

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
October 25, 2024 – 9:30 a.m.

MINUTES

Members in Attendance: Alan W. Avery, Jr., Chair Laura E. Matos, Jessica Rittler Sanchez

Members in Attendance (Zoom): Mark S. Lohbauer, Douglas Wallner

Members Absent: Jerome Irick, Theresa Lettman

Staff Present: Gina Berg, April Field, Lori Friddell, Susan R. Grogan, Brad Lanute, Jessica Lynch, and Stacey P. Roth. Also in attendance was Alexis Franklin with the Governor's Authorities Unit (Zoom).

1. Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

Commissioner Jessica Rittler Sanchez was welcomed as a full member of the P&I committee.

2. Adoption of minutes from the July 26, 2024 CMP Policy & Implementation Committee Meeting

Commissioner Avery moved the adoption of the July 26, 2024 meeting minutes. Commissioner Lohbauer seconded the motion. All ayes. The motion passed.

3. Discussion of NJDEP Proposed Resilient Environments and Landscapes Rule Amendments (REAL Rules)

Attachment A to these minutes and posted on the Commission's website at the following address:

<https://www.nj.gov/pinelands/home/presentations/NJREAL%20-%20CZM.pdf>

Legal and Legislative Affairs Chief, Stacey Roth, reviewed proposed New Jersey Department of Environmental Protection (NJDEP) REAL rule amendments to the Coastal Zone Management Rules (CZM Rules) used by NJDEP in the review of CAFRA (Coastal Area Facilities Review Act), the Wetland Act of 1970 and Waterfront Development Act applications. She noted amendments to the CZM rules include the addition of two new goals addressing climate change informed management and equity, justice and social vulnerability. She explained amendments requiring an inundation risk assessment for development that will occur in an inundation risk zone and the addition of standards to the CZM rules for consistency with the State Planning Commission. She also noted the elimination of the NJDEP delineated, non-mainland coastal center designation and the impact on impervious cover limits.

Commissioner Rittler Sanchez inquired if metrics were provided for the impervious cover limits. Ms. Roth responded that no changes were made to those metrics.

Commissioner Avery inquired whether the goals were legislative or staff goals.

Ms. Roth said the two goals were added by NJDEP staff to the existing eight in the current rules.

Commissioner Avery requested a list of the existing regulations and new goals. Committee members requested copies be distributed to all members.

Ms. Roth outlined amendments that replace the existing “living shoreline” rule with a “nature-based solutions” rule to broaden protection of New Jersey’s coastal wetlands by incorporating natural vegetation and features to address erosion and flooding issues. She noted the proposed rule’s encouragement of placing dredge spoils in the same ecosystem from where it was taken.

Executive Director Grogan inquired if those were guidelines or requirements. Ms. Roth said they were guidelines.

Commissioner Avery questioned if the proposed rules distinguish a difference between clean spoils and contaminated. Ms. Roth explained that the Pinelands Comprehensive Management Plan (CMP) and NJDEP rules differ in their definition of what constitutes contaminated soils and that the proposed rule does not make that distinction.

Discussion continued on provisions to encourage renewable energy and standards for installation of submerged electrical cables associated with offshore wind energy.

Ms. Roth reviewed horizontal directional drilling (HDD) provisions and noted that HDD is no longer the preferred method. She explained that under the Freshwater Wetlands Protection Act, as part of a GP 2 (general permit) application review, an applicant would need to demonstrate that the HDD activity will not adversely impact or result in a discharge into regulated areas.

Ms. Roth outlined amendments to replace existing permits-by-rule relating to the installation of underground utility lines under the Flood Hazard Area Control Act as well as new definitions in the Coastal Zone Management rules.

Ms. Roth reviewed the potential impact on Pinelands Commission activities, including additional permitting requirements, the need for review, revision or termination of older existing MOAs (Memoranda of Agreement) and dedication of staff time should the rule amendments be adopted. She suggested the likely need for discussion with NJDEP on existing MOAs and the value of continuing them.

Ms. Roth summarized the anticipated timeline for amendment adoption. ED Grogan said she anticipates a large response and as a result, the delay or extension to the public comment period.

Chair Matos opened the floor to questions.

Commissioner Rittler Sanchez inquired about the effectiveness of existing MOAs.

