safety advantages. The commenter believes that the white pines were originally planted for harvesting. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire.
- Written Commenter 27: William F. Brash, Jr, President New Jersey Fire Safety Council: The New Jersey Fire Safety Council supports the proposed tree clearing. The commenter believes that the public safety benefits of an unobstructed view of the area have obvious health and safety advantages. The commenter believes that the white pines were originally planted for harvesting. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire.
- Written Commenter 28: Nancy Reid, Chair, Firewise Committee, Horizon at Barnegat Community: The Horizon at Barnegat Firewise Committee supports the proposed tree clearing. The commenter believes that the fire tower provides the first line of defense for detection of wildfires. The commenter believes that a manned fire tower serves the vital function of coordinating resources during a forest fire. The commenter believes that the concerned trees are not native trees.
- Written Commenter 29: Bass River Board of Commissioners: The Bass River Board of Commissioners opposes the proposed tree clearing. At its meeting of April 2, 2018, the Bass River Board of Governors adopted Resolution 2018-36 opposing the proposed clearing of trees and the associated use of herbicides due to the risk posed to residents of Bass River Township and the unsightly general appearance.
- Written Commenter 30: Jarrod Miller: The commenter opposes the proposed tree clearing. The commenter believes the Pine Barrens are a precious asset. The commenter believes that the forest is historical and beautiful to those who hike and walk through the area. The commenter supports the use of alternative technologies for wildfire detection. The commenter is concerned with the impact of the tree clearing on wildlife.
- Written Commenter 31: Ann Marie Hoffman: The commenter opposes the proposed tree clearing. The commenter believes the clear cutting would destroy the white pine plantations planted by the Civilian Conservation Corps. The commenter believes that the tree removal would destroy a beautiful portion of a trail. The commenter believes the existing tower is antiquated. The commenter supports the use of alternative technologies for wildfire detection. The commenter supports a higher replacement tower.

Staff Response to Verbal and Written Comments:

The Commission staff appreciates the interest in the Pinelands Area of all members of the public who offered comments regarding the application.

The Commission staff reviews proposed development, including tree clearing, in accordance with the regulations contained in the CMP. The standards addressed in this Report are the CMP regulations applicable to the proposed tree clearing.

If proposed development, including tree clearing, meets the regulations contained in the CMP, the CMP does not require an applicant to identify and consider alternative approaches (e.g. alternative technologies) to proposed development, including tree clearing.

As discussed in this Report, the CMP limits clearing to that which is necessary to accommodate the existing fire tower. The CMP also requires that, where practical, all clearing activities associated with the development shall avoid forested areas. The Commission staff has concluded that the proposed tree removal is limited to that which is necessary to accommodate the use of the fire tower. The Commission staff has also concluded that it is not practical for the proposed clearing to avoid wooded areas.

There are no wetlands on or within 300 feet of the proposed clearing.

The proposed tree clearing is consistent with the threatened and endangered species protection standards of the CMP.

The trees proposed for removal constitute a significant historic resource. The CMP requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resource. Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety. The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

The CMP does not directly regulate the visual appearance of the cleared acreage. The applicant proposes the replanting of the cleared acreage with tree seedlings.

The CMP does not regulate the structural integrity of either existing or proposed structures, such as the fire tower. However, the Commission staff does conduct “due diligence” in its review of applications. The

existing forest fire tower is still in use.

As indicated in this Report, the applicant has amended the application to eliminate the proposed use of herbicides.

CONDITIONS

1. Except as modified below, the proposed tree clearing shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park lands, New Jersey State Forest Fire Service" submitted to the Pinelands Commission and dated February 13, 2018.
2. Prior to any tree clearing, the applicant shall obtain any other necessary permits and approvals.
3. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any tree clearing, the applicant shall complete a visual survey of the above referenced 16.4 acres proposed for tree clearing for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any tree clearing undertaken between November 1 and April 30.
5. Prior to any clearing of the 16.4 acres, a copy of the cultural resource recordation report shall be submitted to the Commission staff. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known forestry documentary records on CCC planted stands, and, if appropriate, installation of interpretive signage.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed tree clearing subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinlands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 10, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

*****PLEASE DOUBLE CLICK ON BELOW WRITTEN COMMENT
#1 TO VIEW ALL SUBMITTED PUBLIC COMMENTS*****

Written Commenter #1

Attn: Pinelands Commission

March 15, 2018

APP # 19900868.029
Rec Type 100
MAR 19 2018
Scanned ✓
✓

I'm a resident of Bass River Township and this has come to my attention in the newspaper on this article. I find this very upsetting that someone would think that it is ok to cut down these beautiful white pine trees for a tower when this tower has been there for several years and that there is several other towers in the area. Why this is a problem all of a sudden seems strange. I find this obscured. Did anyone think lets trim the tops of them? How about the animals? How about the beauty of it all? Also they state it would cost too much money to put up a new tower maybe we don't need a new tower how about raising this one. Once you start cutting one they all will be cut next. I am asking you not to issue a permit for this several people in this area are against it I have forward letters to local and higher authority to see if they can help stop this. You are the environmental protection agency and I would hope that you please protect our forest. I am sure that they is ways to find the money for a new tower or to repair this one to make it higher. Thank you for your time. I will be attending Bass River Township Meeting on April 2, 2018 at 7p.m. maybe someone could come down and help us.

Ticdumplin@comcast.net

Sally Bourguignon

Box 310

New Gretna N.J. 08224

609-296-0122

Attn: Pinelands Commission

March 15, 2018 APP # 19900868.029
Doc Type 100

MAR 19 2018

Scanned ✓

✓

I'm a resident of Bass River Township and this has come to my attention in the newspaper on this article. I find this very upsetting that someone would think that it is ok to cut down these beautiful white pine trees for a tower when this tower has been there for several years and that there is several other towers in the area. Why this is a problem all of a sudden seems strange. I find this obscured. Did anyone think lets trim the tops of them? How about the animals? How about the beauty of it all? Also they state it would cost too much money to put up a new tower maybe we don't need a new tower how about raising this one. Once you start cutting one they all will be cut next. I am asking you not to issue a permit for this several people in this area are against it I have forward letters to local and higher authority to see if they can help stop this. You are the environmental protection agency and I would hope that you please protect our forest. I am sure that they is ways to find the money for a new tower or to repair this one to make it higher. Thank you for your time. I will be attending Bass River Township Meeting on April 2, 2018 at 7p.m. maybe someone could come down and help us.

Tlcdumplin@comcast.net

Sally Bourguignon

Box 310

New Gretna N.J. 08224

609-296-0122

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Clear Cutting Proposed for Bass River State Forest Fire Protection

Would Remove Some Historic White Pines
Mar 07, 2018

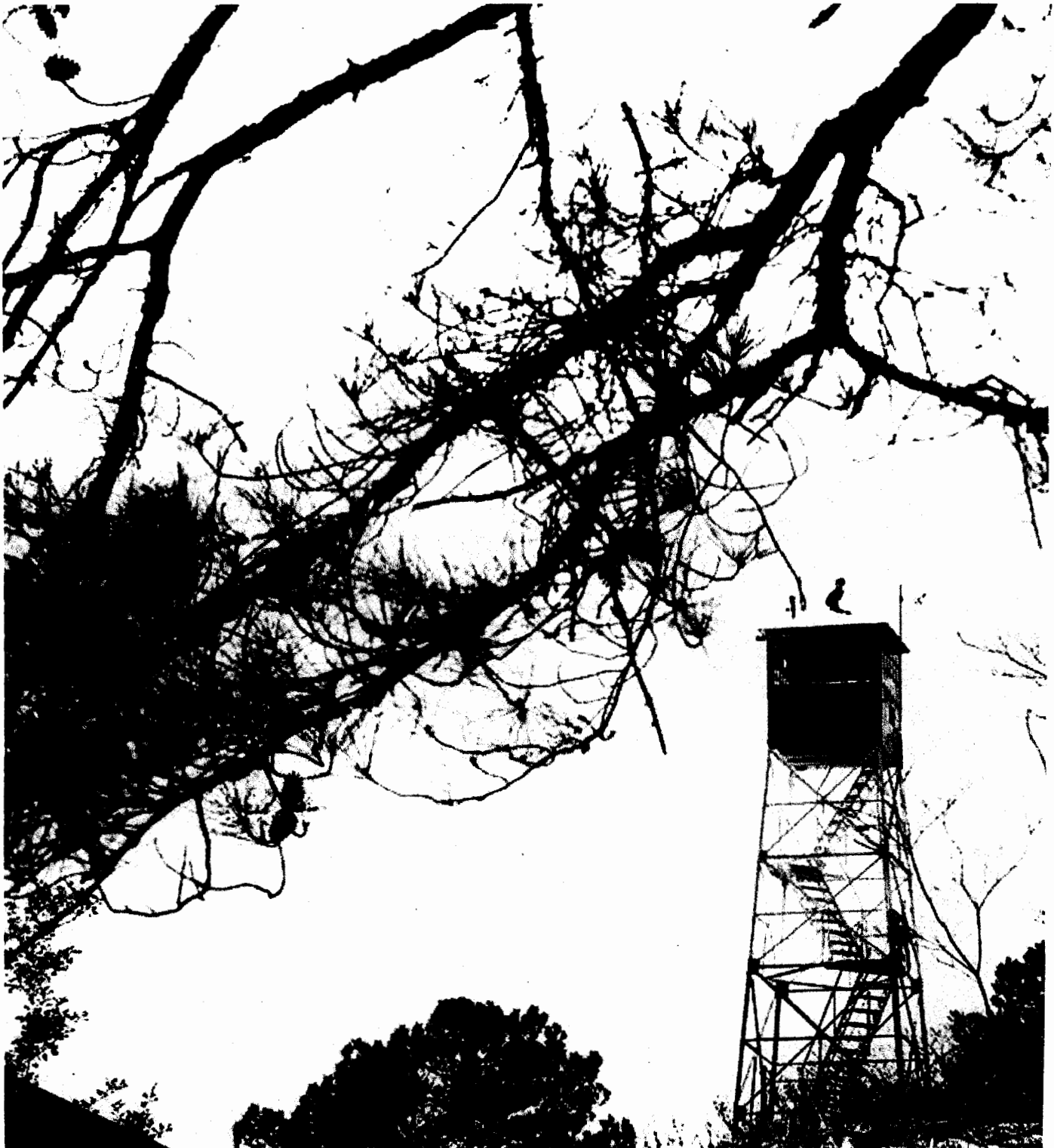


Photo by: Jack Reynolds Fire tower on East Greenbush Road in Bass River Township.



[View More...](#)

Stands of mature white pines in Bass River State Forest will be cut down by the state Department of Environmental Protection in order to improve the line of sight for the fire tower on East Greenbush Road. According to a plan designed in January by the state Forestry and Forest Fire Service, the clear-cutting of 19 acres is necessary – an additional number of acres were scrapped from the plan after local input. But part of the area to be cut is the popular 3.5-mile Pink Trail frequented by hikers in the state forest.

DEP representative Caryn Shinske said the DEP held a stakeholders meeting on Jan. 18 that included state forestry, conservation officers and the fire service as well as elected officials from Bass River Township. A PowerPoint presentation, now online on the NJDEP website, shows the areas to be cut and the rationale.

A plan to replace and raise the tower above the tree line was found to be too expensive, nearly a half-million dollars.

Of the 19 acres slated for removal, less than four acres of white pine were planted by the Civilian Conservation Corps in the 1930s. Still, the removal of those trees will detract from the historic CCC camp site and also remove a favorite trail, dubbed The Cathedral for its 80-foot high trees, said a Bass River State Forest volunteer.

During the Great Depression, President Franklin D. Roosevelt instituted the CCC as part of the Works Project Administration, which employed men to build or improve various public lands. Bass River State Forest was the first public forest in New Jersey, and the CCC planted 4,570 acres of white pine there. White pines can grow to 100 feet tall.

Over the years, the Forest Fire Service has watched the steady growth of the trees surrounding the tower begin to impact the forest fire rangers' line of sight over the Pine Barrens and surrounding communities. The report notes that the service needs to clearly see 10 miles in all directions to be effective. Presently rangers can have an unobstructed view only to the west, where most of the forested area is. But the tower ranger can see only 110 feet to the north, 170 feet to the south and 390 feet east, where much of the development lies. Between 1999 and 2016 there were nine major fires near the fire tower, including the 2007 Warren Grove fire, which burned 15,000 acres to the east of the tower, destroying one home and damaging four others. It also caused evacuations in Ocean Acres and other developments in Stafford and Barnegat townships.

An option to raise the tower rather than cut the trees is deemed impractical due to the age of the tower, built in 1939. Building a new tower would cost \$483,000, according to one quote from Davan LLC Fire Tower Restoration.

If the clear-cutting is approved, tree cutting could start sometime this year by machine (drum chopping) and enhanced by prescribed burning, disc-cutting the soil and the application of herbicides if needed. The forest service would then replant the area with Southern species of pine that are slower growing and shorter, growing only 10 to 15 feet high in 20 years.

There is no set date to begin tree removal, said Shinske. There are several permitting steps the state must take, including getting the Pinelands Commission to issue a permit to the New Jersey Forest Fire Service for tree removal.

"Once a permit is issued, the Forest Fire Service would then commence a process where various contractors could bid on the work to be done," said Shinske.

As part of that process, the Forest Fire Service is required to notify all adjacent landowners within 200 feet of the site where trees would be removed.

The Pinelands Commission will provide public notice and schedule an opportunity for public comment after they received the application from the NJDEP. The public would be welcome to attend the meeting to comment or ask questions.

"In addition to the public comment opportunity, there were a number of environmental stakeholders at the Jan. 18 meeting, from firefighters to elected officials (including Bass River Township Mayor Debra Buzby-Cope) to conservation organizations and more," said Shinske. "To date, the Forest Fire Service has worked with the mayor and township Office of Emergency Management to develop a community wildfire protection plan to reduce overall wildfire issues."

— Pat Johnson AC Press

AppInfo - FW: 1990-0868.029 Bass River State Forest

From: "Info, PC" <info@pinelands.nj.gov>
To: "AppInfo@njpines.state.nj.us" <AppInfo@njpines.state.nj.us>
Date: 4/10/2018 9:30 AM
Subject: FW: 1990-0868.029 Bass River State Forest

From: Timothy MacDonald [mailto:macdontim@gmail.com]
Sent: Tuesday, April 10, 2018 9:20 AM
To: Info, PC
Subject: 1990-0868.029 Bass River State Forest

Bass River State Forest
Forestry to improve view from Bass River Fire Tower BLOCK 48 LOT 1

Please forward to me all information received in regards to this application to clear cut acres of mature white pine trees.

V/r,

Timothy MacDonald
159 Main st West Creek NJ 08092
macdontim@gmail.com

From: "Jeney, Robyn" <Robyn.Jeney@pinelands.nj.gov>
To: "ApplInfo@njpines.state.nj.us" <ApplInfo@njpines.state.nj.us>
Date: 4/10/2018 9:40 AM
Subject: FW: Application and Development Submission or Questions

-----Original Message-----

From: Timothy MacDonald [mailto:macdontim@gmail.com]
Sent: Tuesday, April 10, 2018 9:35 AM
To: Jeney, Robyn
Subject: Application and Development Submission or Questions

Below is the result of your feedback form. It was submitted by Timothy MacDonald (macdontim@gmail.com) on Tuesday, April 10, 2018 at 09:35:03

email: macdontim@gmail.com

subject: Application and Development Submission or Questions

print_blank_fields: 1

Name: Timothy MacDonald ~~2~~ 2

Mailing Address: 159 Main st West Creek NJ 08092

Contact Purpose: General Development Inquiry

Subject Municipality: Bass River Township

Existing Application Number Prefix: 1990

Existing Application Number : 0868

Existing Application Number Suffix: 029

Block01: 48

Lot01: 1

Message: I urge the commission to turn down this request as I do not believe all alternatives have been considered. The fire tower involved is past its life expectancy and even with that being extended it will have to be rebuilt again any way. There is no logical reason to clear acres of mature white pines if at some point the tower they are obstructing will have to be rebuilt. In addition, please have the forestry department submit alternatives that they have considered.

