



# NEW JERSEY PINELANDS COMMISSION

## MONTHLY MANAGEMENT REPORT



A fiery sunset over a farm field in the Town of Hammonton in December

# DECEMBER 2021

# 1 EXECUTIVE OFFICE

---

## 1.1 ACTING EXECUTIVE DIRECTOR

### 1.1A COMMITTEE MEETINGS

- **Personnel & Budget Committee:** The Committee did not meet in December.
- **Pinelands Climate Committee:** The Committee met on December 1, 2021. The Committee received updates from the staff about two FY2022 initiatives: design and installation of a rain garden at the Commission's office and submission of an application to the New Jersey Board of Public Utilities for a local government energy audit. The Committee scheduled its meetings for 2022, electing to meet immediately following the Policy & Implementation Committee meetings in February, March and then every other month for the remainder of the year. Finally, the Committee discussed Commissioner Lohbauer's suggested amendments to the Comprehensive Management Plan (CMP) related to climate change. Rather than pursuing adoption of general amendments, the Committee agreed to consider a resolution specifically addressing the goals of the New Jersey Global Warming Response Act, measures to avoid or minimize greenhouse gas emissions at the Commission's own offices and the future development of specific CMP standards. Staff will draft the resolution for discussion at the Committee's next meeting.
- **Policy & Implementation (P&I) Committee:** The Committee did not meet in December.

### 1.1B RULEMAKING

- **Stormwater Management:** The proposed CMP amendments were adopted by the Commission with minor revisions and corrections on December 10, 2021. After receiving early approval by the Governor for the relevant portion of the Commission's meeting minutes, staff posted the adopted amendments on the Commission's website and submitted the adoption notice to the Office of Administrative Law. The adopted amendments will be published in the New Jersey Register on January 18, 2022, at which time they will take effect.

### 1.1C OPEN PUBLIC RECORDS ACT

- A total of four Open Public Records Act (OPRA) requests were received in December. Three were provided responsive material and one was advised that there was no responsive material.

### 1.1D OTHER

- On December 6, 2021, the United States Secretary of the Interior designated Jonathan Meade as the federal representative on the Pinelands Commission. Mr. Meade is currently the Associate Regional Director for Resource Stewardship and Science for the National Park Service's Northeast Region in Philadelphia. He will participate in the Commission's January 2022 meeting.

## 1.2 LEGAL AND LEGISLATIVE AFFAIRS

### 1.2A Legislation:

- The first session of the 220<sup>th</sup> New Jersey Legislature will convene on January 11, 2022.

## 1.3 HUMAN RESOURCES

- **Return to Office:** In accordance with the Pinelands Commission Return to the Office plan, all staff began reporting to work at the office on a full-time basis starting November 29, 2021. The Governor subsequently directed that all state agencies return to their hybrid remote work plans for the period between December 27, 2021-January 18, 2022. Required weekly COVID-19 testing of unvaccinated employees continued throughout December, with funding provided by the State. The office remains closed to the public and all meetings continue to be conducted remotely.
- **Recruitment:** The Commission is currently recruiting for six vacant positions. Interviews were held throughout the month of December. Final candidate selections are pending.
- **Training:** Staff attended the quarterly Agency Training Coordinator meeting hosted virtually by the NJ Civil Service Commission.

## 2 INTERAGENCY COORDINATION

---

- **NJ Board of Public Utilities (BPU):** On December 29, 2021, the Commission received notification that its application to BPU for a Local Government Energy Audit had been approved. The Local Government Energy Audit program is open to local and state governments and non-profit organizations. The program provides reports on how facilities use energy, identifies energy conservation measures and guides applicants toward appropriate and available rebate and incentive programs to fund implementation of recommended energy efficiency strategies. Staff will now provide additional information to BPU and schedule any requested conference calls and site visits.
- **South Jersey Transportation Authority (SJTA):** Staff continues to work with SJTA regarding the creation of the new offsite Grassland Conservation Management Area and the frosted elfin butterfly enhancement project in the northeastern quadrant of the parcel on which the Atlantic City International Airport is located. These obligations stem from an Amendment to the 2004 Memorandum of Agreement for the Airport, which the Commission authorized in April 2019. At the November Commission meeting, a member of the public provided comment concerning SJTA's pending wind cone application. She expressed her concern that SJTA was not meeting its obligations under the Amended MOA. Staff offered to provide the commenter with copies of SJTA's Monthly Update Reports and to review the status of SJTA's implementation of the Amended MOA at its next meeting. The presentation concerning the status of SJTA's implementation of the obligations within the MOA Amendment has been delayed until the January 14, 2022 Commission meeting.

