



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



American holly tree covered in snow

DECEMBER 2020

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A RULEMAKING

- **Septic System Pilot Program:** The Commission adopted amendments to the Comprehensive Management Plan (CMP) related to the septic pilot program at its November 13, 2020 meeting. The adopted amendments became effective upon publication in the December 21, 2020 edition of the New Jersey Register. Staff notified all municipalities, counties and interested parties and will begin drafting model ordinances to implement the amendments in early 2021.
- **Stormwater Management:** Staff met with the Pinelands Preservation Alliance on December 14, 2020 to discuss the draft stormwater amendments under consideration by the Commission. Staff also made a presentation on the draft stormwater amendments to the Barnegat Bay Partnership's Science and Technical Advisory Committee on December 9, 2020.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LITIGATION (STATE; FEDERAL; OFFICE OF ADMINISTRATIVE LAW; OTHER)

STATE:

- **I/M/O New Jersey Pinelands Commission Resolution PC4-20-08:** Docket No. A-002499-19; On October 8, 2020, the Pinelands Preservation Alliance (PPA) filed a motion that sought to supplement the record in this appeal with the contents of the entire record from its prior appeals involving the South Jersey Gas Company's natural gas transmission pipeline application. The Commission filed its opposition to the motion on October 19, 2020. PPA subsequently filed a motion seeking authorization to file a reply to the Commission's opposition brief on October 23, 2020. The Appellate Division denied PPA's motion to supplement the record on November 5, 2020. PPA filed a motion for reconsideration of the denial decision on November 24, 2020. By Order dated December 10, 2020, the Appellate Division denied PPA's motion for reconsideration. The Court also issued a scheduling order on that same date. PPA's brief and appendix is due on January 11, 2021 and the Commission's brief is due on February 10, 2021.
- **I/M/O New Jersey Natural Gas Application for The Installation and Operation of The Southern Reliability Link, Docket No. A-000925-17T1:** On December 1, 2020, the Commission received notice from the Appellate Division that oral argument for all appeals pertaining to the Southern Reliability Link, including the procedural and substantive appeals of the Commission's approval of the portions of the project in the Pinelands and the appeals of the denial of the third-party hearing requests by PPA (A-000999-17) and Kovath and Caruso (A-001005-17), is scheduled to occur on January 20, 2021.
- **I/M/O DVT Enterprises, LLC and 256 TRR II, LLC, T/A MAPLEWOOD ESTATES, Application No. 2001-0630.001:** On December 4, 2020, an appeal was filed by the applicant for a development that received its local approvals from the Jackson

Township Planning Board in 2005, for which the period of protection has lapsed. The parcel was rezoned from Pinelands Village to Forest Area (FA-6) in 2005. Appellant's appeal is based on a letter from staff to the applicant of an adjacent development questioning whether the Commission considered Maplewood Estates to be a separate development.

1.2B LEGISLATION

- **S2607/A2745** – Requires the land use plan element of a municipal master plan include a climate change-related hazard vulnerability assessment. This bill has passed the Senate, was referred to the Assembly Environment and Solid Waste Committee and as of October 8, 2020 was reported out of Committee and is on second reading in the Assembly. S2607 was substituted for A2745 and was passed by the Assembly on December 17, 2020. The bill has been forwarded to the Governor's Office for action.

1.2C MEMORANDA OF AGREEMENT

- **First Amendment To The February 26, 2004 Memorandum Of Agreement Between The New Jersey Pinelands Commission And The South Jersey Transportation Authority:** In accordance with Paragraph 4 of the First Amendment, the South Jersey Transportation Authority (SJTA) is required to acquire lands within the Pinelands to fund the creation, dedication and long term maintenance of a new Grassland Conservation Management Area (GCMA). At its October Meeting, the Commission passed Resolution PC4-20-34, which among other things, granted SJTA an extension of the time period to acquire the new GCMA site. Commission staff was notified by SJTA on December 31, 2020 that Atlantic County had completed its acquisition of the new GCMA site on December 30, 2020.

1.2D OPEN PUBLIC RECORDS ACT

- **Open Public Records Act:** There were a total of four Open Public Records Act (OPRA) requests received in December. Of the four requests, two were provided responsive material and two were advised that we had no responsive material.

