



# **NEW JERSEY PINELANDS COMMISSION**

## **MONTHLY MANAGEMENT REPORT**



The Wading River

**JUNE 2020**

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# 1 EXECUTIVE OFFICE

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## 1.1 EXECUTIVE DIRECTOR

### 1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on June 26, 2020 and recommended Commission certification of a Barnegat Township ordinance related to affordable housing standards for condominium developments in the Neighborhood Commercial Zone. The Committee also received a presentation from staff on current CMP procedures for the review of private development applications, including “call up” hearings held by the staff. The Committee continued its discussion of application procedures for public service infrastructure projects and potentially other developments that do not obtain municipal approvals.

### 1.1B RULEMAKING

- **Septic System Pilot Program:** The Commission authorized a formal rule proposal at its June 12, 2020 meeting. Staff subsequently submitted the proposal to the Office of Administrative Law and it will be published in the July 20, 2020 edition of the New Jersey Register. A public hearing has been scheduled for September 2, 2020.
- **Stormwater Management:** Inter-office staff discussions of the NJDEP’s recently adopted stormwater regulations and their relationship to CMP stormwater standards continued in June.
- **Kirkwood/Cohansey water supply:** Staff completed reviewing a first draft of CMP amendments and identified necessary revisions. Additional staff discussions will occur in July. In addition, staff researched options for training on the use of hydrogeological models after hearing from the U.S. Geological survey that they will only offer on-site training in New Mexico in January 2021.
- **Procedural “gap” rules:** Staff continued conducting research on Municipal Land Use Law procedures, other agency practices and relevant case law in June. The Committee again discussed possible procedures for “gap” projects on June 26, 2020.

## 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 the New Jersey Pinelands Commission Resolution PC4-20-03, Docket No. A-002499-19:** The Commission filed its Case Information Statement and the Statement of Items Comprising the Record on June 29, 2020.

### 1.2B LEGISLATION

- **P.L. 2020, c.48 (A4298/S2498):** *Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2021* - This legislation

includes the funding for the 4 PTIF projects. S2498 was substituted for A4298 and approved by both houses of the Legislature on June 29, 2020. It was signed into law by the Governor on July 1, 2020.

- **P.L. 2020, c. 49 (A4299/S2499):** *Appropriates funds to DEP for environmental infrastructure projects for FY2021* - This legislation authorizes clean water project loans for the 4 PTIF projects. S2499 was substituted for A4299 and approved by both houses of the Legislature on June 29, 2020. It was signed into law by the Governor on July 1, 2020.
- **P.L. 2020, c. 53 (A3919/S2346):** *Extends certain permits, approvals, and deadlines during COVID-19 emergency* – This legislation is known as the Permit Extension Act of 2020. It extends certain governmental approvals that were in effect on March 9, 2020 for as long as a public health emergency, pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), that has been declared by the Governor in response to COVID-19, is in effect. A3919 was substituted for S2346 and initially passed both houses of the legislature on May 14, 2020. The Governor issued a conditional veto on June 25, 2020. On June 29, 2020 both houses of the legislature passed the bill with concurrence with the Governor’s recommendations. It was subsequently signed into law by the Governor on July 1, 2020.

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

- There were a total of 8 Open Public Records Act (OPRA) requests received in June. Of the 8 requests, 5 were sent responsive material; 2 were advised their requests were too broad and one was advised that we had no responsive material.

### **1.3 HUMAN RESOURCES**

- **Summer Flex Program:** Staff is participating in the Summer Flex Program from June 8, to August 28, 2020.
- **Training:** Staff participated in the following webinars EAS “Building a Culture of Respect” and “How to Effectively Coach Employee Performance”, NJ Well “Self-care During Quarantine”, “Healthy Back”, and “Virtual Fitness”. Staff participated in the NJ Well National Running Day Challenge.
- **COVID19:** Weekly meetings were held with staff. Staff researched updated rules/regulations regarding COVID19 (CARES Act, NJ Shared Work Program, Furlough Agreement).
- **Employee Evaluations:** The Final Performance Evaluation process is continuing. Staff final evaluations are due to be completed by July 3, 2020.
- **Fiscal Year End:** Staff completed reporting in preparation for Fiscal Year end.
- **Retiree Reimbursements:** Staff prepared quarterly Medicare Part B reimbursements and forwarded them to Business Services.

