



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



FEBRUARY 2020

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on February 28, 2020 and received a presentation from Jeff Everett, Deputy Director of the State Agriculture Development Committee, on SADC's draft soil protection standards for preserved farms. The Committee also reviewed draft Comprehensive Management Plan (CMP) amendments related to the Pilot Program for Alternate Design Wastewater Treatment Systems. Finally, the Committee met in closed session to discuss a land acquisition matter.



Above: The Policy & Implementation Committee met on February 28, 2020.

1.1B OTHER ITEMS OF INTEREST

- **Pemberton Township School District Wastewater Treatment:** The Executive Director and staff met with representatives of Pemberton Township and the School Board at the site of a wastewater treatment facility located at the Helen A. Fort Middle School. The School Board and Township are interested in eliminating this aged facility and sending the wastewater from the Middle and High School located across the street to the Pemberton Township Wastewater Treatment Plant.
- **Protecting Against Climate Threats (NJPACT):** Staff attended the NJPACT meeting held for State agencies to discuss issues and needs related to Climate Change. The meeting held on February 18th at NJDEP focused on infrastructure needs and regulatory impediments to addressing climate threats.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

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

STATE:

NEW JERSEY NATURAL GAS APPEALS

- **In the Matter of New Jersey Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link, Docket No. A-001004-17T1:** This is one of a number of appeals that were filed involving the Commission's approval of New Jersey Natural Gas Company's (NJNG's) application to construct a portion of its Southern Reliability Link

project in the Pinelands. This appeal was filed by PPA on October 26 2017, and is a substantive challenge of the Commission's approval. (There were three additional appeals of the Commission's approval of NJNG application filed by the New Jersey Sierra Club, Chesterfield Township and Bordentown Township, respectively.) PPA also filed an appeal of the process used by the Commission to review this application and the denial of its third-party hearing request. (Three individuals, Daniel and Patricia Caruso and Jean Kovath also filed an appeal challenging the Commission's denial of their third-party hearing requests.)

On February 19, 2020, NJNG filed a Notice of Motion with the Appellate Division for leave to file a supplemental brief. In its response brief, NJNG for the first time raised the issue that the Commission did not have jurisdiction over activities conducted on Joint Base – McGuire –Dix- Lakehurst (JB-MDL) pursuant to the federal enclave doctrine. The Commission pointed out the numerous procedural infirmities with NJNG's raising this issue at the late stages of this matter as part of the opposition brief it filed on January 29, 2020. NJNG now seeks leave to respond again though its request for supplemental briefing.

SOUTH JERSEY GAS APPEALS

- **In the Matter of the New Jersey Pinelands Commission Resolution PC4-20-03, Docket No. A-002499-19:** This is an appeal, filed by the Pinelands Preservation Alliance, challenging the Commission's failure to adopt Resolution PC4-20-03 addressing the Commission's prior approval of the South Jersey Gas Company's proposed natural transmission project to repower the BL England electrical generation plant. Specifically, the resolution resolved that the South Jersey Gas Company could not proceed with the project, because of a material change in the application, the closure of the BL England plant.

1.2B LEGISLATION

- **S635/A2631** – *Requires water purveyors to conduct water loss audits* – This bill would amend and supplement the "Water Supply Management Act" to require the State's water purveyors (i.e. public and private water providers) who regularly serve at least 3,300 individuals to conduct annual water loss audits. The bill also requires the New Jersey Department of Environmental Protection (NJDEP) to adopt regulations (1) specifying a minimum data validity score or a specific level of yearly improvement in the data validity score of future annual water loss audit reports and (2) setting forth performance standards to be met by a water purveyors concerning the volume of water loss. (S635 – Introduced, referred to Senate Environment and Energy Committee/ A2631 – Introduced, Referred to Assembly Environment and Solid Waste Committee.)
- **S2001/A2083** – *Establishes forest stewardship program for State-owned lands.* This bill would require the NJDEP to identify State-owned forest lands for which a forest stewardship plan has not been developed; establish a priority order for the development of those plans and then develop, review and adopt such plans in the priority order established. (S635 – Introduced, referred to Senate Environment and Energy Committee/ A2631 – Introduced, Referred to Assembly Environment and Solid Waste Committee.)

