

Reviewing the Pinelands Comprehensive Management Plan
Report on
Preliminary Selection of Approaches for CMP Amendments,
Studies, and Administrative Actions

December 4, 1992

INTRODUCTION

This is the fifth in a series of reports on the second review of the Pinelands Comprehensive Management Plan (CMP). Other reports available are listed in Appendix A. This document reports the results of the Commission's evaluation of 152 recommendations to either amend the CMP (124 recommendations), to implement administrative actions that do not require financial resources or staff time in excess of one work month (24 recommendations), or to take actions that included either CMP or administrative alternatives (4 recommendations).

This document also reports the results of the Commission's evaluation of 175 recommendations to either conduct further study (122 recommendations), to implement more complex administrative actions (52 recommendations), or to take actions that included either further study or administrative alternatives (1 recommendation).

Plan Review Process

In the spring of 1992, the Pinelands Commission chose six broad areas for evaluation:

- o Resource Based Industries (Forestry, Resource Extraction, and Agriculture)
- o Regional Economic Impacts
- o Growth and Community Design
- o Solid Waste Management
- o Permitting Procedures (Development Review)
- o Water Resources Management (Stormwater Management, Water Supply Policy and Water Quality Management)

These topics were among more than 150 recommended by the public and other interested parties and were selected by the Commission as those on which to focus its review.

Public comment on these topics was solicited and a series of ten meetings of technical experts were conducted to suggest both short-term and longer range approaches to address the six major topics. The panels generated 227 recommendations. One hundred

and fourteen (114) could be completed in the short-term without substantial commitment of Commission resources and were forwarded to the Commission for immediate consideration. The remaining 113 were considered by the Commission as longer term study and administrative action recommendations that would require a more substantial commitment of Commission resources.

At a meeting on August 20, 1992, members of the Commission offered 38 additional short-term and 30 additional longer range recommendations for consideration. Of these 68 recommendations, 41 represented alternatives to panel recommendations and most of the remainder were offered by Commission members on the basis of public suggestions.

The Commission evaluated all the short-term recommendations at three meetings held on August 21, September 11, and November 6, 1992. Fifty (50) were selected for immediate action, with the remainder to be further considered as potential studies or as administrative actions. On December 4, 1992, the Commission approved a fifty-first (51) recommendation.

The Commission evaluated all of the study and longer range administrative recommendations at its December 4, 1992 meeting. Twenty-five (25) of the most important of these recommendations were identified and listed in terms of priority.

PRELIMINARILY APPROVED AMENDMENTS TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN AND ADMINISTRATIVE ACTIONS

The CMP amendment and short-term Administrative recommendations that received approval by the Commission are categorized into 8 topic areas. These topic areas are: Forestry, Growth and Community Design, Resource Extraction, Solid Waste Management, Agriculture, Development Review, Stormwater Management, and Water Supply Policy.

Appendix B represents a listing of all approved CMP/Administrative recommendations by topic area. These recommendations are summarized below (the numbers refer to the list in Appendix B).

Forestry

Recommendations approved on Forestry seek to:

- Assist in the re-establishment of harvested cedar stands and non-native forest stands (1.07, 1.08)
- Streamline the forestry application process (1.10, 1.12, 1.13a, 1.14b, 1.17a, 1.18)
- Address forest fire safety concerns (1.34)

Growth/Design

Recommendations approved on Growth/Design seek to:

- Increase flexibility in municipal density assignments (3.05)
- Provide opportunities for the phasing of municipal growth (3.15b)
- Encourage better planning for commercial development along highways (3.21)

Resource Extraction

Recommendations approved on Resource Extraction seek to:

- Clarify existing mining regulations (4.03, 4.05a, 4.07)
- Limit mining operations in certain areas (4.12a)
- Streamline the resource extraction permit process (4.16a, 4.18c)

Solid Waste Management

Recommendations approved on Solid Waste Management seek to:

