

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/watch?v=yoAU4sPWr8g>

Meeting ID: 851 9447 2134

Richard J. Sullivan Center

15C Springfield Rd

New Lisbon, New Jersey 08064

September 29, 2023 - 9:30 a.m.

MINUTES

Members in Attendance – Alan W. Avery, Jr., Jerome H. Irick, Chair Laura E. Matos, Mark S. Lohbauer, Douglas Wallner

Members Absent – Theresa Lettman

Commission Staff in Attendance – Gina Berg, Ernest Deman, April Field, Marci Green, Susan R. Grogan, Paul Leakan, Trent Maxwell, Stacey Roth, and Steven Simone. Also in attendance was Janice Venables of the Governor’s Authorities Unit.

1. Call to Order

Chair Matos called the meeting to order at 9:01 a.m.

2. Adoption of the minutes from the August 25, 2023, CMP Policy & Implementation Committee Meeting

Chair Matos asked for a motion to adopt the minutes of the August 25, 2023, CMP Policy & Implementation Committee meeting. Commissioner Lohbauer made the motion. Commissioner Avery seconded the motion. All members voted in favor.

3. Consideration of an additional extension of the 2019 First Amendment to Memorandum of Agreement between the Commission and the South Jersey Transportation Authority relating to the Atlantic City International Airport

Stacey Roth, Chief of Legal and Legislative Affairs, gave a presentation on the request by South Jersey Transportation Authority (SJTA) to grant an extension of time for the 2019 Amended Memorandum of Agreement (AMOA) with the Commission. (*Presentation A to these minutes and available on the Commission’s website at*

<https://www.nj.gov/pinelands/home/presentations/SJTA%20Presentation%209-29-23.pdf>).

Ms. Roth reviewed the history of the original MOA executed in 2004 and the amended MOA executed in 2019. She said that the MOA was executed to allow development to occur at the

SJTA airport that deviates from the standards of the Comprehensive Management Plan (CMP) with certain offsets including establishment of a Grassland Conservation and Management Area (GCMA) to mitigate impacts to Threatened and Endangered (T&E) bird species habitat and Frosted Elfin butterfly habitat. In the 2004 MOA, the SJTA agreed to create the GCMA on the Atlantic City International Airport property.

In 2019, SJTA requested an amendment of the MOA. The Federal Aviation Administration (FAA) had changed its guidelines to prohibit grassland bird habitat from being maintained at the airport. The SJTA presented information on bird strikes around grassland habitat located near airport runways. In response, the Commission and the SJTA negotiated the AMOA. The AMOA requires creation and deed restriction of a new GCMA offsite. The AMOA also required payments totaling \$3 million to be paid annually in six increments to the Commission's Pinelands Conservation Fund (PCF). The sixth and final payment is expected in January 2024.

Ms. Roth's presentation described the status of the SJTA's GCMA obligations. The site for the GCMA was acquired through a separate agreement between SJTA and Atlantic County. The site in Hamilton Township was acquired, but the presence of an Atlantic City Electric (ACE) utilities easement onsite complicated the terms of the Deed of Conservation Restriction (DCR). The easement is part of the Commission's Electric Transmission Right-of-Way Vegetation Management Plan, and the deed language required the utility to follow the plan's prescriptions for this particular span. The deed is prepared, but the SJTA needs additional time to record it. The SJTA has asked to extend the deadline to April 16, 2024, which will coincide with the deadline for establishment of the GCMA.

Ms. Roth requested that the Committee recommend the matter to the full Commission for approval of the extension. Commissioner Irick made the motion. Commissioner Lohbauer seconded the motion. All members voted in the affirmative.

4. Presentation by Commissioner Lohbauer on Enduro Racing in the Pinelands

Commissioner Lohbauer gave a presentation on his concerns with Enduro Racing in the Pinelands (*Presentation B to these minutes*). He thanked Chair Matos and Executive Director (ED) Susan Grogan for allowing the presentation and Al Horner for raising the issue.

Commissioner Lohbauer described Enduro Racing events he attended. He said these events are offroad motorcycle races that follow a single-track prescribed course through state forests and sometimes private land. He discussed impacts to trails, sound levels, and air quality. The events are promoted by member organizations, specifically the East Coast Enduro Association (ECEA), and date to at least the 1960s. These events are permitted by the New Jersey Department of Environmental Protection (DEP) and the Commission.

Commissioner Lohbauer shared details about the schedule and route locations for Enduro races in 2023. All New Jersey events are scheduled in Pinelands state forests. He said ECEA stresses that riders are required to follow designated trails during the event and that they are asked not to return to the course on another date. Commissioner Lohbauer said many riders do end up coming back outside of regular events, though it is difficult to determine if these are ECEA members.

He shared a video that he had taken of the Sandy Lane event. He said about half of the riders come from New Jersey, while the other half come from out of state. He said the Pinelands Enduro races are the only races on the East Coast between Virginia and Rhode Island.

Commissioner Lohbauer said approximately 1,050 participants attended the three spring 2023 meets. He said most of the money generated by the events is collected by the member clubs and estimated that the three events generated \$56,465 in fees for ECEA. The DEP collects a small fee, and the Commission collects a \$250 application fee.