- **Groundwater Quality Standards (NJDEP):** On December 15, 2021, staff participated in a rule “launch” meeting conducted by the New Jersey Department of Environmental Protection (NJDEP). The NJDEP is preparing amendments to the groundwater quality standards applicable to projects and discharges across the state. The launch meeting was intended to familiarize other divisions within NJDEP, plus the Pinelands Commission and the Highlands Council, with intended changes to the standards. Class I-PL waters standards, applicable to the Kirkwood-Cohansey aquifer in the Pinelands Area, will not be changed. Pinelands staff requested a copy of the proposed rule to review and verify that standards applied to other aquifers below the Pinelands Area will not conflict with existing or planned water supply amendments to the CMP.
- **NJDEP Water Supply Plan:** A meeting was held on December 17, 2021 with the NJDEP Office of Water Supply and GeoScience regarding updates to the State Water Supply Plan. That office is considering converting from the HUC-11 watershed size used in the 2017 Water Supply Plan to a HUC-12 watershed size. This change would align with the United States Geological Survey (USGS) use of the HUC-12 watershed when evaluating water supply, but the change will require additional effort to map and re-calibrate low flow margins. The NJDEP requested any data that the Commission’s Science office may have to help calibrate the low flow margins. This change to HUC-12 watersheds may have implications for planned changes to the water supply section of the CMP.
- **Rutgers Cooperative Extension:** Staff met with representatives from the Rutgers Cooperative Extension Water Resources Program in November to assess possible sites for a rain garden on the Commission’s property. Following that site visit, the Rutgers representatives provided three concept plans/drawing and a proposed scope of work, which includes the preparation of green infrastructure engineering design plans, cost estimates for materials and construction oversight for the installation of a rain garden. The Acting Executive Director signed the agreement with Rutgers on December 21, 2021.
- **Interagency Council on Climate Change:** A member of the Planning Office staff attended the Council’s December 14, 2021 meeting.

### 3 PLANNING

---

#### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
<b>Master Plans/Ordinances Received</b>		
Adopted	7	135
Drafted or Introduced	3	93
Total <sup>1</sup>	5	155
<b>Master Plans/Ordinances Reviewed</b>		
Substantial Issue Finding <sup>2</sup>	1	10
No Substantial Issue Finding	4	53
No Issue Finding	2	43
Total	7	106
<b>Finding Letters Issued<sup>3</sup></b>	6	66

#### 3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	4	84
Surveys Required	0	6
Surveys Reviewed	0	7
Certificates of Appropriateness Required	0	7

---

<sup>1</sup>The total accounts for unique master plans and ordinances received (i.e., it does not double count drafted, introduced, or adopted submissions for the same ordinance).

<sup>2</sup> Ordinances and Master Plans that are found to raise substantial issues with respect to the standards of the CMP require formal review and approval by the full Commission.

<sup>3</sup> A single finding letter can pertain to multiple master plans/ordinances from the same municipality.

### 3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	3.25	72.70
PDCs Severed	32.25	53.00
Acres Protected	1,128	1,705
PDCs Extinguished	0	4.50
Acres Protected	0	152
PDCs Sold	0.50	31.25
Average Sales Price per PDC	\$90,000	\$57,752
Average Sales Price per right	\$22,500	\$14,438
PDCs Redeemed	0	60.00

#### Notable Activity:

- **PDC Allocations:** A total of 3.25 PDCs (13 rights) were allocated to parcels located in the Agricultural Production Area in Buena Borough, Monroe Township and Tabernacle Township.
- **PDC Severances:** 32.25 PDCs (129 rights) were severed, resulting in the permanent preservation of 1,128 acres in the Special Agricultural Production Area in Bass River Township.

