



# **NEW JERSEY PINELANDS COMMISSION**

## **MONTHLY MANAGEMENT REPORT**



A kayak trip along the Wading River in late May

**MAY 2021**

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# **1 EXECUTIVE OFFICE**

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## **1.1 EXECUTIVE DIRECTOR**

### **1.1A COMMITTEE MEETINGS**

- The Pinelands Climate Committee met on May 19, 2021 and received a brief update on the status of four bills currently pending in the State legislature related to forestry. The Committee then discussed potential amendments to the Comprehensive Management Plan's (CMP) solar energy facility standards, focusing primarily on facilities located at existing landfills and resource extraction operations. Finally, the Committee began a discussion of possible operational improvements that could be made at the Commission's offices.
- The CMP Policy & Implementation Committee met on May 28, 2021. John Bunnell presented a grant proposal that the Science Office plans to submit to the Environmental Protection Agency. The Committee reviewed a redevelopment plan from Winslow Township and recommended its approval by the full Commission. Likewise, the Committee recommended that the Commission formally propose amendments to the CMP related to stormwater management. Staff discussed its draft comments to Senator Smith on the pending forest stewardship bills. A copy of the draft letter will be provided to all Committee members for input before the staff shares the letter with the Governor's office. The Committee also reviewed a memorandum from the South Jersey Transportation Authority's consultant (AECOMM) and agreed that the memorandum provided the information on carbon sequestration requested by the Committee in May. The Committee indicated its satisfaction with Alternative #4 for creating grassland bird habitat at the newly acquired Grassland Conservation and Management Area. Finally, the Committee discussed Chairman Rick Prickett's suggested CMP amendments to regulate the use of Horizontal Directional Drilling (HDD), as well as a continued interest in repealing the utility distribution line exemptions in N.J.A.C. 7:50-4.1(a)5 and 6.

### **1.1B PINELANDS MUNICIPAL COUNCIL**

- The Pinelands Municipal Council meeting was held on May 25, 2021. The meeting was conducted both in person and through teleconference. A quorum of members was not present. During the meeting, the Council discussed the status of its efforts to have municipal pilot program funding included in the FY2022 State budget. The Council has been working with Senator Tesla's office. The Chair encouraged all of its members affected by the loss of pilot funding to send letters to Senator Tesla and to copy Governor Murphy and Lieutenant Governor Oliver. Commission staff advised the Council of its intention to publish a notice of proposal for amendments to the stormwater provisions of the CMP in the New Jersey Register in July or August. Staff also advised that the Commission was seeking applications for a new round of Pinelands Conservation Fund funding. Jaclyn Rhoads, Ph.D., Assistant Executive Director, Pinelands Preservation Alliance, discussed two or the five forest stewardship bills (S3549/A4843 & S3550/A4844) pending in the Senate Environment and Energy Committee and the potential impact of such bills on municipalities. At the close of the

meeting, during general comment, the designee from Weymouth Township asked what materials were available to the public and new municipal officials to help educate the public regarding Pinelands regulations. This issue, as well as the methodology for Pinelands Development Credit (PDC) allocation, will be discussed at the September Council meeting. Staff also reminded Council members of the Pinelands Orientation for Newly Elected Officials, which would be held as part of the Council's July 27, 2021 meeting.

### **1.1C RULEMAKING**

- **Stormwater management:** Staff completed the draft rule proposal and submitted it to the Governor's Policy Office for review on May 21, 2021. The draft rule proposal was presented to the Policy & Implementation Committee at its May 28, 2021 meeting. The Committee voted to recommend that the full Commission authorize the rule proposal.

## **1.2 LEGAL AND LEGISLATIVE AFFAIRS**

### **1.2A OPEN PUBLIC RECORDS ACT**

- A total of five Open Public Records Act (OPRA) requests were received in May. Of the five requests, three were provided responsive material, one was advised to contact the New Jersey Department of Environmental Protection (NJDEP) directly for its data and the remaining request will be responded to in June.