1.3 HUMAN RESOURCES

- **NJECC 2020:** The NJ Employees Charitable Campaign is celebrating its 35th year. November weekly causes were posted on the Human Resources Teams page.
- **Training:** Staff completed the “Sexual Harassment and Abusive Conduct Prevention Course” in the Learning Management System.
- **NJ Well:** The 2021 NJ Well earning period began on November 1, 2020. Staff participated in the Horizon webinars: “Holiday Weight Management,” and “Flu and Pneumonia Prevention.” Staff participated in the NJ Well Invitational Step Challenge for NJ Well points.
- **Holiday Party:** Staff participated in a virtual holiday party via Zoom on December 22, 2020.

2 INTERAGENCY COORDINATION

- **Community Solar Pilot Program:** On December 14, 2020, staff met with two staff members from the New Jersey Board of Public Utilities (BPU) to discuss BPU’s community solar pilot program. BPU staff provided details on their upcoming second round of applications and Commission staff gave an overview of CMP standards and development application procedures. Further coordination will occur when BPU is reviewing applications for community solar projects in the Pinelands Area.
- **Joint Land Use Study:** Planning staff participated in a conference call on December 21, 2020 with Burlington County staff, including the new Director of Economic Development and Regional Planning. The County is considering the possibility of taking the lead in completing a Joint Land Use Study for Warren Grove. The US Department of Defense would fund the study, which would focus on identifying potential encroachment issues and reducing the potential for land use conflicts. Planning staff agreed to review the County’s scope of work, provide data and otherwise participate in the planning process should the County proceed with this effort.
- **Municipal Redevelopment Planning:** Throughout the year, the Planning Office continued its coordination with the New Jersey Department of Community Affairs (DCA) on municipal designations of areas in need of redevelopment or rehabilitation within the Pinelands. DCA staff regularly notifies the Commission of such designations made within the Pinelands Area and solicit comment on any potential conflicts with CMP standards. Through this coordinated effort, the Commission is made aware of municipal redevelopment planning activities early in the redevelopment process and municipalities are encouraged to consult with the Commission prior to the adoption of any rehabilitation or redevelopment plans. In cases where redevelopment planning has the potential to conflict with the CMP, staff conducts proactive outreach with those municipalities. The Commission received one such notification from DCA in December and a total of seven for the calendar year.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	6	109

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	2	79
Surveys Required	0	5
Surveys Reviewed	0	7
Certificates of Appropriateness Required	0	6

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	6.25	36.03
PDCs Severed	0	0.75
Acres Protected	0	50
PDCs Extinguished	0	1.50
Acres Protected	0	151
PDCs Sold	0.25	36.00
Average Sales Price per PDC	\$44,000	\$43,681
Average Sales Price per Right	\$11,000	\$10,920
PDCs Redeemed	1.00	26.25

Notable Activity:

- **PDC Allocation:** 5.75 PDCs (23 rights) were allocated to 121 acres in the Agricultural Production Area in Winslow Township. 0.25 PDCs (1 right) were allocated to 12 acres in the Agricultural Production Area in Tabernacle Township. 0.25 PDCs (1 right)

were allocated to 10 acres in the Agricultural Production Area in Galloway Township.

- **PDC Redemptions:** 1.00 PDC (4 rights) was redeemed in December 2020 for the development of 29 single-family detached units in Egg Harbor Township.

3.4 SPECIAL PROJECTS

- **Pinelands Infrastructure Trust Fund:** One of the five projects prioritized for funding in 2019 continues to try to push forward. The Jackson Trails project included both public water and public sanitary sewer components and was jointly sponsored by Manchester Township and the Jackson Municipal Utilities Authority (MUA). The Jackson MUA requested a meeting with the Commission, the Department of Environmental Protection (DEP), and Infrastructure Bank staffs to discuss funding levels and loan terms, along with DEP loan application requirements to demonstrate the project is viable. That meeting was held in mid-December via Zoom.
- **2nd Pinelands Archaeology/Anthropology Symposium and upcoming Webinar Series:** Staff began solicitation of presenters for the upcoming 2021 Pinelands Archaeology and Anthropology Symposium, tentatively scheduled for fall 2021. In addition, staff reached out to potential presenters to participate in the Commission's 2021 webinar series on cultural resource topics of interest.
- **Pine Barrens Byway:** Decisions by the federal Department of Transportation (DOT) on applications for National Scenic Byway designation were expected on December 22, 2020 but not received. DOT has not provided an updated schedule.