Submit: Submit

APP # 19900868.029
Doc Type 100

Bass River Old Growth Woodlands

APR 13 2018

Scanned ✓

To: Responsible Parties
From: Bass River Township Concerned Resident
Date: April, 2018
Subject: Proposed Clear Cut

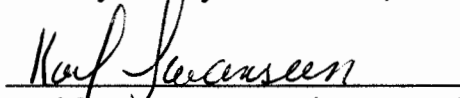
I am a very concerned resident of Bass River Township. It has come to my attention that the New Jersey Forest Fire Service is in the process of planning the clear cut of 19 acres of prime and historic woodland surrounding the Fire Tower located on East Greenbush Road in Bass River Twp.

This is not 19 acres of pitch pine and scrub oak. This is a 19 acre cathedral of magnificent old and majestic pines. It is important to note that the original proposal had an additional 63 acres, the entire plantations targeted for clear cut. Will these be the next round of cuts when they get taller? These are historic plantations and a living monument. The Civilian Conservation Corps acres were planted in 1934, the Bass River SF White Pine in 1928, and the Bass River SF Loblolly Pine in 1908. They are the closest thing we have to an old growth forest. This woodland is a treasure valued by our community and the many visitors who pass through this gateway to our many campgrounds and the Lake Absegami State Park. The proposed cut is located right off the parkway exit and runs visibly along the road. It would be a sin to defile this beautiful gateway and replace it with the blight of a clear cut.

We are told that the view from this aging fire tower(1939) is becoming blocked by these magnificent trees. There are alternatives and technologies available that would work 24/7 and may be more efficient and thorough than a human posted in a tower(see EVSUSA.biz one of many examples). I ask you to help find an alternative and stop this plan, this is a perfect opportunity to begin modernization of our fire detection capabilities and this is a perfect place to start/test these alternatives.

We are a pinelands village, our most precious and valued assets are our woodlands, waterways and wildlife.

Thank you for your attention,



Karl Swanseen, Bass River Township Resident
Karl.Swanseen@comcast.net (m)609-457-1378
POB 239, New Gretna, NJ 08224

APP # 19900868.029
Doc Type 100

Bass River Proposed Clear Cut

JUN 8 2018

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To: Pinelands Commission Members
From: Karl Swanseen, Bass River Township Resident
Date: June 8TH, 2018
Subject: Alternatives to Clear Cut

Thank you all for allowing me to address the commission this morning regarding this issue. I will be as concise as possible, your attention is greatly appreciated.

My goal is to prevent a second environmental catastrophe like the one at Harrisville Lake where a much larger than needed clear cut destroyed an area that has been used by local residents for generations (attached 1).

Some of the reasons we want to save these historic plantations are described in the second attachment (attached 2).

Senator Connors acknowledge my letter and requested DEP Commissioner McCabe to review and consider it and further to assign an appropriate member of staff to contact me directly to review my concerns and possible solutions (attached 3). There was no response and contact even after I called her office twice as follow up.

I requested a copy of the Power Point presentation by the forest fire service promoting the proposed clear cut. I received the power point and in reviewing it there arose several very important questions that need to be addressed in order for anyone to make an informed decision. I submitted these questions to Jeremy Webber, Assistant Division Forest Firewarden who responded to my original request. After five attempts there was no response to the questions (attached 4).

The problem is the old tower is no longer tall enough to view over the adjacent historic plantations. The old tower is already 10 years beyond the expected useful life. Either a new tower should be erected in a location that requires a shorter tower to reduce expense or preferably the existing EVS ForestWatch system (www.evsolutions.biz) that is already in use should be expanded to cover this area. This would require low capital expenditure relative to constructing a new tower. It would require the system to be taken seriously, the internet connection to be up to spec, and at least one person to be adequately trained. This system is used heavily in Oregon, California, and Canada. The system works and this is a perfect place and situation to implement this technology. EVS contact is David Foley [541-236-7040](tel:541-236-7040). The system is located at Division B Forest Fire Service in Monmouth and the camera is located on a police tower. I was told that the system came with high speed fiber internet connectivity, but that was pulled out by the state IT department and is the source of frustration and choppy response when trying to use the system to full potential. Hands on contact there is John Reith [609-726-9010](tel:609-726-9010). When properly implemented this system can monitor many towers from a central location with fewer staff and past daylight hours.

The fire service's emotional appeal at today's meeting is appreciated, but please keep in mind that when

the local firefighters commemorated at the memorial lost their lives the fire tower was in place and the plantations were in their infancy. Perhaps the technology we have today could have allowed more accurate tracking of both the firefighters and the movement of the fire itself.

The following are questions I could not get responses to:

The original proposal calls for the clear cut of 82 acres, the entire plantations. Why if 16 acres gives 100% visibility. (With no response it must be assumed that the eventual goal is complete evisceration.)

The proposal does not address the cost of the clear cut of 82 acres, removal of stumps, chipping of brush and then restoration. (Who will be making how much on this?)

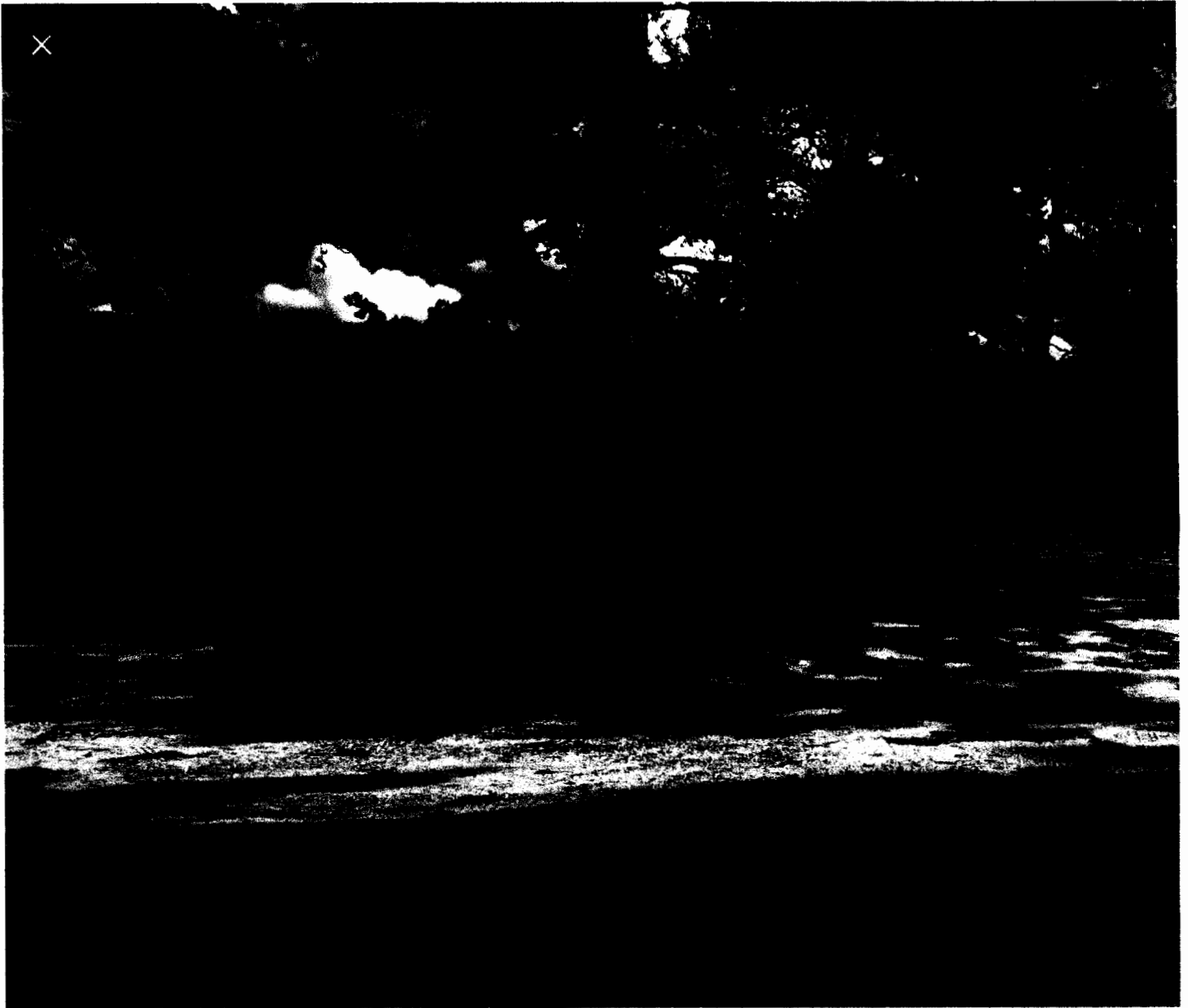
The relocation of a smaller tower in a more appropriate location is not mentioned, only the very expensive replacement in place with a massive 120 foot tower. (Why would only the most expensive possible alternative be mentioned?)

Why would a clear cut be done when this tower is past its life expectancy already? It would not cost much more and maybe less to erect a tower now than later if that is the plan.

This clear cut would be at the gateway to our recreational area. Has the economic impact to our camping and recreation economy been considered?

Thank you for your attention,

Karl Swanseen, Resident of Bass River Township



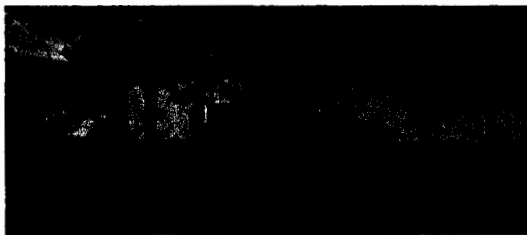
Gone Hikin

Gone Hikin': Wharton State Forest, NJ - Harrisville Pond

Parking at Harrisville Pond

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Bass River Old Growth Woodlands

**To: Responsible Parties
From: Bass River Township Concerned Resident
Date: April, 2018
Subject: Proposed Clear Cut**

I am a very concerned resident of Bass River Township. It has come to my attention that the New Jersey Forest Fire Service is in the process of planning the clear cut of 19 acres of prime and historic woodland surrounding the Fire Tower located on East Greenbush Road in Bass River Twp.

This is not 19 acres of pitch pine and scrub oak. This is a 19 acre cathedral of magnificent old and majestic pines. It is important to note that the original proposal had an additional 63 acres, the entire plantations targeted for clear cut. Will these be the next round of cuts when they get taller? These are historic plantations and a living monument. The Civilian Conservation Corps acres were planted in 1934, the Bass River SF White Pine in 1928, and the Bass River SF Loblolly Pine in 1908. They are the closest thing we have to an old growth forest. This woodland is a treasure valued by our community and the many visitors who pass through this gateway to our many campgrounds and the Lake Absegami State Park. The proposed cut is located right off the parkway exit and runs visibly along the road. It would be a sin to defile this beautiful gateway and replace it with the blight of a clear cut.

We are told that the view from this aging fire tower(1939) is becoming blocked by these magnificent trees. There are alternatives and technologies available that would work 24/7 and may be more efficient and thorough than a human posted in a tower(see EVSUSA.biz one of many examples). I ask you to help find an alternative and stop this plan, this is a perfect opportunity to begin modernization of our fire detection capabilities and this is a perfect place to start/test these alternatives.

We are a pinelands village, our most precious and valued assets are our woodlands, waterways and wildlife.

Thank you for your attention,

Karl Swanseen, Bass River Township Resident
Karl.Swanseen@comcast.net (m)609-457-1378
POB 239, New Gretna, NJ 08224

From: Connors, Sen. D.O. SenConnors@njleg.org
Subject: New Jersey Forest Fire Service is planning to clear approximately
19 acres of prime and historic woodlands
Date: Apr 26, 2018, 3:18:33 PM
To: Karl.swanseen@comcast.net



Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DiAnne C. Gove

Phone: (609) 693-6700 / (732) 240-0266
Website: <http://district9.senatenj.com>
Email: senconnors@njleg.org



April 25, 2018

Mr. Karl Swanseen
Karl.swanseen@comcast.net

Dear Mr. Swanseen:

This is to acknowledge receipt of your recent outreach to our 9th District Legislative Office. Please know that as we continue to share a unified legislative office, our Delegation strives to work cooperatively on behalf of the residents of Ocean, Burlington, and Atlantic counties.

In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

*** By copy of this reply, we are forwarding a copy of your letter to the attention of New Jersey Department of Environmental Protection Acting Commissioner Catherine McCabe for review and consideration. We are also requesting that Acting Commissioner McCabe assign an appropriate member of her staff to contact you directly in order to consider your concerns and possible solutions. Therefore, we trust you will hear from a DEP representative very soon. In the meantime, if we receive any correspondence in our District Office associated with your casework, we will advise you at that time.**

Constituent Services **CONNORS, RUMPF & GOVE**

Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DiAnne C. Gove
Phone: (609) 693-6700 / (732) 240-0266
Email: senconnors@njleg.org



May 18, 2018

Ms. Carol Bitzberger, Coordinator
Bass River Beautification Club
cbitzber@comcast.net

RE: Bass River State Forest – Fire Tower (JS)

Dear Ms. Bitzberger and Members:

This is in response to your recent communication to our 9th District Legislative Office regarding the proposal put forth by the New Jersey Forestry Department to cut down trees in proximity to the fire tower in Bass River State Park as a means of improving visibility.

Thank you for your continued outreach and thoughtful input. You will want to know that our Delegation recognizes the concerns that many local residents and supporters of the State Park have regarding the proposed tree clearing, including the impact on popular trails.

Our Legislative District encompasses a large portion of the Pinelands and, as such, we are conversant with Pinelands-related issues, including forest fire prevention and the operations of State Parks within said area. In response to your inquiry, please be advised that on those issues falling under the jurisdiction of the State, our Delegation's priority has consistently been to represent the interests of local residents which, appropriately, begins with working in concert with their local elected officials. In light of all the significant issues at stake, including public safety and the environment, greater weight should be given to the concerns and insight of local residents and local officials in the decision making process in view of the fact that they live in proximity to the State Park and are, thereby, impacted to a greater extent by Park operations.

To that end, you will want to know Senator Connors recently met with Bass River Mayor Deborah Buzby-Cope and discussed, at length, the tree clearing –fire tower proposal. First and foremost, Mayor Buzby-Cope clearly and strongly conveyed the concerns of our mutual constituency, emphasizing that there is a better way forward that does not entail the clearing of trees and that full consideration should be given to utilizing technology.

Again, thank you for your outreach and valued input. Moving forward, we hope to

From: **Karl Swanseen** karl.swanseen@comcast.net
Subject: **Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)**
Date: **Apr 26, 2018, 2:54:23 PM**
To: **Webber, Jeremy** Jeremy.Webber@dep.nj.gov
Cc: **Fratti, Cynthia** Cynthia.Fratti@dep.nj.gov, **Valentin, Maria** Maria.Valentin@dep.nj.gov, **Glass, Lisa** Lisa.Glass@dep.nj.gov, **Dill, Mary** Mary.Dill@dep.nj.gov, **McLaughlin, Gregory** Gregory.McLaughlin@dep.nj.gov, **Wyckoff, Todd** Todd.Wyckoff@dep.nj.gov, **Bitzburger Carol** cbitzber@comcast.net, **Amanda Somes** bassriverclerk@comcast.net, **commissioner@dep.nj.gov**

Jeremy,

I appreciate your reply, but there is no response to my questions. Would you or someone else please address these questions that are of primary importance to making any decision in this matter.

