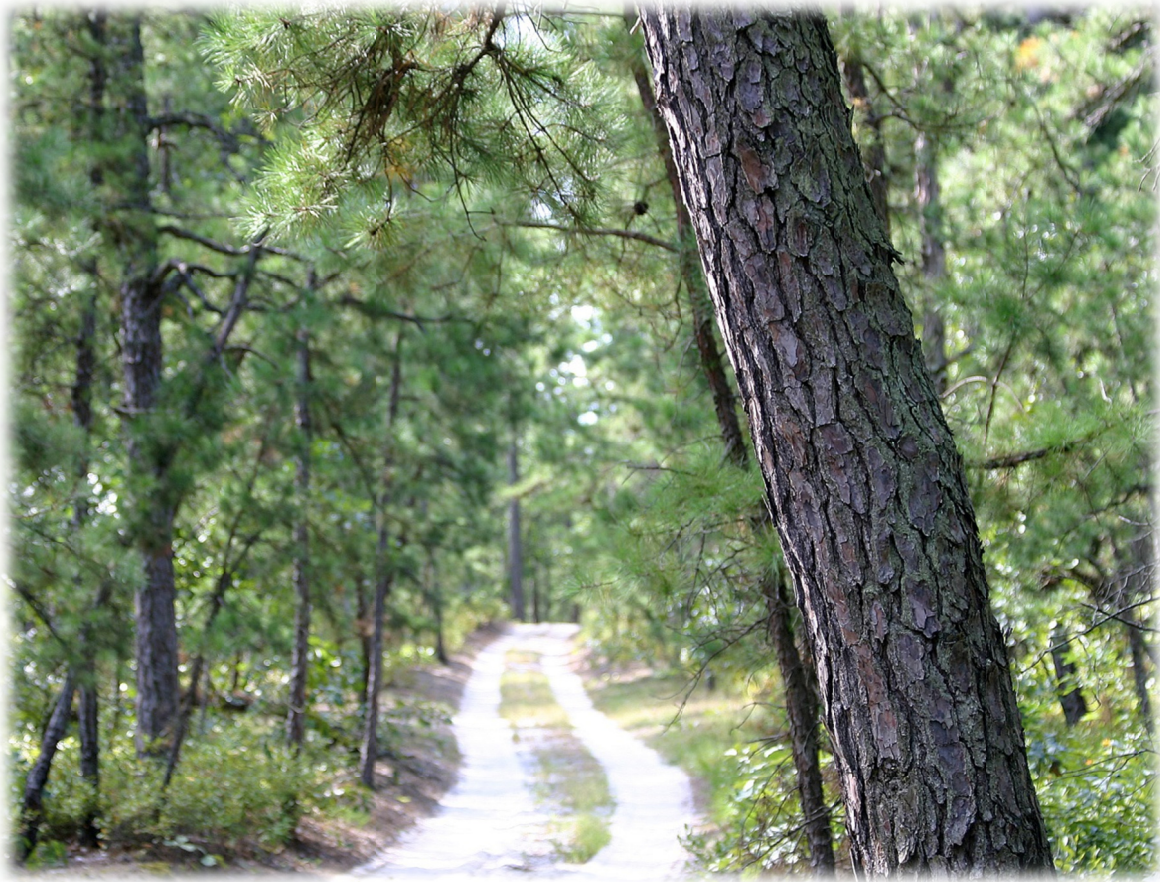




# **NEW JERSEY PINELANDS COMMISSION**

## **MONTHLY MANAGEMENT REPORT**



**OCTOBER 2019**

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# 1 EXECUTIVE OFFICE

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## 1.1 EXECUTIVE DIRECTOR

- **Seasonal Agricultural Employee Housing:** The Executive Director attended a meeting with representatives of the Departments of Environmental Protection and Agriculture and blueberry operators to discuss the process for addressing issues dealing with wastewater management recently identified by NJDEP related to agricultural employee housing.
- **Pinelands Pilot Program for the Right-of-Way Vegetation Management Plan:** The Executive Director and Chief Scientist attended a meeting with Assemblyman Dancer and representatives of Jersey Central Power and Light (JCP&L) to discuss the Commission's Pilot Program for the Right-of-Way Vegetation Management Plan. The Pilot Program began in 2009 and is nearing its completion. JCP&L was interested in discussing possible changes to the allowable vegetation management prescriptions included in the Plan.