## **2 INTERAGENCY COORDINATION**

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- **NJ Department of Environmental Protection (NJDEP):** Chairman Prickett, Commissioners Avery and Lohbauer and Commission staff met (virtually, via Teams) with new NJDEP Commissioner Sean LaTourette on May 18, 2021. Other NJDEP staff who participated in the meeting included Sean Moriarty, Ray Bukowski, John Cecil and Craig Dorsett. The group discussed off-road vehicles (ORVs), HDD, climate change and land acquisition funding and agreed that regular meetings between the two agencies would be useful.
- **Cannabis-Related Uses:** In response to the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 26), municipalities across the state are weighing whether to prohibit within their jurisdiction any of the six cannabis classes of business established by the law. The law requires that municipalities act to prohibit any of the six classes by August 22, 2021. The law prevents the municipality from enacting prohibitions on those classes not prohibited by the August 22, 2021 deadline for a period of five years.

Several Pinelands Area municipalities have already introduced and/or adopted ordinances that have prohibited all classes established by law. Other Pinelands Area municipalities are weighing which classes are appropriate for their municipality as well

as their appropriate time, manner, and location. The Planning Office has received several requests for guidance and meetings to discuss potential ordinances and redevelopment plans. Staff has also reached out to the State Agriculture Development Committee (SADC) to discuss the new legislation and its implications on agriculture and land use. We are still in the process of determining how the CMP will apply to the new cannabis-related uses and where they will be permitted in the Pinelands Area. Staff will be monitoring any rule proposals from the Cannabis Regulatory Commission, the body that regulates these businesses.

### 3 PLANNING

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#### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
<b>Master Plans/Ordinances Received</b>		
Adopted	8	43
Drafted or Introduced	15	43
Total <sup>1</sup>	16	62
<b>Master Plans/Ordinances Reviewed</b>		
Substantial Issue Finding <sup>2</sup>	0	2
No Substantial Issue Finding	2	16
No Issue Finding	5	20
Total	7	38
<b>Finding Letters Issued<sup>3</sup></b>	5	24

<sup>1</sup> The total accounts for unique master plans and ordinances received (i.e., it does not double count drafted, introduced, or adopted submissions for the same ordinance).

<sup>2</sup> Ordinances and Master Plans that are found to raise substantial issues with respect to the standards of the CMP require formal review and approval by the full Commission.

<sup>3</sup> A single finding letter can pertain to multiple master plans/ordinances from the same municipality.

### 3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	8	39
Surveys Required	1	3
Surveys Reviewed	0	2
Certificates of Appropriateness Required	0	2

**Notable Cultural Resource Activity:**

- Staff organized and presented a webinar for the Haddonfield Historical Society on the 18<sup>th</sup> century Brotherton Lenape Reservation in Shamong Township.

### 3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	15.50	18.45
PDCs Severed	0	16.75
Acres Protected	0	480
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	0.25	10.00
Average Sales Price per PDC	\$40,000	\$61,872
Average Sales Price per Right	\$10,000	\$15,468
PDCs Redeemed	8.00	9.50

**Notable PDC Activity:**

- **PDC Allocations:** 11.25 PDCs (45 rights) were allocated to 224.48 acres in the Agricultural Production Area in Hamilton Township. 4.25 PDCs (17 rights) were allocated to 94 acres in the Agricultural Production Area in Tabernacle Township.
- **PDC Redemptions:** 7.50 PDCs (30 rights) were redeemed in association with the development of 148 age-restricted condominiums in Barnegat Township. 0.50 PDCs (2 rights) were redeemed in association with the development of 102 single-family, detached dwellings in Monroe Township.

