



permitted is the preservation area of the Pinelands area. N.J.S.A. 48:3-119(c)(2). The Act requires that the “petition shall set out the unique factors that make the project consistent with the character of the specific parcel.”<sup>4</sup> In such cases, the Board is required to consult with the NJDEP or Secretary of Agriculture, as appropriate, and “may [...] grant a waiver if it determines that a project is in the public interest.”<sup>5</sup>

By Board Order dated December 7, 2022, the Board approved the establishment of the CSI Program.<sup>6</sup> The CSI Program is open to qualifying grid supply solar projects (i.e., those selling into the wholesale markets) and net metered non-residential projects greater than five (5) MW in size.

On the same date, the Board approved for publication in the New Jersey Register a rule proposal that amended the Successor Solar Incentive (“SuSI”) Program Rules to establish the CSI Program and a proposal for siting rules for grid supply and large net metered solar facilities (“CSI Siting Rules”). On September 18, 2023, the proposed CSI Siting Rules were published, with non-substantial changes, in the New Jersey Register at 55 N.J.R. 2015(a). The CSI Siting Rules include a mechanism to allow siting of CSI-eligible facilities on otherwise restricted land uses if the developer seeks and receives a waiver of the siting prohibition. The CSI Siting Rules also provide for an administrative waiver in appropriate circumstances. An administrative waiver may be obtained for projects that would be constructed on prohibited land but are proposed to be located exclusively on the built environment. Such projects are deemed to be presumptively in the public interest, and the Board has designated the approval of such applications to Board Staff (“Staff”) or the program administrator.

In compliance with the Act, the CSI Siting Rules at N.J.A.C. 14:8-12.6(a) require any petitioner to include documentation of “sufficient facts and circumstances” to demonstrate why siting a CSI-eligible project on a prohibited land use is in the public interest. In such cases, the Board requires consultation with other State agencies, as appropriate, to determine if a project is in the public interest. N.J.A.C. 14:8-12.6(a)(1). The Board, or its designee, may request additional evidence prior to approving or denying a request for any waiver requested, pursuant to this section. N.J.A.C. 14:8-12.6(c).

On January 20, 2026, Governor Mikie Sherill signed Executive Order (“EO”) 2,<sup>7</sup> directing the BPU to initiate a solicitation for qualifying solar facilities or solar facilities in combination with storage under the CSI Program within forty-five (45) days. By Order dated March 4, 2026, the Board set the pre-qualification window for the fourth CSI Program solicitation to open on March 11, 2026, and close to bids on April 24, 2026, at 11:59:59 PM EST, with anticipated Board awards in June 2026.<sup>8</sup>

Petitioner submitted a prequalification application in the fourth solicitation of the CSI Program on March 27, 2026 in Tranche 2.<sup>9</sup> On April 10, 2026, Board Staff (“Staff”) corresponded with the

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<sup>4</sup> N.J.S.A. 48:3-119(f).

<sup>5</sup> Id.

<sup>6</sup> In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022. (“CSI Program Order”).

<sup>7</sup> Exec. Order No. 2 (Jan. 20, 2026), 51 NJR 1041(a), available at <https://nj.gov/infobank/eo/057sherrill/pdf/EO-2.pdf>.

<sup>8</sup> In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Establishing the Fourth Solicitation of the CSI Program, BPU Docket No. QO21101186, Order dated March 4, 2026 (“March 4, 2026 Order”).

<sup>9</sup> Lacey Sand Solar Farm was previously considered for TREC eligibility under the TI Program. For more

counsel for Petitioner advising that the facility would require a waiver from the CSI siting rules at N.J.A.C. 14:8-12.3 because the Property is located within the Pinelands Preservation Area. On April 22, 2026, Staff notified all prospective applicants that pre-qualification includes an evaluation of all proposed project sites to confirm whether any projects were located on land uses prohibited in the Solar Act of 2021; those projects seeking to site on prohibited land use types require a waiver issued by the Board pursuant to the Siting rules for Grid Supply and Large Net Metered Solar Facilities at N.J.A.C. 14:8-12. Furthermore, prospective applicants were notified that in order to be considered in the fourth CSI Program solicitation, applicants in need of a land use waiver must submit a petition to the Board prior to the close of the solicitation on April 24, 2026.

