



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



SEPTEMBER 2019

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on September 27, 2019 and discussed a request from the New Jersey Department of Environmental Protection (NJDEP) for endorsement of the State's conveyance of lands purchased with Federal 502 acquisition funds to Ocean County. Staff provided background information on the Section 502 Pinelands acquisition program, including the Commission's identification of target acquisition areas, the amount of land acquired with Section 502 funding to date (73,000 acres) and the amount of funding still to be appropriated (\$8 million). Judeth Yeane, Bureau Chief, Green Acres Legal Services and Stewardship, and Mark Villinger, Supervising Planner for Ocean County, briefed the Committee on the proposed exchange of State and County-owned lands in Barnegat and Stafford townships. The Committee indicated its support for the proposal and recommended the Commission adopt a resolution to concur with the NJDEP's request. NJDEP representatives Ray Bukowski, Assistant Commissioner, Natural and Historic Resources, and Olivia Glenn, Director, Division of Parks and Forestry, then updated the Committee on their ongoing efforts to protect State lands from off-road vehicle damage.
- **Land Use, Climate Impacts and Sustainability Committee:** In preparation for a future meeting of the Committee, staff met with Sustainable Jersey Executive Director Randy Solomon and Program Manager of Policy and Planning, Anne Heasley, on September 19, 2019. Sustainable Jersey is a nonprofit organization that works with municipalities and school districts to encourage implementation of a series of best practices designed to lower operating costs, conserve resources and use taxpayer dollars more efficiently. Municipalities and schools that implement sustainability measures receive certification and are eligible for a wide range of grants (e.g. microgrid and community solar feasibility studies, tree inventories, energy efficiency analyses, stormwater management initiatives, community gardens, etc.). Nineteen Pinelands municipalities have been certified thus far. Staff also participated in Sustainable Jersey's September 17, 2019 "Listening Session" in Hammonton, one in a series of events to celebrate the 10-year anniversary of the program and discuss future improvements.

1.1B PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council met on September 24, 2019 in Maurice River Township. The Council heard a presentation by Gary Finger on the New Jersey Clean Energy Program. The Executive Director briefed the Council on the Commission's FY2020 Initiatives.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

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

STATE:

- **In the Matter of New Jersey Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link, Docket No. A-001004-17T1:** This is one of a number of appeals that were filed involving the Commission's approval of New Jersey Natural Gas Company's (NJNG) application to construct a portion of its Southern Reliability Link project in the Pinelands. This appeal was filed by PPA on October 26 2017, and is a substantive challenge of the Commission's approval. (There were three additional appeals of the Commission's approval of NJNG application filed by the New Jersey Sierra Club, Chesterfield Township and Bordentown Township, respectively.) PPA also filed an appeal of the process used by the Commission to review this application and the denial of its third-party hearing request. (Three individuals, Daniel and Patricia Caruso and Jean Kovath also filed an appeal challenging the Commission's denial of their third-party hearing requests.)

PPA submitted its reply brief in opposition to the Commission's motion to strike and also filed a cross motion to supplement the record on September 3, 2019.

NJNG's summary disposition motion in the Bordentown appeal was denied by the Appellate Division on September 10, 2019. The Court also granted NJNG's motion to extend the time to file its response brief until September 25, 2019.

On September 27, 2019, the Appellate Division granted the Commission's motion to strike in both the Sierra Club and Bordentown Township appeals. The appellants have 30 days to file corrected briefs and appendices in these matters.

The Commission filed its response brief in the PPA and Kovath/Caruso appeals of their respective third-party appeals on September 13, 2019 and NJNG filed its response briefs in these matters on September 16, 2019.