Commissioner Lohbauer shared a DEP map of existing roads and trails approved for Enduro use in Brendan Byrne State Forest. He said the map introduces new areas for Enduros to ride. He said the DEP collaborated with Commission staff to create the map, and that Commission staff ensured Pinelands wetlands and T&E species were adequately protected. Enduro groups use these maps to create race routes, which must then be approved by the DEP and Commission. The creation of new roads is not permitted. He read a post from the ECEA website describing riding on virgin trails. He said virgin trails are not a part of what the Commission authorizes for these events.

Commissioner Lohbauer said there is no grandfathered right of any organization to hold these events, and the Commission has the responsibility to exercise its authority in allowing the events.

Commissioner Lohbauer said he has four requests of the Committee: he asks for Commissioners to be included in any DEP process to designate regions of the Pinelands as appropriate for Enduro events, consider that any use that disturbs the quiet are not consistent with other uses of the Pinelands, consider further restrictions on races to be more compatible with the agency's mission, and reconsider authorizing events that consume fossil fuels and generate CO2 emissions.

Commissioner Wallner asked if there are any weather parameters that limit an event, noting that in very wet weather there could be the potential for more damage. Commissioner Lohbauer said he had no information on that issue.

Commissioner Avery said historically the Commission determined to allow racing and assigned responsibility for regulating it to the Commission staff who are the experts in determining appropriate routes. He said the staff has been appropriately implementing those rules for several years. He said in this diverse state, people choose to recreate in different ways and Enduro events are the choice for some. They also pay taxes. He said the Enduro race events follow the rules established in the CMP and by DEP. He said if Enduro events were banned, he suspected that more people would simply ride without being regulated.

Commissioner Lohbauer said he is not questioning the staff's ability to regulate the events, nor is he accusing Enduro riders from deliberately going off track. He said he is interested in discussing whether Enduro Racing is an appropriate use of the forest at all. Commissioner Avery said there would be many different views on that debate.

Commissioner Irick commended Commissioner Lohbauer on the presentation, and said he was

amazed at the number of events held in New Jersey versus events held in other nearby states. He expressed concern about the number of events in New Jersey. He said he was especially amazed by the money generated for Enduro clubs from these events. He said he would like to raise application fees and reduce the number of events.

Chair Matos thanked Commissioner Lohbauer for the presentation. She said there could be further discussion of increased application fees. She cautioned against making broad statements about the Enduro races and said that the area sees indirect economic benefits from visitors attending the event.

ED Grogan said the Commission spent a significant amount of time discussing fees and requirements for Enduro events several years ago and could reassess the topic. She said it was controversial in the past and did not proceed. She said staff met with representatives from the Enduro community on numerous occasions to discuss permit fees, mapping, route monitoring, etc.

Commissioner Irick said he would be interested to learn how many events are taking place now as opposed to five years ago.

5. Review of draft amendments to the Comprehensive Management Plan related to application fees and expiration of Certificates of Filing and Waivers of Strict Compliance

ED Grogan gave a presentation on draft CMP amendments related to fees and expiration dates (*Presentation C to these minutes and available on the Commission's website at https://www.nj.gov/pinelands/home/presentations/Fees%20%20%20expirations%20PI%209_%2029.pdf*).

She described proposed changes to application fees for applications to resolve outstanding violations, for Letters of Interpretation (LOIs) not including Pinelands Development Credits (PDCs), and for Waivers of Strict Compliance. She said this package of proposed amendments would also establish expiration dates for Certificates of Filing (CFs) and pre-1992 Waivers of Strict Compliance.

ED Grogan said the fee changes are intended to reflect the amount of staff time spent resolving outstanding violations and conducting field work for LOIs on matters that do not involve PDCs, such as wetlands delineations. She said there is no change proposed for PDC LOI applications and those would continue to have no application fee. An increased fee for an application involving resolution of an identified violation would be assessed as follows: \$1,000 for major development and \$500 for minor development. The application fee for LOIs on wetlands and wetlands buffers would be set at \$1,000 plus \$100 per acre.

ED Grogan discussed the challenges for both applicants and staff caused by the lack of expiration dates for CFs and pre-1992 waivers. Applicants rely on very old CFs and waivers, and that creates problems because the proposed development no longer complies with current zoning regulations or other more recent rules like alternate septic or stormwater standards. The proposed amendments would provide that CFs issued before January 1, 2004, are expired and that CFs

issued on or after January 1, 2004, expire after five years. She said that other documents that have been issued to show an application was completed with the Commission, such as Certificates of Compliance or Completeness, would also expire on the same schedule.

ED Grogan then reviewed Waiver expirations. The rule amendment would set an expiration date for any Waiver issued prior to March 1992 and the expiration date would be one year after this rule amendment is adopted. She said the Commission will attempt to notify all applicants or current owners of those old Waivers of the upcoming expiration and to explain the option of applying for a new Waiver.

Commissioner Irick said he could see the difficult position related to 20-year-old approvals. He said the expiration date should be five to seven years and not reference a specific date because rules change. He asked what type of application consumes the most staff time and if ways to reduce staff time are considered. ED Grogan said most applications are for the development of one or two homes. There are then larger residential subdivisions and large nonresidential developments.