### **Petition**

On April 24, 2026, the Petitioner filed a petition with the Board seeking either: (1) a determination that the proposed solar facility satisfies the applicable CSI Program siting requirements pursuant to N.J.A.C. 14:8-12.3; or, alternatively, (2) a waiver of the applicable CSI siting prohibitions pursuant to N.J.A.C. 14:8-12.6 and N.J.A.C. 14:1-1.2(b) to permit participation in the CSI Program. The petition concerns an approximately 22.464 megawatt direct current (“MWdc”) solar facility (“Facility”) proposed to be located on property identified as Lots 11 and 12 on Block 2600 in Lacey Township, Ocean County, New Jersey (“Property”).

Petitioner stated that the Property is located within the Preservation Area of the New Jersey Pinelands and is therefore subject to the jurisdiction of the New Jersey Pinelands Commission. Petitioner further explained that the Property consists of a former resource extraction and sand mining site containing dredge ponds created through prior mining activities and that the site has been utilized for sand mining operations since at least the 1970s. According to Petitioner, the Property comprises approximately 100 acres, roughly half of which has already been mined and converted into water bodies associated with prior extraction activities.

Petitioner represented that the Facility is proposed as a “100% floating solar installation” to be located entirely within the dredge ponds associated with the former mining operation. Petitioner asserted that the Facility will not require the clearing of forested land or disturbance of undisturbed upland areas within the Pinelands Preservation Area.

Petitioner stated that the siting of solar facilities on parcels of resource extraction operations, specifically within previously mined areas, is expressly permitted under the Pinelands Comprehensive Management Plan (“CMP”) pursuant to N.J.A.C. 7:50-5.36(b)(1)(iii). Petitioner further asserted that the Facility has been designed to fully comply with those requirements because the Facility is located entirely within previously disturbed mining areas and does not involve the clearing of forested lands or disturbance of intact Pinelands habitat.

Petitioner represented that it received correspondence from the Pinelands Commission confirming that the proposed Facility is consistent with the land use framework of the CMP because the Facility is limited to previously disturbed mining areas. Petitioner additionally stated that, during the week of April 13, 2026, Petitioner and its professionals participated in a pre-application meeting with Pinelands Commission Staff during which Commission Staff confirmed that the Facility, as proposed, is a permitted use under the CMP.

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details, see: In re Lacey Sand Solar Farm, LLC – Petition for Assignment of “Preferred” TREC Factor for Floating Photovoltaic Solar Pursuant to the Board’s Transition Incentive Order, BPU Docket No. QO21020469, Order dated September 27, 2023.

Petitioner further represented that the Facility has a fully executed Generation Interconnection Agreement (“GIA”) with PJM Interconnection, LLC (“PJM”) and Jersey Central Power & Light Company (“JCP&L”), dated October 24, 2024, authorizing interconnection to the electric grid. Petitioner explained that the Facility has been the subject of prior proceedings before the Board since approximately 2020, including an earlier application for incentive eligibility as an innovative technology project and related litigation, but has continued to advance through multiple development milestones. Petitioner asserted that the fully executed GIA demonstrates that the Facility is viable and positioned to proceed toward construction upon receipt of the necessary approvals.

Petitioner additionally asserted that the Facility satisfies the CSI Program’s “built environment” presumption because the Facility is proposed entirely within dredge ponds created through prior mining operations, which Petitioner characterized as longstanding man-made and previously disturbed surfaces that have existed for well in excess of three years. Petitioner contended that the Facility is therefore properly characterized as being located exclusively on the “built environment,” as contemplated by the CSI regulations, and is presumptively deemed to be in the public interest under the CSI waiver framework.