- **Robert T. Winzinger v. NJ Pinelands Commission (Dkt. No. BUR-L-000877-19):** This is an inverse condemnation case that was filed on April 26, 2019 in the Law Division, Burlington County. The case involves a 285 acre parcel located on Lauries Road, Woodland Township. This matter has an extensive litigation history. The last litigation involved a 2007 application by Winzinger to resume resource extraction operations on 30 acres of the parcel. Following its receipt of an Inconsistent Certificate of Filing, because of a failure to demonstrate compliance with the threatened or endangered (T&E) wildlife standards of the CMP, Winzinger applied to the Woodland Township Land Use Board for approval to resume resource extraction on the property and received such approval from the Board by resolution dated February 21, 2012. Such approval was subject to Winzinger's submission to and the Commission's approval of a Northern pine snake habitat protection and management plan. The Woodland approval raised issues with regard to the T&E standard of the Pinelands Comprehensive Management Plan (CMP). During a public "call-up" hearing, Winzinger argued that it did not need to

comply with the T&E Wildlife standard of the CMP and never submitted the required habitat protection and management plan. The Commission, subsequently, denied Winzinger's resource extraction application. Winzinger appealed the Commission's decision to the Appellate Division, which held that preexisting resource extraction operations, such as Winzinger, are subject to the T&E standard of the plan.

The Plaintiff requested additional time from the Court to file its response to the Commission's motion to dismiss for failure to exhaust administrative remedies. Plaintiff's response brief is now due on October 2, 2019.

1.2B LEGISLATION

- Although the Legislature has reconvened, activity has been minimal given the impending elections.

1.2C OPEN PUBLIC RECORDS ACT

- A total of ten Open Public Records Act (OPRA) requests were received this month. Three of the requests were requests to review files and the file reviews were held. One requestor withdrew his OPRA request. One of the requestors was advised that the Commission had no material responsive to their request. The 5 remaining requests were processed and responsive material was sent to the requestors.

1.3 HUMAN RESOURCES

- **Union Negotiations:** Contract Negotiation Meetings were held with Communication Workers of America (CWA) representatives on September 17, 2019.
- **Employee Advisory Service:** Staff participated in the following EAS Webinars: "Effective Business Communication."
- **Learning Management System (LMS):** The LMS Contract was received and signed. Requested information was sent to the Civil Service Commission for account creation.
- **New Hire:** The Business Services Specialist began employment on September 9, 2019.

2 INTERAGENCY COORDINATION

- **Governor's Interagency Work Group:** Staff attended the September 25, 2019 meeting of the State's new Interagency Planning Work Group, comprised of state agency representatives. The new Executive Director of the State Planning Commission (Donna Rendeiro) provided an update on the plan endorsement process. The primary focus of the meeting was to identify ways in which the state agencies and departments can better coordinate and identify programs that support the Governor's Economic Growth Plan.
- **Stafford Township:** Staff attended the Township's public drainage workshop on September 9, 2019, at which various stormwater issues and potential solutions were discussed.

- **Water Supply Advisory Council:** Staff attended the Council’s September 20, 2019 meeting and learned that NJGS is undertaking additional stream monitoring to better establish Low Flow Margins in more streams for future updates to the State Water Supply Plan. Also at that meeting, it was reported that NJGS, together with Rutgers Extension Service and others, will be conducting a two-year program of monitoring water use in agricultural wells.

3 LAND USE & TECHNOLOGY PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	9	94

Notable Ordinances:

- **Egg Harbor Township:** The Township adopted and submitted an ordinance that rezones approximately 26 acres from the RG-5 (Residential) Zone to the M-1 (Light Industrial) Zone, in the Regional Growth Area. The rezoned property is the site of a closed landfill now proposed for a community solar facility. A second ordinance, incorporating standards for solar energy facilities in the M-1 and RI (Restricted Industrial) Zones, was introduced and is scheduled for adoption in October.

