

Pinelands Climate Committee Meeting

This meeting was conducted remotely.
All participants were present via Zoom conference.

YouTube link: <https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

Minutes December 1, 2021

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Commissioner Edward Lloyd, Commission Chairman Richard Prickett

STAFF PRESENT: Acting Executive Director Susan R. Grogan, Ernest Deman, Stacey Roth, Jessica Lynch and Paul Leakan

Governor's Authority Unit: Rudy Rodas

1. Call to Order at 9:33 a.m.

2. Adoption of the September 15, 2021, Committee meeting minutes

Commissioner Lloyd moved the adoption of the minutes from the September 15, 2021, meeting. Chairman Prickett seconded the motion. The minutes were adopted with all voting in favor.

Chairman Lohbauer acknowledged the passing of former Commissioner Jay Mounier. He said he's never seen anyone so committed to the efforts of the Pinelands Commission.

Commissioner Lloyd said Mr. Mounier was a dedicated protector of the Pinelands.

Chairman Prickett said Mr. Mounier was friendly and approachable to everyone.

3. Update on the Commission's application for a Local Government Energy Audit

AED Susan Grogan said the application has been submitted and that the Commission has had some good conversations with the Board of Public Utilities (BPU) representatives. She said it would be good for the Committee to see the information that was gathered for the application.

Jessica Lynch, Business Services Manager, delivered a presentation on the Commission's Local Government Energy Audit (LGEA) application (*Attachment A to these minutes*).

AED Susan Grogan asked if a response time had been given upon submission of the application. Ms. Lynch said she had not received that information, but would ask.

Chairman Lohbauer asked what JCP&L and PSE&G are supplying. Ms. Lynch stated PSE&G supplies natural gas and JCP&L supplies electricity. She said that the Commission is part of a New Jersey state consortium. Chairman Lohbauer asked about the audit regarding lighting. Ms. Lynch said this will probably be in the next phase of the audit.

Chairman Prickett and Commission Lloyd asked why they requested the square footage of the parking lots. Ms. Lynch said she will find out that information.

4. Update on the design and installation of a rain garden at the Commission's offices

AED Susan Grogan said the Commission has put \$20,000.00 from the Katie Fund into the Fiscal Year 2022 budget to explore the possibility of siting, designing, and installing a rain garden that would also be an outdoor educational space. She said the Commission has had a successful beginning to that process.

Paul Leakan, Communications Officer, said it is critical to have experts determine where there are feasible locations for a rain garden. On November 22, 2021, Mr. Leakan and other Commission staff met with three representatives from the Rutgers Cooperative Extension Water Resources Program at the Commission's headquarters. He said they toured the grounds to assess possible sites for a rain garden. He said following that visit, the Rutgers representatives provided the Commission with a proposed scope of work for their services.

Under the first objective in the proposal, Rutgers would complete an engineering design for the rain garden, produce a detailed site survey, perform hydrology calculations, prepare a site plan and a landscape plan, and provide the Commission with detailed sheets and a cost estimate and materials list. The cost for the first objective would be \$2,500.00.

Under the second objective, Rutgers would provide construction oversight for the installation. He said the oversight includes having one of the designers from Rutgers on-site during the excavation of the rain garden as well as helping with the planting and mulching of the garden. The objective does not include material costs. The cost for the second objective is \$1,500.00.

He said that staff are still reviewing the proposal received last week. He said that since receiving the proposal, Rutgers has sent three concept plans and drawings for a rain garden, which Mr. Leakan screen-shared with the Committee. He said staff are looking favorably at concept three. He said if the Commission enters into an agreement with Rutgers, the Commission can have Rutgers staff come back to provide the Commission with more information and conduct tests. The Commission needs to do utility mark-outs and hire someone to do the digging for piping. He said it seems very positive for the location in concept three because of the terrain and the benefits for access for the public.

He said if the Commission proceeds to sign the agreement with Rutgers, he will reach out to a native nursery to get a cost estimate for that part of the project.

Mr. Leakan said that with the information the Commission has now, it seems very positive, and Rutgers is excited to work with the Commission. He said the garden could serve as a demonstration garden. He also said there are opportunities to put in a wayside panel that highlights the purpose and benefits of a rain garden.

