

Disclaimer

These minutes reflect the actions taken by the Commission during its November 9, 2023 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on November 15, 2023.

PINELANDS COMMISSION MEETING

MINUTES

November 9, 2023

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: Part 1 <https://www.youtube.com/watch?v=K3dAN6gT0eE> Part 2 <https://www.youtube.com/watch?v=I05vMJINTS0>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Dan Christy, Theresa Lettman, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Alexis Franklin.

Commissioners Absent

John Holroyd & Jerome H. Irick

Call to Order

Chair Matos called the meeting to order at 9:35 a.m.

DAG Stypinski read the Open Public Meetings Act Statement (OPMA).

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Ten Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Closed Session

Chair Matos said the Commission will need to meet in closed session to be briefed on two litigation matters.

DAG Stypinski said the Commission will discuss anticipated litigation in closed session. He read a closed session resolution.

Commissioner Avery made a motion to enter closed session at 9:39 a.m. Commissioner Pikolycky seconded the motion. All were in favor.

Return to Open Session

The Commission returned to open session at 9:41 a.m.

Stacey Roth, the Commission's Chief, Legal & Legislative Affairs, said during closed session the Commission received an update on two items: a long-standing violation matter in Southampton Township and collective bargaining.

Ms. Roth requested an oral motion to authorize the Attorney General's office to proceed with litigation to enforce the requirements of the Comprehensive Management Plan (CMP), including a Pinelands Development Credit deed restriction.

Commissioner Pikolycky made the motion, seconded by Commissioner Lohbauer and all were in favor.

Minutes

Chair Matos presented the minutes from the Commission's October 13, 2023 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the October 13, 2023 Commission meeting were adopted by a vote of 10 to 0.

Committee Reports

Commissioner Avery provided a summary of the October 17, 2023 Personnel & Budget Committee meeting:

A closed session discussion was held. Once back in open session, staff provided the Committee with updates on routine financial and personnel matters.

Chair Matos provided a summary of the October 27, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the September 29, 2023 meeting.

The Committee received a presentation on the Science Office's recently submitted grant proposal to the U.S. Environmental Protection Agency. The proposed project would address wetlands monitoring, climate change, and education for environmental justice communities. The grant recipients will be announced in January and awarded in March. No formal action was necessary.

The Committee was updated on Permanent Land Protection and Pinelands Conservation Fund (PCF) priorities. Commission staff suggested potentially changing acquisition target areas, the PCF project funding structure, and the PCF project evaluation matrix. Staff will return to the Committee with a more formal structure in January to obtain authorization before moving forward with plans for a new land acquisition round. No formal action was necessary at this meeting.

Executive Director's Report

ED Grogan encouraged everyone to read the October monthly report. She said tomorrow, November 10th, is the 45th anniversary of the National Parks & Recreation Act, which created the Pinelands National Reserve.

She said November 3rd was International Day for Biosphere Reserves. She said Cliff McCreedy, who is from the National Park Service and serves as the liaison for the U.S. Biosphere Network, is here to deliver a presentation about the biosphere program and its benefits.

Chuck Horner, Director of Regulatory Programs, provided information on the following two regulatory matters:

- The disposal of dredge spoils raises a number of issues with the Commission's regulations. The placement of dredge spoils is considered development and requires an application to the Commission. All dredge spoils have some level of contaminants. In order to comply with the CMP, an applicant must demonstrate that there will be no degradation to the surface and groundwater. He said the New Jersey Department of Environmental Protection (NJDEP) regulations regarding dredge spoils vary slightly from the CMP and permit certain minimal contaminants. Staff has met with NJDEP staff on this matter several times.
- Back in 2019, the Department of Community Affairs and the NJDEP issued noncompliance letters to a number of berry agricultural operations in South Jersey for seasonal employee agricultural housing violations. The farms are located in Mullica Township, the Town of Hammonton, Hamilton Township and Winslow Township, and they are now submitting applications to the Commission for the change of use of agricultural buildings to employee agricultural housing. These applications are raising complicated issues for staff. Some of the buildings were constructed in the wetlands and or wetlands buffers. The applications need to meet the CMP's groundwater quality standards.

Ms. Roth provided an update on two accessible trail Memorandum of Agreements (MOAs):

- A draft MOA for Pemberton Lake has been shared with the applicant. Staff plans to discuss the draft MOA with the Policy & Implementation Committee at its November 29th meeting.
- Stafford Township has submitted a site plan, wetlands delineation and stormwater management information for an MOA to allow the paving of an existing trail around Forecastle Lake.