Executive Director Grogan responded that the MOA that provides for the Commission to issue general permits for wetlands for NJDEP has been effective. Regarding the CAFRA MOA, she said that the Commission reviews applications and provides comments to NJDEP, but that NJDEP consideration of the Commission comments is often inconsistent and therefore the MOA may be considered less effective.

Commissioner Rittler Sanchez said it is an opportunity to review MOAs and streamline processes.

There being no further questions or comments, Chair Matos closed the discussion.

4. PCF Land Acquisition Project Recommendations

Attachment B to these minutes and posted on the Commission's website at the following address:
https://www.nj.gov/pinlands/home/presentations/2024-10.25%20P_1%20meeting%20Project%20Recs%20OPEN%20SESSION%20ONLY.2.pdf

Gina Berg, the Commission's Director of Land Use Programs, presented a summary and reviewed evaluation criteria of Pinelands Conservation Fund (PCF) 2024 Land Acquisition Project applications.

Ms. Berg said in February, notice of the PCF 2024 Land Acquisition grant round was provided to land acquisition partners, counties, municipalities and non-government organizations. She reported that as of the September 16th closing date, two project proposals were received. One was submitted by the Rancocas Conservancy in Burlington County and the other was from the Unexpected Wildlife Refuge in Gloucester County.

She discussed each project's characteristics relative to the PCF evaluation criteria. She reported that neither of the proposals were located in the acquisition target areas and would therefore require full Commission approval if the Committee recommended moving forward with funding.

She said staff is not recommending grants be awarded for either of the two projects.

Ms. Berg said the Committee will need to continue discussion in closed session to review project specifics, allocation requests, funding and staff recommendations.

At 10:07 a.m., Commissioner Rittler Sanchez moved that the Committee meet in closed session to review project specifics. Commissioner Lohbauer seconded the motion, and all voted in agreement. The motion passed.

Commissioner Avery recused himself from the closed session due to his relationship with the Ocean County Natural Lands Trust.

At 10:35 a.m., the Committee reconvened in open session.

Ms. Berg summarized that during closed session, staff recommended that the Committee decline to provide Pinelands Conservation funding to the two project proposals for land acquisition submitted during the recent round.

Commissioner Lohbauer moved to adopt the staff recommendation on these PCF land acquisition projects. Commissioner Rittler Sanchez seconded the motion. All Ayes. Commissioner Avery recused. The motion passed.

There being no further questions or comments, Chair Matos closed the discussion.

5. Public Comment

Connie Wagner of Voorhees, NJ, spoke in favor of changing the zoning of the Black Run Watershed as a way to protect the headwaters leading to the Rancocas Creek and associated sensitive areas.

Kitty Newell, a resident of Sturbridge Lake, spoke in support of moving forward with the rezoning of the Black Run area and inquired if residents can take any action to help facilitate the process.

Jason Howell of the Pinelands Preservation Alliance said he would support initiatives to move the Black Run preservation forward. He also said that the 1991 Pinelands Commission wetlands delineation manual supplement to the federal wetlands delineation manual should be followed to correctly identify wetlands in the Pinelands. He expressed his opinion that a small wetlands in Pemberton Township was not identified because the Pinelands wetlands manual was not followed. He asked that Pinelands science office staff be consulted in wetlands delineation on development applications.

Steven M. called in to request the Commission to move forward with the Black Run rule for rezoning of the Black Run watershed to a Pinelands Forest Area.

There being no further comments, Chair Matos closed public comment and opened comments to Commissioners.

Commissioner Wallner requested a staff update on the status of the Black Run rule proposal.

ED Grogan said that the rule proposal addresses the management area change from the Rural Development Area to the Forest Area; it does not guarantee preservation of the area. She said that land preservation would require land acquisition by a land preservation entity. She said the Black Run rule proposal is part of a package of drafted CMP amendments currently being worked on by staff. Ms. Grogan said significant staff time is needed to finalize the rule package. She noted that the rule proposal is complicated and emphasized the need to be careful so that challenges to the rule could be avoided.

Commissioner Wallner inquired on a timeline.

ED Grogan said she hopes to provide the Committee with a status update in November.

Commissioner Rittler Sanchez thanked Executive Director Grogan for her explanation.

6. Adjournment

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. All voted in favor. The meeting was adjourned at 10:54 a.m.

Certified as true and correct:



Lori Friddell
Land Use Programs Technical Assistant

Date: November 1, 2024