Commissioner Lloyd said it is exciting and he can't imagine a better way to spend \$4,000.00. He said it will be interesting to see what the cost of construction will be.

AED Susan Grogan said Rutgers staff were wonderful to work with, and they were excited about the project. She said she was impressed with the knowledge and their suggestions, and how quickly they responded with the concept plans.

Chairman Lohbauer said it sounds like Rutgers's focus is on the drainage issues and the accumulation of rainfall. He asked if Rutgers will be involved in the selection of the plantings for the garden. Mr. Leakan replied that Rutgers would absolutely be involved. He said their expertise will be critical in plant selection. He said everything would be run by the Commission's Science office and others internally to determine plant selection.

Chairman Lohbauer asked if this can be an area that could have seating around the perimeter. Mr. Leakan said that's a good idea and a possibility. He said he feels the entire grounds can be a place for the public and the employees to enjoy.

Chairman Prickett asked, relative to the third concept plan, if the excess water would drain into the swale which then drains into the retention basin. Mr. Leakan said that is a question he will ask Rutgers.

Chairman Prickett asked if the precipitation from the Sullivan Center roof would end up in these areas and whether there would need to be piping all around the building. Mr. Leakan said that is something that needs to be asked.

Chairman Prickett said he would like to see a three-dimensional portrayal of what the rain garden might look like and asked whether Rutgers would provide that portrayal. Mr. Leakan said Rutgers will produce drawings, and the area they've selected in the third concept does not remove any existing planting.

Chairman Lohbauer thanked Mr. Leakan and said this will afford the Commission the opportunity to lead by example, demonstrating stormwater management on our site.

5. Selection of Committee meeting dates for 2022

AED Grogan suggested that the Committee not meet every month as that has proven very difficult. She suggested meeting every other month, starting in February, with a meeting

date in the middle of the month. She said meetings can always be added if necessary.

Commissioner Lloyd said it would be easier to schedule each month and cancel as needed rather than add a meeting when necessary. He asked if it is feasible to schedule the meeting the afternoon of a Policy & Implementation (P&I) Committee meeting when the Commissioners are already traveling here.

AED Grogan said that has been discussed in the past, the issue being the P&I meetings can be quite lengthy, going to lunchtime. At present time, during the P&I meetings we have Commissioners that are not able to remain in attendance for the full meeting, needing to leave meeting by 11 a.m. or 12 p.m., so this would be a concern. She said the Committee could try that depending on the given month's P&I agenda.

AED Grogan said as far as scheduling the meeting and canceling, canceling is not hard, but does cost the Commission money to advertise the canceled meeting.

Chairman Prickett said his thought is maybe clustering the meetings, meet for three months in a row, then taking some time off. He said it's good to have follow-up. The Committee could have a discussion during the first meeting, then follow-up on the next meeting on those discussions where further information was needed or going to be provided.

Chairman Lohbauer said he understands and agrees with AED Grogan in scheduling bi-monthly meetings for this Committee. He said in the past year the Committee has been gathering a lot of information from different sources to identify climate issues that should influence our policy-making in the Pinelands. He said he sees the Committee focusing efforts on trying to draft and recommend amendments to the Pinelands Comprehensive Management Plan (CMP) to the full Commission for passage. The CMP will then include language that will allow the Commission to take the climate crisis into consideration and the Commission's obligation to mitigate that climate crisis. He said it will be a lot of work for staff to prepare language and for committee members to review and decide which amendments to recommend to the full Commission. Holding bi-monthly meetings would give staff time to work on the language. He said the Committee can call for a meeting as issues and opportunities for discussion come up. He said he likes Commissioner Lloyd's suggestion of piggybacking the meeting with the P&I meeting.

AED Grogan said Chairman Lohbauer made some good points about scheduling bi-monthly meetings with the P&I meeting dates, thus minimizing travel for the Committee members. She said she is currently working on ways, once we are back having meetings in person, to have some type of hybrid opportunity so the Commissioners will still be able to participate remotely if necessary. She suggested to start the first of these dual meetings at the end of February. Meetings would be held February, April, June, August, October, and December after the P&I meeting. Normally, there isn't a P&I meeting in December, so December will probably be changed.