### 3.4 SPECIAL PROJECTS

- **Septic Pilot Program:** The Commission adopted a resolution at its November 12, 2021 meeting, authorizing the participation of four new advanced wastewater technologies in the Commission’s Alternate Design Treatment Systems Pilot Program. Staff prepared the required notice for publication in the New Jersey Register and submitted it to the Office of Administrative Law on December 8, 2021. The notice will be published in the January 3, 2022 issue of the New Jersey Register. Staff continues to work with the NJDEP to ensure that the requisite “Generic” Treatment Works Approval is issued by the Department in a timely manner to authorize the Pinelands Area county health departments to approve the newly admitted pilot program technologies.

## 4 REGULATORY PROGRAMS

---

### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	3	114
Certificates of Filing	12	173
Public Development Reports	2	26
Forestry Certificates of Filing	0	8
PDC Letters of Interpretation	4	36
Non-PDC Letters of Interpretation	0	2
MOA Consistency Determinations	1	33
Review of Agency Determinations	68	882

### 4.2 NOTABLE APPLICATIONS

- **Onshore Underground Cable Routes BL England, Upper Township and Oyster Creek, Lacey and Ocean Townships (App. No. 2009-0135.001):** By letter dated December 7, 2021, the Commission staff advised the NJDEP regarding the consistency of two proposed onshore cable routes for offshore wind projects with the permitted land use standards of the CMP. The proposed cable routes are not located in the state-designated Pinelands Area, but they are partially located in the federally designated Pinelands National Reserve (PNR).

The cable route connecting to the BL England site in Upper Township is located in the PNR in the Parkway Overlay District and a Pinelands Regional Growth Area, where it this type of infrastructure is a permitted land use. The cable route connecting to the Oyster Creek site is located in the PNR in a Pinelands Rural Development Area and a Pinelands Forest Area. The proposed cable is a permitted land use in the Rural Development Area. To be a permitted use in the Forest Area, the proposed cable route must be intended to primarily serve only the needs of the "Pinelands." The CMP defines the "Pinelands" as that area comprising the combined geographic boundaries of both the state-designated Pinelands Area and the federally designated PNR. The Commission staff letter advises NJDEP that although the proposed cable does not strictly meet the Forest Area permitted use standard, considering it is not located in the Pinelands Area, the proposed cable route does not raise an issue that rises to a level that it causes the proposed cable to be inconsistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978 creating the Pinelands National Reserve and the Pinelands Protection Act of 1978.

- **Forest Stewardship Plan Greenwood Wildlife Management Area, Lacey and Manchester Townships (App. No 1981-0087.004):** By memorandum dated December 8, 2021, the

Commission staff provided additional comments to the NJDEP regarding the Greenwood Wildlife Management Area Forest Stewardship Plan. Specifically, the staff provided responses to comments offered by other internal and external stakeholders on the management goals of the proposed Forest Stewardship Plan. The staff's comments were based on the goals of the Pinelands Protection Act for the Pinelands Preservation Area, which is where the 3,117 acres subject to the proposed Forest Stewardship Plan are located. The staff advised NJDEP that the Commission supports such management goals as prescribed burning; elimination of invasive species; Atlantic white cedar restoration; and improvement of threatened and endangered plant and animal habitat. The memorandum further indicated that the Commission does not support such management goals as converting 30% to 50% of the Greenwood WMA to pine savanna; converting 30% of the Greenwood WMA to grasslands and shrub barrens; thinning of forest; expanding early successional habitat, timber stand improvement areas, creation of young forest habitat; expansion of quail stocking checkerboard; expansion of a ponderosa type environment; and planting of grasses and trees with seed sources that originate from outside of the Greenwood WMA. Lastly, the memorandum indicated that although the Commission does not support some of the identified management goals, the activities designed to implement almost all of these management goals are permitted by the CMP, provided they are conducted consistent with CMP threatened and endangered species protection standards.