3.5 OTHER ITEMS OF INTEREST

- **New Jersey Water Works Conference:** Staff attended multiple sessions of the conference to hear about infrastructure financing, community green infrastructure projects, and infrastructure data management.
- **Approval of the Bioclere wastewater treatment technology for non-residential use:** The Bioclere treatment system was approved for *residential use* in the Pinelands Area in October 2010 based upon satisfactory performance in the Commission's pilot program. In December 2020, Commission staff approved the technology for *non-residential use* based upon the review of regulatory quality data that demonstrates the system's treatment capabilities when treating wastewater from non-residential uses such as restaurants, retail stores, grocery stores, etc. With this approval, there are now three advanced treatment technologies approved for non-residential use in the Pinelands Area, including the Amphidrome Plus, the Hoot MTS+ANR and the Bioclere Series 16, 24, 30, & 36 with Nitrogen Reduction.
- **Browns Mills Healthy Community Plan:** Staff attended the initial stakeholder meeting convened by the Delaware Valley Regional Planning Commission (DVRPC) on December 10, 2020. The planning effort will focus on a number of health and built environment issues, including walkability, open space and recreation, healthy food access, affordable housing and aging in place. DVRPC provided a summary of

relevant data about the Browns Mills population and economy and will next conduct a series of surveys to gather additional information.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	8	116
Certificates of Filing	14	173
Public Development Reports	1	30
Forestry Certificates of Filing	1	22
PDC Letters of Interpretation	4	16
Non-PDC Letters of Interpretation	0	2
MOA Consistency Determinations	1	37
Review of Agency Determinations	88	843

4.2 NOTABLE APPLICATIONS

- Jackson Township Solar Facility (App. No. 1984-1345.008):** On October 11, 2019, the Commission approved the installation of a 13.7 acre ground mounted solar energy facility on the Jackson Township Legler Landfill. One of the conditions of that approval required a threatened and endangered (T&E) deed restriction of 45.48 acres of the parcel to protect a threatened plant species. In late November 2020, the applicant provided a draft T&E deed restriction to the Commission staff for review. The draft deed restriction included a proposed utility company easement through a portion of the T&E deed restricted area. The utility company easement was proposed to supersede the T&E deed restriction and allowed for development and herbiciding in the easement. The Commission staff advised the applicant that the proposed utility company easement was not consistent with the Commission’s regulations. On December 23, 2020, the applicant submitted a copy of a revised T&E deed restriction that removed the utility company easement and specified that the T&E deed restriction superseded all existing and proposed future deed restriction or easements on the parcel. It’s anticipated that construction of the solar facility will begin shortly.
- Lighthouse at Barnegat (App. No. 1985-1432.010):** On December 10, 2020, the staff issued a letter scheduling a public hearing for a preliminary and final major site plan approval granted by the Barnegat Township Planning Board on for the proposed

development of two three-story buildings, containing 148 dwelling units. The proposed development is located within a Pinelands Comprehensive Management Plan (CMP) designated high forest fire hazard area. The Township land use ordinance and the CMP require that all residential development of 100 dwelling units or more in high fire hazard areas provide a 200 foot perimeter fuel break between all buildings and the forest. The concerned development proposes a forest fire fuel break consisting of a lawn area, ranging from approximately 42 to 67 feet. The Township approval granted a waiver for the reduction of the required perimeter forest fire fuel break from 200 feet to 42 feet.

- **Woodland Township Wildlife Mitigation (App. No. 1989-0852.005):** On December 15, 2020, the staff conducted a conference call with an applicant and their consultant regarding a proposed wildlife habitat enhancement project on two non-contiguous parcels in Woodland Township. One parcel is 108.5 acres and the other is 48.7 acres. The applicant proposes to improve the habitat on the parcels for Northern pine snake to compensate for the loss of potential habitat for Northern pine snake at a proposed residential land development project located outside of the Pinelands Area. The applicant submitted certain clarifying information regarding the application on December 28, 2020. That information is currently under review.