### 3.4 SPECIAL PROJECTS

- **Septic Pilot Program:** Staff completed its solicitation of new ANSI/NSF Standard 245 and USEPA ETV certified residential wastewater treatment technologies by mailing out invitations to eligible technology vendors and publishing a notice in the May 3, 2021 New Jersey Register. Applications to participate in the pilot program must be submitted to the Commission by August 6, 2021. Up to five new technologies may be accepted into the program.
- **PCF Land Acquisition Program:** Invitations to submit projects for funding under the current round of land preservation grants were emailed to over 105 county, municipal, and non-governmental recipients. Applications for PCF funding will be accepted through July 31, 2021.
- **Winslow Township – Camden County Municipal Utilities Authority Memorandum of Understanding (MOU):** Planning and Regulatory Programs staff met to work through nuances of and reporting procedures for applications for Kirkwood-Cohansey wells or increases in diversion by Winslow Township with regard to the MOU.
- **Pinelands Infrastructure Trust Fund (PITF):** The Jackson-Manchester water and sewer project is actively pursuing funding but has requested that all PITF funds be allocated solely to the sanitary sewer extension due to increased costs over the costs anticipated when the project was submitted for prioritization in 2017. Manchester Township would be the only project sponsor applying to the I-Bank for funding through the PITF but all other aspects of the project that allowed it to rank highly in the PITF ranking matrix would remain in place. Those factors included the high number of PDCs to be used, the lower cost per dwelling unit, and the high local matching contribution. Water supply will be extended from the Jackson Municipal Utilities Authority, as originally proposed, but all funding for that part of the project will come from the developer. Staff met separately and altogether with the developer, I-Bank, NJDEP, and Manchester Township via Microsoft Teams to discuss this proposed change to the funding allocation.
- **Pine Barrens Byway:** Staff attended the National Scenic Byway Foundation (NSBF)-sponsored virtual workshop “Byway Visitor Experience” on four consecutive Wednesdays in May.

### 3.5 OTHER ITEMS OF INTEREST

- **New Jersey Institute of Technology (NJIT) Community Resilience Index Tool:** A number of staff received a presentation from the NJIT about its planned creation of a GIS-based tool for evaluating community resilience or the ability to recover from disaster as opposed to the susceptibility to natural disaster. With the presentation, NJIT project leaders were requesting support and participation with refining the Community Resilience Index tool as they develop it.
- **Pinelands Area Landfills:** Staff is actively reviewing recently submitted groundwater quality data that was requested in July 2020 for the proposed environmental closure of the Woodbine Borough landfill. Staff is also beginning work on a similar assessment of

groundwater conditions at the Berkeley Township Landfill. Similar work is also underway, but currently paused, at several other Pinelands Area landfills as Commission staff awaits the submission of requested data related to these other landfill closure/capping projects.

## 4 REGULATORY PROGRAMS

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### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	13	64
Certificates of Filing	16	71
Public Development Reports	2	7
Forestry Certificates of Filing	2	5
PDC Letters of Interpretation	2	15
Non-PDC Letters of Interpretation	1	1
MOA Consistency Determinations	6	17

### 4.2 NOTABLE APPLICATIONS

- Atco Raceway, Waterford Twp. App. No 1987-1183.015:** This application for a proposed change of use continues to be subject to a Township Joint Land Use Board public hearing. On November 6, 2020, the Commission staff issued a Certificate of Filing for the proposed development. The Certificate of Filing indicated that the proposed stormwater management plan was inconsistent with the stormwater management standards of the Township land use ordinance and the Pinelands Comprehensive Management Plan. Both the applicant and the Township asked the Commission staff to comment on certain proposed revisions to the stormwater management plan that have occurred during the Township public hearing process. On May 11, 2021, the Commission staff issued a letter indicating that, based upon the staff's review, certain proposed stormwater management plan revisions would conceptually address the stormwater management inconsistency identified in the Commission's Certificate of Filing.

On May 12, 2021, a representative of the Township Land Use Board inquired as to whether changing proposed paved parking/storage area(s) to a stone surface would be consistent with the Pinelands water quality standard. Our staff advised that we did not have sufficient information to offer an informed opinion regarding this question due to the staff not having an opportunity to review the information that has been generated during the Township's Joint Land Use Board hearing process, which includes expert



reports and testimony. That information will be submitted to the Commission staff for review if the proposed development is approved by the Township.

