



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



The Nature Center at historic Batsto Village in January

JANUARY 2021

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Land Use, Climate Impacts & Sustainability (LUCIS) Committee:** The LUCIS Committee met on January 20, 2021. Staff made a presentation on solar energy facilities, focusing on the Board of Public Utilities Community Solar Pilot Program, current Comprehensive Management Plan (CMP) standards, recent development applications and possible amendments for the Committee's consideration. Staff also provided an update on the New Jersey Department of Environmental Protection's (NJDEP) ongoing NJPACT (Protecting Against Climate Threats) regulatory reform effort. Finally, staff displayed a series of maps prepared using NJ FloodMapper tools to show the potential impacts of sea level rise on the Pinelands Area.
- **Policy & Implementation (P&I) Committee:** The P&I Committee met on January 29, 2021. The Committee reviewed and recommended certification of redevelopment plans from Medford and Monroe townships. Staff made a presentation on Section 7:50-4.1 of the CMP, which lists activities that are not considered development and, therefore, do not require application to the Commission. The Committee also reviewed a draft resolution celebrating the 40th anniversary of the CMP and recommended its consideration by the full Commission.

1.1B PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council held a virtual Zoom meeting on January 13, 2021. In addition to general discussions regarding the meeting schedule for the upcoming year, the Council discussed their efforts regarding the Payment in Lieu of Taxes funds.

1.1C RULEMAKING

- **Stormwater management:** On January 5, 2021, NJDEP wrote to all municipalities in New Jersey to remind them of their obligation to adopt amended stormwater control ordinances by March 3, 2021, in order to implement the State's amended stormwater rules. After reviewing the matter with NJDEP, Commission staff emailed all Pinelands municipalities to clarify how they should proceed with adoption of ordinances. Municipalities with all of their land area in the Pinelands Area were advised to await the Commission's adoption of amended stormwater rules. Municipalities with land area both inside and outside the Pinelands Area were advised to proceed with adoption of the stormwater control ordinance provided by NJDEP and to do so in a way that would not supersede or otherwise affect the municipality's previously adopted stormwater ordinance for the Pinelands Area. Commission staff met throughout January to prepare a final draft of the CMP stormwater management amendments to present to the P&I Committee in February.

- **Kirkwood/Cohansey water supply:** Commission staff continued to research possible ways to implement certain aspects of the draft Kirkwood/Cohansey water supply amendments, particularly with respect to review of the ModFlow modeling required of applicants. Discussions with United States Geological Survey (USGS) staff are underway.

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. PPA filed its merits brief on January 15, 2021. PPA included with its brief a three volume appendices. Given the Statement of Items Comprising the Record on Appeal only consisted of eleven documents, PPA's appendices contained a significant number of extra-record documents. Ten of these extra record documents were also the subject of the Appellate Division's previous orders denying their inclusion in the record.
- **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. On January 4, 2021, the Appellate Division asked for counsel for the parties to provide a written explanation as to whether the staff letter constituted a final agency action. Under Rule 2:2-3(a) only final decisions or actions of a state agency or officer may be reviewed as a matter of right by the Appellate Division. The Commission filed its submission on the finality issue with the court on January 14, 2021 and the appellant filed his submission on January 15, 2021.

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 Governor signed this bill into law on February 4, 2021. (P.L. 2021, c. 6.)
- **S2605/A4554** – Directs BPU to establish utility-scale solar energy development program; modifies State's renewable energy portfolio standards. The bill was

transferred back to the Senate Environment and Energy Committee from the Senate Budget and Appropriations Committee on January 11, 2021.

- **S3184/A2421** – Provides corporation business tax credit and allows gross income tax deduction for purchase and installation of electric vehicle charging stations. This bill was reported from the Senate Environment and Energy Committee on January 21, 2021 and is on second reading in the Senate.

1.2C OPEN PUBLIC RECORDS ACT

- The Commission received a total of nine Open Public Records Act (OPRA) requests in January. Of the nine requests, six were provided responsive material, one was advised that we had no electronic responsive material, one required clarification and one will receive a response in February.