- Prohibit mass burn incinerators, hazardous waste processing facilities, and landfills in the Pinelands (5.02, 5.05, 5.06)
- Establish a siting policy for other types of waste management facilities in the Pinelands (5.07d)
- Control the land application of various types of compost in the Pinelands (5.18a, 5.19c, 5.20)
- Increase flexibility in the application of regulations relative to the closure of vegetative and construction debris landfills or where necessary to remediate hazardous waste sites (5.08, 5.21)

Agriculture

Recommendations approved on Agriculture seek to:

- Streamline the review process for farm labor housing and other agricultural uses (6.08b, 6.22)
- Better inform landowners about the Pinelands Development Credit Program (6.15b)

Development Review

Recommendations approved on Development Review seek to:

- Provide early notice to applicants of anticipated problems in meeting CMP standards (7.08, 7.22)
- Encourage further delegation of permitting authorities to municipalities to expedite the review process (7.13b, 7.19)
- Increase the involvement of applicants and other public agencies in permit related meetings (7.25b, 7.33b, 7.36)

Stormwater Management

Recommendations approved on Stormwater Management seek to:

- Focus stormwater recharge requirements on 10-year storm events and require that the rate of runoff from larger storms be controlled (8.03a)
- Ensure adequate construction and maintenance of stormwater retention basins (8.07, 8.09b, 8.21)
- Require that landscaping improvements minimize the non-point source effects of stormwater (8.18)

Water Supply Policy

Recommendations approved on Water Supply seek to:

- Enhance statewide policies relative to water supply management (9.01, 9.04, 9.05)
- Coordinate research on a statewide basis (9.03)
- Promote greater consideration of water conservation (9.06, 9.08a)
- Improve the existing short-term water supply policy agreement between the Commission and the Department of Environmental Protection and Energy (9.12, 9.14, 9.17)

PRIORITIES FOR STUDIES AND MORE INVOLVED ADMINISTRATIVE ACTIONS

The 25 most important study and longer range administrative recommendations relate to 9 topic areas. These longer range recommendations are listed below in order of the importance attached to them by the Pinelands Commission.

<u>Rank</u>	<u>Topic</u>	<u>Study/Administrative Action</u>
1	Water Quality	Recommendation 10.05 Develop an approach to water quality management based upon Comprehensive Management Plan management areas and sub-basin characteristics
2	Development Review	Recommendation 7.12b Examine ways to streamline general development review procedures, including: <ul style="list-style-type: none">o expanding the list of "exempted" development activitieso utilizing general permits or memoranda of agreemento reducing the review of municipal or county permits after prior approvals have been affirmed by the Commissiono simplifying permit procedures for remediation efforts of contaminated siteso modifying staff practices to accelerate review of relatively small and straight-forward applications
3	Development Review	Recommendation 7.06b Prepare a "Living in the Pinelands" brochure to explain the reasons for land use and environmental regulations and describe how residents can improve environmental protection
4	Development Review	Recommendation 7.35 Develop standards for regional projects to assess cumulative impacts
5	Agriculture	Recommendation 6.06b Re-examine 10 acre farm and other subdivision provisions in the Agricultural Production Area, and develop CMP standards to prevent subdivision and development contrary to the long-term maintenance of a viable agricultural land base

6	Forestry	Recommendation 1.23 Develop a comprehensive cedar policy for the Pinelands
7*	Forestry	Recommendation 1.22 Develop a joint DEPE/Pinelands Commission policy on fire management in the Pine Plains and adopt implementing regulations
7*	Water Quality	Recommendation 10.02 Develop chemically based characterizations of Pinelands streams
9	Growth/Design	Recommendation 3.11 Identify ways to help municipalities finance infrastructure needs
10	Resource Extraction	Recommendation 4.11 Study the impact of deep mining on hydrology and water quality
11	Stormwater	Recommendation 8.12 Study the effects of stormwater retention and detention on water quality
12	Forestry	<p>Recommendation 1.17d Analyze development review procedures relative to forestry, concentrating on:</p> <ul style="list-style-type: none"> o the content of forest management plans in order to seek consistency with that required for farmland assessment for woodlands o appropriate municipal roles in reviewing and permitting forestry activities o delegation, with relevant conditions, of permitting and enforcement responsibilities to DEPE o the need for certificates of filing when permit renewals are sought
13	Solid Waste	Recommendation 5.13 Create a committee of municipal and county representatives to explore regional solutions to solid waste management