- **Retail Cannabis Building, Hamilton Township (App. No 2021-0075.001):** On December 29, 2021, the Commission staff issued a letter indicating that a Hamilton Township Preliminary and Final Site Plan approval for a 3,954 square foot Alternative Treatment Center Medical Marijuana Dispensary Building fronting on the Black Horse Pike could take effect. The building will be located in a Regional Growth Area.
- **Solar Energy Facility, Southampton Township (App. No. 1981-1601.007):** An application for the development of a 26-acre solar energy facility on the closed and capped Big Hill landfill has been completed with the Commission. The Commission staff anticipates issuing a Certificate of Filing in the beginning of January 2022 for the proposed solar energy facility.
- **Recreational Vehicle Use, City of Estell Manor (App. No 1981-1947.001):** By letter dated November 29, 2021, the Commission staff wrote to the owner of a 51-acre parcel regarding recreational vehicle use on the parcel. The staff's letter outlined the applicable regulations of the Estell Manor land use ordinance and the CMP applicable to the use of recreational vehicles on a parcel. The letter also requested permission to site inspect the parcel by December 17, 2021. By letter dated December 13, 2021, the property owner's attorney denied the Commission staff permission to site inspect the parcel until a future agreed upon date. The Commission staff is attempting to reschedule the site visit.
- **Single Family Dwelling, Shamong Township (App. No. 2006-0245.001):** The Commission staff is processing an application for a Waiver of Strict Compliance on a 0.9-acre parcel in Shamong Township. Based upon the regulations contained in the CMP, if the applicant demonstrates that the parcel qualifies for a Waiver, the relief granted would be an allocation of PDCs based upon the fair market value of the parcel, and not a single-family dwelling. The CMP defines fair market



value as the value of the parcel without a Waiver being approved. To qualify for an allocation of PDCs based upon the fair market value of the parcel, the CMP requires that the applicant first attempt to sell the parcel to surrounding property owners for its fair market value.

- **Landfill Capping/Solar Energy Facility, Borough of Woodbine (App. No. 1986-0257.002):** The Commission staff is reviewing an application for the capping of the Borough of Woodbine municipal landfill and installation of a solar facility on the capped landfill. The application proposes a two-foot-thick permeable, earthen soil cap. The CMP requires an impermeable landfill cap unless it is demonstrated that an alternate capping technique will address any public health and ecological risk that may be associated with the landfill (N.J.A.C. 7:50-6.75(c)). By email dated December 22, 2021, the Commission staff requested certain information to complete its review of whether an impermeable cap is required. If it is demonstrated that an impermeable cap is not required, it must then be determined what specific alternate capping technique will be required to address any public health and ecological risk that may be associated with the Woodbine landfill. As part of the proposed landfill capping and solar energy facility application, the Commission staff has also requested certain threatened and endangered plant and animal information.

## 5 SCIENCE

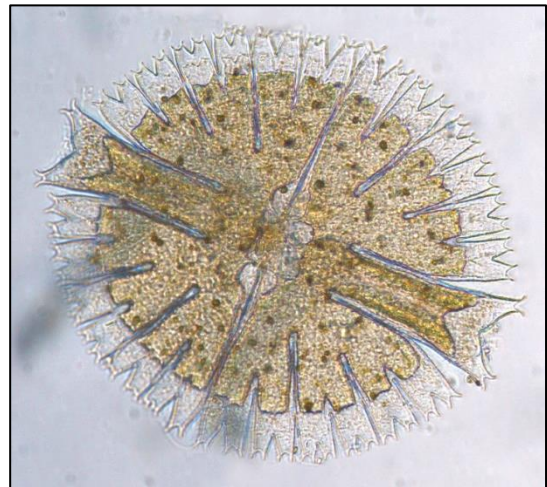
---

### 5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In December, Science and Communications staff measured water levels at forest plots and ponds in the Commission network of long-term monitoring sites. This work is completed each month in cooperation with the Communications Office. Science staff also downloaded water level data from seven ponds that have continuous data loggers installed.