1.2C OPEN PUBLIC RECORDS ACT

- There were 9 Open Public Records Act (OPRA) requests received in February. Seven requests were determined to be file reviews. The remaining two requestors were advised that the Commission had no material responsive to their requests.

1.3 HUMAN RESOURCES

- **Union Negotiations:** A mediation meeting was held on February 3 with the assigned PERC Mediator and the CWA negotiation team.
- **Health Benefits:** A special Open Enrollment Period was held for employees covered in the Horizon HMO health plan.
- **Retirements:** Staff processed one employee retirement.
- **Training:** Staff participated in a Pensions Webinar, "Retro Salary Reporting."
- **Personnel:** A promotion was processed for the Director of the Planning Office. The Chief Permit Administrator position was posted as an internal vacancy. Qualified candidates were interviewed and a selection was made.
- **Events:** Staff participated in a Mardi Gras celebration in Fenwick Manor.



Above: The staff was treated to a festive spread during a Mardi Gras celebration held in February 2020.

2 INTERAGENCY COORDINATION

- **NJDEP Wetland Protection:** Executive and Science staff met with the NJDEP Director of Parks and Forestry to discuss blocking access to ponds and other areas that have been damaged by off-road vehicles. Science and NJDEP staff visited some of the sites in the field and have additional days set for field visits in March.
- **Forest Habitat Management:** Science staff met in the field with representatives from NJDEP Endangered and Nongame Species Program, New Jersey Conservation Foundation, Herpetological Associates, and The College of New Jersey to discuss ideas for forest habitat management to benefit rare snakes. A consensus was reached to perform minimal management so it is not readily visible on aerial imagery and does not attract people to managed areas and jeopardize the target species.

- **Ocean Township Plan Endorsement:** Staff attended a February 25, 2020 pre-petition meeting held by the Office of Planning Advocacy (OPA) in Ocean Township, along with representatives from the municipality, NJDEP, NJDOT and Ocean County. OPA has determined that the Township will need to go through the State Planning Commission’s plan endorsement process in order to retain its designated centers outside the Pinelands Area. OPA staff explained the steps involved in the plan endorsement process. NJDEP presented its suggestions for reducing the geographic extent of several coastal centers.
- **Governor’s Interagency Task Force:** Staff reviewed and provided comments on materials distributed by OPA to all participating state agencies. These include a municipal self-assessment template to be used in the plan endorsement process, guidelines for entities seeking county or regional plan endorsement and a list of incentives and resources offered by state agencies to municipalities that receive plan endorsement. The next Task Force meeting is scheduled for May 2020.
- **NJDEP Stormwater Management Rules:** On February 12, 2020, staff conducted a conference call with Gabe Mahon, Chief of the Bureau of Nonpoint Pollution Control, Division of Water Quality. The discussion focused on municipal implementation of DEP’s amended stormwater rules and the Commission’s consideration of CMP amendments to reflect the changes adopted by DEP.

3 LAND USE & TECHNOLOGY PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	4	10

Notable Ordinances:

- **Folsom Borough certification:** The Commission certified Folsom Borough Ordinance 7-2019 on February 14, 2020. Ordinance 7-2019 adopts a revised zoning map that reflects the rezoning of three lots located on the Black Horse Pike from the Forest Area to a newly created commercial zone in the Rural Development Area. The ordinance also rezones numerous publicly owned and environmentally constrained lots from the Rural Development Area to the Forest Area.
- **Egg Harbor Township Cardiff Center Redevelopment Plan:** The Township engaged the Local Planning Services office at the Department of Community Affairs (DCA) to prepare a redevelopment plan for the Cardiff Center Redevelopment Area. Located in the Pinelands Regional Growth Area, this redevelopment area includes approximately 250 acres and a number of existing commercial uses. As required by DCA, the Township formed a Working Committee that will help to develop the plan. Staff agreed to serve on the working committee and the first meeting is scheduled for March 17, 2020.