## 1.2 LEGAL AND LEGISLATIVE AFFAIRS

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

On September 26, 2019, the Appellate Division granted the Commission's motion to strike in PPA's appeal and denied PPA's motion to supplement the record. PPA had until October 30, 2019 to refile both its corrected appendices and briefs that conform to the record.

Reply briefs and supplemental appendices were filed in the PPA's and Kovath and Caruso appeals on September 30, 2019.

- **Robert T. Winzinger v. NJ Pinelands Commission (Dkt. No. BUR-L-000877-19):** This is an inverse condemnation case that was filed on April 26, 2019 in the Law Division, Burlington County. The case involves a 285 acre parcel located on Lauries Road, Woodlands Township. This matter has an extensive litigation history. The last litigation involved a 2007 application by Winzinger to resume resource extraction operations on

30 acres of the parcel. Following its receipt of a Certificate of Filing – Inconsistent, because of a failure to demonstrate compliance with the threatened or endangered wildlife standards of the CMP, Winzinger applied to the Woodland Township Land Use Board for approval to resume resource extraction on the property and received such approval from the Board by resolution dated February 21, 2012. Such approval was subject to Winzinger’s submission to and the Commission’s approval of a northern pine snake habitat protection and management plan. The Commission called up the Woodland approval. During the call up hearing, Winzinger argued that it did not need to comply with the T&E Wildlife standard of the CMP and never submitted the required habitat protection and management plan. The Commission, subsequently, denied Winzinger’s resource extraction application. Winzinger appealed the Commission’s decision to the Appellate Division, which held that preexisting resource extraction operations, such as Winzinger, are subject to the threatened and endangered species provisions of the plan.

On October 11, 2019, following oral argument on the motions, the Honorable Jeanne T. Covert, A.J.S.C. granted the Commission’s motion and dismissed the case. On October 29, 2019, Winzinger filed a motion for reconsideration with the Superior Court.

### **1.2B LEGISLATION**

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

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

- A total of 12 Open Public Records Act (OPRA) requests were received this month. Four of the requests were received in the last week of October and are still being processed. One of the requestors was advised that the Commission had no material responsive to their request. One of the requests was determined to be too broad and the requestor was asked to be more specific. The 6 remaining requests were processed and responsive material was sent to the requestor.

## **1.3 HUMAN RESOURCES**

- **Union Negotiations:** Meetings were held with management on October 15, 2019, and October 29, 2019, to discuss the status of union negotiations.
- **Employee Advisory Service:** Staff participated in the following EAS Webinars: “Thinking for Success.”
- **Learning Management System:** LMS account creation email sent out to all PC employees. HR completed 7 hours of Administrator training.
- **State Health Benefits Program (SHBP):** Distributed Open Enrollment information for Plan Year 2020.
- **Emergency Notifications:** Staff was sent a test message in order to prepare for any weather related/emergency closings or delays.

## 2 LAND USE & TECHNOLOGY PROGRAMS

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### 2.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	11	105

### 2.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	3	83
Surveys Required	1	5
Surveys Reviewed	0	6
Certificates of Appropriateness Required	0	1

**Notable Activity:**

- **Brotherton Excavation:** The Brotherton Reservation, founded in 1759 in Shamong Township and subsequently abandoned in 1802, was the first reservation in the American colonies and the only one ever established in New Jersey. On October 19, 2019, Cultural Resource staff conducted a conference call with representatives of three federally recognized Lenape tribes (Delaware Tribe of Nations, Delaware Nation and the Stockbridge-Munsee Community). The purpose of the call was to review and interpret data collected during the Commission's ground penetrating radar survey at the location of the Brotherton Reservation in late 2018/early 2019. The data was analyzed in advance of proposed archaeological excavations at portions of the site, with tribal consultation during the call resulting in approval of upcoming work. Staff also made a presentation on the Brotherton Reservation to the Tabernacle and Shamong Historical Societies on October 10, 2019.