Commissioner Irick said it would be helpful to reduce the amount of time spent on those projects, and that the Commission often ends up doing much of the municipality's work. He asked if the fees completely cover the cost of staff time. ED Grogan said no, and that this was a deliberate choice made by the Commission when the fee requirements were originally adopted in 2004. The institution of application fees was controversial.

Commissioner Irick said municipalities charge based on the number of hours spent on the application. The applicant is required to post an escrow, and once that money has been exhausted by the municipal review, additional escrow funds must be posted. ED Grogan said the CMP does contain escrow provisions that can be utilized for more complicated applications.

Ms. Roth said the Commission intended to recoup about 50% of staff time spent when the fee rules were adopted in 2004.

Commissioner Irick suggested looking at bonding for upcoming large warehouse and solar developments.

Commissioner Avery asked if the Commission has the legal ability to retroactively apply deadlines to old CFs and waivers. Ms. Roth said yes, and that if notice is provided it is like a rule change. Commissioner Avery asked what happens if the Commission misses notifying someone who relies on an expired CF or Waiver. Ms. Roth said there is case law that found that an agency must provide notice to the best of its ability. ED Grogan mentioned these are not expirations for approvals; they are expirations for CFs and the Commission will issue notices and attempt to reach people. Ms. Roth said waiver recipients have had ample time to exercise those rights.

6. Public Comment

Jason Howell of the Pinelands Preservation Alliance (PPA) mentioned a resolution passed by Pemberton Township that is eliminating routine, free bulk waste pickup. He said this will create

a significant issue for illegal dumping in Pemberton Township and Brendan T. Byrne State Forest. He said he has helped clean up substantial amounts of illegal dumping in the Township.

Mr. Howell asked if the Commission has a definition for what constitutes an Enduro. Ms. Grogan said no. He said Enduros are rule-based timekeeping events and that the intention is to keep an average speed. He said it is difficult to oversee Enduro activities without a formal definition of one. He said he deals with the impacts of illegal dirt bike usage in the Pinelands, and that there has been a noticeable expansion in illegal single-track trails. These are the most desirable trail type for Enduro use. He said the density of plow lines in Brendan T. Byrne State Forest is extreme and this is favorable for Enduro use; racers can use GPS at the enduro event to retrace their routes and illegally ride at times when T&E species are active.

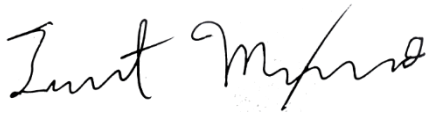
He said the PPA held discussions with the ECEA and came to joint understandings, but few were actively implemented by the DEP. He said volunteer groups have worked with state forest personnel to remove illegal tracks and that it is a substantial and recurring effort.

Fred Akers, Director of the Great Egg Harbor Watershed Association, commended Commissioner Lohbauer's presentation on Enduro Racing in the Pinelands. He said the Federal Highway Administration (FHWA) provided New Jersey with \$1.2 million as part of the recreational trails program in 2020. He said 30% of that is set aside for motorized recreation, and that DEP has been able to apply for that funding to maintain trails and roads on state lands. He said to keep up the good work.

Chair Matos closed public comment at 11:01 a.m.

Chair Matos asked for a motion to adjourn the meeting. Commissioner Lohbauer gave the motion. Commissioner Irick seconded. All members voted in the affirmative. The meeting was adjourned at 11:01 a.m.

Certified as true and correct:



Trent R. Maxwell, Planning Technical Assistant

Date: October 17, 2023

P&I Committee
Meeting

September 29,
2023

South Jersey Transportation
Authority

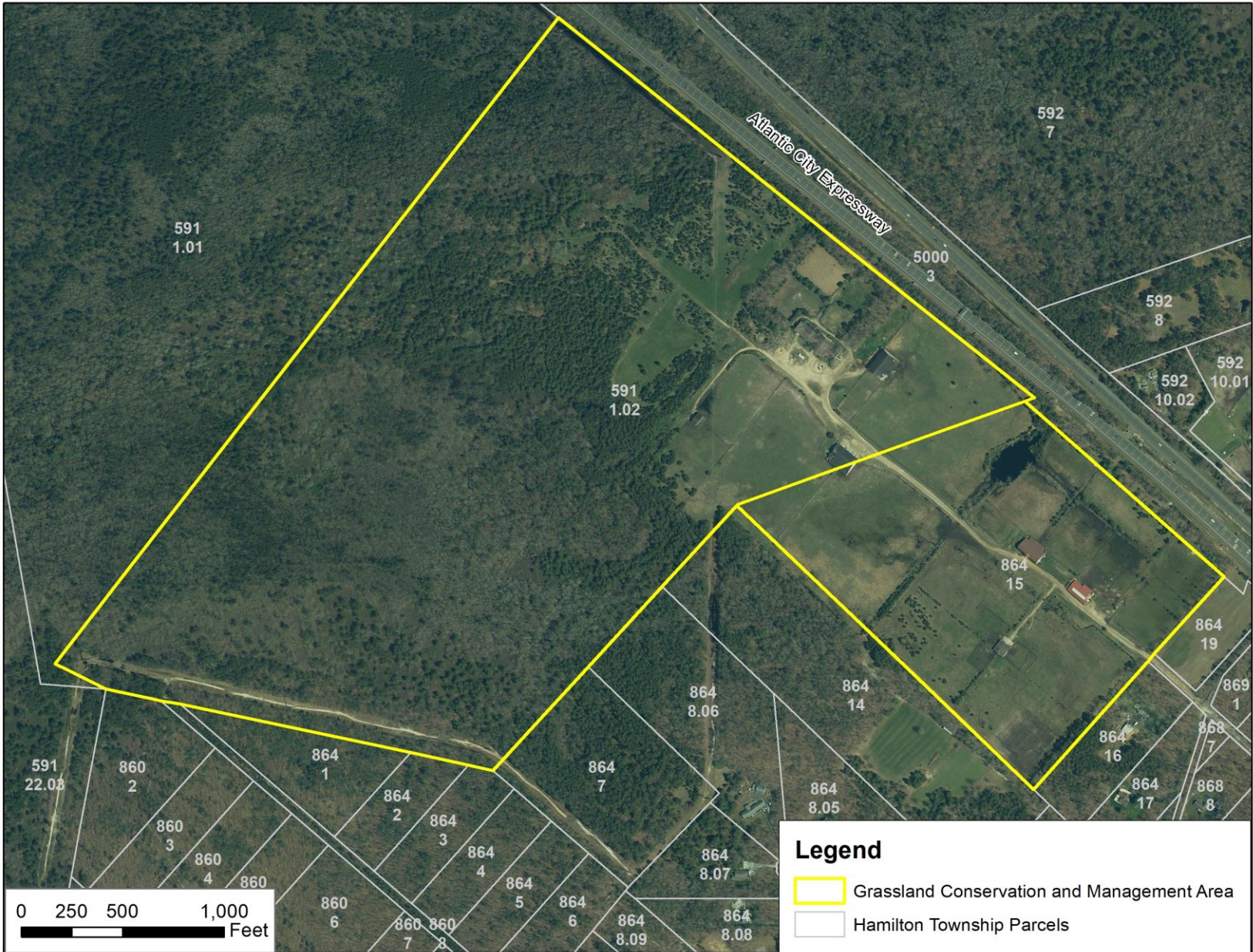
Request for Extension of
Deadline to File the Deed of
Restriction

Status of GCMA Obligations

1. Land for New GCMA Site Acquired December 21, 2021
2. Public Development Application Approved by the Commission on August 12, 2022
3. NJDEP, Division of Forestry issued a Conditional Approval under the No Net Loss of Forest Act on June 6, 2023

Status of GCMA Obligations

4. NJDEP issued a Flood Hazard Control Act IP and Verification on July 13, 2023
5. SJTA awards construction contract for development of the GCMA on July 19, 2023
6. Commission issued FWPA GP on August 16, 2023
7. Construction was to commence October 2023.



Extension Request

- September 19, 2023 SJTA submitted a request for an extension of the April 16, 2023 Deadline for the Filing of a Deed of Conservation Restriction for the new GCMA site.
- Development of the Deed Restriction has been delayed as Atlantic County, on behalf of SJTA, has worked with ACE re: terms of the Deed Restriction.
- Language is almost finalized.
- SJTA has asked to extend the deadline to April 16, 2024, which is also the deadline for completion of construction of the GCMA



Enduro Racing in the Pinelands




A brief background



- What Enduro racing in the Pinelands is: off-road motorcycles following a “single-track” prescribed course, usually in State forests, but sometimes on private land, in an individually-timed race, in events that are sanctioned by the NJ DEP and the NJ Pinelands Commission
- What it is not: unauthorized utilization off-road motor vehicles in the Pinelands that is subject to law enforcement
- The activity is promoted by a member organization, the East Coast Enduro Association (ECEA), that derives revenue from each event.
- Enduro racing in the Pinelands predates the Pinelands Act, dating back to the mid-1960’s, although the Sandy Lane Enduro claims start in 1938.