1.3 HUMAN RESOURCES

- **State Health Benefits Program:** All records were updated to reflect the changes in health and dental rates for 2021.
- **Leave Records:** All employee leave records were reviewed and adjusted as necessary.
- **FSA Renewal:** Flexible Spending Account renewal for 2021 was processed.
- **Medicare Reimbursements:** Fourth quarter Medicare Part B reimbursements were prepared and submitted to Business Services for payment. Updated information for 2021 was requested of all retirees.
- **Vaccination Status update teleconference:** Staff participated in the teleconference hosted by the Governor's Authorities Unit regarding the current status of COVID19 vaccinations in NJ.
- **Interim Evaluations:** The 2019-2020 Interim Evaluations were due to Human Resources by December 31, 2020.
- **Webinar:** Staff participated in a webinar that was hosted by PrimePay and focused on the Consolidated Appropriations Act 2021, which pertains to employee benefit plans.
- **NJ Employees Charitable Campaign:** Information was distributed to employees. Pledges were received and processed accordingly.

2 INTERAGENCY COORDINATION

- **NJDEP Meeting:** Science, Regulatory Programs, and Executive staff met with NJDEP staff in the field to discuss habitat management for rare snake mitigation linked to a settlement agreement for a development approved outside the Pinelands Area.
- **Medford Township Coordination Meeting:** Regulatory Programs Staff met with the Medford Township Zoning Officer on January 26, 2021 in an effort to strengthen coordination between our two agencies. Staff and the Township Zoning Officer

reviewed relevant Commission and Township regulations, as well as Commission and Township development application and enforcement processes.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

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

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	4	4
Surveys Required	1	1
Surveys Reviewed	0	0
Certificates of Appropriateness Required	1	1

Notable Activity:

- Virtual Presentation:** Cultural resource staff gave a virtual presentation on the 18th century Brotherton Lenape Community to the National Society of the Colonial Dames of America in the State of New Jersey (NSCDA-NJ), which is based at the historic Peachfield site in Westampton, and the Old Schoolhouse in Mt. Holly.

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.50	0.50
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	0.25	0.25
Average Sales Price per PDC	\$38,800	\$38,800

Average Sales Price per Right	\$9,700	\$9,700
PDCs Redeemed	0	0

Notable Activity:

- **PDC Allocations:** 0.50 PDCs were allocated to two parcels in the Preservation Area District, one in Bass River Township and one in Woodland Township.

3.4 SPECIAL PROJECTS

- **Permanent Land Protection:** Planning staff continued to work with the Information Systems staff on the creation of a new database with enhanced reporting and mapping capabilities.

3.5 OTHER ITEMS OF INTEREST

- **New Jersey Historic Trust (NJHT) 2021 Grant Application Workshop:** Cultural resource staff participated in a virtual webinar/workshop detailing requirements for the 2021 round of Preserve New Jersey Historic Preservation Fund grants. Completed grant applications are due by 4:00 PM on April 29, 2021.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	7	7
Certificates of Filing	12	12
Public Development Reports	0	0
Forestry Certificates of Filing	2	2
PDC Letters of Interpretation	2	2
MOA Consistency Determinations	0	0
Review of Agency Determinations	0	0

4.2 NOTABLE APPLICATIONS

- **Pemberton Township (App. No. 1987-0411.010):** Pemberton Township previously filed an application with the Commission proposing the installation of 8,000 linear feet of sanitary sewer main within the Fort Dix Road right-of-way in Pemberton Township. The proposed sewer main would service two existing schools located in a Pinelands Rural Development Area and would also traverse a Pinelands Regional

Growth Area and a Pinelands Agricultural Production Area. The installation of sanitary sewer mains within a Pinelands Rural Development Area and Pinelands Agricultural Production Area is only permitted if there is a documented “public health problem.” On November 18, 2020, the staff issued a letter requesting additional information from the Township to demonstrate that an existing onsite wastewater treatment system that services the two schools and was located on the school parcel constitutes a CMP required “public health problem.” On January 28, 2021, the Commission received a letter from the Pemberton Township Attorney taking significant issue with the Commission staff position on the application.

