

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
October 30, 2015 - 9:30 a.m.

MINUTES-OPEN SESSION

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Candace Ashmun, Paul E. Galletta, Ed Lloyd, Richard Prickett, Joe DiBello (1st Alternate) and Ed McGlinchey (2nd Alternate)

MEMBER ABSENT: Sean Earlen

STAFF PRESENT: Executive Director Nancy Wittenberg, Susan R. Grogan, Charles Horner, Stacey Roth, Robyn Jeney, Paul D. Leakan, and Betsy Piner. Also present was Amy Herbold with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting of the Policy and Implementation (P&I) Committee to order at 9:42 a.m.

1. Adoption of minutes from the July 31, 2015 CMP Policy & Implementation Committee meeting

Commissioner Prickett moved the adoption of the July 31, 2015 meeting minutes. Commissioner Galletta seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

2. Pinelands Conservation Fund: 2015 Acquisition Round

Summary of allocation requests

Ms. Robyn Jeney provided a slide presentation of the Pinelands Conservation Fund 2015 Round of Applications (*See Attachment A to these minutes*). She reviewed the chronology of the grant schedule and noted the extensive list of entities (non-profit conservation groups, Pinelands counties, mayors and planning board officials, engineers, etc.) that had been contacted when the grants availability was first announced in August 2015. She said that upon receipt of 11 applications by September 30, 2015, staff had used the authorized evaluation criteria (*Attachment B*) to rank the projects. She said the scores ranged from 11 to 58, with an average of 42.3 showing the relative value of the projects. She noted that, upon the Committee's approval today, a deadline of February 29, 2016 would be established, requiring applicants to complete appraisals, obtain certification of fair market value, sign a contract with the landowner and execute a grant agreement with the Commission. She said the deadline for submissions was

helpful to the applicants in pressuring landowners to make a commitment. She said that an applicant could provide a written request for an extension but it could be granted only by the Committee. She said a closed session was necessary this morning in order to provide confidentiality during the negotiation process with landowners.

Closed Session: consideration of allocation requests and staff recommendations

At 9:49 a.m., Commissioner Prickett moved that the Committee meet in closed session to discuss land acquisition matters. Commissioner Galletta seconded the motion and all voted in agreement. Members of the public vacated the room.

The meeting re-convened in open session at 10:58 a.m. Chairman Lohbauer thanked the public for their patience.

Ms. Jeney described in the Summary slides the action taken by the Committee to approve five allocations with the potential to protect 2,648 acres for a total cost to the Commission of \$750,000.00. Each project has until February 29, 2016 to meet certain deadlines with the option to request an extension from the Committee. If all the projects proceed to conclusion, all funds allocated for the 2015 Pinelands Conservation Fund land acquisition program will have been spent.

2. Public Comment

Mr. Bill Wolfe made a number of comments regarding issues discussed at the last Commission meeting, including the legal authority of the Commission to address climate change and greenhouse gas emissions as well as the need for transparency in government. He said he felt a moratorium should be placed on Memoranda of Agreement (MOAs) while the Commission undergoes its refinements and that he felt the South Jersey Gas petition to the Board of Public Utilities seemed to be an egregious area of conflict. Also, he asked if the staff had been in discussion with the Board of Public Utilities (BPU) regarding Comprehensive Management Plan (CMP) compliance by the South Jersey Gas pipeline project.

Ms. Wittenberg stated that a letter had been sent to BPU identifying the process to be followed but that the Commission has not received a transcript of the public hearing or any other materials.

In response to Mr. Wolfe's question if there would be a joint staff (BPU and Pinelands Commission) discussion of the issues, Ms. Wittenberg said that Commission staff will look at CMP issues.

Mr. Wolfe referred to his past experience at the New Jersey Department of Environmental Protection (NJDEP) with other agencies and argued for a "time out" until Commission staff can establish an internal policy as to how to proceed in dealing with other agencies. He also asked about what he characterized as extraordinary testimony offered at the last Commission meeting regarding the New Jersey Natural Gas pipeline and the integrity of the review process.

Chairman Lohbauer stated that it would be an agenda item for the Commission in closed session at the next meeting.

Finally Mr. Wolfe asked about a reference made by Mr. Liggett at a meeting of the Water Supply Advisory Council regarding the Commission contracting with USGS to perform work related to water allocation.

Ms. Wittenberg said that money was budgeted but the contract is not going forward.

Mr. Fred Akers, the Administrator for the Great Egg Harbor Watershed Association, referenced the objections of many to what has become the controversial Motorized Vehicle Access Plan for Wharton State Forest. He cited the provisions of N.J.A.C. 7:50-6.143(a) 2. and 3, noting that they provide the rationale for the closing of roads to vehicular traffic. He also said that in approving development projects, the Commission must consider flooding and climate change in its approvals. He referenced a project in a flood-plain in Mays Landing, noting the need to enforce wetlands buffers to protect projects from the impact of flooding.

Mr. Chris Jage, with the New Jersey Conservation Foundation (NJCF), referenced the Wharton Motorized Vehicle Access map, which he characterized as an attempt to control the most destructive permissible activity in the Forest. He said that NJCF has been active in land acquisition since the 1960s and is proud of its record of land management. He said that over the last 25 years, his agency has learned that it is better able to protect lands than the State which, in some cases, has had a *laissez faire* approach to land management. He said the NJDEP Commissioner has withdrawn the map and, rather than protecting natural resources, is succumbing to the pressures of vehicle advocates by stating that the map is now a “blank slate” that will be revised. He said the State employees were told to remove signs and allow access to certain areas, even where vulnerable snake species are congregating in preparation for winter. Some 600 miles of sand roads are now accessible to vehicles. Mr. Jage asked the Commission to review its authority and advise the NJDEP Commissioner of the rules. He said he hoped that NJCF could work with the Commission to address this problem.