NEXT SLIDE

<p>CHAMPIONSHIP ENDURO SERIES Powered by REVZILLA Best 12/Minimum 6 Events (See Rules)</p> <p>Rd 1 - 3/12 Greenbrier (TCSMC) - NJ Rd 2 - 3/19 Curly Fern (SJER) - NJ Rd 3 - 3/26 Sandy Lane (MMC) - NJ Rd 4 - 4/2 Pine Hill (CJCR) - NJ Rd 5 - 6/11 Pine Glen Farms (RRMC) - NY Rd 6 - 6/25 Shotgun (HMDR) - PA Rd 7 - 7/9 Barbed Wire (STER) - NY Rd 8 - 7/23 Rattlesnake Nat'l (BER) - PA Rd 9 - 7/30 Foggy Mountain (DVTR) - PA Rd 10 - 8/6 Three Springs (GMER) - PA Rd 11 - 8/20 Ithaca (IDR) - NY Rd 12 - 8/27 Beehive (CDR) - NJ Rd 13 - 9/10 Michaux (SPER) - PA Rd 14 - 9/17 Moonshine (VFTR/RORR) - PA Rd 15 - 10/22 Scrub Pine (OCCR) - NJ Rd 16 - 11/12 StumpJumper (MCI) - NJ</p> <p>Format Key: <i>Timekeeping - Restart - Sprint</i></p> <p>Series Director: Merle Compton, (609) 560-1713 Series Referee: Ron DeCaro, (609) 868-1876</p>	<p>DUAL SPORTS Non-Competitive</p> <p>2/26 Ice Breaker (SJER) - NJ 8/19 Michaux (DVTR) - PA 10/8 Reading (RORR) - PA 11/4 & 11/5 Hammer Run Nat'l (TCSMC) - NJ 11/26 - Pine Barons (PBER) - NJ</p> <p>FUN DAYS/SPECIAL EVENTS ECEA Non-Competitive/Non-Sanctioned</p> <p>3/18 Squirrely Fern Jr. Enduro (SJER) - NJ 5/27 & 5/28 Tough Like RORR Hard Enduro (RORR) - PA 5/29 Locked & Loaded Hard Enduro (HMDR) - PA 6/24 & 6/25 CDR Fun Day (CDR) - NJ 9/2 & 9/3 HMDR Fun Day (HMDR) - PA 12/3 Dirty Santa Fun Day (DVTR) - PA</p>  <p>WWW.REVZILLA.COM</p>	<p>CHAMPIONSHIP HARE SCRAMBLES SERIES Powered by REVZILLA Two Day (Youth & Adult) Two Throways/4 Minimum Events (See Rules)</p> <p>Rd 1 - 4/15 & 4/16 Tri-County (TCSMC) - NJ Rd 2 - 5/6 & 5/7 Ormond Farms (CDR) - NJ Rd 3 - 5/20 & 5/21 StumpJumper (MCI) - NJ Rd 4 - 6/3 & 6/4 Broken Anvil (GMER) - PA Rd 5 - 6/17 & 6/18 Reading (RORR) - PA Rd 6 - 7/15 & 7/16 OxBo (SPER) - PA Rd 7 - 8/12 & 8/13 Shotgun (HMDR) - PA Rd 8 - 9/23 & 9/24 High Steaks (DVTR) - PA Rd 9 - 9/30 & 10/1 Ridge Mtn (RRMC) - NY Rd 10 - 10/14 & 10/15 Fall Brawl (MMC) - NJ Rd 11 - 10/28 & 10/29 Sahara Sand (PBER/SJER) - NJ</p> <p>Series Director: Dave Glenn, (302) 530-3802 Series Referee: Dave Glenn, (302) 530-3802 Youth Series Chair: Joe Young, (610) 781-1499</p> <p><i>For further information about the ECEA, please visit us on the web at: www.ecea.org or Facebook.</i></p>
--	---	--

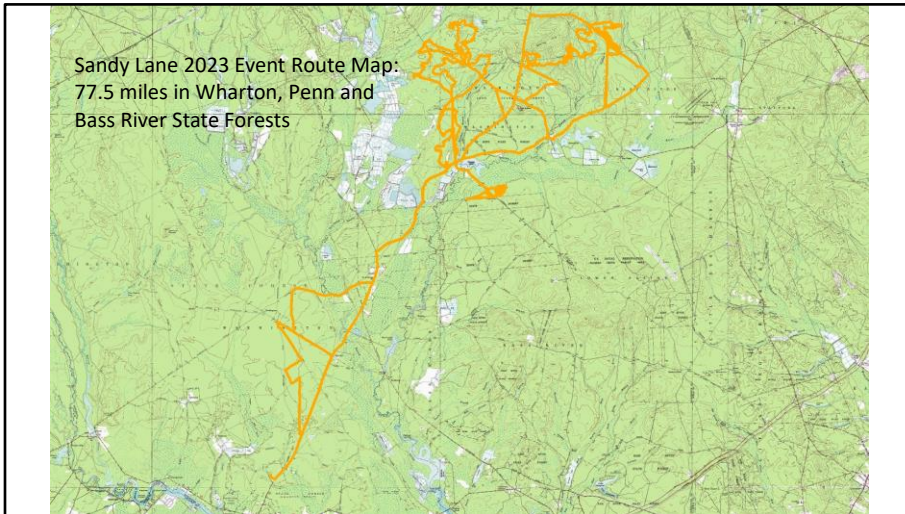
Here is a schedule of events hosted by East Coast Enduro Association for 2023. Some are in NJ, others in PA and NY.

The NJ events—which are all in the Pinelands, mostly in state forests—are:

- 7 Enduro events
- 3 Dual Sports events
- 2 Fun Days/Special events, and
- 5 Championship Hare Scramble events

(All of those events involve dirt bike motorcycles.)
 That’s a total of 17 events this year held on 24 days.

NEXT SLIDE



Every Enduro event plans its own, new single-track course that will seek to include some existing forest disturbances, like firebreaks. The course is shared with riders on the day of the event.

This event's nearly 80-mile course took several hours to complete. With staggered starts of 5 riders every few minutes, it took nearly two hours to get the entire field of 451 riders started on the course. The event lasted from 8:00 a.m. to 5:00 p.m.