* A tie exists for this rank

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| 14 | Economic Impacts | Recommendation 2.01 Continue to monitor building permit, employment, population and municipal tax and expenditure data |
| 15* | Resource Extraction | Recommendation 4.12d Examine the benefits and feasibility of limiting new and the expansion of existing resource extraction operations in other relatively undisturbed sub-basins in the Protection Area not already proposed for additional protection |
| 15* | Development Review | Recommendation 7.14 Establish a general permit procedure for certain types of public development (e.g., road widenings) |
| 17* | Solid Waste | Recommendation 5.24 Determine whether or not flexibility in the reuse of closed landfills as a source of financing for capping should be permitted |
| 17* | Development Review | Recommendation 7.27 Execute Memoranda of Agreement with state agencies (e.g., Soil Conservation Service) in order to eliminate duplicative review and resolve any regulatory conflicts |
| 19* | Economic Impacts | Recommendation 2.10b Examine the economic viability of boat building, forestry, agriculture, glass making and home occupations and analyze the impacts of CMP regulations on the health of same in the Pinelands |
| 19* | Resource Extraction | Recommendation 4.06 Determine sloping requirements needed to stabilize underwater excavation pit walls away from the shore |
| 19* | Development Review | Recommendation 7.21 Encourage/expand the cooperative review process (such as that done in Hamilton Township) between the Commission and selected municipalities and give applicants the option of pursuing concurrent review |

* A tie exists for this rank

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| 22* | Solid Waste | Recommendation 5.25 Examine whether regulations governing recycling and storage of currently prohibited wastes are necessary and meet Pinelands Area needs both now and in future |
| 22* | Stormwater | Recommendation 8.20 Determine how to develop consistency between CMP and Soil Conservation Service stormwater management guidelines; resolve conflict between CMP standard of no disturbance in wetlands and Soil Conservation Service desire to allow minimal wetland disturbance as a means of preventing erosion |
| 24 | Development Review | Recommendation 7.03b Hold annual workshop(s) on the application process to educate new local officials and to discuss revised application review procedures |
| 25 | Forestry | Recommendation 1.06 Develop best management practices for harvesting and reforestation |

NEXT STEPS

The CMP amendments preliminarily selected by the Commission will undergo two additional reviews before they are considered for formal adoption. The next review will occur early in 1993 once regulatory language has been drafted. At that time, the Commission will decide which amendments to include in a formal proposal to amend the CMP. The second review will take place once the public review period on the rule proposal is completed when the Commission decides whether to revise, adopt, or abandon any of the proposed regulatory amendments.

Follow-up action on the short-term administrative actions has already begun and will continue through the early part of 1993.

The recommendations for studies and longer range administrative actions will be considered in the staff's work programs for Fiscal Year 1993 and subsequent years. Those recommendations with the highest priority are most likely to be pursued and may result in additional CMP amendments and administrative actions as the analyses are completed.

Opportunities for continued public participation in the Commission's review of the CMP are planned. If you have an interest in participating, please contact Lois Cristarella at the Pinelands Commission office at (609) 894-9342.