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	9	80
Surveys Required	1	4
Surveys Reviewed	1	6
Certificates of Appropriateness Required	1	2

Notable Activity:

- **St. Mary’s in the Pines Cemetery:** Staff made arrangements to conduct a ground penetrating radar survey for the St. Mary’s in the Pines cemetery located in Pleasant Mills along the Mullica River. The original church (established in 1827), is long gone, but the cemetery holds the remains of many of the Revolutionary War era workers from the nearby Batsto Furnace and Iron Works. The survey, which is likely to occur in the early Spring, will provide the diocese with better information on the historic boundaries of the cemetery, as well as assist in identifying the possibility of any unmarked graves at the site.

- **Estell Manor School Presentation:** At the invitation of the Estell Manor Historical Society, staff presented a program on Native American occupation of the Pinelands to students at the Estell Manor School. Over the course of two days, staff gave multiple presentations to grades 2 through 8 on a range of topics, including Lenape history, technology and economy.

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0	96
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	2
Acres Protected	0	158
PDCs Sold	0	11
Average Sales Price per PDC	N/A	\$38,509
Average Sales Price per Right	N/A	\$9,627
PDCs Redeemed	0	68.25

Notable Activity:

- **PDC Outreach Effort:** PDC Bank staff initiated an outreach effort, contacting numerous property owners with valid or recently expired PDC Letters of Interpretation in order to explain the PDC severance process and ascertain their interest in severing and selling their PDCs.
- **Maryland Critical Area Commission:** Staff conducted a conference call with planners from the Chesapeake Bay Critical Area Commission in Maryland to discuss the PDC Program and applicability of Transferable Development Rights (TDR) programs in general to coastal resiliency objectives. The Critical Area Commission is exploring the possibility of allocating credits or rights to the owners of existing homes located in floodplains or other sensitive areas. The homeowners could then redeem their credits for development of new homes outside the floodplain, after which the existing homes would be demolished.

3.4 SPECIAL PROJECTS

- **Pinelands Infrastructure Trust Fund (PITF):** On September 13, 2019, the Commission adopted an amendment to the PITF Master Plan, identifying five public infrastructure projects and associated funding amounts in the form of grants and loans. Staff continued to coordinate with NJDEP and the NJ Infrastructure Bank to assure that the five identified projects may proceed through the State’s funding process.

- **Long-Term Economic Monitoring:** Staff was notified that the new five-year agreement with the National Park Service will allow the Commission to continue with its long-term monitoring programs. Staff commenced work on the new and improved permanent land protection database
- **Pine Barrens Byway:** The NJ Department of Transportation (NJDOT) is developing a Scenic Byways “marketing toolkit” that will include an overview book, tri-fold brochure and all-season photo library of each byway in New Jersey. NJDOT has hired a team of consultants (Cambridge Systematics) to take photographs of each byway and interview byway representatives. Staff met with the consultants on September 19, 2019 and provided detailed information on the Pine Barrens Byway as part of a “content gathering interview”. The consultants will return in October, at which time staff will accompany them on a photo shoot of various sites along the byway.

4 INFORMATION SYSTEMS

- **Permanent Land Protection:** Staff delivered final versions of data required for the PLP annual report and map.
- **Pinelands Commission Internal Data Systems Inventory:** An internal data systems inventory was conducted to document all spreadsheets, databases, and other data being recorded and stored by Pinelands Commission staff. This coincides with NJ Office of Information Technology (OIT) Cybersecurity Risk Management. The results of this inventory will help inform decisions for project prioritization and data security.
- **Grant Report Project:** Early results from the Internal Data Systems Inventory identified a need for enhanced grant reporting. After gathering requirements, a draft of the system was developed and released to Business Services for evaluation.
- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Immediate bug fixes for incoming electronic mail handling, improved tracking of solar application data, Ocean Acres PDC assignments, and document template changes were implemented.