- **Commercial Use (App. No. 1985-0666.017):** On September 20, 2018, the Commission staff sent the first of five letters to a property owner in Galloway Township regarding significant development that occurred on a parcel without application to the Township or the Commission. That development included clearing of approximately 6.5 acres, paving of 5 of the 6.5 cleared acres and clearing/grading within wetlands and the required buffer to wetlands. The last of those five letters to the property owner was sent on May 13, 2020. By letter dated October 13, 2020, the Commission staff sent a letter to Galloway Township officials asking for their assistance and cooperation in issuing all appropriate Municipal Court summons. Galloway Township officials scheduled a January 14, 2021 Municipal Court conference. On January 14, 2021, the Galloway Township Municipal Court Judge conducted the conference. The Judge provided the property owner 30 days to file the necessary applications. A follow up Court conference with the Judge is scheduled for February 18, 2021.
- **Woodland Township (App. No. 1993-0285.002):** On December 11, 2020, the staff received a request for a pre-application meeting from Woodland Township for the development of 23 dwelling units and a 14,000 square foot commercial building on an approximately 123-acre Township-owned parcel fronting on Route 72. Approximately 57 acres of the parcel fronting on Route 72 are located in the Township’s Highway Business zoning district. The rear portion of the parcel is located in the Pinelands Preservation Area District. A telephone conference has been scheduled for February 1, 2021 to discuss the development proposal.
- **Tall Pines Day Camp (App. No. 1981-1155.005):** On January 12, 2021, the staff issued a Certificate of Filing for the expansion of an existing day camp on a 66-acre parcel in Monroe Township. The proposed expansion consisted of 41 structures, including barns, pavilions and recreational buildings. These structures were built prior to the completion of an application with the Commission. The issuance of the Certificate of Filing addressed this violation that has been outstanding since approximately 2000. As part of resolving the violations, the applicant proposed to deed restrict 24 acres of the 66-acre parcel.
- **Atco Raceway/ Insurance Auto Auctions Corp (App. No. 1987-1183.015):** On November 6, 2020, the Commission staff issued a Certificate of Filing for a change of use from a raceway to an automobile auction facility. On January 12, 2021, the Commission received notice that the application was scheduled for a public hearing with the Waterford Township Joint Land Use Board on January 20, 2021. The

Commission staff was advised that the public hearing was continued to another date due to the Township's remote meeting service only being able to accommodate a maximum of 100 people.

4.3 OTHER ITEMS OF INTEREST

- On January 13, 2021, the Commission staff received an inquiry from NJDEP regarding the proposed placement of nest boxes to promote the nesting of Barn owls and American kestrels. One of the proposed nest box sites would be located on a non-State owned parcel in the Pinelands Area. American kestrel is a Pinelands designated threatened species. The inquiry asked if there would be potential implications on future development of the concerned parcel if a placed nest box was occupied by an American kestrel. On January 25, 2021, staff responded to NJDEP and indicated that while we were supportive of the proposal to promote nesting, from a regulatory standpoint, the establishment of an American kestrel nest on the parcel could have potential implications on future development of the parcel.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In January, staff measured water levels at forest plots and ponds in the Commission network of long-term monitoring sites. This work is completed each month. Staff also downloaded water-level data from continuous water-level recorders installed in seven ponds and one forest plot. All of the pond and forest plot data have been uploaded to the Commission web site, which is done at the end of each year.
- **Pinelands-wide Water-quality Monitoring:** Staff completed a draft manuscript that describes the results of changes in pH and specific conductance at 47 stream sites over a 14-year period. The draft manuscript will be finalized and submitted for potential publication in a peer-reviewed journal.



Above: An example of a natural Pinelands pond in Brendan Byrne State Forest.

