



**PINELANDS COMMISSION**  
**MONTHLY MANAGEMENT REPORT**  
**JUNE 2019**

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# 1 EXECUTIVE OFFICE

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## 1.1 EXECUTIVE DIRECTOR

- **South Jersey Chamber of Commerce:** The Executive Director spoke to the Chamber of Commerce Environmental Committee about various matters including the Kirkwood Cohansey Aquifer Study and the Land Use, Climate Impacts and Sustainability Committee.
- **Commissioner Robert Barr:** Robert Barr stepped down from the Pinelands Commission in June 2019. Barr began his term as a gubernatorial appointee in March 2015, and he served on the Commission's Policy and Implementation, Agriculture and Personnel and Budget Committees.

## 1.2 LEGAL AND LEGISLATIVE AFFAIRS

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

#### STATE:

##### SOUTH JERSEY GAS APPEALS

- **In the Matter of New Jersey Pinelands Commission Resolution PC4-16-42:** This is an appeal of the resolution establishing the process for the review of the South Jersey Gas Company's application for the installation of 15 miles of a proposed 22-mile natural gas transmission pipeline within the Pinelands. This appeal was filed by the Pinelands Preservation Alliance (PPA) on January 17, 2017 (the "Process Appeal").

**In the Matter of New Jersey Pinelands Commission Resolution PC4-17-03:** This is an appeal of the Commission's approval of the South Jersey Gas Company's application for the installation of 15 miles of a proposed 22-mile natural gas pipeline within the Pinelands. This appeal was filed by PPA and was subsequently consolidated with the process appeal discussed above and the separate appeal filed by the New Jersey Sierra Club and Environment New Jersey challenging the same resolution (the "Substantive Appeals").

By order dated May 29, 2019, the Appellate Division granted the Commission's remand motion for both the process and substantive appeals, rejected all opposition arguments, dismissed these appeals and did not retain jurisdiction.

##### 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 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 3 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 June 6, 2019, PPA, as well as the Carusos and Ms. Kovath, moved to supplement the record in their respective appeals of their third-party hearing request with the Appellate Division's order remanding the South Jersey Gas appeals back to the Commission. PPA made the same motion on that date with regard to the record on its substantive appeal. The Commission filed opposition to these motions to supplement the record on June 18, 2019 and New Jersey Natural Gas filed its opposition to the motions on June 20, 2019.

### **1.2B LEGISLATION**

- **S2920 –An Act concerning the State's programs for open space, farmland, and historic preservation, and amending and supplementing P.L.2016, c. 12, amending P.L.1999, c.152 and making an appropriation:** This bill establishes the funding allocations for the constitutional dedication of Corporation Business Tax (CBT) revenues for fiscal year 2020 and thereafter and revises the law concerning the State's open space, farmland, and historic preservation programs. In addition, this bill would appropriate \$500,000 from the "Preserve New Jersey Historic Preservation Fund" for the purpose of establishing an electronic database to track projects that receive funding for historic preservation purposes. Specifically, pursuant to Article VIII, Section II, paragraph 6 of the State Constitution, approved by the voters of the State in November 2014, for fiscal year 2020 and thereafter, six percent of CBT revenues are dedicated for open space, farmland, and historic preservation, water programs, public and private site remediation, and underground storage tank programs. This bill supplements and amends the "Preserve New Jersey Act" in order to implement the CBT revenue dedication and the "Preserve New Jersey Act" for State fiscal year 2020 and beyond by establishing funding allocations for the State's existing open space, farmland, and historic preservation programs based on the increase in dedicated CBT revenue available for these purposes beginning July 1, 2019. As of June 20, 2019, this bill had passed both houses of the Legislature and was sent to the Governor for signature. Governor Murphy signed this bill into law (P.L.2019, c.136) on June 26, 2019. This Legislation is significant because it not only impacts the amount of funding available for land and historic preservation starting in 2020, but also changes the formula for funding allocations under the State open space, farmland and historic preservation programs based on program and purpose for the funding.

### **1.2C OPEN PUBLIC RECORDS ACT**

- A total of nine Open Public Records Act requests were received this month. Four of these requests were actually requests to review files and the file reviews were held. An extension of time to respond was granted on one request. The four remaining requests were processed and responsive material was sent to the requestors.