Gina Berg, Director of Land Use Programs, said her office is preparing the necessary notices and guidance documents for the implementation of the Kirkwood-Cohansey water management rules that go into effect on December 4, 2023.

Paul Leakan, Communications Officer, said the World Water Monitoring Challenge was a great success. Approximately 130 students took part in various educational stations at Batsto Lake. He added that the Communications Office took Cliff McCreedy on a day-long tour of the Pinelands, including stops at Whitesbog, Batsto Village, the pygmy pine forest and downtown Hammonton.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving three public development applications: the construction of six tennis courts at Seneca High School in Tabernacle Township, the installation of 6,780 linear feet of potable water main in the Town of Hammonton and the construction of a 20,183 square foot building associated with the Ocean County Vocational Technical School in Jackson.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-0390.003, 1997-0045.014 & 2023-0043.001) (See Resolution # PC4-23-40). Commissioner Avery seconded the motion.

Director Horner noted that the school building proposed in Jackson Township is located in the Toms River Corridor. He said Jackson Township adopted a specific ordinance for the Toms River Corridor that requires an additional 300-foot buffer to wetlands located along the main stem of the Toms River for a total of a 600-foot buffer. He said there is an exemption in the ordinance that allows encroachment into the additional 300-foot buffer as long as there is existing non-residential development on the parcel and the clearing of trees and vegetation does not exceed 20,000 square feet. Staff worked with the applicant to reposition the proposed school building and it now meets the exemption. Due to the buffer constraints, the 200-foot scenic setback required by the CMP cannot be met. As permitted by the CMP in such cases, the new building will be positioned 75 feet from the main road and will be screened from the road by existing and proposed landscaping.

He said the application at the high school in Tabernacle involves replacement and relocation of tennis courts on the parcel.

Lastly, the third application is for 6,780 linear feet of potable water main under existing paved road in Hammonton.

The resolution was adopted by a vote of 10 to 0.

Chair Matos introduced a resolution for an irrigation well at an elementary school in Hamilton Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 1989-0089.013) (See Resolution # PC4-23-41). Commissioner Lohbauer seconded the motion.

Director Horner said this application was completed without application to the Commission and the approval of this resolution will resolve the violation for the already installed irrigation well.

The resolution was adopted by a vote of 10 to 0.

Chair Matos introduced a resolution for an addition to an existing school and the development of 73 parking spaces in Hammonton.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-0390.003, 1997-0045.014 & 2023-0043.001) (See Resolution # PC4-23-42). Commissioner Asselta seconded the motion.

Director Horner said the Commission approved an application for another building addition to this school a few months ago. When staff members were reviewing that application, it was determined that the first building addition, dating back to the early 2000s, was constructed larger than what was approved and included more parking spaces. The second building addition application was relying on grant funding, so the Commission approved the development application but included a condition in the Public Development report that an application was necessary to account for the difference in square footage and parking spaces that occurred with the first building addition.

The resolution was adopted by a vote of 10 to 0.

Public Comment on Development Applications and Items Where the Record is Open

Jason Howell of the Pinelands Preservation Alliance suggested that schools in the Pinelands National Reserve be required to have better educational signage recognizing the importance and significance of the Pinelands region. He said students can potentially attend a school in the Pinelands Area and never be educated about the Pinelands.

Ordinances Not Requiring Commission Action

ED Grogan said staff reviewed an Egg Harbor City Ordinance that amends an existing Redevelopment Plan by including new permitted uses. The uses include Media/Motion Picture

Studio/Entertainment Studio and research and development for emerging technologies and green technologies. She said the Redevelopment Area is located in a Pinelands Town management area, where the CMP provides municipalities with broad discretion in terms of permitted uses. She said it is unknown whether the City adopted the amendment in response to a specific development inquiry or proposal.

Commissioner Lohbauer asked if wet labs would be permitted under the research use. He raised concerns about the potential of chemical discharge.

ED Grogan said she would check the ordinance, although her recollection is that it is not that detailed.