* A tie exists for this rank

APPENDIX A

DOCUMENTS PUBLISHED AS PART OF THE PLAN REVIEW PROCESS

1. Recommendations for Reviewing the Comprehensive Management Plan, June 1991, last revised April 1992.
2. Reviewing the Comprehensive Management Plan: Compilation of Possible Issues and Topics for Pinelands Commission Evaluation, December 1991; and a supplement to this report, January 1992.
3. The Second Progress Report on Plan Implementation, December 1991.
4. Plan Review Workshops Report (on ten major topics), July 1992.
5. Reviewing the Pinelands Comprehensive Management Plan, Report on Preliminary Selection of Approaches for CMP Amendments, Studies, and Administrative Actions, December 1992.

APPENDIX B

12/9/92

RECOMMENDATIONS FOR CMP AMENDMENTS AND ADMINISTRATIVE ACTIONS
APPROVED BY THE COMMISSION ON
AUGUST 21, SEPTEMBER 11, NOVEMBER 6, & DECEMBER 4, 1992

FORESTRY

Recommendation 1.07 Amend the CMP to permit the use of herbicides to aid in the re-establishment of harvested cedar standards - CMP

Recommendation 1.08 Relax reforestation standards to permit non-native plants in areas already dominated by non-native vegetation - CMP

Recommendation 1.10 Commission staff should inform foresters and other industry members of interpretations of the CMP which affect forest management - Admin.

Recommendation 1.12 Clarify the meaning of the CMP standard which requires that access to harvesting sites be "direct" - CMP

Recommendation 1.13a Eliminate the requirement for permission from property owners whose lands are to be crossed, when it is demonstrated by the applicant that he has a legal right to use the proposed access - CMP

Recommendation 1.14b - Clarify the circumstances which lead to cultural resource and threatened/endangered species surveys for forestry applications - Admin.

Recommendation 1.17a Clarify procedures for local approvals to indicate that options other than municipal planning board approval are available for forestry applications - Admin.

Recommendation 1.18 Eliminate the review of forestry applications by the Pinelands Forestry Advisory Committee - Admin.

Recommendation 1.34 - Request that the Department of Community Affairs adopt the CMP's construction guidelines for fire management as regulations for the Pinelands Area - Admin.

GROWTH/DESIGN

Recommendation 3.05 Allow municipalities to modify CMP densities if they are determined to be inappropriate - CMP

Recommendation 3.15b - Permit municipalities to establish municipal reserves within Regional Growth Areas - CMP

Recommendation 3.21 Limit strip development - CMP

RESOURCE EXTRACTION

Recommendation 4.03 Clarify language relating to maximum mining cell size of 20 acres - CMP

Recommendation 4.05a Specify that shoreline sloping requirements (1 foot vertical to 5 feet horizontal) apply until water depth exceeds 7 feet - CMP

Recommendation 4.07 Clarify re-vegetation policy flexibility in reclamation standards - CMP

see ★ attachment Recommendation 4.12c - Eliminate resource extraction as a permitted use in Forest Areas and develop standards to prohibit the expansion of existing mining operations in the least disturbed sub-basins within Forest Areas and the Preservation Area District - CMP.

Recommendation 4.16a Extend the mining permit renewal period from 2 years to up to 5 years as a municipal option - CMP

Recommendation 4.18c - Permit municipalities to approve minor expansion of existing approved operations, within defined areas, without Commission review - CMP

SOLID WASTE

Recommendation 5.02 Prohibit mass burn incinerators in the Pinelands - CMP

Recommendation 5.05 Prohibit hazardous waste processing facilities in the Pinelands - CMP

Recommendation 5.06 Prohibit landfills for municipal solid waste in the Pinelands - CMP

Recommendation 5.07d - Limit solid waste collection, separation, reuse and conversion facilities to Regional Growth Areas and Pinelands Town Areas. Except for small amounts of specialized wastes, these facilities could only service one or more Pinelands municipalities or other municipalities in Atlantic, Burlington, Cape May and Ocean Counties. The following variations would be permitted: - CMP

1. vegetative landfills or vegetative composting facilities could be sited in Agricultural Production Areas if they are ancillary to an active agricultural use.