5 REGULATORY PROGRAMS

5.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	4	56
Certificates of Filing	9	120
Public Development Reports	5	25
Forestry Certificates of Filing	0	10
PDC Letters of Interpretation	0	18
MOA Consistency Determinations	0	39
Review of Agency Determinations	35	487

5.2 NOTABLE APPLICATIONS

- **App. No. 1989-0707.003:** The Commission received a request from the New Jersey Department of Environmental Protection, Office of Permit Coordination and Environmental Review for comments on a proposed five megawatt community solar array in Winslow Township. The staff provided comments on the proposal to the NJDEP and recommended that the applicant schedule a pre-application conference with the Commission.
- **App. No. 1983-9132.006:** A private application was completed with the Commission for the proposed demolition of an existing single family dwelling, known as the Hudson Burr Mansion in Southampton Township. The dwelling was constructed in 1785 and is associated with the Burr family which made its fortune in the regional sawmill industry. The dwelling constitutes a significant historic resource of the Pinelands. In accordance with the CMP, the Township must review the proposed demolition and determine whether the dwelling should be preserved in place, preserved at another location, or preserved through recordation.
- **App. No. 1984-1345.008:** An application submitted by Jackson Township proposes a 13.7 acre solar facility on a closed and capped municipal landfill. Based upon the presence of a threatened plant species on the landfill, the Township redesigned the proposed solar facility to demonstrate consistency with the CMP threatened and endangered species protection standard. The Commission staff issued a Report on an Application for Public Development and the application is on the agenda for Commission action at its October 11, 2019 meeting.
- **App. No. 1983-5386.002:** The Commission staff issued a Certificate of Filing on April 5, 2019 for the construction of 457 dwelling units and a 24,500 square foot institutional building on a 129 acre parcel in Jackson Township. The application is currently before

the Jackson Township Planning Board. Information was recently submitted to the Pinelands Commission reporting the siting of a threatened animal species in the vicinity of the proposed development. Upon completion of the Township Planning Board's review of the application, notice must be provided to the Commission of any approval for the proposed development. Upon receipt of any Township notice of approval for the proposed development, the Commission staff will review all available information, including any information submitted to the Township as part of the Township's review process and make a determination on whether the application meets all standards of the Township land use ordinance and the CMP.

- **App. No. 1984-0514.008:** An application submitted by Ocean County proposes forestry activities on 2,240 acres of public lands in Ocean Township, Ocean County. This is the first Forest Stewardship Plan to be reviewed by the Commission for lands controlled exclusively by a public agency. The Forest Stewardship Plan addresses such forest issues as forest fire management, harvesting of trees, protection of threatened and endangered species and the restoration of Atlantic White cedar. Upon completion of the application, the plan will come before the Commission as a public development application.

5.3 OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVALS

- **Application # 19823054.089**
Pine Barrens Adventure Camp, LLC
Approval Issued: 9/11/2019
Event Name: Pine Barrens Adventure Camp
Event Date: September 14 and 15, 2019
Municipality: Bass River Township, Little Egg Harbor Township, Mullica Township, Stafford Township, Washington Township
Lands Utilized: Bass River, Penn and Wharton State Forests
Route Length: 60 miles



Above: A member of the Commission's Regulatory Programs staff reviews a proposed off-road vehicle event route map in the Pinelands.

- **Application # 19823054.090**
Pine Barrens Adventure Camp, LLC
Approval Issued: 9/19/2019
Event Name: Riding School
Event Date: September 21 and 22, 2019
Municipality: Dennis Township, Estell Manor City, Maurice River Township, Upper Township, Woodbine Borough
Lands Utilized: Belleplain State Forest
Route Length: 75 miles