Petitioner further argued that granting the requested relief is in the public interest because the Facility would provide renewable energy generation while utilizing a previously disturbed resource extraction site and avoiding impacts to intact Pinelands ecosystems and undisturbed lands. Petitioner asserted that denying relief would not preserve meaningful environmental resources because the Facility is located entirely within previously mined dredge ponds and does not disturb undisturbed lands. Petitioner further contended that the Facility aligns with both State energy policy and Pinelands land use policy by promoting the reuse of disturbed lands for renewable energy generation.

On May 11, 2026, Staff reached out to counsel for the Petitioner to request by close of business on May 13, 2026, additional information confirming the precise extent and configuration of the proposed facilities as entirely within existing dredge ponds, documentation of any seasonal or annual changes in the boundaries of these dredge ponds, and whether any portion of the proposed projects would involve terrestrial siting or disturbance. Staff also requested any documentation, correspondence, or other evidence demonstrating that the siting of the proposed facilities, including any terrestrial components, had been reviewed with the New Jersey Pinelands Commission. Staff has received no response from the Petitioner as of this date.

### **Consultation with State Agencies**

Pursuant to the Act and the Board’s waiver provisions for siting on prohibited land uses at N.J.A.C. 14:8-12.6, Staff consulted with the Pinelands Commission (“Commission”) and NJDEP.

By advisory memorandum dated May 7, 2026, the Commission provided the Board with information on its review and approval process for the Facility that is proposed within the Pinelands Preservation Area District (“PAD”) on May 7, 2026.<sup>10</sup> The Commission reviewed site plans of the Facility and petition, dated April 24, 2026. The Commission found that the Facility was within the Pinelands Preservation Area District (PAD) and is currently the site of an active resource extraction operation. The Commission confirmed that the CMP permits solar facilities within the PAD, and stated that “the CMP limits siting of solar facilities to previously mined areas that are not subject to a restoration obligation” as detailed at N.J.A.C. 7:50-6, Part VI. The

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<sup>10</sup> May 7, 2026 Pinelands Commission letter; Attachment A.

Commission noted that a complete application for development of a solar facility on the site has not been submitted; however, the Commission has held several pre-application meetings with Petitioner, most recently on April 16, 2026. The Commission noted that it had advised Petitioner that the active resource extraction operation is subject to a restoration obligation, but the existing water bodies (dredge ponds) on the site are not. The Commission further noted that, while the petition indicated that the proposed solar facility is “100% floating solar” located on dredge ponds, the petition does not accurately interpret the CMP’s standards, which limit siting to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI and N.J.A.C. 7:50-5.36(b)(1)(iii). The Commission stated that it has not made a determination on whether the April 24, 2026 site plan submitted for the CSI Program is consistent with the CMP, and noted that the site plan depicts arrays on surface water that are anticipated to exist following completion of permitted mining activities, including areas that do not currently appear to be surface waters based on aerial imagery. The Commission indicated that the site plan may need to be revised depending on site conditions at the conclusion of mining activities to ensure that the facility is located entirely within existing dredge ponds.