## 2 PLANNING

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### 2.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	7	42

**Notable Ordinances:**

- Evesham Township Master Plan amendment:** The Evesham Township Planning Board drafted an amendment to the Township’s master plan that recommends rezoning of two large existing developments (Kings Grant and Bartons Run) from the RD-1 Zone in the Rural Development Area to the RG-2 Zone in the Regional Growth Area. Staff reviewed the amendment and provided comments and suggestions to the Township on June 10, 2020. The Planning Board delayed adoption of the amendment pending incorporation of additional revisions.

### 2.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	10	46
Surveys Required	0	2
Surveys Reviewed	2	4
Certificates of Appropriateness Required	1	3

### 2.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	3.00	11.03
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	1.50
Acres Protected	0	95
PDCs Sold	0.25	8.25
Average Sales Price per PDC	\$34,000	\$39,212
Average Sales Price per Right	\$8,500	\$9,803
PDCs Redeemed	0.75	7.50

**Notable Activity:**

- 3.00 PDCs (12 rights) were allocated to a 61.57 acre parcel in the Agricultural Production Area in Southampton Township.
- 0.75 PDCs (3 rights) were redeemed in May 2020 for a residential project, one for expansion of a commercial use in Berlin Township, one for a single-family detached dwelling in Manchester Township and one for a large residential project (194 single-family detached units) in Egg Harbor Township.

**2.4 SPECIAL PROJECTS**

- **New Jersey Historic Trust Fund application:** Staff submitted the completed application for a Preserve New Jersey/Historic Preservation Fund Capital Level I matching grant for the exterior preservation of historic Fenwick Manor. The New Jersey Historic Trust will be making a site visit in July or August and anticipates making grant decisions in September or October.
- **Pine Barrens Byway:** Staff held a meeting with the consultants retained by the New Jersey Department of Transportation to provide feedback on the text and photographs that will be used in postcard, brochure and trifold marketing materials.
- **Application fees:** Efforts to answer questions about application fee revenue projections and Pinelands build-out continued in June. Staff is analyzing data from the Long-Term Economic Monitoring Program as well as development application activity.
- **Permanent Land Protection database:** Considerable staff time and effort continues to be spent in framing out a new database and coordinating database development with the Information Systems office. In June, staff developed a data migration strategy and began discussing user interfaces. The project is part of the Long-Term Economic Monitoring Program, funded by the National Park Service.

**2.5 OTHER ITEMS OF INTEREST**

- Staff made a presentation entitled “Impacts of Climate Change on the NJ Pinelands” to a class of graduate students in the Rutgers Coastal Climate Risk and Resilience program.
- Staff made a presentation entitled “Design, Construction and Maintenance of Septic Systems” to the Manchester Township Environmental Commission
- Staff was contacted by Dr. Li (Kerry) Fang, Assistant Professor at Florida State University, regarding data availability for a potential study of the Pinelands Development Credit Program. After an initial meeting with Dr. Fang, staff is preparing relevant, available data that could be used as part of a potential study.

### 3 INFORMATION SYSTEMS

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- **Support Governor Murphy’s stay-at-home Executive Order:** Staff continued to provide support staff to facilitate uninterrupted services while working from home.
- **Pinelands Commission Information System Upgrades:** Enhancements and bug fixes were implemented by staff, as needed, to enable uninterrupted operation. Upgrades included: PCIS template revisions and upgrades to systems to incorporate new application classifications.
- **Windows 10 and Office 365 Migration:** Staff continued deployment of Windows 10 desktops and rolled out Office365 and Microsoft Teams to entire Pinelands Commission staff to support collaboration and document sharing while working from home.
- **Permanent Land Protection (PLP) Data System:** Staff is preparing data for the Permanent Land Protection Annual Report. Staff also continued research into recent parcel transactions.
- **PDC Bank:** Staff provided support for transactions and reporting for the PDC Bank. Staff also ran and posted updated reports to the Pinelands Commission website.
- **GIS Upgrades:** Staff upgraded GIS server platform to ESRI 10.7 and revised Pinelands data layers to reflect most recent information.