Karl Swanseen

On Apr 26, 2018, at 2:35 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanseen,

Thank you for expressing your views on the New Jersey Department of Environmental Protection's proposed plans for the fire tower in Bass River State Forest. We certainly share your appreciation for trees, and we understand their importance to our environment and to our visitors' experience at Bass River State Forest. It is our responsibility to protect the lives and property of New Jerseyans residing near our state forests and to do all we can to ensure the safety of our forest firefighters. Please know that your comments will be fully considered as we move forward.

Jeremy Webber
Assistant Division Forest Firewarden
Trenton Headquarters

From: Karl Swanseen [<mailto:karl.swanseen@comcast.net>]
Sent: Thursday, April 19, 2018 9:33 AM
To: Webber, Jeremy <Jeremy.Webber@dep.nj.gov>

Cc: Fratti, Cynthia <Cynthia.Fratti@dep.nj.gov>; Valentin, Maria <Maria.Valentin@dep.nj.gov>; Glass, Lisa <Lisa.Glass@dep.nj.gov>; Dill, Mary <Mary.Dill@dep.nj.gov>; McLaughlin, Gregory <Gregory.McLaughlin@dep.nj.gov>; Wyckoff, Todd <Todd.Wyckoff@dep.nj.gov>; Bitzburger Carol <cbitzber@comcast.net>; Amanda Somes <bassriverclerk@comcast.net>

Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)

Jeremy,

I thought I should provide some additional feedback to the power point since you seem to be taking time to formulate a response. I have attached a letter outlining my concerns and added an additional question to my original email.

Thank you for your attention, if I should be directing my concerns to another person please advise.

Karl Swanseen
609-457-1378

On Apr 11, 2018, at 6:08 AM, Karl Swanseen <karl.swanseen@comcast.net> wrote:

Thank you Jeremy,

After viewing the presentation, I had a couple questions I would appreciate your response to.

The original proposal calls for a clear cut of the entire plantations, 82 acres. Then it is reduced to 19 acres and you have 100% visibility. So then, is the plan to clear cut the rest when they grow taller?

The power point does not indicate the cost of the clear cut option, can you provide an estimate?

The option of using technology/cameras to monitor and report like they use in many other locations in the US is not presented. Has this been considered and why was it not

included as an option.

It seems another option would be to relocate a much lower and less expensive tower to a less sensitive location. Has this been considered?

There has been some concern about the condition and remaining usefulness of the aging tower, what is it's condition and expected useful life?

Finally, what is the estimated long term cost to our local tourism industry from a clear cut at the gateway to our campground and recreational area. This proposal converts a beautiful forest gateway into an ugly mess.

We need to seriously consider all options.

Thank you for your attention,

Karl Swanseen
609-457-1378

| On Apr 9, 2018, at 2:45 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanseen,

Below is the link you requested.

http://www.state.nj.us/dep/parksandforests/fire/docs/bassriver_01_22_2018_JAW.pdf

Thanks for your interest in this matter.

Jeremy A. Webber

APR 19 2018

To: NJ Pinelands Commission,,

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My name is John DiGiacomo, I live in Bass River Township NJ. It has been brought to my attention the Forestry Department intends to clearcut 20 acres of trees around the fire tower on Greenbush Road in the township. ✓

I am heartbroken at the mention of this. The area is no ordinary stand of trees. It encompasses the Pink trail attended by the Bass River State Campground. An area I refer to as the Cathedral in the woods. I am an avid trail runner and Mountain Biker, it is my favorite trail. Please do not cut it down.

It seems to me the firetower itself is an outdated mode of watching for forest fires as satellites can see a penny from outer space. Camera systems are used in most other areas of the country. It also seems counterproductive to cut down the forest so as not to have a forest fire in said forest.

Can nothing be done to stop this? The area encompasses wetlands that feed into the Bass River.

Please Help,
John DiGiacomo
PO Box 125
5618 rt 9
New Gretna NJ 08224..

Date: 04/21/2018

To: Pinelands Commission

Subject: Bass River Fire Tower – Removal of Trees

From: Bass River Beautification Club

APP # 19900868.029
Doc Type 100

APR 24 2018

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The Beautification Club in Bass River Township is just a small informal group of volunteers that tries to help make our Township look better. Recently we heard that the New Jersey Forest Fire Service was planning to clear-cut approximately 20 acres of trees surrounding the existing area of the Fire Tower that is in Bass River down the road from Lake Absegami. Many residents and tourists enjoy this scenic view of the trees and the water. People utilize this area for hiking, horseback riding, biking and camping. The reason sighted for removal of trees was that the trees block the view of the Fire observers when up in the tower. The present tower is 80 feet tall.

Bass River Township is currently a district that comprises about 72 square miles of area, and is a very rural community of which much of our land is designated as Pinelands. There are six campgrounds and two rivers running through the township that bring the 'love' of nature to many visitors, and of course, to our residents. The trees, subject for removal, are part of a historic plantation. The Civilian Conservation Corps acres were planted in 1934, the Bass River state forest white pine in 1928, and the Bass River state forest Loblolly pine in 1908. It would be a shame to remove a historic and living monument.

Believe me I know how important it is to keep forest fires under control and from happening, and the importance of the fire tower to help detect fires and get assistance out as soon as possible. Forest fires cause a lot of destruction to the trees that support our air and water systems, cause danger to residents when the fire occurs near their home, and let us not forget the wildlife that can be destroyed.

We looked at the possible options the Forest Fire Service stated:

Option 1 - Raise Tower: Not feasible. Tower is past service life. Same company that gave a quote for new tower to be built.

Option 2 - Replace tower with new one that is 40ft. taller. Cost is \$483,000 as quoted by Davana LLC.

Option 3 - Two phase approach using clear-cut method for removal of pole sized timber in stands 1-3 in 2018 and stands 4, 6, 7, 8 in 2019 followed by drum-chopping, prescribed burning, treatment with herbicide, and discing (if required) to completely remove standing vegetation. Replant with southern tree species. Most importantly - Forest Fire Service does not state how much this would cost.

We believe there are alternatives that can be looked into and may even possibly work more efficiently than a human in a fire tower, and we can save the acres of trees. We don't support building a new tower because of the cost approximately \$500,000. Raising the tower would be a waste of money because the present tower is old and would not last many more years. Today, we have a world of technology that we should make use of to better protect human, animal and plant life from fire.

Another option would be to install a high definition, remote controlled, network attached camera that can be installed well above the trees to scan forested areas and detect fire/smoke. According to Forest Watch, a company who designs and installs camera based fire detection, the camera can reduce time between fire detection, discovery, dispatch, increase situational awareness and provide real time visual data. Not to mention it may reduce staff costs and detect fires at night. A camera can overlook large areas on a 24/7 basis and be remotely controlled. This system is now being used in Oregon, California, Minnesota, and Canada, so information can be available on the advantages and disadvantages of this system. Bass River does have a nearby communications tower at the NJ State Police – Troop D Bass River Barracks where the camera system could be installed and be higher than eighty feet, and at a cost that would be much lower than installing a new tower.

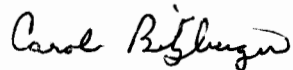
We do hope that you will take the time and look into this situation. We are including a couple of sites that may be helpful in understanding the installation and workings of a camera installed system:

<http://www.firesafemarin.org/remote-fire-detection-cameras>

<http://evsusa.biz/productsservices/forestwatch/>

Thank you in advance for reading our concerns,

Bass River Beautification Club



Carol Bitzberger-Coordinator

Bonnie Adams

Sandy Bourguignon

Ken Rose

April Dolch

Ben Wurst

ForestWatch®

Wildland Fire Detection and Monitoring System

A key component in successfully preventing widespread destruction from wildland fires is early detection.

EnviroVision Solutions (EVS) offers the ForestWatch® wildland fire detection system which uses advanced video analytics and precision cameras to detect the first indications of smoke from a wildland fire.

Fire agencies, in years past, constructed fire lookout towers staffed by trained personnel who were relied upon to alert firefighters of new blazes. In the early 1900's, when the first towers were erected, communication was accomplished via carrier pigeon and Morse code using heliography; the Osborne Fire Finder was developed to plot the location of the fire.

Radios, cellphones, Global Positioning Systems, and computers have helped advance the art and science of fire detection and firefighting methods to a cost effective, highly efficient system, but the initial detection of a wildfire is still largely dependent on the human eye detecting signs of fire.

The ForestWatch® software leverages modern technologies to alert watchers to the potential presence of a fire, to precisely map the location, and provide images, with an accurate latitude and longitude, to dispatch centers and responders. Fire agencies can use this information to quickly and accurately determine the risk and confidently deploy an appropriate initial attack. EVS has installed this system on more than 250 Lookouts, cell towers, and other structures globally, and has over a decade of operational experience.

Camera Capabilities

EVS' cameras are installed singly or in pairs to monitor a full 360° panorama from a view point. In normal operation the camera is constantly scanning, under computer direction, continually on watch for signs of smoke. A detection operator, monitoring several cameras, can take manual control of any camera with a mouse click, zoom to target and utilize the high magnification lens and high resolution imagery to identify and validate the source of a suspected smoke. Near-infrared capabilities allow the cameras to see through smoke, to the flaming front of the fire, providing fire managers with real time situational awareness.



Computer Detection

The ForestWatch® software running at each camera location controls the camera, performs image stabilization, enhancement, and compression to reduce the communication bandwidth by 40:1 or more while delivering high quality images back to a central monitoring location.

The Detector component of the ForestWatch® software utilizes these high quality images and EVS' proprietary algorithms to provide early detection of smoke while discriminating between smoke and dust clouds, fog, flocks of birds, and other false positives. When an alert is generated by the ForestWatch® software it draws a bounding box on the image displayed on the operator workstation. The operator can inspect the area of interest using the powerful camera features and vision enhancements built into the system to investigate far more quickly and effectively than traditional methods would allow.

Once a potential fire has been verified the system can be used to alert responsible parties via email, SMS, or telephone, and the images may be viewed from any internet browser using the ForestWatch Online web presence.

Custom Map Display

As part of the ForestWatch® installation a Geographic Information System(GIS) component is loaded which includes topographic data allowing the cameras to be fully georeferenced. This means a fire's coordinates can be determined from a single camera without triangulation. Known facilities and activities which may cause false alarms can be identified and masked. The GIS map display can import standard ESRI shapefiles, allowing easy integration of locally relevant data. Names of specific landmarks and structures can be added to aid locational awareness and assist in guiding responders. As the operator moves the cursor across the image the Latitude and Longitude are continuously displayed. An operator can produce images of the fire and it's location and make them available to fire personnel outside the monitoring center. Burn permits, lightning data, weather station data, and automated vehicle location data may also be displayed on the camera images or on the GIS display.

Eyes in the Dark

Many wildfires start at night when detection is more difficult and the risk of resources being dispatched to a wrong location are higher due to darkness. The nighttime detection mode of ForestWatch® allows 24 hour detection, and the georeferenced imagery leaves no doubt about the

location of a fire. A daytime view of the area of interest can be overlaid on the night view to provide the operator with visual context. The ForestWatch® software can be trained to ignore the usual lights at night in an area which allows precise detection of brighter than normal or unusually located light sources, even in urban interface areas with numerous lights and roadways.

Image Access

Unlike staffed lookout towers, all EVS camera images can be viewed on any device anywhere with Internet access and a web browser, including smart phones and tablets. This gives fire managers and firefighters unparalleled access to near real-time images, providing fire intelligence and situational awareness.

ForestWatch® provides Fire Managers with the ability to monitor emerging and ongoing incidents, to maximize the effectiveness of available resources and to identify if there is a need to order additional resources. Increased situational awareness at the command center enhances firefighter safety. ForestWatch® systems allow a fire agency to more effectively utilize personnel and resources.

Forensics

The ForestWatch® system archives image and telemetry data from all cameras continually. This information can be used in fire investigations and in the prosecution of arsonists. The date and time stamped on each image provides solid evidence of what happened when. The system has also been effective in the prosecution of poaching, vandalism, timber theft, and has assisted in Search and Rescue operations. The continuous tracking of a fire's full lifecycle also helps with the After Action Review to help hone skills and evaluate the effectiveness of specific actions.

Cost Effectiveness

Utilizing the ForestWatch® system a single operator working from a secure central location can monitor many remote Protection Zones, surveying thousands of square miles with computer enhanced vision and awareness. A smoke event can be detected, located precisely, and evaluated by this operator within minutes of ignition. If an alarm is raised the dispatch center gets not only the location

and description of the fire but that actual image that raised the alert, as well as historic images. They have the full GIS map display at their fingertips, and the ability to track the development of the fire visually minute by minute.

The cost of the ForestWatch software and infrastructure to support a remote camera system represents a small fraction of the cost that would be required to support a staffed lookout. The system can also augment currently staffed towers by offering after hours coverage, powerful camera optics, georeferencing, and a high speed digital communication channel available to the tower lookouts. Low power consumption and environmental hardening allow for remote, off-grid installations.



Field Tested

Douglas Forest Protective Association (DFPA) has been using the ForestWatch Wildfire Detection and Monitoring System across Southwestern Oregon since 2006. At their dispatch center in Roseburg, Oregon, operators at four workstations monitor 30 cameras overlooking thousands of square miles of commercial timber, public, and recreational lands. The system currently serves several agencies including the Oregon Department of Forestry, The Bureau of Land management, and the United States Forest Service. Other large deployments in Canada and California attest to the systems effectiveness.



For more information on ForestWatch®
please contact us:
Phone: 541-236-7040
Email: Info@EVSolutions.biz

EnviroVision Solutions USA
1224 NE Walnut #144
Roseburg, Or. 97470
Or visit our website at:
<http://www.EVSolutions.biz>

Written Commenter #7

Andrew & Rosemary Anderson
35 Golddecker Road
Egg Harbor City, NJ 08215 (mailing address)
[physical address is New Gretna/Bass River Twp]
609-294-0383
RoseAnderson831nj@gmail.com

cc: N. Wittenberg
APP # 19900868.029
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April 16, 2018

Mr. Gregory McLaughlin
State Fire Warden
New Jersey Forest Fire Service, a Division
of NJ Department of Environmental Protection
Mail Code 501-04, PO Box 420
Trenton, NJ 08625-0420

Re: Bass River State Forest Fire Tower/Razing of Acreage Proposal

Dear Mr. McLaughlin:

We are writing to respectfully request that the NJ Forest Fire Service consider other options to improve its ability to clearly view, from the fire tower, the Bass River State Forest, other than the clear-cutting of almost 19 acres of white pine and other conifers in that forest which has been proposed.

Not only do we disagree with what, in our view, is an extreme action -- extensive destruction of 19 acres of the forest by razing the trees -- we are also concerned about the impact on residents and visitors who frequent the forest for hiking, horseback riding, biking and camping, not to mention the devastating impact this would have on the wildlife in that area.