By advisory memorandum dated May 21, 2026, the NJDEP’s Office of Permitting and Project Navigation (“OPPN”) supported the Commission’s recommendation, deferring to the Commission’s expertise whether the Facility should be granted a waiver to participate in the CSI solicitation.<sup>11</sup> If the waiver is granted, NJDEP recommended further coordination regarding Flood Hazard and Stormwater Engineering Permitting starting with the submission of a Flood Hazard Area Applicability Determination or Verification to confirm jurisdictional limits. NJDEP stated that, since the site is located on an existing water filled sand mine with a drainage area greater than 50 acres, this could be a flood hazard area pursuant to N.J.A.C. 7:13-2.2(a)4. NJDEP noted that, depending on whether the water is regulated or unregulated based on the criteria under N.J.A.C. 7:13-2.2(a)4, the Petitioner would be required to submit a Flood Hazard Area Individual permit and Verification application, as well as demonstrating compliance with the Floodway requirements at N.J.A.C. 7:13-11.3. NJDEP also asserted that the Commission would have primary jurisdiction over any required freshwater wetlands permitting. NJDEP also advised, if sand mining is occurring at this location, that New Jersey Fish & Wildlife would consider the site “Blue Hole” and not a productive waterbody at this time. However, NJDEP noted the potential for Pine Barrens Tree Frog habitat, although the species prefers acidic water and Blue Holes are typically alkaline. NJDEP recommended that, while there are no timing restrictions proscribed at this time, the Petitioner should follow and maintain County Soil Conservation District Best Management Practices. NJDEP also noted that the site is located adjacent to Double Trouble State Park and that, if any work is proposed on state-owned property at any time during the Facility, the Petitioner must submit a Request for Use of State Property to the Office of Transactions and Public Land Administration.

## **DISCUSSION AND FINDINGS**

The Board recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy. The Board’s design for the CSI Program implements the directive of the Solar Act to target grid supply solar “toward marginal land and the built environment and away from open space, flood zones, and other areas especially vulnerable to climate change” and to create a land use policy for grid supply siting “to affordably expand New Jersey’s commitment to renewable energy while not compromising the State’s commitment to preserving and protecting open space and farmland.”<sup>12</sup> Floating solar generation represents a

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<sup>11</sup> May 21, 2026 NJDEP’s Office of Permitting and Project Navigation (“OPPN”) letter; Attachment B.

<sup>12</sup> N.J.S.A. 38:3-114(c).

potentially positive development in renewable energy technology. By the March 4, 2026 Order, the Board confirmed that floating solar projects may compete in Tranche 2 of the CSI Program, competing on a cost basis with projects on the built environment, those on extractive mining sites, and projects sited on land classified as industrial and commercial complexes.

The Board has effectuated siting policy priority through the creation of siting rules for CSI-eligible facilities in cooperation with the NJDEP, the Department of Agriculture, and the State Agriculture Development Committee. In addition to implementing the statutory protections on prohibited land-use types, the rules at N.J.A.C. 14:8-12.6 require that when the Board considers a petition seeking to waive the prohibitions for good cause shown, the Board may make a positive finding with regard to any such petition only upon completing three steps: 1. Consultation with other state agencies, as appropriate; 2. determination that the petitioner has documented sufficient facts and circumstances establishing the public's specific interest in siting the CSI-eligible facility on or within a specific prohibited land use; and 3. finding that the waiver is in the public interest, wherein the specific project being allowed outweighs the presumptive greater public interest in preserving the land. The waiver framework established by the Board contemplates a site-specific review that places the onus on the petitioner to demonstrate the unique circumstances that would support a Board finding that a proposed project remains in the public interest and consistent with the character of the parcel.

Petitioner asserted that the Facility proposed to be located on approximately 106 acres of the Pinelands Preservation Area, Block 2600, Lots 11 and 12, Forked River, Lacey Township, Ocean County, New Jersey, is sited exclusively on dredge ponds at a former resource extraction site. The Petitioner asserted that the Facility satisfied the standard to be considered located exclusively on the "built environment" as the dredge ponds constitute man-made, previously disturbed surface that has existed in excess of three years. However, the definition for "built environment" provided at N.J.A.C. 14:8-1.2 means "the surface of one or more existing, serviceable structures or serviceable, improved, and impervious roadways built for a substantial purpose other than to facilitate solar development." While the Board agrees that the dredge ponds serve a substantial purpose other than the facilitation of solar development, the lack of serviceable structures or impervious roadways proposed for solar development at the site mean it does not fit the definition. The Board **FINDS** that the Facility does not qualify as being sited on the built environment and thus is not eligible to receive an administrative waiver pursuant to N.J.A.C. 14:8-12.6(b). However, the Board **CONFIRMS** that floating solar projects, if deemed eligible, may compete in Tranche 2 of the fourth CSI Program solicitation.