### 1.3 HUMAN RESOURCES

- **Union Negotiations:** Contract Negotiation Meetings for the July 2019-June 2023 Contract were held with Communication Workers of America (CWA) representatives on June 12, 2019 and June 25, 2019.
- **Employee Evaluations:** The 2018-2019 evaluation period has concluded. Employee self-evaluations were due to supervisors by May 31, 2019. All final evaluations and 2019-2020 objectives are due to Human Resources by July 15, 2019.
- **Business Services Specialist:** The position was advertised, candidates were interviewed and a selection was made. The selected candidate will start in September.
- **Employee Benefits On-Site Meetings:** A Prudential Representative visit has been scheduled for July 31, 2019; and an ABCO Federal Credit Union Representative visit has been scheduled for July 30, 2019.
- **Employee Advisory Service (EAS) Webinars:** Staff participated in the two EAS Webinars offered in June: “Four Steps to Resolving Conflict and Restoring Relationships” and “How to Give Difficult Feedback to Your Employees.”
- **Equal Employment Opportunity (EEO):** Staff attended the EEO Officer’s meeting at the Civil Service Commission on June 27, 2019.

### 2 INTERAGENCY COORDINATION

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- **Online Application Submission Coordination Meeting:** Commission Executive and Information Systems staff met with New Jersey Department of Environmental Protection (NJDEP) Land Use and Information Systems staff at their offices on June 19, 2019. NJDEP staff provided an overview of their online land use permitting service which launched to the public on May 1, 2019. The NJDEP online service is available at: [https://nj.gov/dep/landuse/eservices/lur\\_auth\\_permits.html](https://nj.gov/dep/landuse/eservices/lur_auth_permits.html). NJDEP staff shared information with regard to how the online service was implemented and how NJDEP staff and the general public are adapting to its use. Commission staff organized this meeting to gather both information and advice from NJDEP staff in the interest of implementing a similar Commission online application submission service in the future.

### 3 LAND USE & TECHNOLOGY PROGRAMS

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#### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	7	69

**Notable Ordinances:**

- **Dennis Township:** The Township adopted Ordinance 2019-01, revising the boundaries of the Pinelands Villages of Belleplain and Dennisville to follow lot lines, recognize existing development and reflect development potential. Ordinance 2019-01 rezones all or portions of several vacant lots from the Pinelands Villages to the Forest Area, in recognition of their status as municipal or State open space and conservation lands. In addition, the ordinance rezones portions of two lots containing an existing municipal recreation facility from the Forest Area to the Pinelands Village of Belleplain. In total, 12 acres are redesignated from the Forest Area to the Pinelands Village of Belleplain and 51 acres are redesignated from the two Pinelands Villages to the Forest Area. All of the affected properties are owned by either the Township or NJDEP. The Commission certified Ordinance 2019-01 on June 14, 2019.
- **Folsom Borough:** NJ Department of Community Affairs (DCA) Local Planning Services entered into an agreement with the Borough in 2018 to prepare a new Master Plan Reexamination Report. Commission staff met with DCA staff and later with Borough representatives to discuss potential zoning changes along the Black Horse Pike to assist in the Borough's effort of encouraging commercial development along the corridor. An implementing ordinance was drafted and introduced by the Borough Council in May 2019. Upon receipt of the ordinance, Commission staff identified a number of corrections and other revisions necessary for conformance with the CMP. Revised ordinance language was provided to the Borough on June 10, 2019.
- **Monroe Township:** After signing its settlement agreement with the Fair Share Housing Center, the Township adopted a new Housing Element and Fair Share Plan and implementing ordinance in August 2018. Commission staff identified concerns with the ordinance and its implications for the PDC Program. The Township subsequently adopted and submitted a new affordable housing ordinance to the Commission for certification, along with two amended redevelopment plans for properties in the Pinelands Regional Growth Area. Commission staff held a public hearing on the 2018 Housing Element and Fair Share Plan and Ordinances O:14-2019, O:16-2019 and O:-17-2019 on June 26, 2019 and will present a recommendation for certification to the Policy & Implementation Committee for discussion at the Committee's July 26, 2019 meeting.
- **Pemberton Township:** The Township adopted redevelopment plans for the Rowan College at Burlington County (RCBC) Redevelopment Area and the Former Burlington County Minimum Security Corrections and Work Release Center (CWRC) Redevelopment Area. The RCBC Redevelopment Area is located partially in a Pinelands

Regional Growth Area and partially in a Pinelands Rural Development Area. Permitted uses in the RCBC Redevelopment Area include multi-family dwellings, neighborhood commercial uses, office/light industrial “flex space,” hospitals, health-care facilities, government offices and low intensity recreational facilities. The CWRC Redevelopment Area is located entirely within a Regional Growth Area. Permitted uses in this area are limited to garden apartments, townhouses and semi-detached dwellings. The Commission certified the redevelopment plans on June 14, 2019.