### 4 REGULATORY PROGRAMS

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#### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	12	72
Certificates of Filing	18	94
Public Development Reports	3	14
Forestry Certificates of Filing	3	17
PDC Letters of Interpretation	1	6
Non-PDC Letters of Interpretation	0	1
MOA Consistency Determinations	2	25
Review of Agency Determinations	58	371

## 4.2 NOTABLE APPLICATIONS

- **App. No. 1982-2735.001:** On June 2, 2020, staff conducted a pre-application meeting regarding the proposed construction of a 28 acre ground mounted solar energy facility in Shamong Township.
- **App. No. 1981-2081.011:** On June 2, 2020, staff conducted a pre-application meeting regarding the proposed construction of a 30 acre ground mounted solar energy facility at the Southern Ocean landfill in Ocean Township.
- **App. No. 1984-0552.004:** On June 23, 2020, staff issued a letter regarding a proposed cannabis growing operation in an existing 111,800 square foot office/warehouse building in Winslow Township. The letter responded to a request as to whether the proposed operation constituted a change in use. The Commission letter advised that such a determination must first be made by the Township. It is our understanding that the Township is currently considering the matter.
- **App. No. 1987-1183.005:** On June 24, 2020, staff received an application for the establishment of a commercial automobile auction facility and the construction of a 10,000 square foot office building at the existing Atco Raceway parcel in Waterford Township.
- **App. No. 1980-0073.007:** On June 24, 2020, staff received a request to conduct a pre-application conference for a proposed floating solar facility on an existing resource extraction operation in Lacey Township. The staff is scheduling the pre-application conference for early July 2020.
- **App. No. 1987-0925.007:** On June 29, 2020, staff received a letter regarding an application for 360 residential dwelling units, a hotel and two commercial buildings in the Borough of South Toms River. The application has already received preliminary and final approvals from the Borough. The proposed dwelling units require the purchase of 22.5 Pinelands Development Credits (PDCs). The applicant is proposing to return to the Borough for revised approvals for the proposed development. The revised municipal approvals will phase the proposed residential development. This will result in a proportionate phasing of the number of PDC that must be acquired. The total number of PDCs required will remain at 22.5. The staff is scheduling a meeting with the applicant.
- **App. No. 2004-0335.004:** Staff continues to work with Woodland Township officials and a property owner to address the clearing of forest vegetation that occurred within municipal rights-of-way prior to the completion of an application with the Pinelands Commission. The property owner has filed an application with the Commission to develop 9 single family dwellings that are proposed to front on the cleared rights-of-way.

## 4.3 OTHER ITEMS OF INTEREST

- On June 4, 2020, staff conducted a meeting with representatives of the New Jersey Department of Environmental Protection (NJDEP) regarding a proposed forestry operation in Wharton State Forest. The NJDEP anticipates filing an application with the



Commission to conduct forestry. Staff discussed the forestry requirements of the Pinelands Comprehensive Management Plan (CMP) with the NJDEP representatives. In particular, staff discussed the requirements to demonstrate consistency with the CMP threatened and endangered plant and animal protection standards.

## 5 SCIENCE

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### 5.1 ENVIRONMENTAL MONITORING

- **Water-level and Water-quality Monitoring:** In June, staff measured water levels at forest plots and ponds and measured pH and specific conductance at the 47 Pinelands-wide stream sites. Water quality sampling at Mullica River streams and lakes was discontinued because that sampling is associated with the Mullica plant and animal surveys, which were cancelled because they cannot be conducted in a socially distant manner.

- **Long-term Corn Snake Monitoring:** During the Joint Corn Snake Study that was conducted by Commission, College of New Jersey, and Herpetological Associates researchers in

2017-2020, corn snakes were implanted with radio transmitters and tracked to collect information on environmental conditions, snake behavior, habitat type, and forest structure. Corn snakes are an endangered species in New



**Above:** A male corn snake that was initially captured in 2017 and then recaptured in 2018, 2019, and 2020.

Jersey. A series of corn snake nest sites and winter hibernation dens were located by radio tracking snakes to these locations. All corn snakes found during the study were pit tagged with microchips for permanent identification. Corrals were constructed around the dens to capture snakes emerging from hibernation each spring and artificial cover was placed at dens and nests to help recapture tagged snakes and capture new snakes for the study. The nest sites and dens are now being used for long-term monitoring of this interconnected network of corn snake population clusters. In 2020, some additional corn snakes are being tracked to find additional nest sites and dens in the existing study areas.