## 2.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.25	96.25
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	2
Acres Protected	0	158
PDCs Sold	1.25	12.25
Average Sales Price per PDC	\$32,400	\$37,884
Average Sales Price per Right	\$8,100	\$9,471
PDCs Redeemed	0.25	68.50

### Notable Activity:

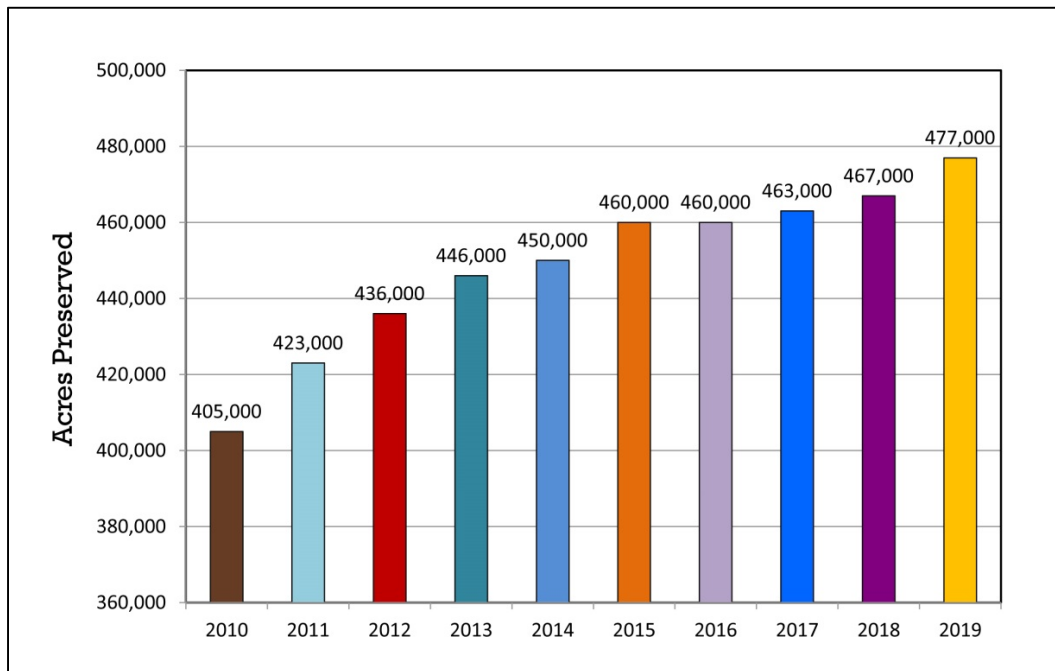
- 0.25 PDCs were redeemed in October 2019 on a residential project (194 units) in Egg Harbor Township.

## 2.4 SPECIAL PROJECTS

- **Pine Barrens Byway:** Staff provided the NJ Department of Transportation (NJDOT) consultants with a prioritized list of all Pine Barrens Scenic Byway Points of Interest, ranked in terms of the best season for photography. Staff accompanied the consultants on a photo shoot of various sites along the byway on October 15, 2019 and provided detailed site information and directions for the second day of the photo shoot on October 16, 2019.
- **Kirkwood/Cohansey Water Supply:** On October 29, 2019, staff met with DEP Bureau of Water Allocation and New Jersey Geological Survey staff to discuss the key points of the Commission's draft water management rule changes.
- **Permanent Land Protection:** Staff provided the Commission with its annual update on Permanent Land Protection Initiatives at the Commission's October 11, 2019 meeting. Over 9,000 acres were preserved during Fiscal Year 2019, bringing the total amount of preserved land in the Pinelands Area to 477,000 acres (51% of the Pinelands Area).



**Above:** The 457-acre Thompson-Wright property in Southampton and Woodland townships was protected in 2019 through the Pinelands Conservation Fund acquisition program.



**Above:** Permanent land protection in the Pinelands through June 2019

### 3 INFORMATION SYSTEMS

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- **GIS Data Sharing and Coordination:** GIS Staff held a conference call with NJOIT staff to discuss the Pinelands Commission data, its metadata, and how the information is used throughout the state system. Staff is assessing current GIS data sharing between the Commission, NJOIT and NJDEP to potentially improve data sharing between the agencies.
- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Enhancements include changes to the “proposed use” screens to streamline data recording and improve reporting.