We understand that, as of early April, a formal development application has not been submitted to the Pinelands Commission, and that one commission official has stated that tree-cutting is not a prohibited use but the public would be invited to comment should an application be submitted. Regardless of whether an application is submitted, we ask that the Forest Fire Service consider the following options:

- 1) Replace the aging tower with a taller structure; it is already 10 years past its expected life span; or
- 2) Implement use of an efficient and effective technology, such as the ForestWatch® Wildfire Detection and Monitoring System, which could be installed on the current fire tower or perhaps the communications tower at the NJ State Police's Troop D Bass River Barracks. We understand that each camera of this system covers 400 square miles.

While we have no first-hand knowledge of this particular company or other similar ones and are not offering any type of endorsement, we firmly believe that this type of technology should be considered as a viable option. This system is being used in Oregon, California, Minnesota and Canada, and the forest fire services in those states could be a valuable resource as this technology is considered.

Here are the benefits, excerpted from the ForestWatch®'s website:

Significant reduction in time between fire ignition, discovery and dispatch.

Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational awareness while reducing staff costs.

ForestWatch® has been designed to enhance the role of lookouts as custodians of the forest. A single operator can monitor up to 8 cameras using a multi-view display, vastly expanding their field of view while reducing blind spots. Automatic alerts also help combat fatigue and human error.

Real-time visual and weather data.

Automated detection systems are a vital tool in monitoring and responding to an incident as it happens. Live images and other information gained from system sensors (e.g. temperature, wind speed, wind direction) can greatly assist authorities in coordinating and adjusting their response as, or before, the situation changes. A more efficient response can then be coordinated minimizing risk to firefighters and preventing more property destruction.

Multiple uses for year-round operational efficiency.

ForestWatch® can be used for more than just fire detection and decision support. Uses outside of fire season include surveillance to combat arson, poaching and theft, and to monitor carbon emissions. The powerful archiving and record keeping function of ForestWatch® also makes it ideal for post-event analysis, providing excellent visual evidence in the case of lawsuits and insurance claims.

We greatly appreciate and thank you for your thoughtful deliberation of our request and hope that our concerns, and those of other Bass River Township residents, will be considered.

Sincerely,



Andrew & Rosemary Anderson

cc: *The Honorable Phil Murphy, NJ Governor*

*The Honorable Catherine R. McCabe, Acting Commissioner
NJ Department of Environmental Protection*

*The Honorable Sean W. Earlen, Chairman, and
Ms. Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission*

*The Honorable Christopher J. Connors
Member, NJ State Senate*

*The Honorable DiAnne Gove
The Honorable Brian E. Rumpf
Members, NJ General Assembly*

*The Honorable Deborah Buzby-Cope, Bass River Twp Commissioner & Mayor
The Honorable Nicholas Capriglione, Bass River Twp Commissioner & Deputy Mayor
The Honorable Louis Bourguignon, Bass River Twp Commissioner*

cc: S. Earlen

Andrew & Rosemary Anderson
35 Golddecker Road
Egg Harbor City, NJ 08215 (mailing address)
[physical address is New Gretna/Bass River Twp]
609-294-0383
RoseAnderson831nj@gmail.com

April 16, 2018

Mr. Gregory McLaughlin
State Fire Warden
New Jersey Forest Fire Service, a Division
of NJ Department of Environmental Protection
Mail Code 501-04, PO Box 420
Trenton, NJ 08625-0420

Re: Bass River State Forest Fire Tower/Razing of Acreage Proposal

Dear Mr. McLaughlin:

We are writing to respectfully request that the NJ Forest Fire Service consider other options to improve its ability to clearly view, from the fire tower, the Bass River State Forest, other than the clear-cutting of almost 19 acres of white pine and other conifers in that forest which has been proposed.

Not only do we disagree with what, in our view, is an extreme action -- extensive destruction of 19 acres of the forest by razing the trees -- we are also concerned about the impact on residents and visitors who frequent the forest for hiking, horseback riding, biking and camping, not to mention the devastating impact this would have on the wildlife in that area.

We understand that, as of early April, a formal development application has not been submitted to the Pinelands Commission, and that one commission official has stated that tree-cutting is not a prohibited use but the public would be invited to comment should an application be submitted. Regardless of whether an application is submitted, we ask that the Forest Fire Service consider the following options:

- 1) Replace the aging tower with a taller structure; it is already 10 years past its expected life span; or
- 2) Implement use of an efficient and effective technology, such as the ForestWatch® Wildfire Detection and Monitoring System, which could be installed on the current fire tower or perhaps the communications tower at the NJ State Police's Troop D Bass River Barracks. We understand that each camera of this system covers 400 square miles.

While we have no first-hand knowledge of this particular company or other similar ones and are not offering any type of endorsement, we firmly believe that this type of technology should be considered as a viable option. This system is being used in Oregon, California, Minnesota and Canada, and the forest fire services in those states could be a valuable resource as this technology is considered.

Here are the benefits, excerpted from the ForestWatch®'s website:

Significant reduction in time between fire ignition, discovery and dispatch.

Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational awareness while reducing staff costs.

ForestWatch® has been designed to enhance the role of lookouts as custodians of the forest. A single operator can monitor up to 8 cameras using a multi-view display, vastly expanding their field of view while reducing blind spots. Automatic alerts also help combat fatigue and human error.

Real-time visual and weather data.

Automated detection systems are a vital tool in monitoring and responding to an incident as it happens. Live images and other information gained from system sensors (e.g. temperature, wind speed, wind direction) can greatly assist authorities in coordinating and adjusting their response as, or before, the situation changes. A more efficient response can then be coordinated minimizing risk to firefighters and preventing more property destruction.

Multiple uses for year-round operational efficiency.

ForestWatch® can be used for more than just fire detection and decision support. Uses outside of fire season include surveillance to combat arson, poaching and theft, and to monitor carbon emissions. The powerful archiving and record keeping function of ForestWatch® also makes it ideal for post-event analysis, providing excellent visual evidence in the case of lawsuits and insurance claims.

We greatly appreciate and thank you for your thoughtful deliberation of our request and hope that our concerns, and those of other Bass River Township residents, will be considered.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew & Rosemary Anderson". The signature is fluid and cursive, with the first names being more prominent.

Andrew & Rosemary Anderson

cc: *The Honorable Phil Murphy, NJ Governor*

*The Honorable Catherine R. McCabe, Acting Commissioner
NJ Department of Environmental Protection*

*The Honorable Sean W. Earlen, Chairman, and
Ms. Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission*

*The Honorable Christopher J. Connors
Member, NJ State Senate*

*The Honorable DiAnne Gove
The Honorable Brian E. Rumpf
Members, NJ General Assembly*

*The Honorable Deborah Buzby-Cope, Bass River Twp Commissioner & Mayor
The Honorable Nicholas Capriglione, Bass River Twp Commissioner & Deputy Mayor
The Honorable Louis Bourguignon, Bass River Twp Commissioner*

From: Tally, Todd (AME) <toddt@atlantic-me.com>
Sent: Wednesday, June 06, 2018 3:49 PM
To: AppInfo, PC
Cc: christopher connors - senconnors; brian rumpf; dianne gove
Subject: RE: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized are effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

A simple internet search will find a plethora of information on the topic and I have pasted a couple of examples below.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.583.5432&rep=rep1&type=pdf>

https://www.axis.com/files/success_stories/ss_gov_novgorod_50554_en_1302_lo.pdf

<http://www.firesafemarin.org/remote-fire-detection-cameras>

<http://evsolutions.biz/>

I feel it is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the not very distant future.

I am a Bass River Township resident who enjoys this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel that we should be intelligent enough to create a better solution.

Please make a responsible solution and deny this application.

Thank you,

Todd Tally
General Manager
toddt@atlantic-me.com
Office-609.296.8826
Mobile-609.432.3931
www.atlantic-me.com



SALES, SERVICE, INSTALLATION
NAVIGATION, COMMUNICATION, ENTERTAINMENT
NJ 609.296.8826 • FL 561.432.3931
sales@atlantic-me.com service@atlantic-me.com



Written Commenter #9

From: Tod Tally <ccntt@comcast.net>
Sent: Tuesday, June 05, 2018 8:46 PM
To: AppInfo, PC
Subject: Opposition To: Application # 1990-0868.029 NJDEP Division of Parks and Forestry

Greetings,

This e-mail is to publicly oppose the proposal of clear cutting the trees around the Bass River Fire Tower as a solution to the tall trees that are a beautiful and unique piece of nature.

While I understand and appreciate the logic behind the proposed plan, I know that there are much more intelligent ways to overcome the problem. I am a long time New Gretna resident who lives less than a mile from this area. I am likely to be found in these woods an average of 3 times a week. and this specific With the absolute peacefulness and beauty of this unique area, I am surprised the Department Of Environmental Protection does not propose a significantly better plan than what is presented here in Application # 1990-0868.02.

With the plethora of technology available today, it is well within reason that a high resolution PTZ camera with 2 axis stabilization can do a better job at protecting the citizens of the area from the threat of wildland fire.

What is the monetary cost of the proposed clear cutting plan?

What is the plan for the Tower for which the trees are being cut which is already beyond it's expected life span?

What kind of maintenance costs are anticipated to continue using this asset beyond its current expired state and for how long?

These are a few of the comments and questions I have regarding this application.

Please do not approve this.

Thank you,

Christine Tally
102 W Greenbush Rd
New Gretna NJ 08087

Written Commenter #10

From: EILEEN BROWER <cbeb1980@comcast.net>
Sent: Wednesday, June 06, 2018 10:42 AM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

Dear Pinelands Commission,

6/6/18

I completely oppose clear cutting in The Bass River State Forest. The Forestry Service wants to remain in the past. It seems like they will make any excuse not to embrace technology. The use of cameras is being done all over the country. Not only is it safe, it is also cost effective. Before you make a decision, I urge you to go stand in the White Pines area they want to cut down. I guarantee you will experience a little piece of heaven. You surely wouldn't want to cut it down after visiting the area. PLEASE consider what the locals want.

Sincerely,

Eileen Brower - Bass River Township resident

63 W. Greenbush Rd.

Tuckerton, NJ 08087

Written Commenter #11

From: Robyn <rigelrose@yahoo.com>
Sent: Wednesday, June 06, 2018 4:03 PM
To: AppInfo, PC
Subject: Application #1990-0868.029

Robyn S. Firth
100 West Greenbush
Bass River Township
New Jersey.

I am sending this e-mail to be part of public comment on June 8, 2018. I am opposed to application #1990-0868.029, NJDEP, Div of Parks and Forestry.

I oppose the clear cutting of this historical and beautiful forest. The trails that run through these acres are used by many different interests as recreation. To list some; but not limited too; walking, hiking, bike riding, horse back riding, enjoying the beauty of these gorgeous tall mature trees. People come from all over to enjoy this forest. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks and Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely
Robyn S. Firth

Sent from my iPhone

Written Commenter #12

From: Robyn <rigelrose@yahoo.com>
Sent: Wednesday, June 06, 2018 4:07 PM
To: AppInfo, PC
Subject: Application #1990-0868.029

Jeffrey Firth
100 West Greenbush
Bass River Township
New Jersey.

I am sending this e-mail to be part of public comment on June 8, 2018. I am opposed to application #1990-0868.029, NJDEP, Div of Parks and Forestry.

I oppose the clear cutting of this historic and beautiful forest. The trails that run through these acres are used by many different interests as recreation. To list some; but not limited too; walking, hiking, bike riding, horse back riding, enjoying the beauty of these gorgeous tall mature trees. People come from all over to enjoy this forest. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks and Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely
Jeffrey Firth

Sent from my iPhone

Written Commenter #13

From: Basore, Sonny (AME) <sbasore@atlantic-me.com>
Sent: Wednesday, June 06, 2018 5:21 PM
To: AppInfo, PC
Subject: RE: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Written Commenter #14

From: lbi81@aol.com
Sent: Wednesday, June 06, 2018 5:57 PM
To: AppInfo, PC
Subject: Clear cutting of trees in Bass River State Forest

Application # 1990-0868.029

I am sending this email to be part of public comment on June 8th, 2018.
I am opposed to application #1990-0868.029, NJDEP, Div of Parks & Forestry.

I oppose the clear-cutting of this historic & beautiful forest. The trails that run through these acres are used by many different interests as recreation & many different forms of wildlife habitats. To cut them for a fire tower that is beyond its life expectancy, especially when there are other methods to be explored that can keep the public safe from and official aware of the outbreak of forest fires, would be a terrible loss.

I respectfully request the Pinelands Commission denies this application and the NJDEP, Div of Parks & Forestry explores alternative ways to detect wildfires, especially since these technologies exist.

Sincerely,
Leslie & Earl Brower

Written Commenter #15

From: Lange, Steve (AME) <slange@atlantic-me.com>
Sent: Thursday, June 07, 2018 8:13 AM
To: AppInfo, PC

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

It is extremely disappointing that a forestry service would be so eager and willing to decimate any forest. These trees have survived a great many trials through their lifetime. To cut them down for such a reason is ignorant, sad, and a blatant disregard and disrespect for these wonderful trees. This sort of mentality is unacceptable. Destroying the small amount of wild forest that remains in this state (or country for that matter), should not even be a consideration.

I would refuse to accept that there is not another option that does not require removal of this area of forest.

I understand that protection of the forests from forest fires is the final goal here, but destroying a forest to protect it is just plain lunacy.

Thank you

Written Commenter #16

From: Blake, Lee-Ann (AME) <lblake@atlantic-me.com>
Sent: Thursday, June 07, 2018 8:30 AM
To: AppInfo, PC
Subject: Application # 1990-0860.29

Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are many more options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond its expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wild land protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wild land fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,
Lee-Ann Blake

From: Wilson, Sean (AME) <swilson@atlantic-me.com>
Sent: Thursday, June 07, 2018 1:06 PM
To: AppInfo, PC
Subject: Application # 1990-0860.029

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Kind Regards,

Sean Wilson
Purchasing/Sales



Atlantic Marine Electronics
5738 Route 9
New Gretna, NJ 08224

Written Commenter #18

From: Clarke, Chad (AME) <cclarke@atlantic-me.com>
Sent: Thursday, June 07, 2018 1:51 PM
To: AppInfo, PC
Subject: Application # 1990-0860.029

To whom it may concern:

I am opposed to the proposal to clear cut the trees around the almost 80 year old Bass River fire tower.

There are much more intelligent options available than to decimate 16 Acres of incredibly beautiful and unique woodland.

For those to say that a specialized camera could not be utilized effectively are either unfamiliar with the available technology or not open minded enough to understand what is possible. Think about ten years ago somebody telling you that you will have broadband speed internet on your mobile phone. This is not to say there could be some challenges with the implementation, but there are many more pros than cons.

Clear cutting the trees will do nothing to change the fact that this tower is beyond it's expected service life. There are many questions that need to be addressed before the approval would be granted to make a hasty decision that would still not save any money down the road with a tower that will either need costly upkeep or ultimately replacement.

It is important to be leaders of the future while protecting the past and this plantation of trees is a great testament to the heritage and history of the area. Once that is gone it is forever and I have complete confidence that remote video monitoring for wildland protection will be preferred method in the future.

I enjoy this area for recreation on a regular basis, to lose it would be a tragedy. I also understand the importance of wildland fire protection and feel a better solution can be created..

Please make a responsible solution and deny this application.

Thank you,

Chad Clarke
Sales Manager
Atlantic Marine Electronics
5738 Route 9
New Gretna, NJ 08224
cclarke@atlantic-me.com
609-296-8826 office
609-389-3307 cell
609-296-8867 fax



Written Commenter #19

From: Samantha Ryan <samanthaannryan@gmail.com>
Sent: Thursday, June 07, 2018 2:59 PM
To: AppInfo, PC
Subject: Application Number: 1990-0868.029

To whom it may concern,

It has come to my attention that there is a request to clear cut the white pine forest in the Pine Barrens near the Bass River fire tower. Granting such an application would be a heartbreaking disaster.