### 5.2 LONG TERM STUDIES

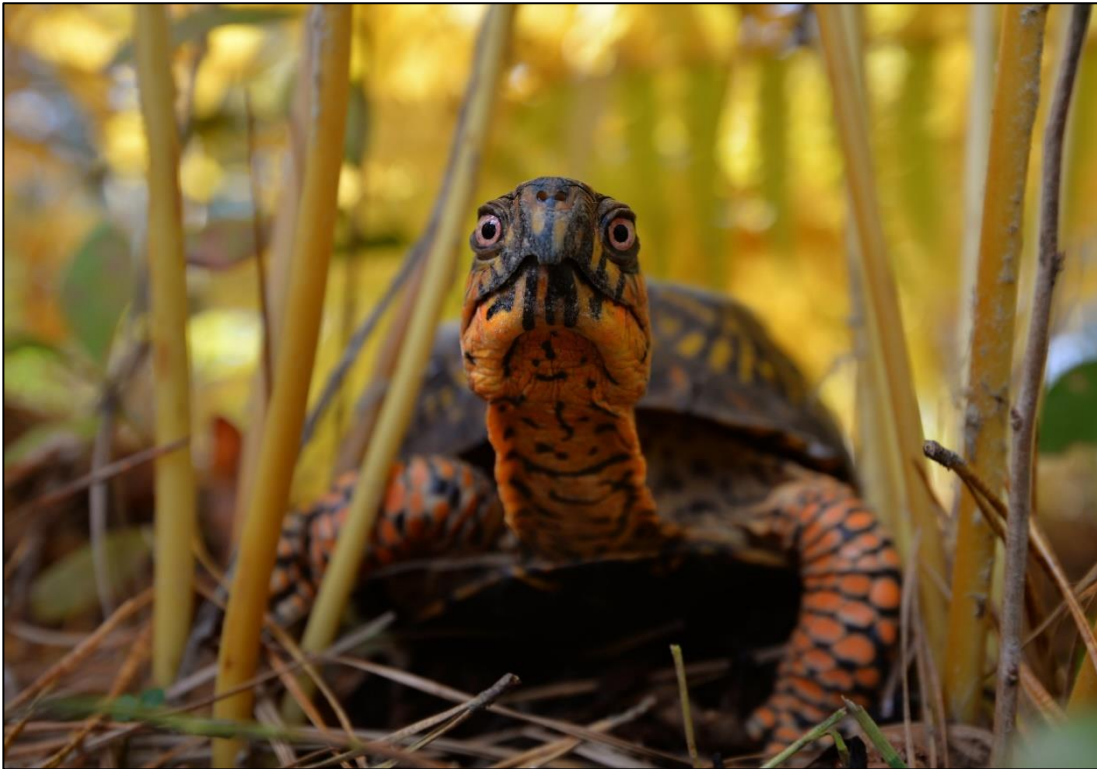
- **Microorganism Study:** This study, which is funded by the Environmental Protection Agency (EPA), is an extension of the previous EPA-funded study of plants, fish, and frogs and toads conducted in 99 natural ponds, 52 excavated ponds, and 46 stormwater basins in the Pinelands. For the current Microorganism Study, Commission and USGS staff sampled pH, specific conductance, nutrients, metals, pesticides and tiny and microscopic plants and animals (periphyton, phytoplankton, zooplankton, and aquatic invertebrates) at 20 natural ponds, 20 excavated ponds, and 20 stormwater basins selected from the larger pool of sites in the previous study. The goal of the Microorganism study is to assess the relationship



**Above:** A unicellular green alga called *Micrasterias rotata* that was found in two stormwater basins and one natural pond.

between surrounding land use and the various water-quality and plant and animal attributes and to compare the functional equivalency of natural and created wetlands. All field work for this current study has been completed and the various types of organisms collected have been identified by outside contractors. Although the pandemic caused significant delays in getting some data back from outside contractors, staff is now working on analyzing the data and drafting a final report. A no-cost extension request has been submitted to the EPA to extend the study until the end of March 2022.

- **Kingsnake Study, Joint Corn Snake Study, Rare Snake Monitoring, and Eastern Box Turtle Study:** In December, staff continued to periodically check on radio tracked kingsnakes, corn snakes, pine snakes, and box turtles to collect data on late-season movements. Some reptiles moved to new locations in December. Staff will continue to check on the tracked reptiles periodically throughout the winter and work on entering the snake and turtle capture data and radio-tracking data collected during 2021. Staff submitted a list of coordinates for new snake den locations for New Jersey Department of Environmental Protection (NJDEP) personnel to review. If approved, the dens will be corralled for long-term monitoring. Staff will also continue to prepare and finalize data for submission to the NJDEP Endangered and Nongame Species Program to satisfy the annual scientific collecting permit requirements. Data preparation for NJDEP permits takes an enormous amount of staff time.