4.3 OTHER ITEMS OF INTEREST

- **Cutting of Atlantic White Cedar, Hamilton Township:** On December 7, 2020, the staff issued a letter outlining an investigation into the illegal cutting of Atlantic White Cedar in an area of Hamilton Township. The letter noted that the staff previously completed two site inspections, one with the affected landowner(s) and one with the Hamilton Township Police Department, and that the cedar cutting was being investigated by the Hamilton Township Police Department as an apparent incident of trespass and theft.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In December, staff measured water levels at forest plots and ponds in the Commission network of long-term monitoring sites. This work is completed each month.

5.2 LONG TERM STUDIES

- **Joint Corn Snake Study, Kingsnake Study, and Rare Snake Monitoring:** Staff members have been entering and proofing data collected during 2020 as part of the snake research. This includes data on new snakes that were captured and already tagged snakes that were recaptured; data on all animal species found in a trap or under a cover object along the drift fence array; and environmental, behavioral, and habitat data collected for each corn snake and kingsnake tracked during the radio telemetry components. Specific radio telemetry data are being prepared for submission to the New Jersey Department of Environmental Protection (NJDEP) to satisfy permit requirements. Coordinates for the locations of new dens to corral and locations to place artificial cover to capture additional snakes are being prepared for submission to the NJDEP for approval.

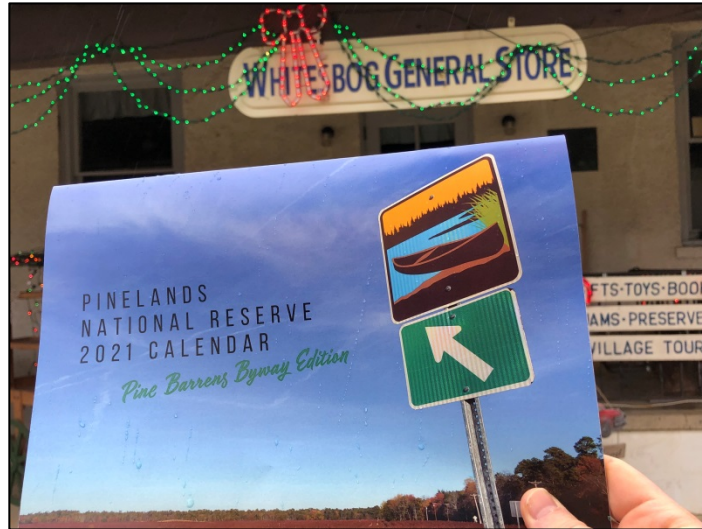
5.3 OTHER ITEMS OF INTEREST

- A Joint Venture between the Commission and Dr. Laretta Bushar at Arcadia University was approved by the New Jersey State Ethics Commission. The Pinelands Commission is contributing \$6,000 towards a study of the genetics of corn snakes and kingsnakes. Arcadia is supplying \$12,000 and the NJDEP is providing \$1,000. The study will use genetic information obtained from some of the snakes found during the Joint Corn Snake Study and Kingsnake Study mentioned above as well as snakes from other areas of the region. The research is expected to increase knowledge of the genetic variation of these two species and shed light on the impact of roads on populations of these rare snakes.
- Staff reviewed a manuscript written by U.S. Geological Survey staff and coauthored by Science Office staff. The manuscript will be submitted to a journal for publication and describes the results of the water quality and plant and animal comparison between eight natural ponds, eight excavated ponds, and eight stormwater basins investigated as part of the Pond Vulnerability and Created Wetlands studies. These studies were completed in 2018 and resulted in a Commission report, titled "Vulnerability and comparability of natural and created wetlands," and a U.S. Geological Survey report, titled "An initial comparison of pesticides and amphibian pathogens between natural and created wetlands in the New Jersey Pinelands, 2014-16."

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- The Pinelands Commission’s website received a total of 11,161 page views in December 2020.
- **Inquiries/Correspondence:** The Communications Office received and responded to 196 inquiries from the public, including phone calls, e-mails, and media inquiries.
- **2021 Pine Barrens Byway Wall Calendar:** In early December 2020, the Communications Office picked up and distributed 650 copies of the 2021 Pinelands National Reserve wall calendar. The calendar places a spotlight on the Pine Barrens Byway, and copies were sent to Commissioners and staff members. Staff picked up the calendars from Rowan College at Burlington County and then delivered the vast majority of the calendars to Jake’s Branch County Park, Wells Mills County Park and Whitesbog Village. The public can obtain free copies of the calendar at those three locations, while supplies last.