The Pine Barrens near the Bass River fire tower is where I spent countless hours exploring as a child. Having grown up amid these beautiful trees, I know there is more to New Jersey than a strip mall and Jersey Shore stigma.

The wonders of such a vast forest should be protected, and clear cutting in no way achieves that goal. Instead it is taking the path of least resistance at the attempt to prevent forest fires. It is lazy. And it saddens me to learn it is being considered as a viable option. Make no mistake, I am aware that fire prevention is important (one of my childhood memories is of the disastrous fire ripped through that area along Route 539 leaving charred trees for years to come while new growth slowly emerged). I am also aware, I am no expert in fire prevention, however, there must be other methods or new technology to prevent the necessity of cutting down the white pines? These trees have stood for countless years.

As an avid hiker, I am keenly aware of the impact of such tactics as clear cutting and the potential it has to open doors to much more dangerous requests. The use of clear cutting around the Bass River fire tower would destroy hiking treasures such as the Cathedral found along the CCC trail. This wonderful portion of the forest is in the direct path of destruction. With clear cutting it will be reduced to nothing more than glaring display of destruction caused by humans who refuse to turn to other means. Too many trails have been ruined by such practices. It has turned once proud trails into nothing more than dirt paths along the roadway or backyard cut throughs. My heart aches at the possibility that New Jersey may allow that to happen to the Pine Barren.

Further, it is common to see buildings torn down after a few years simply because we no longer like the look of them. Yet we would rather destroy these majestic trees rather than replace a fire tower built in 1930? It seems a great waste. In part because I fear once they have been cut someone will suggest that now a new, bigger, and no more efficient tower should be built to take up that space. Or worse, someone will ask: why stop with clear cutting the white pines? Wouldn't a new housing development bring in more revenue? The sad truth is this is happening not only in New Jersey, but across the country. In Pennsylvania, where I currently reside, there is push to turn protected lands into housing developments using the powers eminent domain. Driving past cookie cutter houses where once proud forest stood breaks my heart. I would be devastated to learn the same has happened to the Pine Barren.

The decision regarding this proposal may probably be made before you read this. I hope that is not the case. I hope my voice can stand in for those of us who've moved away with fond memories of the white pines or the Pine Barrens in general. I hope my voice stands in for not just my request, but all our requests that you find another way to achieve your goals. For what a terrible tragedy it would be to lose the Pine Barrens for no other reason than we just didn't try hard enough to preserve it.

Thank you.

Samantha Ryan, Esquire

Written Commenter #20

From: D Worthington <dianneworthington@verizon.net>
Sent: Thursday, June 07, 2018 10:46 PM
To: AppInfo, PC
Subject: Comment on clear cut in BRSP for fire tower visibility

To whom it may concern: clear cutting this stand of very large, old pine trees in Bass River State Park to help with visibility would be a travesty! I am hoping an alternative solution can be figured out! This area is recreationally used often by hikers, bikers and horse back riders!
Sent from my iPhone

Written Commenter #21

From: Benjamin Brower <browbe01@gmail.com>
Sent: Friday, June 08, 2018 10:43 AM
To: AppInfo, PC
Subject: Application No. 1990-0868.029
Attachments: Final Map_BB11X17_1930.pdf; Final Map_BB11x17_2017.pdf

Dear Pinelands Commission,

My name is Benjamin Brower, and I am a resident of Bass River Township. Unfortunately, I am unable to attend today's public hearing in regards to Application No. 1990-0868.029, the clear cutting in Bass River State Forest. I want to express my disgust for the application and call for its immediate rejection. The reasoning behind this clear cutting proposal is short sighted, destroys beautiful white pine plantations, and destroys history.

I understand the importance of fire safety in the Pinelands, but to rely on a tower that was built in the 1930's, and had been scheduled to be replaced over 20 years ago is abhorrent. There are newer technologies that could make fire prevention a less expensive operation over the long term, or we finally put the funds necessary and build a higher tower if the true endeavor of this application is to save jobs of the fire service. These alternatives must be considered over destroying this forest.

I have attached below copies of maps below showing The CCC trail in Bass River State Forest and where the clear cutting would occur. This cutting would destroy a part of the trail called The Cathedral in the Woods. It is one of the greatest parts of Bass River State forest, and a place where many people go for hiking, and enjoying nature. This cutting would destroy this place so many residents in the nearby area, and the countless visitors over the summer months.

While this forest is not native, its history is a unique one. The Civilian Conservation Corps planted the majority of this forest in the 1930's. They also built the fire tower. Young men who couldn't find work across the country joined the CCC and helped build the infrastructure of so many of our parks that their work to help create our natural world be accessible should not be wiped off the map, but preserved. Thank you for your time, and I hope you do not accept this application.

Sincerely,
Benjamin Brower

Written Commenter #22

From: Katie Jaeckel <kpjaeckel@gmail.com>
Sent: Friday, June 08, 2018 1:42 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

I cannot attend the meeting tonight so I would like to express my opinion at least in an email. The areas they propose cutting would destroy white pine forest plantations and the most beautiful part of The CCC trail called The Cathedral in the Woods. This senseless destruction of one of the most beautiful trails in the Pine Barrens over an antiquated tower is appalling. Fire protection should not be limited to structures built in the 1930's. New technologies, or even pay for a higher and more up to date tower must be considered over clear cutting these majestic trees. If the state truly cares about this area, they should build a new fire tower.

Katie Jaeckel

Written Commenter #23

From: Lindsey Brower <llbrower@gmail.com>
Sent: Friday, June 08, 2018 1:54 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

Dear Members of the Pinelands Commission,

Please do not clear cut the proposed areas of the Bass River State Forest. I grew up near these woods, and although I now live in Pennsylvania, I treasure the opportunities I have to come home to visit and experience these trails in their full splendor. Please explore other, more technically advanced fire prevention tactics than relying on a tower built in the 1930s. It would be devastating to lose these unique forests. Thank you for your consideration.

Lindsey Brower-Hagar
Childhood resident of Bass River Township

Written Commenter #24

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: General Information Submissions or Questions

-----Original Message-----

From: Michael and Kristie Masucci [mailto:Masuch48@hotmail.com]
Sent: Friday, June 08, 2018 9:46 AM
To: Info, PC
Subject: General Information Submissions or Questions

Below is the result of your feedback form. It was submitted by Michael and Kristie Masucci (Masuch48@hotmail.com) on Friday, June 8, 2018 at 09:46:23

email: Masuch48@hotmail.com

subject: General Information Submissions or Questions

Name: Michael and Kristie Masucci

Mailing Address: 139 West Greenbush Rd Bass River, NJ 08224

Phone Number: 6095480971

Message: To Whom It May Concern,

I am writing to the members of the Pinelands Commission to express our strong opposition to the clear cutting of approximately 16-19 acres of woods around the Bass River Fire Tower. This clear cut directly affects the entire back line of my property. My wife and I and our three children moved to Bass River for the beauty and quietness of the surrounding woods. If the clear cut is approved we will go from looking at a beautiful back drop of woods to staring at a fence line surrounding the fire tower and maintenance yard.

Even more important then the view from our backyard is the possibility of HERBICIDES being used. The well that my families drinking water comes from is aproximately 150-200 feet from the proposed clearing.

Thank you for your time and consideration. Respectfully Submitted, The Masucci Family

Submit: Submit

Written Commenter #25

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: General Information Submissions or Questions

-----Original Message-----

From: Christopher Brower [mailto:cbeb1980@comcast.net]
Sent: Friday, June 08, 2018 11:08 AM
To: Info, PC
Subject: General Information Submissions or Questions

Below is the result of your feedback form. It was submitted by Christopher Brower (cbeb1980@comcast.net) on Friday, June 8, 2018 at 11:07:44

email: cbeb1980@comcast.net

subject: General Information Submissions or Questions

Name: Christopher Brower

Mailing Address: 63 West Greenbush Road, Tuckerton, 08087

Phone Number: 609-296-4416

Message: I am a resident of Bass River Township, down the street for the proposed Clear cut within the Bass River Park (Application #1990-0868.029). I am completely against this application. Although the White Pines are not a native species in the Pinelands, the forest has significant historical and aesthetic value to the community. The trails are beautiful which will be devastated by the clear cutting of the trees. I am proud to live in the Pinelands and wish to share the beauty with others, not destroy it for no reason. I realize the Forest Fire Service needs to have the ability to see the areas that are blocked by the trees, but there are numerous ways to achieve this without clear cutting.

Submit: Submit

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: Bass River Forest Fire Tower
Attachments: Bass River Fire Tower.pdf

From: Arthur Abline [<mailto:AAbline@manchestertwp.com>]
Sent: Friday, June 08, 2018 8:11 AM
To: Info, PC
Cc: bill@njfiresafetycouncil.org
Subject: Bass River Forest Fire Tower

To Whom It May Concern

Please read the attached regarding the Bas River State Forest Fire Tower.

Thank you for your time and attention in this matter

Arthur Abline, NJ CEM
Manchester Township
Emergency Management Coordinator
Safety / RTK Coordinator
1 Colonial Drive
Manchester, NJ 08759
732-657-2009 ext 4604
732-657-8657 Fax



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-2009 x 4604

OFFICE OF EMERGENCY MANAGEMENT

ARTHUR ABLINE
EMERGENCY MANAGEMENT COORDINATOR

KENNETH T PALMER
MAYOR

June 7, 2018

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
info@pinelands.nj.gov

Re: Comments to the proposed Public
Development Application No. 1990-
0868.029

Tree removal to improve visibility from
Bass River State Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The Manchester Township Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park fire tower for the following reasons:

- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been to workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-2009 x 4604

OFFICE OF EMERGENCY MANAGEMENT

ARTHUR ABLINE
EMERGENCY MANAGEMENT COORDINATOR

KENNETH T PALMER
MAYOR

- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers act as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the Manchester Township Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

Arthur Abline
Manchester Township
Fire Safety Council Chairman



New Jersey Fire Safety Council

5 Wildwood Way
Freehold, NJ 07728
P: 732.890.0725
E: Bill@wildfiresafetycouncil.org
WEB: njfiresafetycouncil.org

June 7, 2018

Board of Trustees

Bill Brash, *President*

John Cowie, *Trustee*

Maris Gabliks, *Trustee*

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Comments to the proposed Public Development
Application No. 1990-0868.029
Tree removal to improve visibility from Bass River State
Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The New Jersey Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park ~~fire tower~~ for the following reasons:

- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been to workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.
- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the NJ Fire Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

William F. Brash Jr.

William F. Brash Jr.
President

From: Info, PC
Sent: Monday, June 11, 2018 8:33 AM
To: AppInfo, PC
Subject: FW: Public Development Application #1990-0868.029

From: Robert B Reid [<mailto:rbreid@comcast.net>]
Sent: Thursday, June 07, 2018 9:55 PM
To: Info, PC
Subject: Public Development Application #1990-0868.029

To: Members of the NJ Pinelands Commission

Re: Public Development Application #1990-0868.029
Tree Removal – Bass River Fire Tower

The Horizons at Barnegat Firewise Committee, Barnegat, NJ, **strongly** supports the NJFFS request to remove the previously planted non-native white pine obstructing the view of Bass River State Park from the fire tower located there. The tower is the first line of defense for detection of approaching wildfires. The obstruction of the observers' view makes wildfire detection, especially in the early stages, difficult, if not impossible. Speed of detection is of utmost importance to save lives, the beautiful recreational facility itself, and neighboring communities and homes. In the event of a wildfire, the tower observers also offer a communication hub, coordinate resources and relay crucial information to firefighters on the ground. It is imperative that they have an unobstructed view of the forest to do this. The fact that the pines are not a native tree is another factor that supports their removal.

The Pinelands has a well-known fire history. It's not "if", but "when" a wildfire will occur. With an increased fuel risk, it is crucial that the pines obstructing the fire tower observer's view be eliminated as soon as possible.

Please support this application for the safety of firefighters and residents of this area.

Thank you for your anticipated support and approval of this application.

Sincerely,

Nancy S. Reid
Chair, Firewise Committee
Horizons at Barnegat Community

From: Amanda Somes <bassriverclerk@comcast.net>
Sent: Thursday, June 07, 2018 9:51 AM
To: AppInfo, PC; Montgomerie, Jean
Cc: dbuzz13@aol.com; lhb1022@comcast.net; nick.capriglione@comcast.net; 'JoAnne O'Connor'
Subject: Application No. 1990-0868.029
Attachments: Scan.pdf

Attached is a resolution adopted by the Bass River Township Board of Commissioners opposing the clear cutting of trees by NJDEP Division of Parks and Forestry. Please consider this resolution for the record as public comment for the June 8 Commissioner Meeting regarding this permit.

Thank you

Amanda Somes, RMC
Township Clerk
Bass River Township
P.O. Box 307
New Gretna, NJ 08224
609-296-3337
fax: 609-296-3458

BASS RIVER TOWNSHIP NEW JERSEY

RESOLUTION NO. 2018-36

**A RESOLUTION EXPRESSING OPPOSITION TO PROPOSED STATE ACTION
TO CLEARCUT TREES AT THE FIRE TOWER LOCATED ON EAST
GREENBUSH ROAD IN THE TOWNSHIP OF BASS RIVER**

WHEREAS, the Township of Bass River Board of Commissioners has been notified by the State of New Jersey Forest Fire Service (NJFFS) that the State has proposed to clear-cut more than nineteen (19) acres of trees located at and near the fire tower on East Greenbush Road (known as clear cutting); and

WHEREAS, NJFFS has also notified the Township that it will be applying a herbicide to this more than nineteen (19) acres giving the entire area an unsightly scorched earth appearance; and

WHEREAS, the Board of Commissioners finds that this State action could result in significant administrative and undue safety burdens on the Township; and

WHEREAS, the proposed clear cutting could pose a risk to residents of Bass River Township and property and will result in an unsightly general appearance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River that the New Jersey Forest Fire Service is strongly urged to reject the proposed action to clear cut trees and application of an herbicide near the Fire tower located at East Greenbush Road, in the Township of Bass River.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Forest Fire Service for its records.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Commissioners of the Township of Bass River held on the 2nd day of April, 2018.



AMANDA SOMES, RMC, CMR

Written Commenter #30

From: Jarrod Miller <atlanticofficer@yahoo.com>
Sent: Friday, June 08, 2018 9:15 AM
To: AppInfo, PC
Subject: 1990-0868.029

Please accept this email in reference to the above application. I, as do every resident of Bass River Township, strongly oppose the proposed clearing for the fire tower observation. I think it goes without saying that the pine barrens are a precious asset to the State. However, the particular pines that will be destroyed if this proposed clearing is granted are of greater significance. There is a historical aspect to these pines that cannot be overlooked. I challenge any interested party to simply take a walk through the effected area and see if it does not alter your point of view. These pine forests are one of the most beautiful places in the State. I, as do residents from throughout the State, often hike through these forests as a way to enjoy this wonderful place. It literally makes you feel as if you have gone back to prehistoric times!

The cutting of hundreds of year old trees to be able to see from a tower seems like something proposed in the 1920's. Technology is so advanced that there must be a simpler and better solution that will be less impactful to the environment. I have heard that other States use drones and/or mounted cameras to monitor for forest fires. This seems like it would definitely be a better alternative than destroying a forest. It would be more cost efficient too.