They are all supposed to follow the prescribed single-track course, with riders following one another going over and over and over the track, again and again. It widens and deepens as the riders multiply, cutting deep ruts into the forest that do not get repaired.

Often a rider will miss a marked turn on the course and go off in an unauthorized direction, sometimes continuing for a mile or more before realizing the error and returning.

I watched one early turn location where about 25% of the riders continued straight rather than making a right turn down a firebreak. This expands the damage to forest habitat into areas that were not permitted by our event approval.

ECEA rules stress that riders who participate in these events are only authorized for the permitted event and are not authorized to return to ride the course on another date... however, we know that many riders will do precisely that. Whether these are ECEA group members we can't say, but the rutted tracks and limited enforcement are an open invitation to many people to ride their dirt bikes on these trails whenever they please.

NEXT SLIDE

Sights, smells and sounds



This is the starting gate. Riders line up 5-abreast and each minute, a new wave of 5 riders is launched. They keep forming this way until all 451 riders are started.

The whole time, engines are revving, and the noise reverberates through the forest as the line of riders stretches out for the 80 mile track. As you can hear, the noise is deafening—quite the counterpoint to the solitude of the scrub pines and bog meadows.

The smell of the engine fumes and the smoke of the exhaust hang in a pall over the forest, converting the clear, bright blue sky and pine scented woodland into the stink of the Jersey Turnpike.

As the hundreds of riders work their way through the forest, they gouge deep ruts into the sand, uncover layers of soil, snap trees and bushes, damage habitat and generally cause disturbances that no one will return to repair.

NEXT SLIDE



About half of the Enduro riders at our Pinelands events come from New Jersey.

The others come from out of State. Registered riders also came from:


- Pennsylvania
- Delaware
- Maryland
- West Virginia
- New Hampshire
- Virginia
- Massachusetts
- Connecticut

Here is just a sampling of the out-of-State license plates I saw in the parking area of the Sandy Lane Enduro event—as you can see, people are coming from Texas, Florida, Missouri, New York, Maryland, and Pennsylvania.

I didn't show a sample of the many vehicles from Delaware, because I wanted to give Delaware its own slide...

NEXT SLIDE

Some
States
don't
allow
Enduros
on public
land



Delaware Enduro Riders

Where To Ride In Delaware

There are no public lands available for off-road motorcycling in Delaware. Please do not ride on land for which you do not have permission. When you do, you only make land use more of a problem for yourself and all other off-road motorcyclists in the state.

[Return to DER home page](#)
Copyright © 2022 Delaware Enduro Riders, Inc.
Questions or comments - E-Mail postmaster@delawareenduroriders.com.
Most recent revision July 6, 2022.

The State of Delaware has 5 State Parks, and other public lands. Enduro events are not permitted on any of them.

As a result, Delaware Enduro riders come to the Pinelands, as well as to events in Pennsylvania, to pursue their sport.

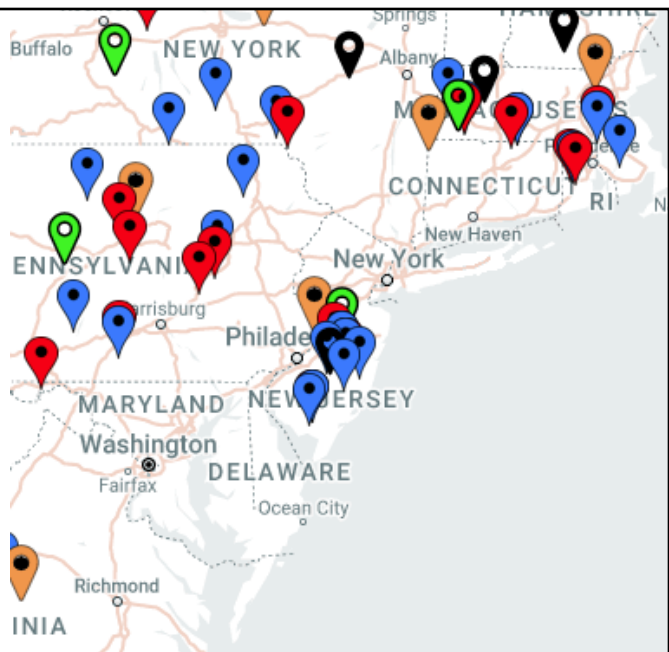
The State of Maryland has 11 total State forests. They have identified specific trails in just two of them (Potomac-Garrett State Forest, and Savage River State Forest) which are made available to off-road vehicles and snowmobiles during certain times of year. The combined total amount of trail length is less than 50 miles. They do not host any Enduro events. See: <https://dnr.maryland.gov/forests/Pages/orv/trails.aspx>

NEXT SLIDE

Enduro events in our region 2023

Map key:
Blue=Enduro event
Orange=Harescramble event
Red=Dual Sport event
Green=Adventure event

Map copied from *usdualsports.com*



Among nearby States in the Northeast region, apart from the Pinelands of NJ, the only other areas that host Enduro events are western PA, upstate NY, and Massachusetts.

There are only 3 events in northern Connecticut. None in Delaware, or Maryland. Or in eastern Pennsylvania. Or in the metro NYC area. So—from Providence, Rhode Island down to Richmond, VA and from the Atlantic Coast west to Harrisburg, PA, the only Enduro events held are in the Pinelands.

