



Agenda Date: 6/30/26
Agenda Item: 8K

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF)
CHAMBERLAIN EAST 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. QW26040135

Parties of Record:

Steven P. Gouin, Esq., Counsel for Chamberlain East Solar Farm, LLC

BY THE BOARD:

This Order concerns a petition filed on April 24, 2026, by Chamberlain East Solar Farm, LLC (“Chamberlain East” or “Petitioner”). Petitioner seeks a prohibited land use eligibility waiver under the Competitive Solar Incentive (“CSI”) Program pursuant to L. 2021, c. 169 (“Act”), codified at N.J.S.A. 48:3-119(f) for a solar project within forested lands, as defined by the Board in consultation with the New Jersey Department of Environmental Protection (“NJDEP”).

BACKGROUND

The Solar Act of 2021 (“Solar Act” or “Act”) directed the Board to create two (2) solar incentive programs, one of which is a competitive solicitation process for grid supply solar facilities and net metered facilities greater than five (5) MW. The Act also directed the Board, in consultation with the NJDEP and the Secretary of the New Jersey Department of Agriculture (“Secretary of Agriculture”), to establish solar siting rules that will apply to all grid supply solar facilities and net metered solar facilities greater than five (5) MW in size.¹

In connection with the establishment of siting criteria, the Act lists a series of land uses that are not authorized for solar project siting unless the applicant, in accordance with the waiver provisions specified in the Act,² files a waiver petition with the Board and receives approval from it to proceed.³ Among the land use areas that require a waiver before siting a solar project is

¹ N.J.S.A. 48:3-119(b).

² N.J.S.A. 48:3-119(f).

³ Id.

permitted is forested lands.⁴ Pursuant to N.J.A.C. 14:8-12.2, “Forested land’ means land that is at least 1.0 acre in size and 120.0 feet wide and that has, or has had within the past 10 years, at least 10 percent crown cover by live tally trees of any size or at least 10 percent canopy cover of live tally species, based on the presence of stumps, snags or other evidence.” The Act requires that the “petition shall set out the unique factors that make the project consistent with the character of the specific parcel.”⁵ 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.”⁶

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

On September 18, 2023, proposed rules for siting grid supply and large net metered solar facilities (“CSI Siting Rules”) were adopted with non-substantial changes and published 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.

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.⁸ The Board, or its designee, may request additional evidence prior to approving or denying a request for any waiver requested, pursuant to this section.⁹

On January 20, 2026, Governor Mikie Sherill signed Executive Order (“EO”) 2,¹⁰ 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.¹¹

Chamberlain East submitted a prequalification application in the fourth solicitation of the CSI Program on March 27, 2026 in Tranche 1. On April 13, 2026, Board Staff via the Solicitation Administrator sent correspondence to the Petitioner’s counsel indicating that the facility would require a waiver of the CSI Siting Rules at N.J.A.C. 14:8-12.3(a)(6) because it was located on land that met the definition of forested land. On April 22, 2026, Board Staff notified all prospective

⁴ N.J.S.A. 48:3-119(c)(6).

⁵ N.J.S.A. 48:3-119(f).

⁶ *Id.*

⁷ 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”).

⁸ N.J.A.C. 14:8-12.6(a)(1).

⁹ N.J.A.C. 14:8-12.6(c).

¹⁰ Exec. Order No. 2 (Jan. 20, 2026), 51 NJR 1041(a), available at <https://nj.gov/infobank/eo/057sherrill/pdf/EO-2.pdf>.

¹¹ 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 Solicitation Order”).

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 CSI Siting Rules 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, counsel for Chamberlain East filed a petition with the Board seeking a waiver of the CSI siting prohibitions at N.J.A.C. 14:8-12.3(a)(6)¹² to allow participation in the Competitive Solar Incentive (“CSI”) Program. The petition concerns a 16.389 MWdc solar facility (“Project”)¹³ proposed to be located on property identified as Block 47, Lots 9, 9.08, 9.09, 9.10, and 9.11 in White Township, Warren County, New Jersey (“Property”).

Petitioner asserted that although a portion of the Property has been classified as “forested land” for purposes of the CSI Siting Rules, the area consists primarily of low-resource-value second-growth vegetation and scrub growth located on actively managed agricultural land that has historically been subject to logging and clearing activities. According to Petitioner, all high-resource-value trees have previously been removed and the remaining vegetation represents incidental regrowth on previously cleared farmland. Petitioner further asserted that the Property owner intends to continue clearing the area and returning it to agricultural use irrespective of the proposed Project.