We must also remember that we are not the only species that are entitled to use and enjoy these woods. There are numerous species that rely upon this area for their survival such as white tail deer, wild turkey, pine barrens tree frogs and rattlers. I know based upon first hand knowledge, as my home is located a mere mile from where the fire tower is located.

Please consider this when you review the proposed application. When you really think about it, it seems barbaric in these times that the solution to this problem would be to clear cut a forest of this significance given the advancements in technology and our knowledge of the environmental impact that this can have. Once these trees are gone, they are gone!

Thank you for your consideration.

Jarrod Miller
13 E. Greenbush Rd.
New Gretna

From: Edward Hoffman <Just2beachbums@hotmail.com>
Sent: Friday, June 08, 2018 5:55 PM
To: AppInfo, PC
Subject: Application No. 1990-0868.029

I strongly oppose this application to clear cut these areas! The areas you propose cutting would destroy white pine forest plantations and the most beautiful part of The CCC trail called The Cathedral in the Woods. This senseless destruction of one of the most beautiful trails in the Pine Barrens over an antiquated tower is appalling. Fire protection should not be limited to structures built in the 1930's. New technologies, or even pay for a higher and more up to date tower must be considered over clear cutting these majestic trees.

Please reconsider!

Ann Marie Hoffman
609-425-3144 cell



(609) 296-7241
Fax (609) 296-5352
<http://www.leht.com>

LITTLE EGG HARBOR TOWNSHIP

665 RADIO ROAD, LITTLE EGG HARBOR, NJ 08087

April 24, 2018

New Jersey Department of Environmental Resources, Natural & Historic Resources

PO Box 420

Trenton, NJ 08625-0420

Attn: Acting Commissioner Catherine R. McCabe

Re: Bass River Fire Tower

Dear Commissioner McCabe:

About a year ago we wrote to express our support for the NJ State Forest Fire Service in an effort to remove some non native white pine trees that had been planted near the Bass River Fire Tower in the 1930's by the former U. S. Civilian Conservation Corps (CCC). Those trees had, at that point, grown to such a height that overshadowed that tower and greatly reduced its utility for its intended purpose, which is the early detection of pinelands fires to aid the prompt dispatch and response of emergency fire equipment to suppress these fires before they become overwhelming disasters as they will if undetected and unchecked. It is now our understanding that this issue still remains in doubt and we wanted, once again, to express our support for the Service in these regards.

These blazes, either intentional or accidental, have occurred in this area for hundreds of years and, once ignited, they are, in some cases, known to grown quickly to an enormous size that quickly devours the forest resource and then proceed to threaten the surrounding homes and businesses in many communities. On many occasions these fires have overwhelmed all fire fighting resources and a number of fire fighters have been lost, as well as a number of other persons trying in vain to flee these conflagrations. It seems, in fact, ironic that many CCC personnel were themselves lost in such incidents and that their later planting of these non-native trees was done to partially repair the damage from those fires. How sad it is that the product of their labor has now grown to such an extent to threaten the lives of present day forest firefighters, such as the four volunteers lost there in 1977. In that tragic case the fire was detected too late to be contained without extreme risk by those fire fighters. This remains an abiding memory and has remained a scar on the lives of many families here since.

There was a recent event that we believe makes this case that perhaps anything else we could say. On April 22, 2018 a major forest wildfire broke out in Washington Township, Burlington County. At the point of its ignition it would have been about nine miles from the Bass River Tower. Although Bass River

Submitted to
6/5/2018
mtg

Doc
#1

APP # 19900868.029
Doc Type 100

JUN 8 2018

Scanned ✓

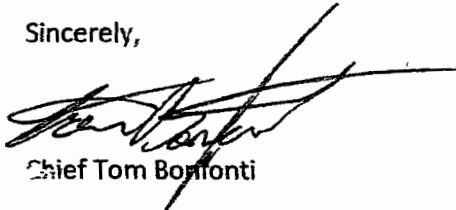
COPY

was one of the closest towers, it was actually the last in the area to observe the blaze with towers as far away as Medford (at 17 miles, twice as far) being able to observe it first. We believe this delayed the response to this fire which, once again, grew to destroy some 843 acres of forest land and also would have consumed homes, but for the actions of the brave men and women of the NJ Forest Fire Service and local volunteers.

This tower has served, for decades, as a sentinel that protects our communities from the ever present dangers of wildfires here. We are always thusly at risk, simply because of the inherently volatile nature of local forests, as opposed to less risky conditions found elsewhere. National media outlets, such as Rolling Stone Magazine, have, in fact, noted this phenomenon and, we believe, correctly stated the incredible danger that Pinelands communities face in part due to inadequate mitigation activities. We have, in Little Egg Harbor, maximized our mitigation activities and will continue to do so. No amount of mitigation, however, can replace the benefit of early detection and efficient fire fighting when the inevitable occurs.

Make no mistake, we greatly appreciate the story of the CCC's and their abiding legacies in our forests. Their story has become an inexorable part of local lore and your interest in the preservation of those legends is laudable. We ask you to keep in mind, however, that this tower is an essential piece of the wildfire detection infrastructure that was designed and placed as such decades ago. It is our understanding that all alternatives have been explored and all have been found wanting. The Service, in addition, has pared the proposed cut down to the lowest possible area of impact. Sometimes, as we believe is this case here, it is necessary to eliminate a very small part of something great for the greater good. Because these forests are an integral part of our communities we believe that inadequate monitoring will present a clear and present danger to the businesses, homes and, ultimately, the people who work and live here. We ask you to approve the revised proposal of the NJ Forest Fire Service for these reasons immediately. Thank you, once again, for this opportunity to express our opinion in these regards.

Sincerely,



Chief Tom Bonifanti

Mystic Island Fire Company



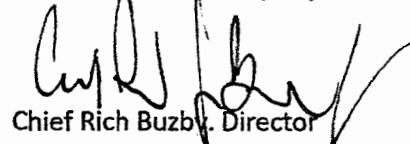
Chief Anthony D'Andrea

West Tuckerton Fire Company

Chief Frank Runza



Parkertown Fire Company



Chief Rich Buzby, Director

Little Egg Harbor Township O.E.M.

Cc: Honorable Governor Phil Murphy

NJ 9th Legislative District

Little Egg Harbor Township Committee

NJ Forest Fire Service

Document B

From: Info, PC
Sent: Monday, June 11, 2018 8:34 AM
To: AppInfo, PC
Subject: FW: Public Comment Bass River Clear Cut Proposal
Attachments: Pinelands Commission.docx; Old Growth Forest.pdf

From: Karl Swanseen [mailto:karl.swanseen@comcast.net]
Sent: Friday, June 08, 2018 3:05 PM
To: Info, PC
Subject: Public Comment Bass River Clear Cut Proposal

Thank you for allowing me to comment this morning. Attached is information I hope will help you make a fully informed decision. Please confirm receipt of this prior to expiration of the public comment period.

Karl Swanseen

ATTACHMENT 1



At meeting



ATTACHMENT 2

ATTACHMENT 3

Verizon

2:58 PM

94%

Mailboxes Inbox Edit

● **howard@njsrec.com** 4/21/14
SREC Statement Processed and Chec...
 Karl, SREC statement has been
 processed and is ready for review.

● **GATS Admin** 4/21/14
PJM-EIS GATS - Acct#40352 - Karl...
 Karl, we have received your request for
 an expedited review of your account.

● **Connors, Sen. D.O.** 4/23/14
New Jersey Forest Fire Service is pl...
 Senator Christopher J. Connors
 Assemblyman Brian E. Rumpf Assembly

● **Webber, Jeremy** 4/23/14
RE: Contact NJDEP E-Mail #01008...
 Karl, Mr. Swanson's response to your
 letter regarding the fire tower is as follows.

● **Appinfo** 4/23/14
Pinelands Application #1990-0868...
 Attached is a letter from the Pinelands
 Commission regarding your application.

● **PayPal** 4/23/14
Karl, your March account statement...
 Attached is your March account statement.
 Thank you for your payment.

● **Webber, Jeremy** 4/23/14
RE: Contact NJDEP E-Mail #01008...
 Karl, Mr. Swanson's response to your
 letter regarding the fire tower is as follows.

Filtered by
 Unread, Flagged



Senator Christopher J. Connors
Assemblyman Brian E. Rumpf
Assemblywoman DIAnne C. Gove

Phone: (609) 941-4400 / (732) 240-0266
 Website: <http://d9.senate.state.nj.us>
 Email: senconnors@njleg.org

April 23, 2014

Mr. Karl Swanson
 Karl.swanson@comcast.net

Dear Mr. Swanson:

This is to acknowledge receipt of your recent outreach to our 9th District Legislative Office. Please know that as we continue to share a unified legislative office, our Delegation strives to work cooperatively on behalf of the residents of Ocean, Burlington, and Atlantic counties.

In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

Enclosed for your review are two copies of your letter to the attention of

< Mailboxes **Inbox** Edit

- **howard@njsrec.com** 10:19 AM
SREC Statement Processed and Check...
Re: SREC Statement Processed and Check...
 - **GATS Admin** 10:18 AM
PJM-EIS GATS - Acct#40352 - Karl...
Re: PJM-EIS GATS - Acct#40352 - Karl...
 - **Connors, Sen. D.O.** 4/25/18
New Jersey Forest Fire Service is pl...
Re: New Jersey Forest Fire Service is pl...
 - **Webber, Jeremy** 10:14 AM
RE: Contact NJDEP E-Mail #01008...
Re: Contact NJDEP E-Mail #01008...
 - **Appinfo** 10:09 AM
Pinelands Application #1990-0266...
Re: Pinelands Application #1990-0266...
 - **PayPal** 10:12 AM
Karl, your March account statement...
Re: Karl, your March account statement...
 - **Webber, Jeremy** 10:13 AM
RE: Contact NJDEP E-Mail #01008...
Re: Contact NJDEP E-Mail #01008...
- Filtered by Direct, Flagged

In your letter, you express your tremendous concern that the New Jersey Forest Fire Service is planning to clear approximately 19 acres of prime and historic woodlands that surround a fire tower located on East Greenbush Road in Bass River Township. You describe up to 63 acres originally planned for clearing as historic plantations and a living monument. Your letter also serves as a reminder that these majestic trees were planted by the Civilian Conservation Corps (CCC), with acres of different tree species planted by the CCC in 1908, 1928, and 1934. Unfortunately, it appears that this project, in particular, is meant to clear the view for an aging fire tower constructed in 1939. Your letter provides possible alternatives to updating the fire tower and, therefore, eliminating the need for the clearing of the woodlands. We certainly understand your concern and frustration, as well as your thoughts concerning a possible resolution in this matter. While we are unable to be of direct assistance to you, rest assured we are going to try to help.

By copy of this reply, we are forwarding a copy of your letter to the attention of New Jersey Department of Environmental Protection Acting Commissioner Catherine McCabe for review and consideration. We are also requesting that Acting Commissioner McCabe assign an appropriate member of her staff to contact you directly in order to consider your concerns and possible solutions. Therefore, we trust you will hear from a DEP representative very soon. In the meantime, if we receive any correspondence in our District Office associated with your casework, we will advise you at that time.

Thank you again for contacting the 9th District Legislative Office. If we can be of additional assistance to you in this, or in any other state-related matter, please do not hesitate to contact us again.

Sincerely,

CHRISTOPHER J. CONNORS
Senator - 9th District

BRIAN E. RUMPE
Assemblyman - 9th District

DIANE C. GOVE
Assemblywoman - 9th District

Karl...
ATTACHMENT 4

Begin forwarded message:

From: Karl Swanseen <karl.swanseen@comcast.net>
Date: May 5, 2018 at 10:19:18 PM EDT
To: "Webber, Jeremy" <Jeremy.Webber@dep.nj.gov>
Cc: "Fratti, Cynthia" <Cynthia.Fratti@dep.nj.gov>, "Valentin, Maria" <Maria.Valentin@dep.nj.gov>, "Glass, Lisa" <Lisa.Glass@dep.nj.gov>, "Dill, Mary" <Mary.Dill@dep.nj.gov>, "McLaughlin, Gregory" <Gregory.McLaughlin@dep.nj.gov>, "Wyckoff, Todd" <Todd.Wyckoff@dep.nj.gov>, Bitzburger Carol <cbitzber@comcast.net>, commissioner@dep.nj.gov, Cope Deb <dbuzz13@aol.com>, Bourguignon Louie <lhb1022@comcast.net>, capriglione nick <nick.capriglione@comcast.net>, "Connors Sen. D. O." <senconnors@njleg.org>
Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River clear cut)

Jeremy,

This is the fourth request for answers to the questions submitted regarding the power point presentation advocating the clear cut in Bass River Township. I am hoping these questions are being fully vetted and that is the reason for delay. Please provide status and the answers that are available as of today.

Thank you,

Karl Swanseen

On Apr 26, 2018, at 2:54 PM, Karl Swanseen <karl.swanseen@comcast.net> wrote:

Jeremy,

I appreciate your reply, but there is no response to my questions. Would you or someone else please address these questions that are of primary importance to making any decision in this matter.

Karl Swanseen

On Apr 26, 2018, at 2:35 PM, Webber, Jeremy <Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanseen,

Thank you for expressing your views on the New Jersey Department of Environmental Protection's proposed plans for the fire tower in Bass River State Forest. We certainly share your appreciation for trees, and we understand their importance to our environment and to our visitors' experience at Bass River State Forest. It is our responsibility to protect the lives and property of New Jerseyans residing near our state forests and to do all we can to ensure the safety of our forest firefighters. Please know that your comments will be fully considered as we move forward.

Jeremy Webber
Assistant Division Forest Firewarden
Trenton Headquarters

From: Karl Swanseen [<mailto:karl.swanseen@comcast.net>]
Sent: Thursday, April 19, 2018 9:33 AM
To: Webber, Jeremy <Jeremy.Webber@dep.nj.gov>
Cc: Fratti, Cynthia <Cynthia.Fratti@dep.nj.gov>; Valentin, Maria

<Maria.Valentin@dep.nj.gov>; Glass, Lisa
<Lisa.Glass@dep.nj.gov>; Dill, Mary <Mary.Dill@dep.nj.gov>;
McLaughlin, Gregory <Gregory.McLaughlin@dep.nj.gov>;
Wyckoff, Todd <Todd.Wyckoff@dep.nj.gov>; Bitzbürger Carol
<cbitzber@comcast.net>; Amanda Somes
<bassriverclerk@comcast.net>
Subject: Re: Contact NJDEP E-Mail #010089 - NHR (Bass River
clear cut)

Jeremy,

I thought I should provide some additional feedback to the power point since you seem to be taking time to formulate a response. I have attached a letter outlining my concerns and added an additional question to my original email.

Thank you for your attention, if I should be directing my concerns to another person please advise.

Karl Swanseen
609-457-1378

On Apr 11, 2018, at 6:08 AM, Karl Swanseen
<karl.swanseen@comcast.net> wrote:

Thank you Jeremy,

After viewing the presentation, I had a couple questions I would appreciate your response to.

The original proposal calls for a clear cut of the entire plantations, 82 acres. Then it is reduced to 19 acres and you have 100% visibility. So then, is the plan to clear cut the rest when they grow taller?

The power point does not indicate the cost of the clear cut option, can you provide an estimate?

The option of using technology/cameras to monitor and report like they use in many other locations in the US is not presented. Has this been considered and why was it not included as an option.

It seems another option would be to relocate a much lower and less expensive tower to a less sensitive location. Has this been considered?

There has been some concern about the condition and remaining usefulness of the aging tower, what is it's condition and expected useful life?