**Above:** This male eastern box turtle was the last turtle found by staff in 2021. The turtle was outfitted with a radio transmitter and tracked to his den.

## 5.3 OTHER ITEMS OF INTEREST

- Staff presented the methods and results of the EPA-funded Commission off-road vehicle damage surveys conducted in ponds and excavated ponds and the study design and objectives of the EPA-funded Kingsnake Study at a wetland seminar series held virtually by the NJDEP Division of Science and Research.
- Staff visited a tiger salamander breeding wetland that is routinely damaged by off-road vehicles to determine whether it can be protected using physical barriers.

## 6 COMMUNICATIONS

---

### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Website:** The Pinelands Commission's website was viewed 12,847 times in December 2021. Staff also started to work on a new Climate Change section of the Commission's website.
- **Inquiries/Correspondence:** The Communications Office received and responded to 75 inquiries from the public in December, including phone calls, e-mails, and media inquiries.
- **Press Releases:** On December 21, the Commission issued a press release to announce the adoption of the new stormwater management rules. On December 22, the Commission issued a press release to welcome Jonathan Meade of the National Park Service as the new federal representative on the Commission.
- **Science Office Assistance:** On December 1st, a member of the Communications Office gathered water level data for the Science Office as part of the long-term environmental monitoring program.



**Above:** The registration brochure for the 33<sup>rd</sup> annual Pinelands Short Course was finalized in December 2021.

### 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Staff finalized the registration brochure for the 33<sup>rd</sup> annual Pinelands Short Course, which will be held at Stockton University's main campus in Galloway Township on March 12, 2022. The event will feature 31 educational presentations, including 15 new programs. Stockton will open registration for the event in early January.

- **Pinelands Speaker Series Webinars:** Staff is the process of securing presentations for 2022.
- **Field Trip:** A member of the Communications Office led a Pinelands/Revolutionary War history field trip for approximately 20 Barnegat High School students on December 17<sup>th</sup>.
- **Barnegat Bay:** A member of the Communications Office participated in the Barnegat Bay Partnership's Communication and Education Committee meeting on December 15<sup>th</sup>.



**Above:** Staff shared 23 photos on Instagram in December 2021, including this photo of the sun rising above the treetops in Wharton State Forest.

- **Social Media Enhancements:** Staff continued to enhance the Commission's social media pages in December 2021. Staff posted 23 photos/posts on the Commission's Instagram site and shared 11 tweets on the agency's Twitter account.

## 7 INFORMATION SYSTEMS

---

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided desktop support, implemented enhancements and bug fixes to streamline operations and facilitate remote work. Specific upgrades focused on the way public forms are modified and shared with the public.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world, especially due to the added complexities of supporting employees working from home. The Information Systems office participated in the periodic New Jersey Cybersecurity Communication and Integration Cell (NJCCIC) monthly meeting. The primary topic focused on the Log4J vulnerability and its impact on the state network. The Pinelands Commission's GIS server is susceptible to Log4J. Mitigation steps are being performed to safely continue to host the server.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff is continuing development of data editing and maintenance screens for the Planning Office. New reports are also being created under the direction of Planning staff.

- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff supported Governor Murphy's Return to Office plan by testing new audio equipment in the conference room that could be used for future public meetings. New workstations and Chromebooks were purchased for new hires anticipated to start at the end of January.

## **8 BUSINESS OFFICE**

---

### **8.1 FINANCIAL MANAGEMENT**

- **Application Fees:** December 2021, Net Total: \$74,302.70; Year to Date Total: \$452,702.08 (90.5% of the budgeted projection for FY2022).

### **8.2 FACILITIES MANAGEMENT**

- The 2006 Ford Ranger had its suspension repaired and tires replaced.
- Several of the parking lot lights were repaired.