- **Atlantic Blueberry, Hamilton Twp. App. No. 1986-0238.020:** On May 19, 2021, the Commission staff issued a Letter of Interpretation allocating 11.25 Pinelands Development Credits (PDCs) to a 224.48 acre portion of a parcel located in a Pinelands Agricultural Production Area. The remainder of the parcel is located in Pinelands Management Areas that are not allocated PDCs.
- **Lighthouse at Barnegat, Barnegat Twp. App. No. 1985-1432.010:** This project proposes four separate three-story buildings containing a total of 148 dwelling units. On May 21, 2021, the Commission staff issued a letter indicating that a preliminary and final Township site plan approval for the proposed development could take effect.
- **Pemberton Pines, Pemberton Twp. App. No. 1981-0640.001:** This project proposes 587 dwelling units on a 695 acre parcel that fronts on Lakehurst Road. The Commission staff issued a Certificate of Filing for this project on June 27, 2005. The applicant continues to pursue Township approval of the proposed development. To complete the application and receive a Certificate of Filing, the applicant completed a threatened and endangered (T&E) species survey for the proposed development. Given the passage of approximately 15 years, the Commission staff required a second T&E survey for a particular species. The Commission staff is completing its review of that second T&E species survey for the project.
- **Cloverdale Road Barnegat Twp. App. No. 1981-1649.014:** This application proposes 212 dwelling units on a 141 acre parcel in Barnegat Township. In 2020, the Commission staff issued a letter indicating that the Township and County final approvals could take effect. On May 24, 2021, the staff received a request to meet with the applicant and the Ocean County Engineer to discuss the realignment of an existing County right-of-way, known as Cloverdale Road. The existing right-of way and road are located along the westerly side of the project. The staff has requested certain wetlands information from the applicant to facilitate discussion at the meeting.
- **Agricultural Commercial Use, Galloway Twp. App. No. 2021-0104.001:** This application proposes certain agricultural commercial development on a 20 acre parcel. The development includes a 500 linear foot stone access road, a 3,600 square foot public parking area, an outdoor riding arena with bleachers, a 4,000 square foot barn with commercial horse boarding stalls and an unspecified number of events, including rodeos, camps, competitions and clinics. In a letter to the Township, the applicant's attorney references the State's Right-to Farm Act. The Township granted an "administrative approval" for the proposed development. The Commission staff advised the applicant that the proposed development requires application to the Commission.

## 5 SCIENCE

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### 5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** Staff completed the May round of water level measurements at forest plots and ponds in the Commission network of long-term monitoring sites. This work is done each month. Staff also downloaded water level data collected from continuous water level recorders installed in seven ponds and one forest plot.
- **Pond Water Quality Monitoring:** Staff completed the May sampling of pH and specific conductance at the 37 ponds. This sampling occurs twice each spring to monitor long-term changes in these two parameters.

### 5.2 LONG TERM STUDIES

- **Kingsnake Study:** Staff continued to radio track kingsnakes in May. Several new male and female kingsnakes were found mating with radio tracked individuals. Most of these snakes were large enough to implant with transmitters and include in the study.
- **Joint Corn Snake Study:** Staff continued to monitor the drift fence for animals found under the wood and metal cover, in box traps, and in pitfall traps established along the fence array.
- **Rare Snake Monitoring:** Staff continued to track several corn snakes, pine snakes, and hognose snakes to locate their dens for long-term monitoring. All den corrals have been opened up for the season so that snakes can now come and go. Staff received NJDEP approval to erect corrals around three shed trees to capture additional snakes to locate their dens.
- **Eastern Box Turtle Study:** Staff members attached radio transmitters to five box turtles and have been tracking them. Two additional turtles were captured and will be processed and outfitted with transmitters in June. Staff gave a presentation to the Policy and Implementation Committee about a proposed box turtle study to submit to the U.S. Environmental Protection Agency for funding. The Committee endorsed the study and recommended that staff pursue the funding.