5.2 LONG TERM STUDIES

- **Endocrine Disruption Study:** Staff extended agreements between the Commission and the West Virginia U.S. Geological Survey, New Jersey U.S. Geological Survey, and



Above: The native blackbanded sunfish is one of the species of fish collected from reference sites to be analyzed for signs of endocrine disruption.

the Academy of Natural Sciences of Drexel University because of delays in sampling fish from two lakes above a sewage treatment plant and one lake below the plant. Delays were caused by the sudden withdrawal of permission to sample the sites by the colony club in the spring of 2019 and then subsequent restrictions related to social distance requirements tied to the COVID-19 pandemic in spring of 2020. Sampling was ultimately completed in the fall of 2020.

- **Joint Corn Snake Study, Kingsnake Study, and Rare Snake Monitoring:** Staff has been working on data collected during 2020 as part of the various snake studies. Data have been entered, proofed, and finalized for the following: 344 new snakes that were captured and PIT tagged and the already tagged snakes that were recaptured as part of all three studies; the 2,081 animals found in box traps, under cover, or along the drift fence monitored as part of the Joint Corn Snake Study; and the environmental, behavioral, and habitat data collected for 15 corn snakes, 1 pine snake, and 1 hognose snake tracked during the radio telemetry components of two studies. Most of the kingsnake radio telemetry data has not yet been finalized. Specific telemetry data and snake capture data were submitted to the New Jersey Department of Environmental Protection (NJDEP) to satisfy annual permit requirements. Coordinates for the locations of new dens to corral, new locations to place artificial cover to capture additional snakes, and pitfall trap designs for incorporating this method into the ongoing drift fence study have been submitted to the NJDEP to undergo their internal Land Management Review process. Staff updated the Commission on the five snake studies that the Science Office is involved in at its January 8, 2021 meeting.

5.3 OTHER ITEMS OF INTEREST

- Staff reported off-road vehicle damage and garbage dumped in a newly acquired portion of Wharton State Forest to the Superintendent and reported off-road vehicle activity found in Franklin Parker Preserve to The New Jersey Conservation Foundation.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- The Pinelands Commission’s website received a total of 14,878 page views in January 2021.
- **Inquiries/Correspondence:** The Communications Office received and responded to 332 inquiries from the public, including phone calls, e-mails, and media inquiries.
- **2020 Annual Report:** The Communications Office is drafting the 2020 Annual Report.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series Webinars:** Staff hosted four webinars as part of the latest round of the Pinelands Speaker Series in January 2021. The webinars included “Sustainable Landscaping for Butterflies,” “A Roundtable Reflection on the 40th Anniversary of the Pinelands Comprehensive Management Plan,” “Through Elizabeth’s Eyes: Whitesbog Glass Plate Negatives,” and “Pine Barrens Weather and its Effect on New Jersey’s Microclimate.” On January 15th, the Commission announced that it has expanded the lineup of free webinars through the end of February. Additional webinars are being arranged for March.

- **Celebration of the 40th Anniversary of the Pinelands Comprehensive Management Plan:** The Commission officially launched its celebration of the 40th anniversary of the Pinelands Comprehensive Management Plan (CMP). The CMP turned 40 on January 14, 2021, and the Commission is marking the milestone by creating and sharing video interviews and daily social media posts that chart the history, implementation and success of the Plan. In January 2021, the Communications Office shared 10 video interviews that it created with former Commissioners and former staff who wrote, adopted and/or implemented the CMP. The videos are archived on the Commission’s YouTube Channel, and they have generated more than 800 views thus far. The Commission’s staff will research, write and



Above: As part of its ongoing celebration of the 40th anniversary of the Pinelands Comprehensive Management Plan (CMP), the Commission shared a video interview that was conducted and recorded with former Commissioners and former staff members who wrote, edited, adopted and/or implemented the plan.

will post daily messages about the CMP for several months, making full use of the agency's Pinelands News Alert e-mail mailing list, Facebook page, Instagram site and YouTube Channel.