2. transfer stations or vegetative composting facilities could be sited in Pinelands Villages and on properties previously used as landfills in any management area provided that they only serve the municipality in which they are located. Other qualifying municipalities could be serviced only if the scale of the facility is not appreciably increased.
3. exceptions to the waste importation limits could be permitted through intergovernment memoranda of agreement when part of a regional approach to solid waste management which clearly benefits the overall protection of the Pinelands to a greater extent than the strict application of the waste source policies on individual waste streams, limited to Pinelands counties.

This policy would not apply to solid waste landfills or to mass burn facilities.

Recommendation 5.08 Consider exceptions to facility prohibitions where necessary to remediate hazardous waste sites - CMP

Recommendation 5.18a Implement the pending agreement between DEPE and the Commission on the use of sludge-derived products - Admin.

Recommendation 5.19c Permit land application of compost derived from source separated municipal solid waste on a trial basis and with an on-site monitoring program, excluding the Preservation Area - CMP.

Recommendation 5.20 Prohibit land application of mixed municipal solid waste compost except as part of a limited study and after DEPE has developed standards - CMP

Recommendation 5.21 Do not require impervious cover for closed vegetative and construction debris landfills - CMP

AGRICULTURE

Recommendation 6.08b Treat farm labor housing as a "presumptive" hardship when considering waivers of strict compliance - CMP

Recommendation 6.15b The Commission should formally request that the PDC Bank advise and counsel landowners on determining PDC allocations - Admin.

Recommendation 6.22 Expand the current CMP exemption for the improvement, expansion, construction or reconstruction of structures used exclusively for agricultural or horticultural purposes

to include structures used primarily for, or in support of, agricultural or horticultural activities (this would include multi-purpose storage facilities and migrant labor housing) - CMP (NOTE: Rec. 6.22 has been subsumed into Rec. 7.13b)

DEVELOPMENT REVIEW

Recommendation 7.08 Inform applicants early in the application process of the likelihood of approvals or denials - CMP or Admin.

Recommendation 7.13b Incorporate into the list of "exempted" development those activities which are comparable to current exemptions, clarify those activities already exempted, add farm labor housing and other structures which are ancillary to an agricultural operation and are primarily used for agricultural or horticultural purposes. Devise procedures whereby such exemptions will be processed by administrative officers pursuant to N.J.A.C. 7:50-4.34(b) so that local approvals may be subject to Commission review. - CMP.

Recommendation 7.19 The Commission should continue to provide guidance on applications to applicants and municipalities with the ultimate goal of turning day-to-day responsibilities over to municipalities - Admin.

Recommendation 7.22 Inconsistent certificates of filing should specifically indicate that a "call-up" will result if issues are not resolved - Admin.

Recommendation 7.25b Reaffirm the Commission's current practice of coordinating pre-application meetings for major developments with DEPE and, where feasible and appropriate, hold such meetings jointly with Commission and DEPE staff, as well as appropriate county planning and municipal officials - Admin.

Recommendation 7.33b Strongly encourage that applicants be present at all meetings between Commission staff and consultants - Admin.

Recommendation 7.36 Conduct public hearings on applications which seek waivers of strict compliance on the basis of compelling public need - CMP

STORMWATER MANAGEMENT

Recommendation 8.03a Revise CMP standards to require recharge for all impervious surfaces up to a 10-year storm (a storm of this significance would be expected to occur once every ten

years) and the use of 2-, 10- and 100-year storms to control rate
- CMP

Recommendation 8.07 Eliminate CMP standard discouraging infiltration in deep aquifer recharge areas - CMP

Recommendation 8.09b Generally require a minimum separation of 2 feet from stormwater basins to seasonal high water table. Best available technology would be required when site conditions do not permit a 2 foot separation - CMP

Recommendation 8.18 Require a certain percentage of landscaping be done with native species or low maintenance plants when open fields are developed - CMP

Recommendation 8.21 The Commission should require developers to submit stormwater maintenance plans which would be enforced through maintenance bonding - CMP

WATER SUPPLY

Recommendation 9.01 Support legislation to authorize DEPE to implement critical area water supply measures - Admin.