## 5.2 LONG TERM STUDIES

- **Kingsnake Study:** In 2020, College of New Jersey researchers implanted radio transmitters in 24 kingsnakes. Commission and Herpetological Associates researchers tracked the movements of these snakes and collected data on environmental conditions, snake behavior, habitat type, and forest structure. To date, five of these kingsnakes have been killed by predators and the remaining 19 continue to be tracked.



**Above:** A male kingsnake that was digging around in a bed of Sphagnum moss to find a drink on a hot day.

## 5.3 OTHER ITEMS OF INTEREST

- Staff attended an online New Jersey Water Monitoring Council meeting about Harmful Algal Blooms, or HABS, that have been occurring throughout New Jersey during recent years.
- Science staff reviewed the NJDEP Atlantic White Cedar Ecosystem Restoration Plan and provided comments to Executive Staff. These comments along with those prepared by Regulatory Programs staff were submitted to NJDEP. The comments noted concerns with the basis for the work, use of herbicides and the potential for impacts to threatened and endangered species.

## 6 COMMUNICATIONS

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### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission's website received a total of 11,131 page views in June 2020.
- **Inquiries/Correspondence:** The Communications Office received and responded to 162 inquiries from the public, including phone calls, e-mails, and media inquiries.

## 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Social Media Site Enhancements:** Staff continued to post new content on the Commission's social media pages in June 2020. This includes filming, posting and sharing five new videos on the Commission's YouTube channel. Staff posted more than 90 photos on the Commission's Facebook and Instagram page after taking lunchtime or weekend trips to



**Above:** In June 2020, staff filmed and shared five new videos and more than 90 photos on the Commission's social media sites, including this photo of a beaver lodge at the 767-acre Unexpected Wildlife Refuge. The refuge is located in the Pinelands areas of Gloucester and Atlantic counties.

- the Black Run Preserve, Brendan Byrne State Forest, Edwin B. Forsythe National Wildlife Refuge (twice), the Franklin Parker Preserve, Piney Hollow Preservation Area, Unexpected Wildlife Refuge and Webb's Mill bog in the Greenwood Wildlife Management Area. The Commission has been unable to update its Facebook since late June, due to a glitch with Facebook's two-step page authorization system. Facebook has been contacted repeatedly about the problem.
- **Pine Barrens Byway Support:** Communications Office staff continued to provide assistance with the Pine Barrens Byway project. In June 2020, staff reviewed and suggested changes to the content in three documents that were drafted by a consultant hired by the New Jersey Department of Transportation. Staff sent about a dozen new, high-resolution photos that may be incorporated into the documents.

- Pinelands Speaker Series Webinars:** In June 2020, staff hosted four webinar presentations. The presentations included: “Unique Plants and Wildflowers of Barrens and Bogs,” “Pinelands Weather and Climate: Past, Present and Future,” “Native or Alien: Plants and Fungi,” and “Bog Gardening in the Barrens.” The latter presentation was delivered by a member of the Communications Office. All of the webinars are livestreamed but are also recorded and available for viewing on the Commission’s YouTube channel at any time. The first four webinars have been viewed a total of 1,210 times thus far. The Commission will host webinars every Thursday through the end of August and likely beyond.



**Above:** In June 2020, the Commission hosted four educational webinar presentations at part of the Pinelands Speaker Series.

- Science Office Fieldwork:** Communications Office staff collected pond and well monitoring data for the Science Office on June 1-2, 2020.
- Fenwick Manor Painting:** Communications Office staff reviewed and evaluated bids for painting Fenwick Manor.
- Barnegat Bay Partnership:** Communications staff participated in Barnegat Bay Partnership’s Communications and Education Committee meeting on June 24, 2020.

## **7 BUSINESS OFFICE**

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- Application Fees June Net Total: \$66,208.87; Year to Date Total: \$382,676.20.
- The Fiscal Year 2019 Audit has started; this will be primarily a virtual audit with limited site visits by the State Auditors.