Above: Staff picked up and delivered hundreds of copies of the 2021 Pinelands National Reserve Wall calendar in December 2020. The calendars were available free of charge at three locations, including the Whitesbog General Store (shown above).

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series Webinars:** In December 2020, staff confirmed the lineup of free webinar presentations that the Commission will host in January 2021. The courses include “Sustainable Landscaping for Butterflies,” “Pinelands Comprehensive Management Plan 40th Anniversary Roundtable Reflection,” “Through Elizabeth’s Eyes: Whitesbog Glass Plate Negatives,” and “Pine Barrens Weather and Its Effect on NJ’s Microclimate.”
- **Planned Celebration of the 40th Anniversary of the Pinelands Comprehensive Management Plan:** Throughout December 2020, staff worked on plans to mark the 40th anniversary of the Pinelands Comprehensive Management Plan (CMP). The CMP turns 40 on January 14, 2021, and the Communications Office is devising a detailed, informational, social media campaign to highlight the history and success of the CMP. In December 2020, staff arranged, conducted and recorded Zoom

interviews with Terrence Moore, who was the Commission’s Executive Director from 1979-1999, as well as former Commissioner Bob Shinn, former Commissioner Joan Batory and six former Commission staff members, several of whom co-authored the CMP. Communications Staff also conducted and recorded a one-hour CMP Roundtable Reflection with all of nine of the interview participants. The 10 recorded interviews will be shared with the public in January 2021.

- **Social Media Site Enhancements:** Staff continued to enhance the Commission’s social media pages in December 2020. Staff posted more than 60 photos or videos on the Commission’s Facebook page and Instagram site. Staff also made use of the social media sites to promote Commission meetings and the monthly Management Report.



- **Barnegat Bay Coordination:** A member of the Communications Office attended the Barnegat Bay Partnership’s Communications and Education Committee meeting on December 16, 2020.

Above: The Commission’s staff posted more than 60 photos on the agency’s Facebook page and Instagram site in December 2020, including this photo taken at Wharton State Forest.

- **Pinelands Short Course Planning:** Staff continued to plan the spring and summer editions of the Pinelands Short Course. The events are tentatively scheduled for April 24, 2021 and July 15, 2021.
- **Science Office Field Work:** A member of the Communications Office collected water level data for the Science Office on December 2nd and 3rd, 2020.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff implemented enhancements and bug fixes to streamline operations and facilitate remote work.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today’s networked world, especially due to the added complexities of supporting employees working from home. The Information Systems office participated in the monthly cybersecurity call hosted by the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC). Topics of

discussion included the recent FireEye/SolarWinds attacks and continued collaboration between state agencies.

- **Windows 10 and Office 365 Migration:** The Information Systems Office provides a stable and secure desktop environment. Staff worked on deployment of Windows 10 desktops to the Business Services office. Staff continued migration of local user data to OneDrive to replace the local file share.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff continued migration of existing PLP data into a staging database and validating records when necessary. Staff developed several draft interfaces to enable users to enter new records into the system.
- **Year End Transition Processes:** Staff walked through the standard operation system documents detailing modifications and maintenance steps required to prepare for the new year.
- **Threatened and Endangered Species System:** Staff maintains a database of threatened and endangered species sightings for the Pinelands Commission's internal use when reviewing applications. The Information Systems office reviewed the existing data sharing agreement with the New Jersey Department of Environmental Protection to provide feedback on updates that could be made to align the agreement with current processes and procedures.
- **Ad Hoc Reporting:** Staff generated several reports to highlight application information related to stormwater projects in support of ongoing Pinelands Commission initiatives.
- **Technology Enhancements:** Staff continually evaluates emerging technologies for how they can impact or enhance the office environment. New scanners and Bluebeam Revu software were researched to provide purchasing recommendations for the coming year.

8 BUSINESS OFFICE

8.1 FACILITIES

- **Storm Clean-up:** The December 24, 2020 storm caused a power outage in three buildings (Fenwick, Carriage House and the Barn). The power was restored on Saturday, December 26, 2020. A tree to the left of the outhouse fell and destroyed a small part of the roof molding. Staff is working with vendors on the state contract to have the tree removed without further damage to the outhouse.

8.2 FINANCIAL MANAGEMENT

- **Application Fees:** December, Net Total: \$19,957.21; Year to Date Total: \$314,265.52.