- **Barnegat Bay Coordination:** A member of the Communications Office participated in the Barnegat Bay Partnership's Annual Education and Outreach Retreat on January 26, 2021.
- **New Jersey Student Climate Summit:** A member of the Communications Office has started to prepare for his participation in the New Jersey Student Climate Summit. The virtual session is scheduled for 1 p.m. on February 26th, and it will focus on the impacts of climate change in New Jersey.
- **Pinelands Short Course Planning:** Staff continued to plan the spring and summer editions of the Pinelands Short Course. The springtime event will likely include a virtual presentation that will be hosted by a member of the Commission's Communications Office.

- **Social Media Site Enhancements:** Staff continued to enhance the Commission's social media pages in January 2021. Staff took and posted more than 80 photos or videos on the Commission's Facebook page and Instagram site during the month. Staff also made use of the social media sites to promote Commission meetings, webinars, a Commission presentation on the Science Office's snake research, and the monthly Management report. The Commission's Facebook page now has 6,603 followers, the Instagram site has 1,099 followers and the YouTube Channel has 497 subscribers (or approximately 460 more subscribers than this time last year).



Above: Commission staff members took and shared more than 80 photos on the agency's social media sites in January, including this photo of blueberry fields in Hammonton.

- **Science Office Field Work:** A member of the Communications Office collected water level data for the Science Office on January 5, 2021.
- **Native Fish Collection Permit:** In January, the Communications Office obtained the Commission's annual permit to collect and display native fish for educational purposes. The permit was issued by the New Jersey Division of Fish and Wildlife, and it enables the Commission to collect additional fish for the native fish tank that is housed in the Candace McKee Ashmun Pinelands Education Exhibit.

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. The Publics and Waivers notification system process was evaluated by a cross-functional team which identified several areas for improvement. These enhancements are anticipated to be completed within the next month. Staff is also working with the New Jersey Office of Information Technology, the Treasury Department, and IBM on issues related to the archival document retrieval tool, FileNet.
- **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 periodic CrowdStrike "Health Check" with the New Jersey Cybersecurity Communication and Integration Cell (NJCCIC). Recommendations were shared for best practices in implementation of the cybersecurity tool and checked against those deployed at the Pinelands.
- **Windows 10 and Office 365 Migration:** The Information Systems Office provides a stable and secure desktop environment. Staff completed the rollout of Windows 10 desktops to all offices. Staff continued to migrate 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 validated records when necessary. Staff developed and released a test version of the Deed Restriction data entry tool, as well as refined logic for input validation. A test version of the GIS interface was also released, demonstrating search and reporting capabilities integrated into a mapping environment.
- **Threatened and Endangered Species System:** Staff maintains a database of threatened and endangered species sightings for internal use of the Pinelands Commission when reviewing applications. The Information Systems office executed a trial data exchange with the New Jersey Department of Environmental Protection to validate process improvements that are being implemented to streamline the process. Results of this test were shared between the agencies.
- **Ad Hoc Reporting:** Staff generated several tables and charts to be included in the Pinelands Commission Annual report. Staff also created reports for the Communications department for use in the commemoration of the 40th Anniversary of the Pinelands Comprehensive Management Plan.
- **Technology Enhancements:** Staff continually evaluates emerging technologies for how they can impact or enhance the office environment. The Commission has a need to track interactions with the public, the government, and other organizations in several offices. To this end, open source, and commercial Customer Relationship

Management software products were identified and compared. Ruggedized field collection units were also researched for use in Science and Regulatory Programs.

8 BUSINESS OFFICE

8.1 FACILITIES

- A tree that fell during the December 24, 2020 storm was removed by Rich Tree Service (State Contract Vendor).
- The basement level condensate drain in the RJS building was clogged and draining onto the floor. The drain was unclogged.
- The 2nd floor HVAC unit (Heater specific) in the RJS building needed multiple repairs by Marlee Contractors (State Contract Vendor). They have performed the first part of the repair and will return in February once the parts are delivered.

8.2 FINANCIAL MANAGEMENT

- **Application Fees:** January, Net Total: \$15,960.62; Year to Date Total: \$330,226.14.