**Above:** Open canopy leatherleaf spongs are one of the habitat types kingsnakes choose for shedding.

## 6 COMMUNICATIONS

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### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Website:** The Pinelands Commission’s website was viewed 15,302 times in May 2021.
- **Inquiries/Correspondence:** The Communications Office received and responded to 75 inquiries from the public in May 2021, including phone calls, e-mails, and media inquiries.
- **Press Release:** On May 25, 2021, the Communications Office drafted and issued a press release to announce the Commission’s new round of land acquisition funding through the Pinelands Conservation Fund. Staff also executed numerous updates to the Pinelands Conservation Fund webpage to correspond with the new round of funding.
- **Pine Barrens Byway brochures:** In May 2021, Communications Office staff reviewed and edited several drafts of two new brochures that highlight the Pine Barrens Byway. The brochures will be printed at Rowan College at Burlington County, and staff has picked up and then signed off on the final proofs. The brochures are currently being printed.
- **Office Support:** The Communications Office assisted other offices with various publications in May, including producing a fillable .pdf form for a Deed Notice for an Individual Onsite Septic Wastewater Treatment System, using design software to edit several Preliminary Zoning Permits, and creating and offering a template for PowerPoint presentations.

### 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series Webinars:** Staff hosted four webinars as part of the Pinelands Speaker Series in May 2021. The webinars included “The Landscape History of South Jersey Rivers,” “Tunes & Tales by Valerie Vaughn,” “A Local History of Tuckerton,” and “Coyotes of New Jersey.” On May 24<sup>th</sup>, staff drafted and issued an announcement regarding the new lineup of free webinars that the Commission will host in June.
- **Pinelands Summer Short Course:** Staff spent much of May organizing plans for the Pinelands Summer Short



**Above:** The Commission hosted four webinars in May 2021, including a live musical performance by Valerie Vaughn, who is a musician and educator who writes acoustic songs about the history, people and places in southern New Jersey.

Course, which is scheduled for Thursday, July 15th. The event will include numerous socially distanced offerings, such as guided hikes, and it will be held at two locations: Wells Mills County Park and Whitesbog Village. Officials at both sites have enthusiastically agreed to host the event.

- **Science Office Assistance:** A member of the Public Programs Office assisted the Science Office by measuring water levels at wells on May 3<sup>rd</sup> and by measuring pond water levels and water quality on May 4<sup>th</sup>.
- **Virtual Education Programs:** A member of the Public Programs Office delivered a virtual presentation for the Southern Regional Middle School on May 14<sup>th</sup> and also led a virtual field trip of Whitesbog Village for Pinelands Regional High School Environmental Science classes on May 19<sup>th</sup>, a virtual field trip for the Barnegat High History Club on May 24<sup>th</sup> and a virtual field trip of Mill Branch for the Pinelands Regional High School Environmental Science classes on May 26<sup>th</sup>.
- **Social Media Site Enhancements:** Staff continued to enhance the Commission's social media pages in May 2021. Staff posted 122 photos and six videos on the Commission's Instagram site. Unfortunately, due to authentication issues, the Commission has been unable to post on its Facebook page since the second week of April. The Commission has contacted Facebook numerous times about the issue, but Facebook has yet to respond.



**Above:** The Communications Office shared six videos and 122 photos on the Commission's Instagram site in May 2021, including this photo of an American Lady butterfly.

## **7 BUSINESS OFFICE**

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### **7.1 FACILITIES**

- **Grounds Maintenance:** Spring landscaping has begun (weeding and trimming).

### **7.2 FINANCIAL MANAGEMENT**

- The Fiscal Year (FY) 2019 and 2020 Audits have begun. The audits are being performed simultaneously and virtually by the Office of the State Auditor. The Auditors will visit the Commission when needed to perform various Audit testing such as Fixed Asset sampling and Receipt sampling.

- **Application Fees:** May, Net Total: \$53,365.93; Year to Date Total: \$527,965.90. The FY 2021 Anticipated Budget for Application Revenue has been met and exceeded.
- The FY 2022 Budget preparation has begun.