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	7	15
Surveys Required	2	2
Surveys Reviewed	0	0
Certificates of Appropriateness Required	2	2

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0	1.03
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	1.50
Acres Protected	0	95
PDCs Sold	1.75	0.75
Average Sales Price per PDC	\$39,111	\$39,167
Average Sales Price per Right	\$9,778	\$9,792
PDCs Redeemed	1.50	4.75

Notable Activity:

- 1.75 PDCs (9 rights) were sold in February 2020, all of which are expected to be redeemed on a 148-unit apartment project in Barnegat Township’s Regional Growth Area.
- 1.25 PDCs (5 rights) were redeemed in February 2020 for a residential project (194 single-family detached units) in Egg Harbor Township. An additional 0.25 PDCs were redeemed for the development of a single family dwelling in Waterford Township that previously received a Waiver of Strict Compliance from the Commission.

4 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Enhancements and bug fixes implemented as needed.
- **Office 365 Migration:** Staff continues to test Office365 and OneDrive for Business in the Information Systems office to prepare for roll out to the entire staff.
- **Personnel and Budget Committee meeting:** Staff prepared list of hardware for removal from fixed assets due to obsolescence and sanitized hard drives to remove sensitive information.
- **PDC Bank enhancements:** Staff is working to upgrade the PDC Bank information system. Current development is focused on improved certificate management and printing.
- **Permanent Land Protection (PLP) Data System:** Staff is developing a new PLP database to improve tracking, reporting, and mapping of permanently protected lands in the Pinelands. Data fields to track were identified and prioritized. A draft data structure is under development.
- **Paperless Document Transition:** Approximately 1,252 paper Letters of Interpretation and 656 legacy Certificates of Filing were scanned to electronic format and made available for access in the Pinelands Commission Information System.

5 REGULATORY PROGRAMS

5.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	4	21
Certificates of Filing	25	37
Public Development Reports	5	7
Forestry Certificates of Filing	2	3
PDC Letters of Interpretation	0	2
MOA Consistency Determinations	2	4
Review of Agency Determinations	79	142

5.2 NOTABLE APPLICATIONS

- **App. No. 1990-0191.001:** On February 25, 2020, Staff assisted Hamilton Township officials with a municipal court proceeding regarding clearing of forest and the

establishment of a dwelling on a parcel without completion of an application with the Commission.

- **App. No. 1999-0485.005:** Staff continued to assist Egg Harbor Township officials with resolving an issue regarding a 40.3 acre deed restriction that was recorded on a parcel of land that was subsequently transferred to the Township. The Township is currently proposing recreational facilities on the deed restricted land. Staff is assisting the Township with reconfiguring the deed restriction to continue to encumber 40.3 acres, but to allow for development of recreational facilities on lands that were formerly subject of the deed restriction.
- **App. No. 2012-0129.003:** The Commission received a proposal from Ocean County to place a 450 square foot pole barn on the Cedar Bridge Tavern parcel site in Barnegat Township. The Tavern is listed on the National Register of Historic Places and the parcel is severely constrained by wetlands. Staff suggested an alternative site for the pole barn that meets the wetland protection standards and also advised the County that the design of the proposed pole barn must be compatible with the other structures on the parcel and conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
- **App. No. 2017-0094.001:** In 1988, the NJDEP and the Commission entered into a Memorandum of Agreement (MOA) which requires that staff provide comments to NJDEP on certain applications for development that are located outside the state-regulated Pinelands Area, but within the Pinelands National Reserve (PNR). On February 28, 2020, staff provided comments to NJDEP on the proposed installation of 7.81 miles of public sanitary sewer main within Island Beach State Park. The proposed sanitary sewer main is located in a Pinelands Forest Management Area. Public sanitary sewer is only permitted in a Pinelands Forest Management Area to address a public health problem. The applicant provided information identifying a public health problem. Staff advised NJDEP that provided the sanitary sewer main would only service existing development, the installation of the proposed sewer main would be in compliance with the intent, policies and objectives of the National Parks and Recreation Act of 1978 creating the PNR and the State of New Jersey Pinelands Protection Act of 1979.
- **App. No. 2019-0037.001:** On February 6, 2020, staff conducted a follow-up meeting with an applicant regarding the construction of a 9,000 square foot commercial building in Buena Vista Township. Alternatives to address an issue raised by the proposed development of a portion of a parking lot in a required buffer to wetlands were previously discussed during a November 20, 2019 telephone conference. At the February 6, 2020 meeting, the applicant presented a proposed revision to the site layout for the commercial building that met the wetlands buffer standard. The applicant indicated that they will be submitting a revised site plan to maintain the required buffer to wetlands.