Finally, what is the estimated long term cost to our local tourism industry from a clear cut at the gateway to our campground and recreational area. This proposal converts a beautiful forest gateway into an ugly mess.

We need to seriously consider all options.

Thank you for your attention,

Karl Swanseen
609-457-1378

On Apr 9, 2018, at 2:45 PM, Webber, Jeremy
<Jeremy.Webber@dep.nj.gov> wrote:

Dear Mr. Swanseen,

Below is the link you requested.

http://www.state.nj.us/dep/parksandforests/fire/docs/bassriver_01_22_2018_JAW.pdf

Thanks for your interest in this matter.

Jeremy A. Webber
Assistant Division Forest Firewarden
New Jersey Forest Fire Service –
Trenton

Karl...

submitted
at 6/8/2018
atg



New Jersey Fire Safety Council

5 Wildwood Way
Freehold, NJ 07728
P: 732.890.0725
E: Bill@wildfiresafetycouncil.org
WEB: njfiresafetycouncil.org

June 7, 2018

Board of Trustees

Bill Brash, *President*

John Cowie, *Trustee*

Maris Gabliks, *Trustee*

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Comments to the proposed Public Development
Application No. 1990-0868.029
Tree removal to improve visibility from Bass River State
Forest fire tower

NJ Pinelands Commission,

Please note the comments below pertaining to the proposed *Development Application No. 1990-0868.029*, tree removal to improve visibility from Bass River State Forest fire tower.

The New Jersey Fire Safety Council a statewide non-profit organization dedicated to reducing the risk of wildfire to NJ residents and increasing community resiliency, supports the harvesting of all trees needed to remove the obstruction from the Bass River State Park fire tower for the following reasons:

- The obvious health and safety advantages provided by an unobstructed fire observer seated in the Bass River State Park fire tower.
- The wildfire history of the region is tragic and includes 7 fatalities due to wildfire. Three line of duty deaths in the 1937 fire and four line of duty deaths in the 1977 fire.
- The White pines in question are non-native. The White pines planted by the CCC in the 1930's were all completed with the understanding that these trees would be harvested one day. In a terrible irony, the three 1937 line of duty deaths may have been workers who had planted these very trees. Would they have ever condoned future efforts to increase someone else's risk of dying by wildfire?
- Early detection is the key to effective response and this is especially crucial in the Pinelands with a known fire history, increased fuel hazard and fire risk. The obstruction of the Bass River State Park fire tower by these White pines increases the detection time, fire risk to the residents and the NJ Forest Fire Service's response time.
- Fire towers in NJ serve other vital functions in addition to wildfire detection. During a wildfire incident, tower observers act as a communication hub between fire fighters on the ground and command. They help to coordinate resources and can relay crucial information to firefighters on the ground about fire behavior and wind shifts from observing the smoke columns. Failure to remove these trees will increase the risk to residents and reduce firefighter safety.

In summary the NJ Fire Safety Council fully supports the removal of the planted non-native white pine from obstructing the view of the Bass River State Park fire tower in any way.

Should you have any questions or require any additional information do not hesitate to contact me.

Sincerely,

William F. Brash Jr.

William F. Brash Jr.
President

JUN 8 2018

ForestWatch®

Wildland Fire Detection and Monitoring System ✓

A key component in successfully preventing widespread destruction from wildland fires is early detection.

EnviroVision Solutions (EVS) offers the ForestWatch® wildland fire detection system which uses advanced video analytics and precision cameras to detect the first indications of smoke from a wildland fire.

Fire agencies, in years past, constructed fire lookout towers staffed by trained personnel who were relied upon to alert firefighters of new blazes. In the early 1900's, when the first towers were erected, communication was accomplished via carrier pigeon and Morse code using heliography; the Osborne Fire Finder was developed to plot the location of the fire.

Radios, cellphones, Global Positioning Systems, and computers have helped advance the art and science of fire detection and firefighting methods to a cost effective, highly efficient system, but the initial detection of a wildfire is still largely dependent on the human eye detecting signs of fire.

The ForestWatch® software leverages modern technologies to alert watchers to the potential presence of a fire, to precisely map the location, and provide images, with an accurate latitude and longitude, to dispatch centers and responders. Fire agencies can use this information to quickly and accurately determine the risk and confidently deploy an appropriate initial attack. EVS has installed this system on more than 250 Lookouts, cell towers, and other structures globally, and has over a decade of operational experience.

Camera Capabilities

EVS' cameras are installed singly or in pairs to monitor a full 360° panorama from a view point. In normal operation the camera is constantly scanning, under computer direction, continually on watch for signs of smoke. A detection operator, monitoring several cameras, can take manual control of any camera with a mouse click, zoom to target and utilize the high magnification lens and high resolution imagery to identify and validate the source of a suspected smoke. Near-infrared capabilities allow the cameras to see through smoke, to the flaming front of the fire, providing fire managers with real time situational awareness.



Computer Detection

The ForestWatch® software running at each camera location controls the camera, performs image stabilization, enhancement, and compression to reduce the communication bandwidth by 40:1 or more while delivering high quality images back to a central monitoring location.

The Detector component of the ForestWatch® software utilizes these high quality images and EVS' proprietary algorithms to provide early detection of smoke while discriminating between smoke and dust clouds, fog, flocks of birds, and other false positives. When an alert is generated by the ForestWatch® software it draws a bounding box on the image displayed on the operator workstation. The operator can inspect the area of interest using the powerful camera features and vision enhancements built into the system to investigate far more quickly and effectively than traditional methods would allow.

Once a potential fire has been verified the system can be used to alert responsible parties via email, SMS, or telephone, and the images may be viewed from any internet browser using the ForestWatch Online web presence.

Custom Map Display

As part of the ForestWatch® installation a Geographic Information System(GIS) component is loaded which includes topographic data allowing the cameras to be fully georeferenced. This means a fire's coordinates can be determined from a single camera without triangulation. Known facilities and activities which may cause false alarms can be identified and masked. The GIS map display can import standard ESRI shapefiles, allowing easy integration of locally relevant data. Names of specific landmarks and structures can be added to aid locational awareness and assist in guiding responders. As the operator moves the cursor across the image the Latitude and Longitude are continuously displayed. An operator can produce images of the fire and it's location and make them available to fire personnel outside the monitoring center. Burn permits, lightning data, weather station data, and automated vehicle location data may also be displayed on the camera images or on the GIS display.

Eyes in the Dark

Many wildfires start at night when detection is more difficult and the risk of resources being dispatched to a wrong location are higher due to darkness. The nighttime detection mode of ForestWatch® allows 24 hour detection, and the georeferenced imagery leaves no doubt about the

location of a fire. A daytime view of the area of interest can be overlaid on the night view to provide the operator with visual context. The ForestWatch® software can be trained to ignore the usual lights at night in an area which allows precise detection of brighter than normal or unusually located light sources, even in urban interface areas with numerous lights and roadways.

Image Access

Unlike staffed lookout towers, all EVS camera images can be viewed on any device anywhere with Internet access and a web browser, including smart phones and tablets. This gives fire managers and firefighters unparalleled access to near real-time images, providing fire intelligence and situational awareness.

ForestWatch® provides Fire Managers with the ability to monitor emerging and ongoing incidents, to maximize the effectiveness of available resources and to identify if there is a need to order additional resources. Increased situational awareness at the command center enhances firefighter safety. ForestWatch® systems allow a fire agency to more effectively utilize personnel and resources.

Forensics

The ForestWatch® system archives image and telemetry data from all cameras continually. This information can be used in fire investigations and in the prosecution of arsonists. The date and time stamped on each image provides solid evidence of what happened when. The system has also been effective in the prosecution of poaching, vandalism, timber theft, and has assisted in Search and Rescue operations. The continuous tracking of a fire's full lifecycle also helps with the After Action Review to help hone skills and evaluate the effectiveness of specific actions.

Cost Effectiveness

Utilizing the ForestWatch® system a single operator working from a secure central location can monitor many remote Protection Zones, surveying thousands of square miles with computer enhanced vision and awareness. A smoke event can be detected, located precisely, and evaluated by this operator within minutes of ignition. If an alarm is raised the dispatch center gets not only the location

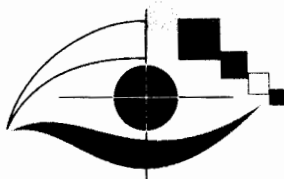
and description of the fire but that actual image that raised the alert, as well as historic images. They have the full GIS map display at their fingertips, and the ability to track the development of the fire visually minute by minute.

The cost of the ForestWatch software and infrastructure to support a remote camera system represents a small fraction of the cost that would be required to support a staffed lookout. The system can also augment currently staffed towers by offering after hours coverage, powerful camera optics, georeferencing, and a high speed digital communication channel available to the tower lookouts. Low power consumption and environmental hardening allow for remote, off-grid installations.



Field Tested

Douglas Forest Protective Association (DFPA) has been using the ForestWatch Wildfire Detection and Monitoring System across Southwestern Oregon since 2006. At their dispatch center in Roseburg, Oregon, operators at four workstations monitor 30 cameras overlooking thousands of square miles of commercial timber, public, and recreational lands. The system currently serves several agencies including the Oregon Department of Forestry, The Bureau of Land management, and the United States Forest Service. Other large deployments in Canada and California attest to the systems effectiveness.



EVS

EnviroVision Solutions

For more information on ForestWatch®
please contact us:

Phone: 541-236-7040

Email: Info@EVSolutions.biz

EnviroVision Solutions USA

1224 NE Walnut #144

Roseburg, Or. 97470

Or visit our website at:

<http://www.EVSolutions.biz>



(609) 296-7241
Fax (609) 296-5352
<http://www.leht.com>

LITTLE EGG HARBOR TOWNSHIP

665 RADIO ROAD, LITTLE EGG HARBOR, NJ 08087

*Submitted
At meeting
June 8, 2018*

April 24, 2018

New Jersey Department of Environmental Resources, Natural & Historic Resources

PO Box 420

Trenton, NJ 08625-0420

Attn: Acting Commissioner Catherine R. McCabe

COPY

Re: Bass River Fire Tower

Dear Commissioner McCabe:

About a year ago we wrote to express our support for the NJ State Forest Fire Service in an effort to remove some non native white pine trees that had been planted near the Bass River Fire Tower in the 1930's by the former U. S. Civilian Conservation Corps (CCC). Those trees had, at that point, grown to such a height that overshadowed that tower and greatly reduced its utility for its intended purpose, which is the early detection of pinelands fires to aid the prompt dispatch and response of emergency fire equipment to suppress these fires before they become overwhelming disasters as they will if undetected and unchecked. It is now our understanding that this issue still remains in doubt and we wanted, once again, to express our support for the Service in these regards.

These blazes, either intentional or accidental, have occurred in this area for hundreds of years and, once ignited, they are, in some cases, known to grown quickly to an enormous size that quickly devours the forest resource and then proceed to threaten the surrounding homes and businesses in many communities. On many occasions these fires have overwhelmed all fire fighting resources and a number of fire fighters have been lost, as well as a number of other persons trying in vain to flee these conflagrations. It seems, in fact, ironic that many CCC personnel were themselves lost in such incidents and that their later planting of these non-native trees was done to partially repair the damage from those fires. How sad it is that the product of their labor has now grown to such an extent to threaten the lives of present day forest firefighters, such as the four volunteers lost there in 1977. In that tragic case the fire was detected too late to be contained without extreme risk by those fire fighters. This remains an abiding memory and has remained a scar on the lives of many families here since.

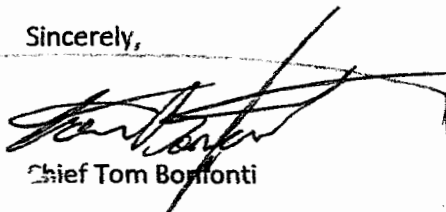
There was a recent event that we believe makes this case that perhaps anything else we could say. On April 22, 2018 a major forest wildfire broke out in Washington Township, Burlington County. At the point of its ignition it would have been about nine miles from the Bass River Tower. Although Bass River

was one of the closest towers, it was actually the last in the area to observe the blaze with towers as far away as Medford (at 17 miles, twice as far) being able to observe it first. We believe this delayed the response to this fire which, once again, grew to destroy some 843 acres of forest land and also would have consumed homes, but for the actions of the brave men and women of the NJ Forest Fire Service and local volunteers.

This tower has served, for decades, as a sentinel that protects our communities from the ever present dangers of wildfires here. We are always thusly at risk, simply because of the inherently volatile nature of local forests, as opposed to less risky conditions found elsewhere. National media outlets, such as Rolling Stone Magazine, have, in fact, noted this phenomenon and, we believe, correctly stated the incredible danger that Pinelands communities face in part due to inadequate mitigation activities. We have, in Little Egg Harbor, maximized our mitigation activities and will continue to do so. No amount of mitigation, however, can replace the benefit of early detection and efficient fire fighting when the inevitable occurs.

Make no mistake, we greatly appreciate the story of the CCC's and their abiding legacies in our forests. Their story has become an inexorable part of local lore and your interest in the preservation of those legends is laudable. We ask you to keep in mind, however, that this tower is an essential piece of the wildfire detection infrastructure that was designed and placed as such decades ago. It is our understanding that all alternatives have been explored and all have been found wanting. The Service, in addition, has pared the proposed cut down to the lowest possible area of impact. Sometimes, as we believe is this case here, it is necessary to eliminate a very small part of something great for the greater good. Because these forests are an integral part of our communities we believe that inadequate monitoring will present a clear and present danger to the businesses, homes and, ultimately, the people who work and live here. We ask you to approve the revised proposal of the NJ Forest Fire Service for these reasons immediately. Thank you, once again, for this opportunity to express our opinion in these regards.

Sincerely,



Chief Tom Bonifanti

Mystic Island Fire Company



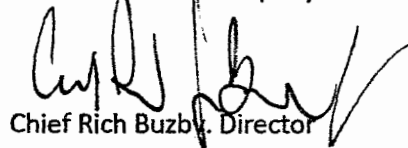
Chief Anthony D'Andrea

West Tuckerton Fire Company

Chief Frank Runza



Parkertown Fire Company



Chief Rich Buzby, Director

Little Egg Harbor Township O.E.M.