Presentation: U.S. Biosphere Network

Cliff McCreedy, who is the National Park Service/Federal Liaison to the U.S. Biosphere Network, said he was able to experience the beauty, value and history of the Pinelands on the tour with the Communications Office. He said the Pinelands was designated a UNESCO Biosphere Reserve in 1988 and is one of the 28 reserves in the United States. He said the sites include mountains, deserts and waterways. He explained that biospheres are designed to promote a deeper connection to people and nature. Biosphere Regions are overseen by states, public land managers, non-governmental organizations and tribes. He said the Networks are also recognized internationally and are joined by similar goals, with communities working together in an informal manner, and have an emphasis on air, land and water. He reviewed the benefits of participation in the program. He said the climate crisis is affecting both the U.S. and world networks. He said replicating what the Pinelands Commission has accomplished with intergovernmental cooperation is key in mitigating climate change. He said people can make changes in their lifestyle to fight climate change but land-use regulations sustain environmental impacts. (See Attached presentation slides).

Commissioner Lohbauer said he was curious what other Biosphere Networks are doing to protect against climate change. He said he was interested in partnering with other Networks to solve issues.

Mr. McCreedy said he would like to set up a collaborative meeting and said there are some working groups that have already been scheduled. He said not all the Biosphere Networks are active and he suggested that the Pinelands could be a model for how land use planning can be effective at the local level.

Commissioner Avery asked if the Biosphere Networks coordinate with the National Estuary Programs.

Mr. McCreedy said he hopes to grow that relationship in the future as plans for outreach take shape.

ED Grogan said she tries to attend most of the US Biosphere Network meetings. She said it is interesting to see the similarities and differences in the Biosphere Networks. She said the

Pinelands Commission is a regulatory agency and most other US Biospheres are not regulated in that fashion. She said there could be funding and grant opportunities for the Commission. She added that the Commission staff is happy to share its story and help other Biospheres where possible.

General Public Comment

Stephen Elliot of the Pinelands Preservation Alliance asked if staff has reviewed the State's draft Water Supply Plan and if any comments could be shared with the public.

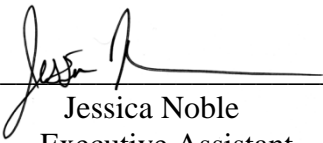
Director Berg said she has seen portions of the report. She said most notably the plan makes adjustments to the low-flow margin in watersheds in South Jersey based on projected climate change impacts. She said the Commission's water management rules that go into effect in December rely on the low-flow margin data. She said the plan also applies different standards for water demand based on housing densities. She said, for example, in the Pinelands where density is lower, higher water demand was assigned than to high-density residential development.

Jason Howell of the Pinelands Preservation Alliance said the Commission's agenda is cryptic for a member of the public who is not familiar with the Commission and it would be helpful if there was an address, block and lot or QR code associated with each application number. He said how fortunate the public is to have the Pinelands recognized as a U.S. Biosphere region. He said just outside of the Pinelands Area, the Birmingham section of Pemberton Township, is now surrounded by warehouses.

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:43 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: November 15, 2023