### 4 REGULATORY PROGRAMS

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#### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	3	59
Certificates of Filing	6	126
Public Development Reports	4	29
Forestry Certificates of Filing	0	10
PDC Letters of Interpretation	1	19
MOA Consistency Determinations	2	41
Review of Agency Determinations	61	548

#### 4.2 NOTABLE APPLICATIONS

- **App. No. 1982-2910.005:** On October 29, 2019, the Commission staff met with an applicant and the Hamilton Township Engineer to discuss an existing stormwater management basin developed in approximately 2006 as part of an application to develop 177 dwellings. The existing stormwater management basin is not functioning as designed and is retaining stormwater. The presence of wetlands and the required buffer to wetlands prevents the expansion of the existing stormwater basin. In cooperation with the Township Engineer, the staff identified a conceptual design approach to address this stormwater management issue. The applicant will prepare a conceptual design and work with the Township Engineer to further evaluate the feasibility of the identified approach.



- **App. No. 1985-0160.012:** The New Jersey Department of Environmental Protection, Division of Parks and Forestry submitted information regarding the replacement of the existing cedar shake roof on the Grist Mill at Batsto Village in Washington Township. Batsto Village is a designated historic district. The Division of Parks and Forestry and the Pinelands Commission have entered into a Memorandum of Agreement (MOA) that requires the Division of Parks and Forestry to provide notice to the Pinelands Commission of the repair, renovation or rehabilitation of an existing structure which is greater than 50 years of age and which is located within a designated historic district. Upon staff determination that the proposed roof replacement is consistent with the Pinelands Comprehensive Management Plan, the staff will issue a letter informing the applicant that the proposed activity may occur.
- **App. No. 1987-0477.006 & 1989-0936.002:** The CMP provides for a joint review of most forestry applications in the Pinelands Area with the staff of the New Jersey Department of Environmental Protection (NJDEP), Forest Service. This joint review is conducted for property owners proposing to enroll in the New Jersey Forest Stewardship Program. The Commission staff is working closely with NJDEP staff regarding a private land owner in Franklin Township who received approval to undertake forestry activities on their land. The private landowner harvested approximately 30 acres that were not included in the approved Forest Stewardship Plan.
- **App. No. 1988-0841.004:** Galloway Township has submitted an application for the installation of 8,475 linear feet of sanitary sewer main and three pumping stations to service two existing recreation facilities located on Duerer Street. The recreational facilities are located in a Pinelands Rural Development Area. The installation of sanitary sewer is typically not permitted in a Rural Development Area. On October 13, 2017, the Commission approved two Galloway Township Ordinances (1969-2017 & 1970-2017). Those ordinances rezoned the two existing recreational facilities to Galloway Township's R5C zone and added sewered public recreational facilities as a permitted use in the R5C zone provided that the Township permanently dedicate one acre of environmentally sensitive noncontiguous land through recordation of a restriction on the deed to the parcel as open space for every acre of land devoted to existing or proposed outdoor recreational use. The staff has requested that the Township identify the acreage to be deed restricted to permit the installation of the proposed sanitary sewer main.
- **App. No. 2018-0186.001:** Medford Township has applied for the construction of a 23,516 square foot municipal building and a 93 space parking lot. The parcel is located within the locally designated Medford Village Historic District. The circa 1760 John Haines house, which is believed to be the oldest dwelling in the Village of Medford, is located on the parcel. The application proposes to retain the dwelling. The CMP (N.J.A.C. 7:50-6.156(a)4) requires that the Commission issue a Certificate of Appropriateness that addresses the visual compatibility of the new municipal building and associated development with the Medford Village Historic District in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. This application is on the Commission's November 8, 2019 agenda for action.

### 4.3 OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVALS

- **Application # 1982-3054.086**  
**Pine Barrens Adventure Camp, LLC**  
Approval Issued: 10/4/2019  
Event Name: Pine Barrens Adventure Camp  
Event Date: October 5 and 6, 2019  
Municipality: Bass River Township, Little Egg Harbor Township, Mullica Township, Stafford Township, Washington Township  
Lands Utilized: Bass River, Penn and Wharton State Forests  
Route Length: 60 miles
- **Application # 1988-0071.037**  
**South Jersey Enduro Riders, Inc.**  
Approval Issued: 10/9/2019  
Event Name: Curly Fern Enduro  
Event Date: October 13, 2019  
Municipality: Shamong Township, Washington Township, Waterford Township  
Lands Utilized: Wharton State Forest  
Route Length: 84 miles
- **Application # 1981-0686.028**  
**Ocean County Competition Riders, MC**  
Approval Issued: 10/10/2019  
Event Name: Scrub Pine Enduro  
Event Date: October 27, 2019  
Municipality: Manchester Township, Pemberton Township, Woodland Township  
Lands Utilized: Brendan T. Byrne State Forest  
Route Length: 77 miles
- **Application # 1999-0119.021**  
**Jeep Jamboree USA**  
Approval Issued: 10/31/2019  
Event Name: 25th Pine Barrens Jeep Jamboree  
Event Date: November 1 and 2, 2019  
Municipality: Shamong Township, Tabernacle Township, Washington Township, Waterford Township  
Lands Utilized: Wharton State Forest  
Route Length: 50 miles