### 3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	7	52
Surveys Required	0	2

**Notable Activity:**

- Staff made a presentation entitled “Revolutionary War Era Privateering on the Mullica River” at the Blessing of the Mullica Ceremony held on June 15, 2019.
- The Commission purchased a 500mhz ground penetrating radar unit to be used in conducting or assisting applicants with cultural resource surveys for the demolition and/or reconstruction of single-family dwellings and special cultural resources projects. The unit was delivered on June 19, 2019 and a number of planning and regulatory programs staff received training.

### 3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	9.50	21.75
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	1.50	2.00
Acres Protected	35	158
PDCs Sold	1.0	10.75
PDCs Redeemed	19.50	68

**Notable Activity:**

- All 9.50 PDCs allocated in June 2019 are associated with a 404-acre parcel in the Preservation Area District of Lacey Township that was recently acquired by Ocean County.
- Of the 19.50 PDCs redeemed during June 2019, 18.75 were used by a large multifamily residential project (636 units) in Hamilton Township’s Regional Growth Area.

### 3.4 SPECIAL PROJECTS

- **Pinelands Infrastructure Trust Fund (PITF):** With approximately \$15.89 million in available funding for infrastructure projects in the Pinelands Regional Growth Area, the Commission adopted an amendment to the Pinelands Infrastructure Master Plan in February 2019 to update the criteria for ranking projects and identify the funding structure that would be made available (50% loan/40% grant/10% local match). Staff issued a Request for Proposals in March 2019 to solicit project proposals for a new funding round. Eligible projects include wastewater treatment and collection systems, stormwater management facilities, water supply systems and transportation improvements. Ten project proposals were received, ranging from water distribution lines and wastewater collection lines, to transportation improvements and underground storage tank removal. The total cost of all projects submitted was over \$34 million, exceeding the amount of available through the PITF. Commission staff ranked the projects in accordance with the criteria established by the Commission in February and identified five priority projects and recommended funding levels. Staff presented its funding recommendations and a draft Infrastructure Master Plan amendment to the Policy & Implementation Committee on June 28, 2019. A public hearing on the draft amendment has been scheduled for July 31, 2019.
- **Kirkwood/Cohansey water supply:** Commission staff presented draft policies to the Policy & Implementation Committee on June 28, 2019, focusing on regional watershed protection, maintenance of stream flows and wetlands protection. Meetings with DEP and other stakeholders will be scheduled to discuss the draft policies and staff will continue drafting CMP amendments.
- **Pinelands Conservation Fund Acquisition Program:** The Rancocas Conservancy closed on the 200-acre Katz property in Pemberton Township, to which the Commission allocated \$66,667 in funding from the PCF. The Katz property is located in an Agricultural Production Area, adjacent to Whitesbog Village and Brendan Byrne State Forest, and exhibits significant damage by illegal motorized vehicle use. All projects that received funding in the 2017 PCF land acquisition round have now been completed, resulting in the permanent protection of 779 acres in the Pinelands Area.
- **Garden State Parkway Interchange 44:** The Commission approved the New Jersey Turnpike Authority's application for completion of Garden State Parkway Interchange 44, including addition of a northbound exit ramp and southbound entrance ramp, on May 10, 2013. As part of that approval, the Commission entered into an agreement with Atlantic County to address negative secondary impacts on the surrounding Rural Development Area that could result from the expanded interchange. The agreement required the County to limit the development potential of 356 acres within 1.5 miles of the expanded interchange, either through acquisition in fee or acquisition of a conservation easement. To date, the County has acquired and protected a total of 326.72 acres, including 138.57 acres in June 2019. All of the acquired lands are located in Galloway Township's Rural Development Area.