Global and National Networks for the Pinelands



United States
Biosphere Network



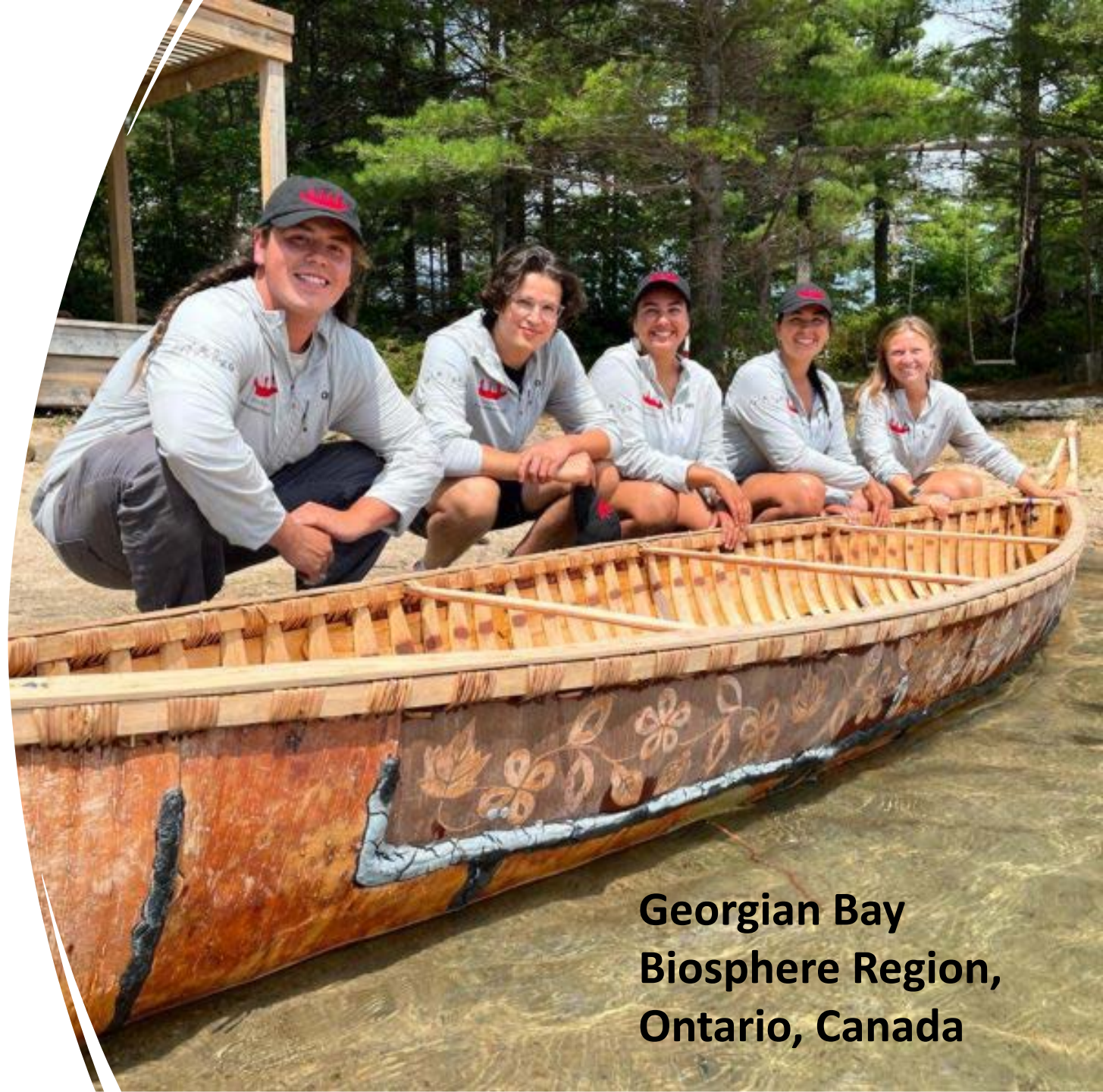
Cliff McCreedy
National Park Service
NJ Pinelands Commission
November 9, 2023

Power of place and community

- We are deeply connected to natural systems for our quality of life
- We work together to connect people and nature and conserve the beauty and benefits of healthy lands, air and water



United States
Biosphere Network



**Georgian Bay
Biosphere Region,
Ontario, Canada**

Working at scale
across boundaries
and borders

Biosphere Regions in the United States



Connecting People and Landscapes

- Plug in partners across public lands and private lands
- Seek environmentally sound uses of lands and water
- Inspire community action to sustain people and nature





Benefits of Participation

- Training and development
- Mutual learning exchanges with BRs in U.S. and worldwide
- Forests, wetlands, climate change, and sustainable development issues
- Technical assistance from experts
- Joint funding opportunities

International Community of Practice



Parks Canada



United Nations
Educational, Scientific and
Cultural Organization



Man and
the Biosphere
Programme

Canadian
Biosphere
Reserves Association
Canadian Biosphere
Reserves Association
canadienne des
réserves de la
biosphère



National/Global Network of Special Places

World Network of Biosphere Reserves

- 748 sites in 134 countries, including 28 in the U.S.
- High biodiversity and potential for sustainable and equitable livelihoods
- Voluntary and non-regulatory with no impacts on U.S. national or local sovereignty
- Large landscapes and seascapes including protected areas as well as private lands where people live and work



United Nations
Educational, Scientific and
Cultural Organization



Man and
the Biosphere
programme

Act Globally, Cooperate Locally

- Conserve biodiversity and enhance ecosystem services and sustainable use of natural resources.
- Facilitate sustainability science and education.
- Support mitigation and adaptation to climate change and other aspects of global environmental change.
- Emphasize equity of economic opportunity, health and well-being for all.