Recommendation 9.03 Coordinate water supply research projects between the Commission, DEPE, and the USGS by holding periodic meetings - Admin.

Recommendation 9.04 Encourage DEPE to identify "preferred" alternatives in the state water supply master plan - Admin.

Recommendation 9.05 The Commission should encourage DEPE to reflect the cooperative DEPE/Commission water supply policy in the state water supply master plan - Admin.

Recommendation 9.06 Encourage DEPE to adopt a statewide water conservation policy - Admin.

Recommendation 9.08a Require water purveyors and municipalities that will be serviced to address water conservation when water supply system developments are proposed - CMP

Recommendation 9.12 More aggressively coordinate water supply policies with affected parties - Admin.

Recommendation 9.14 Revise short-term water supply policy to reference well siting criteria for non-agricultural wells if the Kirkwood-Cohansey is to be used - Admin.

Recommendation 9.17 Revise short-term water supply policy to require that water supply proposals consider regional service needs - Admin.

PINELANDS COMMISSION MEETING

Southampton Township Municipal Building
Route 206 and Retreat Road
Southampton Township, New Jersey

May 7, 1993

Minutes

Commissioners Present

Candace Ashmun, Ann Auerbach, William Brown, Thomas Darlington, John Reynolds, Michael Hogan, Stephen Lee, Brian Lefke, Joseph McGrail, Judith Norcross, and Chairman Richard Sullivan. Also present were Executive Director Terrence D. Moore and Deputy Attorney General Helene Chudzik.

Commissioners Absent

Alan Avery, B. Budd Chavooshian, and Brian McFadden

Chairman Sullivan called the meeting to order at 9:15 a.m.

Deputy Attorney General Chudzik read the Open Public Meetings Act Statement.

Mr. Moore called the roll.

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Sullivan presented the April 2, 1993 minutes for approval. Commissioner Lefke moved that the minutes be approved. Commissioner McGrail seconded the motion. The Commission adopted the minutes by a vote of 11 to 0. Commissioner Brown was not present for the vote.

Executive Director's Report

Mr. Moore stated that a Plan Review Committee meeting will be held directly following the Commission meeting.

Commissioner Lee moved the adoption of the resolution. Commissioner Ontko seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Moore presented the Resolution To Authorize the Executive Director to Purchase Two Notebook Computers to Support the Continued Implementation of the Commission's Local Area Network (LAN). (See Resolution #PC4-93-73 attached).

Commissioner Darlington moved the adoption of the resolution. Commissioner Lee seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Moore presented the Resolution Authorizing the Executive Director to Sign a Memorandum of Agreement with the New Jersey Department of Transportation Region IV to Establish Procedures to Review Development Projects Undertaken by Region IV of the Department of Transportation in the Pinelands Area. (See Resolution #PC4-93-74 attached).

Commissioner Ashmun asked why the MOA is with only a part of a state agency.

Mr. Harrison replied that there are MOA's with many different sections of the Department of Environmental Protection and Energy as well.

Commissioner Ashmun asked if the MOA will be signed by the Commissioner of DOT.

Mr. Harrison replied that it will be signed by a lower level administrator.

Commissioner Lefke moved the adoption of the resolution. Commissioner Auerbach seconded the motion. The Commission adopted the resolution by a vote of 11 to 0. Commissioner Lee was not present for the vote.

Consideration of Other Alternatives to Plan Review Recommendation 4.12C on Resource Extraction

Chairman Sullivan stated that the Commission has heard much testimony from representatives of the industry, and from other interested citizens on this matter and asked that there not be a "rehash" of information presented at previous meetings. He stated that if the present recommendation before the Commission goes forward it will later become the subject of the full process required by the statute.