5.4 OTHER ITEMS OF INTEREST

- **Seasonal Agricultural Employee Housing:** On September 19, 2019, the Commission staff attended a meeting with representatives of the NJDEP and the State Department of Agriculture to discuss the issue raised by NJDEP issuing violation notices to a number of farms in Atlantic County. Most of the violation notices concerned failing septic systems. The Commission staff indicated that seasonal agricultural employee housing is a permitted land use in all portions of the Pinelands Area and that such housing must still meet the environmental standards of the CMP. The Commission staff also indicated that the CMP provides that the repair or replacement of an existing onsite wastewater disposal system does not require application to the Commission. A follow up meeting will be scheduled in Atlantic County to meet with the agricultural community to discuss the NJDEP septic system permitting requirements.
- **Forestry:** The Commission staff is currently working on information to be incorporated into the NJDEP Forest Action Plan. The Forest Action Plan assesses the State's forest resource and lays out strategies for the conservation and stewardship of those resources between 2020 and 2030. As part of that Forest Action Plan, the Commission staff has been asked by NJDEP to summarize forestry application activities in the Pinelands Area.

6 SCIENCE

6.1 ENVIRONMENTAL MONITORING

- Staff collected the September round of water level data for the **Forest Plot and Pond Monitoring network** and downloaded water level data from the continuous water level recorders installed in seven ponds and one forest plot.

6.2 LONG TERM STUDIES

- **Endocrine Disruption Study:** USGS scientists collected water quality samples from multiple pond, stormwater basin, stream, and lake sites to analyze for hormone activity, natural and synthetic hormones and hormone conjugates, trace metals, and numerous other compounds indicative of human activity, such as surfactants, fragrances, antioxidants, disinfectants, food additives, plastic components, industrial solvents, polycyclic aromatic hydrocarbons, sterols, flame retardants, and pesticides.
- **Joint Corn Snake Study:** Staff collected 24 corn snake eggs from nest areas. The hatchlings will be PIT tagged, weighed and measured, and kept in the laboratory over the winter to be



Above: The Commission's Chief Scientist holds corn snake eggs that were collected from nest areas as part of the Joint Corn Snake Study.

released next spring as a group of headstarted hatchlings. One of the goals of the study is to compare the survival of headstarted hatchlings to those that are released immediately after hatching.

6.3 OTHER ITEMS OF INTEREST

- Staff assisted the U.S. Fish and Wildlife Service in surveying known Knieskern's beaked-rush (*Rhynchospora knieskernii*) sites that have not been surveyed in a number of years. Knieskern's beaked-rush is currently known only from New Jersey and was federally listed as a threatened species in 1991.

7 COMMUNICATIONS

7.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission's website received a total of 11,071 page views in September 2019.
- **Inquiries/Correspondence:** The Communications Office received and responded to 122 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.
- **New Projects Website:** Staff began working on a new website that will highlight various Commission projects. The site will feature staff articles, photo galleries and video.
- **Pine Barrens Byway Support:** Staff reviewed points of interest along the Byway before meeting with the New Jersey Department of Transportation (DOT) and the agency's consultants to discuss future plans to market the Byway. Plans call for creating a Byway brochure, photo library, interactive guidebook and a visitor website.

7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Education programs:** Staff educated more than 80 people about the Pinelands during three education programs held in September 2019.
- **Pinelands Short Course:** Staff continues to plan the 31st annual event, which will be held at Stockton University on March 14, 2020.
- **Pinelands World Water Monitoring Challenge:** Staff continues to plan the World Water Monitoring Challenge, which will be held at Batsto Lake on October 25, 2019.



Above: A group of students from Barnegat High School toured the Candace McKee Ashmun Pinelands Education exhibit on September 20, 2019.

- **Candace McKee Ashmun Pinelands Education Exhibit:** Staff executed several activities that increased usage of the exhibit. A group of 16 students from Barnegat High School toured the exhibit and participated in an informational “scavenger hunt” as part of an all-day Pinelands field trip on September 20, 2019. Staff led a group of 11 employees from the Forsythe National Wildlife Refuge on a tour of the exhibit on September 26, 2019.

8 BUSINESS OFFICE

8.1 FACILITIES

- The telephone system is having intermittent issues. Verizon and ComTec are working on the problem.

8.2 FINANCIAL MANAGEMENT

- September Application Fees Net Total: \$19,344.00