## 4 INFORMATION SYSTEMS

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- **Cybersecurity Enhancements:** Deployment of a new, state of the art, cybersecurity tool, Falcon Crowdstrike, was completed. Staff worked with New Jersey Office of Information Technology to test and tune the implementation.
- **Geographic Information Systems (GIS) Modernization:** Staff is working to upgrade current GIS tools and software and provide professional development opportunities to appropriate staff. A meeting was held at the Pinelands Commission on June 18, 2019 with Environmental Systems Research Institute (ESRI) to provide staff with an overview of their current product line and how new features could support business needs.
- **Pinelands Commission Information System Upgrades (PCIS):** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Long term projects are being formulated. When possible, immediate enhancements and bug fixes were created, tested, and released.
- **Windows 10 Migration:** To support the ongoing Windows 10 migration, a compliant version of FileNet was necessary. This software provides staff access to digitized copies of official Pinelands documents. Information Systems coordinated with the NJ State Treasury to obtain a newer version of FileNet, along with installation instructions.

## 5 REGULATORY PROGRAMS

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### 5.1 NOTABLE APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	7	43
Certificates of Filing	7	75
Public Development Reports	0	10
Forestry Certificates of Filing	3	7
PDC Letters of Interpretation	1	11
MOA Consistency Determinations	4	31
Review of Agency Determinations	52	331

### 5.2 NOTABLE APPLICATIONS

- **Winslow Township Rifle and Pistol Range (App. No. 1984-0660.003):** A private gun club with associated development was established on a 217 acre parcel located in a Pinelands Agricultural Production Area without application to the Commission. Subsequently, an approximate 3,000 linear foot stone access road was developed primarily in wetlands. Although the Club inquired about submitting information to address two threshold issues raised by the development at an August 2018 meeting with representatives of the Club, NJDEP, the Township and Commission staff, no such information was submitted to the Commission. By letter of June 17, 2019, staff asked

for both the Township's and NJDEP's assistance in issuing all appropriate violation notices. On June 21, 2019, the Club submitted application information to the Commission. That information is currently under review.

- **Expansion/Improvements to an Existing Township Park, Pemberton Township (App. No. 1982-3514.004):** The Township filed an application in 2018 proposing recreational improvements, including an eight foot wide, 4,000 linear foot, paved walking path to be located in a fallow farm field comprised of wetlands. The staff has continuously advised the Township that the paved walking path in wetlands is not permitted by the CMP and has offered suggestions as to alternative surface materials that could be permitted in wetlands for the walking path. The Township continues to propose the paved walking path in wetlands. By letter dated June 17, 2019, the staff advised the Township of the information necessary to complete the application and indicated that if the application was completed as currently proposed, the staff would likely recommend denial of the application to the Commission.
- **Development of Two Commercial Buildings, Berlin Township (App. No. 1987-0490.017):** On June 11, 2019, the staff met with the property owner and municipal officials to discuss alternatives to bring two existing commercial buildings on a parcel in compliance with the groundwater quality (septic dilution) standards of the Township land use ordinance and the CMP. The two commercial buildings served by an onsite septic system were not constructed in accordance with the plans previously approved by the Commission. Specifically, an 8,423 square foot building was developed instead of the approved 6,400 square foot building and a total of approximately 2,600 square feet of warehouse space was converted to office space in the two buildings. At the meeting, the owner was advised by the Township to pursue a revised Township site plan approval and to investigate the feasibility of tying both buildings into public sanitary sewer that is available in the immediate area.

## **6 SCIENCE**

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### **6.1 ENVIRONMENTAL MONITORING**

- **Forest Plot and Pond Monitoring:** Each year on a monthly basis, staff measures ground water levels at 35 forest plots and pond water levels at 37 ponds. Staff also conducts nighttime surveys of calling frogs and toads at 22 ponds monthly from March through June. This information can be used to assess temporal changes in water levels and frog and toad assemblages. Staff completed the June round of water level and frog and toad monitoring.
- **Pinelands-wide Water-quality Monitoring:** In April, June, August, and October of each year, staff measures pH and specific conductance at 47 stream sites. Specific conductance is a general measure of dissolved substances in water and pH indicates the amount of acidity. Both are inexpensive, reliable, and easily measured field parameters useful for assessing temporal changes in stream water quality. Staff completed the June round of sampling.

- **Watershed Assessments:** In 2019, staff is measuring pH and specific conductance and conducting biological surveys at stream and impoundment sites in the Mullica River Watershed. This will allow for a current assessment of the aquatic integrity of the watershed and for a comparison to the results of previous Mullica River Watershed surveys. Staff completed the June rounds of water quality sampling and frog and toad surveys and began to prepare for upcoming plant and fish surveys.