Commissioner Ashmun said that Mr. Akers and Mr. Jage had stolen her thunder as she wanted to ask staff about the Commission’s jurisdiction over what was happening in Wharton and other public lands. She said she believed the Commission was empowered to do something. She said the Commission members had never seen the map.

Ms. Wittenberg said NJDEP staff had presented the map to staff, not for input, but to show what NJDEP was implementing.

Commissioner Ashmun responded that she felt the map could not be prepared without seeking input from the Commission.

Mr. Horner said the CMP provides that the Commission can designate areas where motorized vehicles are not appropriate. The CMP also allows for the continued use of public lands for recreational vehicle use on lands designated prior to 1980 for such use. He said if the state is

currently authorizing the use of its roads, it would be difficult for the Commission to reach back to determine which were open in 1980.

Ms. Roth said she agreed with Mr. Horner and said the provision of the CMP states that, to the extent that these roads were open in 1980, they could continue to be used. She said since NJDEP has invited stakeholders to participate in creating a new map, the Commission should be considered one of those stakeholders. Ms. Roth said she understood the Deputy Attorney General was looking into the matter on behalf of NJDEP.

Ms. Wittenberg said staff has begun a conversation with NJDEP.

Commissioner Lloyd said if the road use is being grandfathered back to 1980, then there is a need for a baseline. He said he found it shocking that the NJDEP Commissioner is ordering the prohibition signs to be taken down. He said the Commission needs to engage with this issue.

Mr. Jage said that many of the grandfathered roads go through wetlands. When vehicles leave the cartway, they become widened and the State fills them in. The State has records of many of these roads as old fire lines with associated dates of establishment.

In response to a comment from Commissioner Ashmun regarding an MOA with NJDEP, Ms. Roth said that a Forestry MOA was approved by the Commission in 2010 but never signed by NJDEP and never went into effect.

Chairman Lohbauer directed staff to ask the NJDEP Commissioner to explain the recent sign removal in the Wharton State Forest.

4. Other Items of Interest

Commissioner Prickett referenced the staff involvement with the World Water Monitoring Challenge at Batsto Village on October 23, 2015. He said it was the eleventh year and there were 11 stations and 11 groups of students. He said that, as always, staff did an outstanding job and noted that they shared good information that will make an impact on these students.

Chairman Lohbauer concurred, noting that it was a fantastic program.

The meeting adjourned at 11:44 a.m. (moved by Commissioner Prickett and seconded by Commissioner McGlinchey).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: December 9, 2015




PCF 2015 Round of Applications

- **Aug 7 2015:** Commission announced grant availability to eligible entities
- **Sept 30 2015:** 2015 PCF grant applications due
- Staff reviewed and evaluated applications
 - Using authorized evaluation criteria
 - Including site visits
- **Oct 30 2015:** Staff presents projects recommended for PCF allocations to P&I Committee for approval



Photo by Paul Leokan, NJPC



Submitted Applications

11 applications submitted:

- OCNLT, Ocean County – 6
- TPL, Atlantic & Burlington counties – 2
- NJCF, Burlington County – 1
- TNC, Cape May County – 1
- Woodbine Borough, Cape May County – 1



Photo by Paul Leokan, NJPC



Evaluation Criteria

- Project size
- Contiguity with other permanently protected lands
- Habitat quality
- Protection of headwaters
- Development threat
- Project feasibility



Photo by Paul Leokan, NJPC



Today's Recommendations

Following the Committee's approval to allocate funds, a **February 29, 2016** deadline will be imposed to:

- Complete appraisals
- Obtain certification of fair market value
- Sign contract with landowner; and
- Execute grant agreement.

Deadline extensions are permissible, with the Committee's approval.



Photo by Paul Leokan, NJPC



PCF Closed Session



Pine barren gentian (*Gentiana autumnalis*) remains closed on a cloudy day. Photo by Rebecca Arroyo, NJPC

Closed session is necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.



PCF Open Session



Pine barren gentian (*Gentiana autumnalis*) opens in the sunlight.
Photo by Robert A. Boney, NJC

Closed session was necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.



Summary of Closed Session

- 11 projects were reviewed
- **5 allocations** approved:
 - ⌘ 3 in Ocean County
 - ⌘ 1 in Atlantic County
 - ⌘ 1 in Burlington County
- **Deadline of February 29, 2016** to:
 - ⌘ Complete appraisals
 - ⌘ Obtain certification of fair market value
 - ⌘ Sign contract with landowner
 - ⌘ Execute grant agreement



Photo by Paul Leaton, NJPC



2015 PCF Available Funds






Initial funds available: **\$750,000**

Allocation Area	Allocated	Paid	Acres
Ocean County Forest Areas	\$105,833	\$--	83.8
Toms River Corridor	\$11,000	\$--	11
Bear Swamp (Rte 206)	\$150,000	\$--	415.10
502 Target/Estell Manor Forest	\$483,167	\$--	2,139
Total	\$750,000	\$--	2,648.9



Photos by Paul Leaton, NJPC