The Board **FINDS** that, as required by the Act and codified at N.J.A.C. 14:8-12.6(a), Staff accurately pursued the framework for waiver contemplation, consulting with the NJDEP and with the Commission as the State agency with regulatory authority over the site.

The Commission advised the Board that, pursuant to the CMP, solar generation facilities in the PAD may only be sited on previously mined areas that are not subject to a restoration obligation, and that the active resource extraction operation on Block 2600, Lots 11 and 12, carries such an obligation. However, the Commission advised that if the proposed Facility is located entirely on the open water areas of the dredge ponds associated with the mining operation, as indicated in the petition, the proposed solar energy facility may be permissible. The Board **FINDS** that the Commission has provided conditions that the Petitioner must satisfy to move forward with a solar generation facility on the proposed site. Specifically, the floating solar Facility must comply with all Pinelands regulations, permitting and procedures, including the minimum environmental standards of the CMP (N.J.A.C. 7:50-6), and not be sited in any area subject to a restoration obligation (N.J.A.C. 7:50-6, Part VI).

NJDEP provided the Board with an advisory memorandum laying out their support for the Commission's guidance, along with additional recommendations and advisements, if the Board were to grant the Petitioner a waiver of the land use restrictions for the site. The Board **FINDS** that the NJDEP supports the guidance of the Commission and has provided regulatory requirements and recommendations based on facts and circumstances specific to the site.

Based on the information contained in the prequalification application, the petition, the recommendations made by the Commission, and NJDEP's support of the Commission's recommendation, the Board **FINDS** that granting the waiver of the Board's CSI Siting Rules pursuant to N.J.S.A. 48:3-119(f) and N.J.A.C. 14:8-12.3 is in the public interest, as using the prohibited land type for renewable energy generation outweighs the public interest in preserving land in its eventual condition, and **APPROVES** the waiver under the condition that the Facility satisfies all requirements of the Commission and NJDEP under their respective permitting and/or approval authorities.

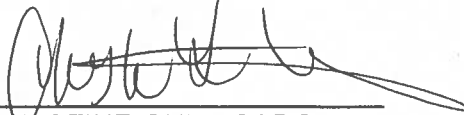
The Board **FINDS** that the Facility must follow all permitting and approval requirements established by the Commission and the NJDEP under their respective permitting and/or approval authorities; the waiver granted pursuant to N.J.S.A. 48:3-119 does not waive any of these requirements. More specifically, the Petitioner must receive all approvals and permitting from NJDEP and the Commission. Such approvals and permits may include but are not limited to the specific permits mentioned in the advisory memo, like the Flood Hazard Area Individual permit. The Board **DIRECTS** that the Petitioner provide documentation, to accompany the quarterly milestone reporting form, that provides evidence of compliance with the Pinelands CMP including the Facility application approval from the Pinelands Commission and updated site maps (Concept Plan) reviewed and approved by Commission that demonstrate that the Facility is sited exclusively on dredge ponds.

After careful consideration of the information provided by the Petitioner in the petition and in materials submitted to the CSI Program as a part of prequalification application, the Board **FINDS** that, upon the receipt of the land use waiver, the Petitioner has provided sufficient evidence of meeting CSI Program prequalification requirements set forth in the Board's rules at N.J.A.C. 14:8-11.10(d). The Board therefore **DIRECTS** that the Petitioner's bid shall be considered for an SREC-II award in Tranche 2 in the fourth CSI Program solicitation. Should the Facility not be awarded in the fourth CSI Program solicitation, the waiver granted herein will still apply if the applicant chooses to submit in a subsequent CSI Program solicitation.

The effective date of this Order is June 30, 2026, effective immediately.