Commissioner Lloyd recommended the following meeting months: February, March, May, July, September, and November. This schedule takes into consideration not having a meeting in December, and considering August is a high vacation month, while still being able to schedule six meeting dates for 2022. The Committee agreed to proceed with this schedule for 2022.

6. Discussion of possible amendments to the Comprehensive Management Plan (CMP)

Chairman Lohbauer said he would like to invite everyone, including members of the public, to provide suggestions for the Committee to amend and improve the CMP so that climate mitigation issues are addressed.

Chairman Lohbauer suggested three items to get discussion started in this ongoing process:

1. The goals of the NJ Global Warming Response Act should be incorporated into the Comprehensive Management Plan.
2. Applications to the Pinelands Commission for development should address climate impacts, in terms of greenhouse gas emissions, of the proposed development and indicate what alternative measures might be utilized to avoid or minimize those impact.
3. The climate impacts, in terms of greenhouse gas emissions, of the operations of the offices of the Pinelands Commission should be identified, and measures taken to avoid or minimize those impacts.

The first, he feels, is the most important and probably the easiest to do. He suggested the Commission add a phrase to the CMP that would say something to the effect that the CMP would be consistent with the goals of the New Jersey Global Warming Response Act (NJGWRA), which was adopted in 2007. He said he is suggesting this as it allows the Commission to say and do something in the CMP without having to reinvent the wheel. Chairman Lohbauer gave a brief overview of the goal of the act and the three areas of concern in the NJGWRA: transportation, home and business heating and lighting, and electric power generation in New Jersey.

Commissioner Lloyd said he agrees with Chairman Lohbauer that it makes sense establish these goals as a first step. Adopting goals already established by the legislature is a great idea. He said the implementation and the application of those goals will be critical. He said he does not know if the Commission can use the goals in its decision-making processes without further CMP amendments.

Stacey Roth, Chief Legal and Legislative Affairs, said she agrees with Commissioner Lloyd. She said goals are normally reflected within the statute itself, rather than in regulations. In this case, that would be the Pinelands Protection Act. Regulatory language is then written to implement and interpret the statutory mandate. She said although we would have the goals in the CMP under Commissioner's Lohbauer's suggested approach, that would not provide the necessary regulatory nexus. She said the

Commission would need to identify specifically how the Commission would regulate to achieve the goals. Those specific standards and implementation measures are what belong in the CMP. That would tell the regulated community how to conform its behavior to meet those objectives. She said the goals are good, but she is not sure that it is going to be effective to just incorporate those goals. She said the Commission needs to get to the detail of how the Commission is going to incorporate the goals. She said the goals are the policy, and the rules are the implementation of that policy.

Chairman Lohbauer said Ms. Roth made an excellent point and he does not disagree. He said he was looking for a way for the Commission to do something quickly and should not oversimplify the process.

AED Grogan suggested that the Commission could adopt a resolution saying, "These are the goals, we support these goals as policy, and this is how we want to proceed." She said that is also number three on Chairman Lohbauer's list. She said the Commission previously took this approach with the initial Climate Committee resolution, and this would be building on that resolution. The resolution would state the goals and that the Commission intends to move forward with rulemaking to implement them. She said this would amount to a guiding resolution, adopted by the Commission, that would establish a path going forward to come up with the rules. She said it is great for the Commission to establish goals, but the CMP needs to have specific standards, and that is what needs to be put into the rules. She said having the guidance, the resolution, and the references could be done now, making the path clearer, which is what the Commission is working towards, in terms of rulemaking as well.

Chairman Lohbauer said he likes the suggestion to do a resolution for the full Commission, if it could pass regarding the NJGWRA. This would satisfy his concern for action to be taken quickly to make it clear that the Commission is not just talking about climate anymore, and it is being made part of the Commission's decision-making process. He said the Committee can then take the time to get regulatory steps done properly.