## 5 SCIENCE

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### 5.1 ENVIRONMENTAL MONITORING

- Staff collected the October round of water level data for the Forest Plot and Pond Monitoring network and sampled 47 stream sites for pH and specific conductance for the Pinelands-wide Water Quality Monitoring.

### 5.2 LONG TERM STUDIES

- **Microorganism Study:** Staff received data from an outside consultant for the identification of phytoplankton and zooplankton in samples collected in the spring of 2018 for 20 natural ponds, excavated ponds, and stormwater basins.

### 5.3 OTHER ITEMS OF INTEREST

- The EPA awarded the Commission funding for a four-year study titled, “Activity range, habitat use, shedding, denning, and nesting of the wetland-dependent eastern kingsnake.” In New Jersey, the eastern kingsnake is listed as a species of special concern because it is vulnerable to multiple threats, is potentially declining, and its distribution and population status are not known. Although kingsnakes are a wetland-dependent species that use wetlands for overwintering, the specific wetland habitat types needed for hibernation and the amount and type of associated upland habitats used for foraging, shedding, and nesting have not been documented. We will use radio telemetry to determine the activity range; upland and wetland habitat use; and timing of shedding, denning, and potentially nesting of the eastern kingsnake. Science staff radio tracked 13 kingsnakes in 2019 in preparation for obtaining this EPA funding for the study.



**Above:** An adult male eastern kingsnake currently being radio-tracked.

## 6 COMMUNICATIONS

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### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission’s website received a total of 11,065 page views in October 2019.
- **Inquiries/Correspondence:** The Communications Office received and responded to 109 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.
- **2020 Pinelands National Reserve Wall Calendar:** In October, Communications Office staff compiled 96 digital photos of the Pinelands for possible use in the calendar. Staff voted on the top photos, which were then sent to Rowan College at Burlington County (RCBC), along with 38 captions. RCBC will print the calendar in November.
- **Pine Barrens Byway Support:** In October, staff guided a professional photographer to notable locations along the Byway. The photographer works for a consultant that was hired by the state Department of Transportation, and the photos will be used to market the Byway.



**Above:** The 2020 Pinelands wall calendar will be distributed by early December.

### 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series:** The Commission hosted the first of three educational programs as part of the “Pinelands Speaker Series.” The first presentation, “Pinelands 101,” was delivered on October 17<sup>th</sup>. The next program is set for November 14<sup>th</sup>.
- **Pinelands Short Course:** Staff continues to secure presenters for the 31<sup>st</sup> annual event, which will be held at Stockton University on March 14, 2020.
- **Pinelands World Water Monitoring Challenge:** Staff educated nearly 200 students during the 13<sup>th</sup> annual World Water Monitoring Challenge at Batsto Lake on October 25, 2019.
- **Candace McKee Ashmun Pinelands Education Exhibit:** Staff executed several activities that increased usage of the exhibit. Staff gave tours of the exhibit prior to the Pinelands Speaker Series presentation. Staff also made use of the exhibit to educate a group of 16 students from Rider University on October 22<sup>nd</sup>.



**Above:** Staff educated nearly 200 students about the Pinelands during the World Water Monitoring Challenge at Batsto.

## **7 BUSINESS OFFICE**

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### **7.1 FACILITIES**

- Staff completed Barn Exterior paint touch-ups.
- September's Telephone Line issues were resolved by Verizon reprogramming the telephone lines.
- Several trees were trimmed and two unhealthy trees were removed by Rich Tree Service.
- Staff met with vendor SHI to discuss RJS audio issues and possible resolutions.

### **7.2 FINANCIAL MANAGEMENT**

- October Application Fees Net Total: \$36,921.00