DATED: June 30, 2026

BOARD OF PUBLIC UTILITIES  
BY:



CHRISTINE GUHL-SADOVY  
PRESIDENT

ABSTAINED

DR. ZENON CHRISTODOLOU  
COMMISSIONER



MICHAEL BANGE  
COMMISSIONER

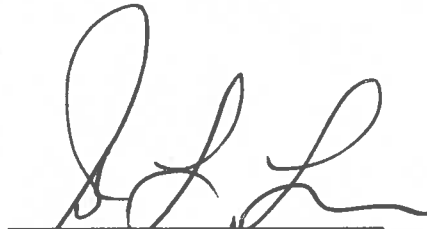


EMMA REBHORN  
COMMISSIONER



JOSEPH COVIELLO  
COMMISSIONER

ATTEST:



SHERRI L. LEWIS  
BOARD SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.

IN THE MATTER OF THE VERIFIED PETITION OF LACEY SAND SOLAR FARM, LLC FOR A WAIVER OF THE  
CSI SITING PROHIBITIONS AT N.J.A.C. 14:8-12.3 TO ALLOW FOR PARTICIPATION IN THE COMPETITIVE  
SOLAR INCENTIVE PROGRAM  
DOCKET NO. QW26040137

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## MEMORANDUM

To: Sherri Golden, Secretary of the Board, NJ Board of Public Utilities

From: Susan R. Grogan   
Executive Director

Subject: Lacey Sand Solar Farm project site

Date: May 7, 2026

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This memorandum responds to Board staff's April 24, 2026 request for a summary of the Lacey Sand Solar Farm project site as it relates to the Pinelands Comprehensive Management Plan (CMP), to support the New Jersey Board of Public Utilities (NJBP) in its consideration of a land use waiver petition submitted by Lacey Sand Solar Farm, LLC.

Commission staff have reviewed the Concept Plan for CEP Renewables for 2006 Lacey Road, dated April 24, 2026, as well as the associated land use waiver petition, both of which were transmitted by the NJBP. The project site is located on Block 2600, Lots 11 and 12, in Lacey Township. It lies within the Pinelands Preservation Area District (PAD) and is currently the site of an active resource extraction operation.

The Pinelands Comprehensive Management Plan (CMP) permits solar energy facilities within the PAD under limited circumstances. The CMP establishes standards for solar energy facilities applicable throughout the Pinelands Area (N.J.A.C. 7:50-5.36(a)), as well as additional standards specific to the PAD (N.J.A.C. 7:50-5.36(b)). With respect to resource extraction operations in the PAD, the CMP limits the siting of solar facilities to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI. Any proposed solar energy facility must also comply with the CMP's minimum environmental standards (N.J.A.C. 7:50-6).

To date, a complete application has not been submitted to the Pinelands Commission for development of a solar facility at this site. However, Commission staff have held multiple pre-application meetings with the applicant, most recently on April 16, 2026. Staff advised the applicant that, while the active resource extraction operation is subject to a restoration obligation, the existing water bodies (dredge ponds) on the site are not subject to that obligation. Therefore, a proposed solar energy facility located entirely on these open water areas may be permissible.

The submitted petition indicates that the proposed solar energy facility would consist of a 100% floating solar installation located on dredge ponds associated with the prior mining use. However, the petition does not accurately interpret CMP standards for solar energy facilities in the PAD. As noted above, the CMP limits the siting of solar facilities to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI. With the exception of dredge ponds resulting from permitted mining activities, the remainder of the site remains subject to a restoration obligation, and solar energy facilities would not be permitted in those areas.

Commission staff have not made a determination as to whether the Concept Plan, dated April 24, 2026, is consistent with CMP standards. The plan depicts floating arrays on surface waters anticipated to exist following completion of the permitted mining operations, including areas that do not currently appear to be surface waters based on available aerial imagery. As a result, the ultimate footprint of the proposed solar energy facility may need to be revised depending on site conditions at the conclusion of mining activities to ensure that the facility is located entirely within existing dredge ponds.