Chairman Prickett said he thinks a resolution is a good idea. He asked that staff consider developing a policy booklet or manual related to applications and land use standards. Items like the resolution now being discussed could be included in the booklet, along with other Commission policies, so that when Commissioners evaluate applications or consider CMP amendments, the information will be readily available.

Ms. Roth said while she thinks a policy booklet is a good idea for people to understand the goals of what the Commission is trying to achieve, provided it is not viewed as a regulatory document.

Chairman Prickett said it was not meant in his view to be a regulatory document for the public, rather it was meant for other Commissioners to reference to gain insight into making decisions on applications.

AED Grogan said a notebook of policies and procedures would be useful. In the past, the staff put together such notebooks for new Commission members as part of their initial orientation sessions. She said the staff's annual orientation for newly elected municipal officials also serves this purpose. She said a booklet could be compiled without having to create many new documents. It would be useful for new and existing Commissioners, as well as for the new staff being hired.

Chairman Prickett said he does not mean to add a bunch of work for staff. He said this could be done one step at a time. He said he likes to have these things at his fingertips to reference.

AED Grogan said the Commission at one time had talked about creating a special page on the Commission's website relating to climate change. It would include links to previous presentations at Climate Committee meetings, the initial resolution for the Climate Committee, as well as the new resolution being talked about now. She said the website page could be a real focal point for the goals that the Commission has established.

Chairman Lohbauer said that sounds great. He suggested to Chairman Prickett that maybe the Committee asks the staff to show them some language that they would like to put into the existing policy document. He said maybe just a paragraph needs to be added that says, "The Commission has made it clear that climate guides their decision making." He said he would like to see how specific the Commission could get about a direction for these three suggested amendment subjects. He asked if the three committee members present could agree with the AED Grogan's suggestion that a resolution would be appropriate, then could a practical timetable be given for staff to draft a resolution to bring to the Commission or should it come to the Climate Committee first for recommendation. He said, ideally, he would like something to happen as soon as possible, so that the Commission can say this is the direction in which we are going and we are taking a firm approach. He said he would prefer if the Commission could do that with as few interim steps as possible.

Commissioner Lloyd said with respect to the resolution, that is absolutely the way the Committee should go at this time. This could be done quicker and accomplish the same goals. He said the resolution should be posted on the website to address Chairman Prickett's concerns of educating new Commissioners, new staff and the public. He said when the Commission adopts the first substantive climate CMP Amendment, we can put the goals in the CMP at that time, so it is not duplicating another process.

Chairman Prickett said he agrees.

AED Grogan asked Chairman Lohbauer about how best to address Item #2, which would require applications to address climate impacts. She said it might be good to include topics that the Commission is going to investigate (for example, solar and wind). She suggested putting some language into the resolution, so it is not very general, but begins to get a little more specific.

Chairman Lohbauer said he thought the resolution would be regarding Item #1 only, the NJGWRA, and points two and three as being very specific regulatory language that the Commission would pose as amendments to the CMP, which would take time to do. He said how far the Committee could go with the amendments would be a matter of debate among the Committee members and then among the Commissioners.

AED Grogan said she thought the resolution could clearly address the goals in Item #1, as well as Item #3, because it specifically relates to the Commission's own operations and does not require rulemaking.

Chairman Lohbauer said he would not be opposed to that if fellow Commissioners were agreeable. He said he did not want to put a lot of controversial items into one vote that would make it difficult for the majority to agree.

AED Grogan said she thinks if the resolution speaks about the goals of the NJGWRA clearly and the need to incorporate those goals at some point in the CMP with specific standards attached, that's a great thing for the resolution to do. She said she also thinks Item #3 about the Commission's own operations belongs in a guiding resolution; this item does not belong in the CMP. She said her concern is Item #2, which is where more specific standards for development come into play and whether we have an interest in having the resolution mention possible subjects.

Chairman Lohbauer said he would not be opposed to it, adding that this is the direction he would like to go if a majority would agree.

Chairman Prickett said his perception is maybe the Commissioners and the public have changed their attitudes towards climate change over the last year or two, so he is a little more optimistic that the Committee would get the support of the full Commission on a resolution including Items #1 & #3. He encouraged the Committee to move forward in putting a resolution together to put on the February agenda.