Mr. William Cleary of the New Jersey Concrete and Aggregate Association stated that the industry presented testimony at the last public hearing on resource extraction. He stated at that

dustry. She stated that is not the fact. She stated that the industry feels if the Commission adopts the restrictions it will be putting the industry out of work. She stated that the Pinelands Preservation Alliance does not believe that will be so. She stated that the Pinelands Preservation Alliance believes that there will be at least a minimum of 5 years of continued mining before anyone loses a single job. She concluded that despite pressures placed on the Commission by economic interests, the Pinelands Preservation Alliance hopes that it doesn't fail to make the important decision before it today. She asked that the Commission protect the Pinelands.

Mr. John Silvi, Chairman of the Concrete and Aggregate Association stated that he is a miner and owns two mines in the Pinelands which are affected by the matter before the Commission today. He stated he has nothing to gain economically by recommendation 4.12C. He stated, however, that he feels it is wrong and that 4.12C is a "taking". He stated that from the time of the beginning of the Pinelands Commission, the mining industry compromised and it is clear that mining has been here for a couple of hundred years. He stated sand is a commodity that is used in everyday life and is needed. He stated that he believes there is a need for a balance. He stated that the industry is regulated and the Commission has to believe in the regulations that the Commission presently has and realize there is now a very good balance. He stated that mining does not destroy the Pinelands and that the sites are reclaimed. He asked that when 4.12C is considered to remember there have been no facts presented whatsoever, to support a position of reducing mining on any property further. He urged the Commission to vote against the proposal.

Mr. Moore stated that the Commission has been presented with four alternatives that the Plan Review Committee had requested. He stated that it is his understanding that a member of the Commission has a motion to present on the subject today.

Commissioner Ashmun stated that she has spent a great deal of time reviewing the testimony received, and it seems that the Commission should change its direction to the staff on this matter. She stated that the Commission should delete 4.12C as a policy recommendation, but adopt 4.12A with some amendments. She stated that her motion will prohibit new resource extraction operations in the Forest Area and allow expansion of existing operations in the Forest Areas to the limits of property lines described in their existing permits, while postponing further discussion of any other expansion limitations to the Plan Review five years hence.

She moved to delete 4.12C as a policy recommendation and adopt 4.12A which would prohibit new resource extraction operations in the Forest Area with the following modifications:

1. existing mines in the Forest Area may expand to the property lines indicated on presently approved applications on file at the Commission;
2. the proposed limitations on expansion on existing mines in the Preservation and Forest Areas to be postponed until the Commission's next full review of the Comprehensive Management Plan; and
3. the Commission requests that resource extraction industry financed studies be independently undertaken based on a work plan jointly prepared by the industry representatives, Commission staff, and the Division of Pinelands Research at Rutgers University. The study should cover the ecological implications of mining and the reclamation of mining sites.

Commissioner Darlington seconded the motion.

Commissioner Hogan asked how does Commissioner Ashmun's motion affect the actual proposed language the Commission has been reviewing.

Mr. Moore replied that all of the expansion limitation wording would disappear as draft language before the Commission. He stated that this motion, if adopted, only results in the prohibition of new mines in the Forest Area. He stated that the entire section would be rewritten and submitted to the Plan Review committee.

Commissioner Brown stated that he thought that permitting was just in sections.

Mr. Moore replied that applications identify the property line and that is what would be eligible for the expansion. He stated that that may not be the entire holdings of a company if they are separate from the existing mine property that is identified on the application. Noncontiguous property would constitute a new mine, he stated.

Chairman Sullivan stated that the Commission is considering a motion to state policy and that staff must properly adjust the regulatory language to reflect any decision. He stated that specific language should not be drafted here.

Mr. Moore stated that staff's understanding of the impact of the motion is that staff would revise the resource extraction section that is presently before the Plan Review committee and delete the language that limits expansion in least disturbed sub-basins.