Cc: Honorable Governor Phil Murphy

NJ 9th Legislative District

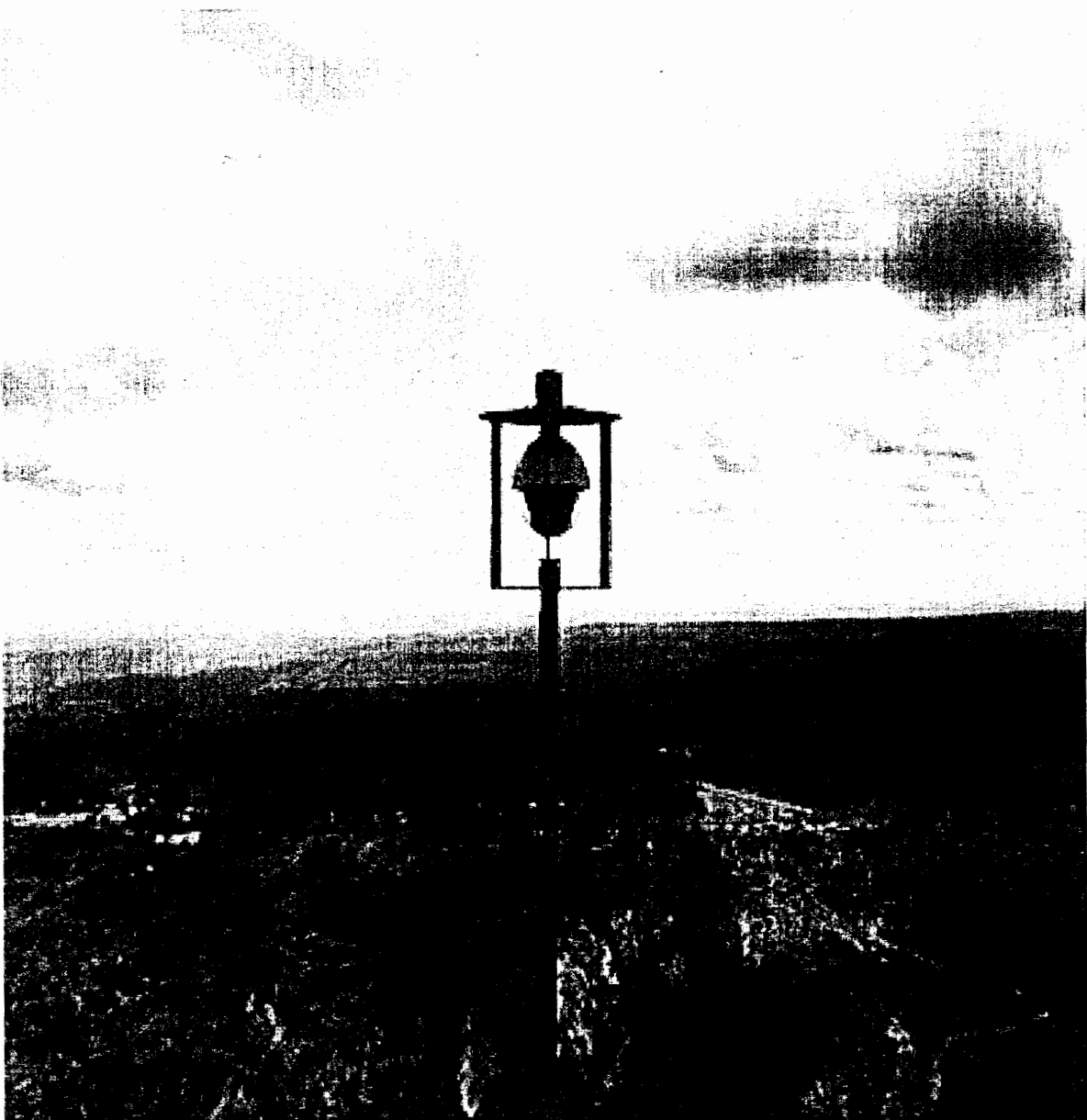
Little Egg Harbor Township Committee

NJ Forest Fire Service

Submitted
at 6/8/2018
Mtg



Forestwatch[®]



Vital early detection and rapid, informed decision-making is saving lives, property and resources when fires flare up.

The ForestWatch® Wildfire Detection and Monitoring System – developed by South Africa-based technology firm EnviroVision Solutions – is one of the most advanced wildfire detection systems in the world.

Combining high-definition imaging systems with purpose-built image processing software, ForestWatch uses mathematical and image processing algorithms to optically scan wide areas and detect the earliest telltale signs of smoke. This signature is used to alert an operation at a control center monitoring many imaging systems and thousands of square miles of property, and draw their attention to where a problem may be developing. The operator can use a range of tools including the powerful zoom lens capability of the camera, and image processing tools that make smoke vastly more visible than to the naked eye, to determine if the apparent smoke is actionable or not. If so, the smoke column can be located and referenced to available Geographic information to identify the appropriate responding agency, landowner, and other information, and resources dispatched accurately.

Significant reduction in time
between fire ignition,
discovery and dispatch:



Minutes matter when you're dealing with a fire. Automated detection systems alert vision system operators to an event from the outset and provide them with tools to monitor progression and coordinate a response at the click of a mouse.

Greatly increase situational
awareness while reducing
staff costs:



Nighttime detection for 24/7
protection:





Contact Info

DAVID FOLEY (541) 378-7179

info@evsolutions.biz

1224 NE Walnut #144

Roseburg, Or 97470

(541) 236-7040 x203

Disclaimer

[Click here to see our Terms & Conditions.](#)

Submitted
at 6/2/18
mtg

Bass River State Forest Management Plan Objectives

MANAGEMENT POLICY:

Objectives:

- 1-To acquire an area of sufficient size to permit of efficient administration.
- 2-To replace present scrubby, inferior tree growth with thrifty stands of the best species capable of producing the best and largest timber crops in the shortest time.
- 3-Eventually to produce a sustained annual yield of forest products for local consumption and to supply the local wood industries.
- 4-By the sale of forest products, the removal of which benefits the forest silviculturally, to raise as much State income as is possible, to the end that the forest may become self supporting and eventually show a net profit.
- 5-To increase and develop the recreational use of the forest by the public.
- 6-To discover a system of silvicultural management, which, supplemented by a reasonably efficient fire protection organization, will result in adequate protection at a justifiable cost.
- 7-In all lines of work to conduct studies and investigations to determine the best methods to use, costs, and results, and to demonstrate them to the public as a guide for the practices of private forestry.

Silvicultural policy demands cutting and reforestation of all riparian timber areas as rapidly as possible and the accomplishment of sustained yield. This policy necessitates the cutting and salvaging of all inferior, damaged and silviculturally mature timber as rapidly as possible and then reforesting by planting where natural reproduction can not be depended upon. On most of the area this work will have to be done without the realization of income. It is thought that most of the area will require planting.

From:
A Forest Management Plan for
the Bass River State Forest New
Jersey, N.J. Willis M. Baker,
1927."



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1996-1386.003)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1996-1386.003
Applicant: NJDEP Parks and Forestry
Municipality: Pemberton Township
Management Area: Pinelands Preservation Area District
Date of Report: June 21, 2018
Proposed Development: Forestry on 64 acres in Brendan T. Byrne State Forest.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1996-1386.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

June 21, 2018

John Sacco
NJDEP Parks and Forestry
501 East State Street
PO Box 420, Mail Code 501-04
Trenton, NJ 08625-0404

Re: Application # 1996-1386.003
Brendan T. Byrne State Forest
Block 925, Lot 1
Block 927, Lot 1
Pemberton Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan T. Byrne State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
William Zipse, Forester, State Lands Management (via email)





PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

John Sacco
NJDEP Parks and Forestry
501 East State Street
PO Box 420, Mail Code 501-04
Trenton, NJ 08625-0404

Application No.: 1996-1386.003
Brendan T. Byrne State Forest
Block 925, Lot 1
Block 927, Lot 1
Pemberton Township

This application proposes forestry on 64 acres in Brendan T. Byrne State Forest on the above referenced 305 acre parcel in Pemberton Township.

One site proposed for forestry is comprised of approximately 49 acres and fronts on Magnolia Road. The second site proposed for forestry is approximately 15 acres and fronts on Four Mile Road.

On June 13, 2008, the Commission approved forestry on 44 acres of the 49 acre site currently proposed for forestry (App. No. 1996-1386.002). In accordance with the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.45), that approval expired after 10 years, on June 13, 2018. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.002 was completed.

On November 8, 1996, the Commission approved forestry on 5.72 acres of the 15 acre site currently proposed for forestry (App. No. 1996-1386.001). In accordance with the CMP (N.J.A.C. 7:50-6.45), that approval expired after 10 years, on November 8, 2006. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.001 was completed.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 64 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes 64 acres of forest thinning in uplands. The type of proposed thinning is known as a shelterwood harvest. The harvest is intended to: 1) create large openings in the forest canopy; 2) encourage the growth of young oak tree species and native Shortleaf pine; 3) reduce the risk of wildfire and southern pine beetle attack; 4) allow for natural regeneration; and 5) maintain an Oak-Pine dominated forest, a Pinelands native forest type.

There are currently approximately 225 trees per acre on the 64 acres subject of the proposed harvest. After the proposed thinning, there will be approximately 43 trees per acre on the 64 acres. The proposed thinning will remove a total of 562 cords of wood from the 64 acres.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and plowing/disking.

Spot spraying of herbicides is proposed, as necessary, to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), all herbicides must be expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 64 acres subject of forestry was completed on April 20, 2018. Newspaper public notice was completed on April 23, 2018. The application was designated as complete on the Commission's website on May 25, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated April 30, 2018. The 64 acres subject of the proposed forestry is depicted on an exhibit titled "Activity Description" identified as a portion of a USGS Quad: Browns Mills and dated March 14, 2018.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 64 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the July 13, 2018 date of Commission approval.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00PM on July 9, 2018 and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

**Pending Public Development and Waiver of Strict Compliance Applications
accepting public comment at the July 13, 2018 Commission Meeting**

Public Development Applications

Application No. 1985-0160.011 – New Jersey Department of Environmental Protection

Received on: April 26, 2018
Project: Demolition of the Grist Mill lean-to at Batsto Village.
Municipality: Washington Township
Block 41, Lots 5 & 5.02

Application No. 1985-1053.008 – New Jersey Army National Guard

Received on: August 21, 2017
Project: Installation of a 17,856 square foot elevated solar panel canopy on a gravel parking area
Municipality: Springfield Township
Block 1802, Lot 1 (application includes additional lots)

Application No. 1989-0781.005 – Medford Township

Received on: April 13, 2018
Project: Improvements to the Carol Ida Dam
Municipality: Medford Township
Block 6802, Lot 1

Waiver of Strict Compliance Applications

Application No. 2003-0456.001 – Austin

Received on: October 16, 2003
Project: Single family dwelling
Municipality: Lacey Township
Block 4108, Lot 5

Application No. 2004-0352.001 – Gassert

Received on: July 19, 2004
Project: Single family dwelling
Municipality: Galloway Township
Block 134.01, Lot 4; Block 134.02, Lot 3; Block 146, Lot 3; Block 152, Lot 3

Application No. 2007-0398.001 – Tomasino

Received on: November 16, 2007
Project: Single family dwelling
Municipality: Lacey Township
Block 4108, Lot 5



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Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LETTER OF INTERPRETATION #2165

June 21, 2018

Patricia M. Major - Executrix (via email)
Estate of Charles R. Cooper, Jr.
3106 Sea Island Lane
Harrisburg, NC 28075

Re: Application # 2018-0083.001
Block 3602, Lot 16
Prince Street
Woodland Township

FINDINGS OF FACT

The applicant owns the above referenced 21 acre parcel in Woodland Township. This acreage is based on the recorded property deed. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel consists of 12 acres of uplands and 9 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel.

The parcel is vacant and forested. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas and Pinelands Agricultural Production Areas, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)2). One PDC is allocated for every 39 acres of uplands in the Pinelands Preservation Area District, except for certain uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of wetlands.

For the 12 acres of uplands, the applicant would be entitled to 0.31 PDCs. For the 9 acres of wetlands, the applicant would be entitled to 0.05 PDCs.

Based upon these allocations, the overall 21 acre parcel would be entitled to 0.36 PDC's.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to Block 3602, Lot 16.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission and received by the Commission office no later than 4:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Woodland Township Planning Board (via email)
Woodland Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Susan R. Grogan, Executive Director, PDC Bank (via email)



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

June 5, 2018

Jack O'Connor (via email)
Pine Barrens Adventure Camp, LLC
321 Osborn Avenue
Point Pleasant, NJ 08742

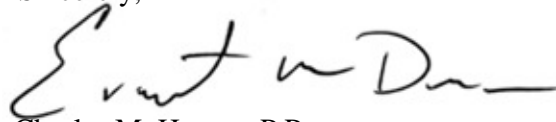
Re: Application # 1982-3054.079
Pine Barrens Adventure Camp
June 9 & 10, 2018
Bass River, Little Egg Harbor,
Mullica, Stafford
& Washington Townships

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,


for Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Mullica Township Clerk (via email)
Bass River Township Clerk (via email)
Washington Township Clerk (via email)
Little Egg Harbor Township Clerk (via email)
Stafford Township Clerk (via email)
Robert Auermuller, Superintendent, NJ DEP Division of Parks and Forestry (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1332

Application #: 1982-3054.079

Applicant: Pine Barrens Adventure Camp, LLC

Event Name: Pine Barrens Adventure Camp

Event Date: June 9 & 10, 2018

Municipalities: Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Management Area: Agricultural Production Area, Forest Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River, Penn and Wharton State Forests

Approved Route Map

Received in electronic format on May 2, 2018

June 5, 2018

Charles M. Horner, P.P.
Director of Regulatory Programs

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at 3616 Nesco Road
- ♦ 60 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,799,000 to support the Commission’s operations during Fiscal Year 2019; and

WHEREAS, pursuant to N.J.S.A 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2019 at the same level of expenditures as Fiscal Year 2018 until the Commission’s adoption of the Fiscal Year 2019 Budgets.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan
Chief Planner

Date: June 29, 2018

Subject: No Substantial Issue Findings

During the past month, we reviewed four ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Barnegat Township Ordinance 2017-18 - adopts amendments to the Redevelopment Plan for the Shoreline Sand & Gravel and Compass Point Redevelopment Area. Specifically, Ordinance 2017-18 revises affordable housing requirements to reflect the Township's settlement agreement with the Fair Share Housing Center, expands the types of permitted residential development to include age restricted manufactured housing units, and modifies design standards related to street and pedestrian connectivity. The Shoreline Sand & Gravel and Compass Point Redevelopment Area is located within a Pinelands Regional Growth Area. The original Redevelopment Plan, adopted by Ordinance 2017-5, was certified by the Commission on May 12, 2017.

Berlin Township Ordinance 2018-5 - amends Chapter 200, Land Use and Development, and Chapter 340, Zoning, of the Township's Code in response to amendments to the CMP regarding definitions, application exemptions, notice requirement and installation of advanced wastewater treatment systems. Ordinance 2018-5 also amends the permitted uses in the Highway Commercial Zones (C-1, C-2, C-2RD, and C-3) by modifying the existing permitted use category "motor vehicle rentals, sales and storage" to include rental, sale and storage of unpowered vehicles. The C-2 and C-3 Zones are located in a Pinelands Regional Growth Area. The C-2RD Zone is located in a Pinelands Rural Development Area.

Egg Harbor Township Ordinance 21-2018 - amends Chapter 225, Zoning, of the Township's Code by rezoning Block 1702, Lots 94, 95, 96, and 97, from the Professional Office (PO-1) Zone to the Highway Business (HB) Zone. The PO-1 and HB Zones are both exclusively nonresidential zoning districts; residential uses are not permitted as a primary use in either zone. The four affected lots are all located within the Pinelands Regional Growth Area.

Lacey Township Ordinance 2018-16 – adopts a new code Chapter 279, Riparian Zone, to ensure that development occurs in accordance with the riparian zone requirements of the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13). Ordinance 2018-16 includes the following provisions related to riparian zones: uses permitted; performance standards; nonconforming structures and uses; uses and activities prohibited; boundary interpretations; and enforcement. The riparian zone is established as an overlay to the existing Township zoning. The underlying districts remain in full force, except where the provisions of the riparian zone differ from those of the underlying district, in which case the more restrictive provisions apply.



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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Commission

From: Charles M. Horner, P.P. *C.M.H.*
Director of Regulatory Programs

Date: June 27, 2018

Subject: Public Development Memorandum of Agreement (MOA) Determinations

Between May 30, 2018 and June 26, 2018, the Commission staff determined that the following public development application was consistent with the Commission approved public development MOAs and that the proposed development may proceed:

2018-0065.001 - Ocean County

Installation of 897 linear feet of guiderail within the Route 539 (Warren Grove-Whiting Road) right-of-way

Please do not hesitate to contact me with any questions.