## 6.2 LONG TERM STUDIES

- **Right-of-way Vegetation Monitoring:** As part of the Commission Right-of-way Pilot Program, staff surveyed vegetation in plots in 24 electric transmission right-of-way spans each year from 2011-2017. Staff also surveyed vegetation in plots in the adjacent unmanaged forests in 2012 and vegetation in plots adjacent to access roads and towers in 2017. Staff initiated data analysis and began drafting portions of the final report.
- **Endocrine Disruption Study:** In collaboration with New Jersey and West Virginia U.S. Geological Survey (USGS) scientists, staff is investigating the potential effect of endocrine disrupting compounds (EDCs) from surrounding land use and sewage treatment plants on fish and frogs in the Pinelands. The endocrine system is a collection of tissues in animals that produces hormones to regulate essential life processes, such as metabolism, reproduction, and development. Many natural and synthetic chemicals are known to disrupt endocrine function. In a last-minute decision, the landowner denied staff access to sample two of its lakes for fish. The Commission is pursuing options to recover the costs invested in that portion of the study or to reestablish an agreement to sample the lakes for fish.
- **Microorganism Study:** In collaboration with the NJ USGS, staff is comparing nutrients, heavy metals, pesticides, algal growth, and diatom, phytoplankton, zooplankton, and aquatic insect assemblages between natural ponds, excavated ponds, and stormwater basins. This study is an extension of a previous comparison of the plant, fish, and frog and toad assemblages between natural ponds, excavated ponds, and stormwater basins. In June, staff completed chemical and biological sampling at the 20 sites scheduled to sample in 2019.
- **Joint Corn Snake Study:** In collaboration with Herpetological Associates, The College of New Jersey, and the New Jersey Department of Environmental Protection, we are using radio telemetry to study the state endangered corn snake. At one location, staff is using a drift fence to assess the survival of natural vs headstarted corn snake hatchlings and to compare the effectiveness of using a drift fence, box traps, and artificial cover to detect corn snakes and other species of snakes. In June, we continued to monitor the drift fence and radio track snakes.

## 6.3 OTHER ITEMS OF INTEREST

- Staff submitted a proposal to the Environmental Protection Agency to conduct a radio telemetry study of the eastern kingsnake and began tracking several kingsnakes in preparation for obtaining funding.

- Staff took a graduate student in the field to show her how staff monitors pond and well water-levels using data loggers.

## **7 COMMUNICATIONS**

### **7.1 COMMUNICATIONS & PUBLICATIONS**

- **Website Activity:** The Pinelands Commission's website received a total of 11,943 page views in June 2019.
- **Inquiries/Correspondence:** The Communications Office received and responded to 103 inquiries from the public, including phone calls, e-mails and questions posed by visitors. Most of the inquiries pertained to recreation, the Pinelands Summer Short Course and off-road vehicle damage.

### **7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS**

- **Pinelands Summer Short Course:** On June 3, 2019, the Commission issued a press release to announce the opening of registration for the third annual Pinelands Summer Short Course. The event will be held on July 18, 2019 at Stockton University's Kramer Hall in Hammonton, and it will feature seven field trips and eight classroom presentations that showcase the region's history, ecology, culture and music.
- **Pinelands Orientation for Newly Elected Officials:** In early June, Communications staff sent out invitations for the annual Pinelands Orientation for Newly Elected or Appointed Officials. The event will be held in the Richard J. Sullivan Center for Environmental Policy and Education at 4 p.m. on July 23, 2019. Invitations were e-mailed to the clerks, mayors and council/committee members in all 53 Pinelands municipalities.
- **Candace McKee Ashmun Pinelands Education Exhibits:** The Communications Office oversaw the installation of replacement exhibit signage in mid-June. Staff also recorded and posted video of the exhibits on the Commission's Facebook Page.
- **Barneгат Bay Partnership Communications and Education Committee Meeting:** Staff participated in the Committee's meeting on June 13, 2019.

## **8 BUSINESS OFFICE**

- Auditors from the New Jersey State Legislature, Office of the State Auditor are onsite to conduct the Fiscal Year 2018 audit.
- The unaudited Fiscal Year 2019 Application Fee net total is \$675,212.56.
- Final payment to Drill Construction for the Candace McKee Ashmun Pinelands Education Exhibit has been issued.
- The Fiscal Year 2020 Budget process has begun and the anticipated appropriation is \$2,949,000.00.