Ms. Roth said the Commission has always directed its staff through resolution if it is something significant and there are points that the Commission wants to see. Regarding Item #3 and our own operations, she said she agrees with AED Grogan that the best way to handle that would be through resolution.

Chairman Prickett said, for Item #2 he would like to see some specific language or ideas that would be considered.

Chairman Lohbauer suggested including language in the resolution to direct the staff to draft such language.

Chairman Prickett said that is fine.

AED Grogan said she has enough to get started on a draft and will aim for the February agenda.

Commissioner Lloyd said he agrees that the resolution can include aspects of Items #1, #2 and #3, as the resolution is not regulatory. He said the big part will be the next step to get an amendment to the CMP. He said he thinks it will be supported by colleagues and it will not be controversial. He said it will be controversial when regulatory standards are talked about but as a first step, we should get a resolution in place that everybody agrees to and that should make the CMP amendments a little easier.

Chairman Lohbauer said he thinks the Committee has come up with a good direction and thanked the Committee. He asked if there were any additional suggestions for the amendment discussion.

Chairman Prickett suggested that Committee members look through the CMP for areas that may need to be tweaked.

Commissioner Lloyd said in respect to item #2, he would like the Committee to think about some regulation about the felling of trees in a development application. He said he would want to require at a minimum a significant alternative analysis that demonstrates the need to fell trees as part of a proposal. He said that would be for CMP amendment, but it could be a goal in the resolution as well. He said the Committee should start to think about applications that call for clearing of trees and when that is appropriate and when it may not be appropriate. He said there should be a high standard in his view before we allow an applicant to fell trees.

Chairman Lohbauer said on that topic, two or three months back, Director Charles Horner produced a document on forestry goals on state lands. Mr. Horner had seven goals that we should pursue, with pro-forestation being the first goal. He said he thought this is something the Committee should look into as a potential CMP amendment.

Commissioner Lloyd said he thinks some of those goals can be incorporated into the resolution.

Ms. Roth said, with regard to governmental development, there is a no net loss act regarding trees, and this may be something to review for guidance concerning private development.

Commissioner Lloyd said he would like to see that, noting that he is not aware of that act.

Ms. Roth said she will provide citations.

Chairman Lohbauer asked if staff had any suggestions to add to the discussion for other areas of the CMP amendment for the Committee to consider.

AED Grogan said packets are going out today, Dec. 1, 2021, for the December 10, 2021, Commission meeting and on the agenda is the adoption of proposed stormwater management rules. The Governor's office and the state Department of Transportation have given the go ahead to move forward.

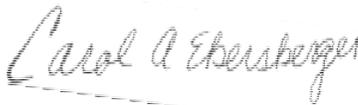
7. Public comment

Rhyan Grech of the Pinelands Preservation Alliance congratulated the Commissioners and staff for their work on the adoption of the proposed stormwater management rules. She said regarding the schedule for the Climate Committee meetings for the upcoming year, she understands the challenges, but she believes that this committee has not had a very regular schedule up until this point. She said with a regular schedule that there are many members of the public that would be very interested in participating in the meeting and would have a lot to contribute to the conversation. She asked the Committee take this into consideration. She said that it is great news about the rain garden the Commission is working on at the Commission facility. She recommended a possible CMP amendment for rain gardens larger than 1,000 square feet, which currently would require application to the Commission. She said she agrees with Chairman Lohbauer's recommendations in terms of incorporating the goals of the NJGWRA but cautions that these goals don't encourage easing environmental regulations to promote development of renewables.

Fred Akers of the Great Egg Harbor Water Association said he is a fan of the Climate Committee. He commended the Commission for establishing the Committee and the good work being done. He said he remembers that in the past there was a Science Committee meeting, which came and went, but the Climate Committee is picking up that work.

Chairman Prickett moved the adjournment of the meeting. Commissioner Lloyd seconded the motion, and all agreed. The meeting adjourned at 11:00 a.m.

Minutes submitted as true and correct.



Carol A. Ebersberger
Business Specialist

Date: January 11, 2022