NJ's Pinelands has become a magnet for Enduro riders across the region.

NEXT SLIDE

Who gains?



There have been three enduro events in the Pinelands in the past month.

Curly Fern on March 19th in Wharton State Forest

Sandy Lane (the one I attended) on March 26th part in Wharton, part in Penn State Forests.

Pine Hill on April 2, 2023 in Brendan T. Byrne State Forest.

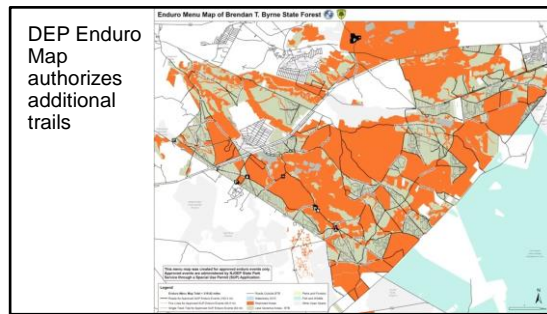
Here are the combined totals for these 3 events:

- 1,051 riders participated
- 88,726 total miles ridden
- \$56,465 collected in registration fees from the riders

Those registration fees benefited the East Coast Enduro Association, and the local member clubs that hosted their respective events.

DEP collects a small fee for State Park use, and the PC collects a \$250 filing fee.

NEXT SLIDE



Over the past year, the DEP has been working on a new map opening new areas of Brendan T. Byrne State Forest to Enduro events. This addresses an interest of the Enduro community that they want new areas, “virgin trails” to exploit for their events. The light-green shaded portions are forest areas that the DEP has deemed to be “less sensitive areas” of the forest that would be appropriate for the impacts of Enduro races. Those sections were actually suggested to DEP by the Enduro clubs (who participated in this mapping process) as places where their members had operated in years past.

The DEP apparently plan on creating maps like this for all of the State Forests in the Pinelands.

The first event in these new areas was held in April: the Pine Hill Enduro. Here is an account of that event from the East Coast Enduro Assoc’s website (<https://ecea.org/blog/2023-04-04-on-your-minute-pine-hill-enduro-2023/>)

“There were rumors going around for a few months that the CJCR crew were up to something big this year. “Did you hear they are going to do a start control this year?” , “I heard they got access to new land”. “I got a buddy in the club who said they have a 10 mile section in the works”. It all sounded good and exciting and as more rumors became facts it became more exciting. Then Pine Hill sold out for the 1st time in as long as anyone could remember. Now it was time, sold out, rumors flying, peak excitement for weeks leading up to the race. The stage was set, would Pine Hill and the CJCR crew Deliver?

YES! YES! HOME RUN! GRAND SLAM!

Let’s call it what it is. CJCR went from an Enduro that was 33 miles of whoops, then lunch, then 33 more miles of the exact same whoops. To a bad ass and super fun Enduro of 6 sections of single track, fire cuts, lots of virgin woods trials, some tight stuff, some sand, some whoops and a damn near 10-mile section of everything thrown in at the end. Holy Hell, where’s the Tylenol!

In one year, Pine Hill went from a race that most of us only did for points to a “must do” event that is going to sell out every year moving forward. Yes, I’m gushing over this race- Because I loved it !! and so did all my friends who rode it! It was a blast! I can’t say enough about the time and work the CJCR crew put into turning this event around. None of what they did was easy and it sure wasn’t done in a year. They were persistent and dedicated to bringing this race back and it payed off big time. Pine Hill is back on the map and if you missed it- man did you miss it!”

NEXT SLIDE



Our mission is defined in the CMP:

"... to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities *consistent with that purpose.*"

In many areas our responsibility coincides with that of the NJ Department of Environmental Protection, but it is not subject to that department. We have autonomous jurisdiction over the Pinelands.

In the matter of Enduro racing, we have the authority to permit—or not to permit—their events. That authority is sought for each event, every year. There is no grandfathered right of any organization to hold these events.

We have the responsibility to be proactive in monitoring and permitting these events. We have a responsibility to exercise that authority, and not to defer or relegate it. My own observation of these events has led me to question whether we should permit them at all. I would like to see my fellow Commissioners, beginning with this Policy & Implementation Committee, evaluate for themselves whether we should continue to approve these events.

Finally I'd like to note that the NJ DEP also has a responsibility to collaborate with us in regulating this activity. As shown in the last slide, the DEPI, after a process that included Enduro clubs but did not include the Pinelands Commission staff to my knowledge, the DEP designated an area of Brendan T. Byrne State Forest as appropriate for single track motorcycle events. In my view, this action will streamline the permitting of motorcycle racing events in the Pinelands, and will likely spur an increase in these events. I understand that it is the DEP's intention to expand this program to designate additional areas in other State Forests in the Pinelands for motorcycle racing activity.