Please feel free to contact me if you have any questions or require additional information.

cc: Diane Watson, Research Scientist, NJBPU  
Katherine Nolan, NJDEP  
David Pepe, NJDEP



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF PERMITTING AND PROJECT NAVIGATION

401 East State Street  
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**Ed Potosnak**  
*Acting Commissioner*

**Mikie Sherrill**  
*Governor*

**Dr. Dale G. Caldwell**  
*Lt. Governor*

May 21, 2026

Sherri L. Golden, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
Trenton, NJ 08625

**Subject: Lacey Sand Solar Farm, LLC  
Waiver of the CSI Siting Prohibitions  
Block: 2600, Lots 11, 12  
Lacey Township, Ocean County, New Jersey**

Dear Ms. Golden

The New Jersey Department of Environmental Protection's (NJDEP) Office of Permitting and Project Navigation (OPPN) has reviewed a request for a waiver to the siting requirements under the New Jersey Board of Public Utilities (Board) Competitive Solar Incentive Program (CSI) for the Lacey Sand Solar Project. According to the Solar Act of 2021 (P.L. 2021, c. 169), grid-supply solar generation facilities that are eligible for the CSI program are prohibited from siting in the Pinelands Preservation Area without a waiver granted by the Board (N.J.A.C. 14:8-12.3). The applicant proposes to develop a 22.464 MWDC floating solar farm on the previous Lacey Natural Sands Mine site, in Lacey Township, Ocean County, New Jersey.

Based on the information reviewed, the site is located on an existing water filled sand mine with a drainage area greater than 50 acres. Per N.J.A.C. 7:13-2.3, a flood hazard area exists along every regulated water with a drainage area of 50 acres or greater. However, this water may be classified as unregulated if it meets the criteria under N.J.A.C. 7:13-2.2(a)4. If the water is not isolated and is an "on-stream" depression directly connected to a natural water feature, the water is classified as regulated, with an associated flood hazard area. If the water is regulated, the proposed activity will require the submission of a Flood Hazard Area Individual permit and Verification application; including demonstrating compliance with the Floodway requirements at N.J.A.C. 7:13-11.3. The Pinelands Commission would have primary jurisdiction over any freshwater wetlands permitting, as required.

In addition, if sand mining is occurring at this location, New Jersey Fish & Wildlife would consider this site a "Blue Hole" and not a productive waterbody at this time. The site is mapped for Pine Barrens Tree Frog habitat; however, Blue Holes are usually alkaline and the Pine Barrens Tree Frog shows a preference for acidic water. No timing restrictions are recommended at this time, but County Soil Conservation District Best Management Practices are recommended and should be maintained for function.

The site is located directly adjacent to Double Trouble State Park. If any work is proposed to occur on state-owned property at any time during the project, a [Request for Use of State Property](#) must be submitted to the Office of Transactions and Public Land Administration.

The NJDEP supports the Pinelands Commissions recommendation and would defer to their expertise regarding whether the project should be granted a waiver to participate in the CSI solicitation. Should the Pinelands Commission and the Board decide that a waiver be granted, NJDEP would recommend further coordination regarding Flood Hazard and Stormwater Engineering Permitting starting with the submission of a Flood Hazard Area Applicability Determination or Verification to confirm jurisdictional limits.

Should circumstances or conditions become other than as set forth in the information that was provided to the NJDEP, the regulatory requirements and recommendations are subject to change and may no longer hold true. Thank you for providing the New Jersey Department of Environmental Protection the opportunity to review the proposed Lacey Sand Floating Solar project. Should you have any questions or need additional information, please contact Taylor Groskorth-Flynn with the Office of Permitting and Project Navigation at [Taylor.Groskorth-Flynn@dep.nj.gov](mailto:Taylor.Groskorth-Flynn@dep.nj.gov).

Sincerely,



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David Pepe, Director  
Office of Permitting and Project Navigation