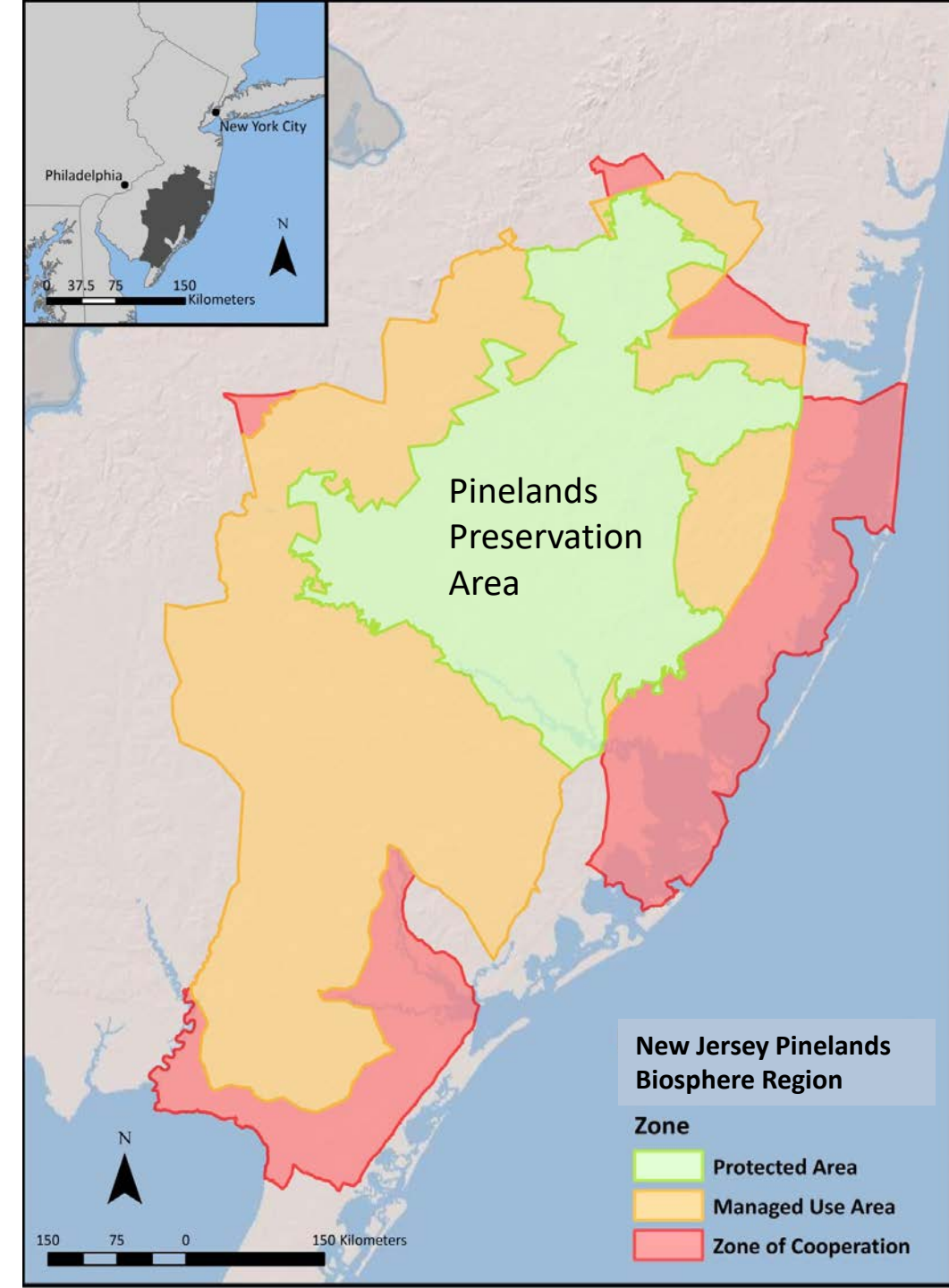
2015-2025 MAB Lima Action Plan



NJ Pinelands Checks the Boxes

First recognized by U.S. and UNESCO in 1988 and updated in 2017 (Periodic Review)

- ✓ Biodiversity & sustainable land use goals
- ✓ Local government, public and private lands with citizen input
- ✓ Ecosystem services (water, carbon sequestration, recreation, etc.)
- ✓ Climate - Resilience Action Plan for Extreme Heat
- ✓ Science & education





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New Data Confirms: Forest Fires Are Getting Worse



Bioregional Planning: The Right Fit

“Because climate change has wide-ranging effects across regional landscapes, adaptation planning typically requires a broadening of spatial and temporal scope, resulting in consideration of larger geographies and longer planning horizons.”



Bioregional Solutions

- Socioecological Climate Vulnerability Assessments & Adaptation Plans
- Regional Tourism/Destination Stewardship Plans
- Corridors: Cultural and Wildlife
- Indigenous youth engagement and cultural assets preservation
- International workshops
- Transboundary water conservation





Questions?
Next steps...