I'd like to ask this Committee to review these matters to:

1. Determine whether the Pinelands Commission should be included in any NJ DEP process to designate any public areas in the Pinelands as appropriate for motor vehicle events;
2. Question whether motor vehicle events—an activity that generates substantial noise and air pollution, damages forest habitat, creates an obstacle to the quiet and peaceful enjoyment of our State Forests by New Jersey citizens—can possibly be consistent with the purpose of our mission;
3. Question whether, if motor vehicle events are consistent with our mission, they should be further restricted in some ways to make them more compatible with our mission; and
4. Question whether, in this era of climate crisis, it is appropriate for the Commission to authorize motor vehicle events in the Pinelands that unnecessarily consume fossil fuels and generate CO₂ and other pollution in the forest.

END

Fees and Expiration Dates Draft CMP amendments



Policy & Implementation Committee
September 29, 2023

CMP Amendments

Application fee changes

- To better reflect staff time spent reviewing certain types of applications

Establishment of expiration dates

- Certificates of Filing
- Pre-1992 Waivers of Strict Compliance

Fees: Outstanding violations

N.J.A.C. 7:50-1.6(e)3

Current Rule

- Fee rules do not recognize extensive staff time required to review applications involving identification and resolution of outstanding violations

Proposed Change

- Increase development application fees for applications submitted to resolve violations:
 - **\$1,000** for **major development** application
 - **\$500** for **minor development** application

Fee caps: outstanding violations

N.J.A.C. 7:50-1.6(e)6

Current Rule

- Application fees are capped at:
 - \$50,000 for private development applications
 - \$25,000 for public development applications
 - \$500 for tax exempt organizations

Proposed Change

- Add language clarifying that fee caps do not apply when an increased fee is required to resolve an outstanding violation

Fees: Letters of Interpretation (LOIs)

N.J.A.C. 7:50-1.6(h)4

Current Rule

- No fee for PDC LOIs
- Fee for all other LOIs or amended LOIs has been \$200-\$250 since 2004

Proposed Change

- No change: PDC LOIs remain free of charge
- **Establish specific fees for wetlands-related LOIs**
- Increase fee for all other LOIs or amended LOIs to **\$500**

Fees: Letters of Interpretation (LOIs)

N.J.A.C. 7:50-1.6(h)2

Current Rule

- \$250 fee required for all non-PDC LOIs.

Proposed Change

- Establish fee of **\$1,000** for LOI or Amended LOI to determine presence or absence of wetlands or wetlands transition (buffer) areas
- Consistent with NJDEP wetlands LOI fees

Fees: Letters of Interpretation (LOIs)

N.J.A.C. 7:50-1.6(h)3

Current Rule

- \$250 fee required for all non-PDC LOIs.

Proposed Change

- Establish a specific fee for LOI or Amended LOI to verify a wetlands line or to determine extent of any required wetlands transition (buffer) areas: **\$1,000 plus \$100 per acre** of the parcel
- Consistent with NJDEP wetlands LOI fees

Fees: Waivers of Strict Compliance

N.J.A.C. 7:50-1.6(e)2

Current Rule

- No additional fee required for applications requiring a waiver of strict compliance
- No fee required for “renewal” of an expired waiver

Proposed Change

- Increase development application fee by \$250 for applications requiring a new or “renewed” extraordinary hardship waiver
- No increased fee for waiver applications submitted solely to qualify for state acquisition under the Limited Practical Use program

Expiration Date: Certificates of Filing

N.J.A.C. 7:50-4.34(c)

Current Rule

- Certificates of Filing do not expire and are transferable to future applicants and property owners.

Expiration Date: Certificates of Filing

N.J.A.C. 7:50-4.34(d)

Proposed Change

- Certificates of Filing issued prior to 1/1/2004 will be deemed expired and may no longer be used by applicants seeking municipal/county approvals. Submission of new development applications to the Commission will be required.

Proposed Change

- Certificates of Filing issued on or after January 1, 2004 will expire after **5 years**, unless the applicant has used the CF to obtain municipal/county approval and that approval has been reviewed and allowed to take effect.

Expiration Date: Certificates of Filing

N.J.A.C. 7:50-4.34(c)

Justification

- Municipal zoning and CMP standards change over time. The proposed development described in a CF may no longer be permitted or consistent with environmental standards. Staff review of a new application is necessary to make this determination.
- 5 years is a reasonable period of time within which to expect an applicant to obtain municipal or county approvals.

Expiration Date: Waivers of Strict Compliance (extraordinary hardship) N.J.A.C. 7:50-4.70(e)

Current Rule

- Waivers approved under former N.J.A.C. 7:50-4.66(a) 1, repealed on **March 2, 1992**, have no expiration date.

Proposed Change

- Waivers approved under former N.J.A.C. 7:50-4.66(a) 1, repealed effective March 2, 1992, **will expire one year from the effective date of the amendments.** After that date, new waiver applications will be required and reviewed under current CMP standards.

Expiration: Waivers of Strict Compliance (extraordinary hardship) N.J.A.C. 7:50-4.70(e)

Justification

- “New” waiver regulations took effect in March 1992 that defined “substantial impairment” of Pinelands resources. Extraordinary hardship waivers granted under the 1992 rules are valid for 5 years.
- Extraordinary hardship waivers granted under the **pre-1992** regulations were not assigned an expiration date. These waivers are now over 30 years old and many violate the substantial impairment standards.
- Ample time has been provided for applicants to proceed with development in accordance with their approved waivers.

Questions?