5.3 OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVALS

- **Application # 19880071.038**
South Jersey Enduro Riders, Inc.
Approval Issued: 2/13/2020
Event Name: The Ice Breaker Dual Sport
Event Date: February 23, 2020
Municipality: Manchester Township, Pemberton Township, Woodland Township
Lands Utilized: Brendan T. Byrne State Forest
Route Length: 57 miles

6 SCIENCE

6.1 ENVIRONMENTAL MONITORING

- **Water-level and Water-quality Monitoring:** Staff met with a representative from In-Situ to discuss testing out a new device for downloading water level data from our data loggers that are installed in a forest plot and several ponds. In-Situ is also going to provide a probe to test out measuring some water-quality parameters in the field.

6.2 LONG TERM STUDIES

- **Corn Snake Study and Kingsnake Study:** Commission and Herpetological Associates staff built corrals around 10 corn snake dens and 10 kingsnake dens. The dens are located on state and nonprofit owned land. The corrals provide a means to recapture each snake that was radio tracked in 2019 when they emerge in the



Above: A Staff Research Scientist stands inside a recently constructed kingsnake den corral. The kingsnake is hibernating inside the root ball of a large overturned pitch pine tree in a pine-hardwood wetland.

spring, and to capture any new snakes that emerge from the same den. Some of these corrals may remain in place for long-term monitoring of the snake population clusters.

- Microorganism Study:** During each of the three years of the Microorganism Study, staff is collecting samples of chlorophyll-a (an indirect measure of algal plant growth), diatoms (single-celled algae with a cell wall composed of silica), phytoplankton (free-floating algae in the water), zooplankton (tiny animals that swim or drift in the water), and benthic macroinvertebrates (primarily aquatic larval insects) in natural ponds, excavated ponds, and stormwater basins. The last year of field work for the study is 2020. Science and NJDEP staff met to discuss collecting additional samples in 2020 to develop a new method of diatom identification that utilizes DNA.



Above: Zooplankton samples were collected from natural ponds, excavated ponds, and stormwater basins. This species (*Tropocyclops prasinus mexicanus*) is less than 1 mm long and was primarily found in excavated ponds.

7 COMMUNICATIONS

7.1 COMMUNICATIONS & PUBLICATIONS

- Website Activity:** The Pinelands Commission’s website received a total of 11,941 page views in February 2020.
- Inquiries/Correspondence:** The Communications Office received and responded to 137 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.
- Intranet Review:** Throughout February 2020, staff reviewed and identified dozens of necessary revisions to the Commission’s Intranet (or internal website for employees).

7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Staff members continued to prepare for the 31st annual event. As of late February, nearly 500 people had registered to attend. On March 11, 2020, organizers cancelled the event, citing concerns about the coronavirus. Staff is also organizing the Pinelands Summer Short Course, which will be held on July 16, 2020.
- **2019 Annual Report:** Staff drafted, designed and edited the Commission's 2019 Annual Report, which may be published in March.
- **Pine Barrens Byway Support:** Staff accompanied a professional photographer who took hundreds of photographs of the Byway.
- **Barnegat Bay Partnership Assistance:** Staff participated in the Barnegat Bay Partnership's Communication and Education Committee.
- **Educational Program:** Staff delivered a Pinelands-themed education program at the Edwin B. Forsythe Wildlife Refuge.



Above: The cover of the Pinelands Commission's 2019 Annual Report.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- Application Fees Net Total: \$15,578.54 ; Fiscal Year to Date Total: \$ 241,843.59