Petitioner argued that treating the subject area as equivalent to intact, undisturbed forestland would be inconsistent with the intent of the CSI Siting Rules, which Petitioner claims were designed to preserve high-value ecological resources rather than restrict the productive use of actively managed agricultural land exhibiting incidental vegetative regrowth. Petitioner therefore asserted that the Project does not implicate the policy concerns underlying the forested land siting prohibition at N.J.A.C. 14:8-12.3(a)(6).

In the alternative, Petitioner asserted that good cause exists for granting a waiver because the Project would utilize land that is already managed and periodically cleared without resulting in the loss of intact forestland. Petitioner further claimed that granting the requested relief would serve the public interest by advancing the State’s renewable energy goals while avoiding impacts to high-resource-value forested areas. According to Petitioner, denial of the requested relief would not preserve meaningful environmental resources because the Property owner intends to clear the area and return it to agricultural use regardless of whether the Project proceeds.

Petitioner advised that the Project has received Minor Subdivision and Major Site Plan Approval from the White Township Planning Board. Petitioner further advised that the Project has progressed through Decision Point I in the PJM interconnection process and is advancing through the interconnection study process consistent with a project approaching construction readiness. According to Petitioner, these development milestones demonstrate that the Project is viable and

¹² Petitioner referenced N.J.A.C. 14:8-12.3(a)(4), Land designated as freshwater wetlands, as defined pursuant to P.L. 1987, c. 156 (N.J.S.A. 13:9B-1 et seq.), or coastal wetlands, as defined pursuant to P.L. 1970, c. 272 (N.J.S.A. 13:9A-1 et seq.). References have been corrected to reflect forested land and associated transition zones.

¹³ Capacity reflects information submitted in the CSI prequalification package. Petition listed 15.459 MW for the project; Staff reached out to Petitioner for clarification and has not received response.

not speculative in nature. Petitioner also asserted that the Project would provide a meaningful tax ratable to White Township and support local employment through the use of New Jersey-based contractors for construction, operation, and maintenance activities.

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, Board Staff consulted with the NJDEP. Board Staff also sought comment from the Highlands Council ("Council") and the New Jersey Department of Agriculture ("NJDA").¹⁴ On June 10, 2026, the NJDEP's Office of Permitting and Project Navigation provided a memorandum to the Board detailing their review of the petition.¹⁵ NJDEP stated that New Jersey Forest Service ("Forest Service") defines "forested lands" as "[l]and that has or has had within the past ten years at least 10 percent crown cover by live tally trees of any size or at least 10 percent canopy cover of live tally species, based on the presence of stumps, snags or other evidence." To qualify as forested lands, the area must be at least one (1) acre in size and 120 feet wide, including transition zones that meet the minimal tree stocking/cover standards and forest areas adjacent to urban and built-up lands. The Forest Service has implemented a 10-year look back history within the definition to avoid short term clear cutting for the purpose of receiving incentive funding.¹⁶ NJDEP confirmed that areas within the current project design overlap with mapped forested areas and strongly recommended that the site plan be redesigned to avoid the clearing of trees.

NJDEP advised that the forested area is valued for Endangered and Threatened and "Special Concern" species including Bobcat, Vesper Sparrow, American Kestrel, Wood Thrush, Woodland Box Turtle, Little Brown Myotis, Big Brown Bat, and Eastern Red Bat, as well as New Jersey-endangered bat species found across the northern part of the state. The areas where trees are present serve as potential summer roosting habitat for bats and nesting habitat for the American Kestrel.

NJDEP recommended that the Petitioner not be granted a waiver to site on prohibited forested land. NJDEP stated support for the Petitioner to participate in the CSI Program provided that they avoid forested areas (i.e., forested lands 1 acre or more in size and one hundred and twenty feet wide) on the Property. NJDEP stated that if the project were to move forward, coordination with New Jersey Fish and Wildlife to establish timing restrictions and best management practices for construction and species impacts are recommended.

¹⁴ The Project is not located on prohibited Highlands Preservation area, preserved farmland, or covered agricultural lands exceeding the siting limitations pursuant to N.J.A.C. 14:8-12.4, and does not require a Highlands or agricultural waiver. Staff consulted with the Council for informational purposes because the site is in the Highlands Planning Area. Similarly, Staff consulted the NJDA for information regarding any forest management plan for the site.

¹⁵ NJDEP June 10 memo at Appendix A.

¹⁶ This definition is substantively similar to that in the Board's rules at N.J.A.C. 14:8-12.2: "Forested land" or "forestland" means land that is at least 1.0 acre in size and 120.0 feet wide and that has, or has had within the past 10 years, at least 10 percent crown cover by live tally trees of any size or at least 10 percent canopy cover of live tally species, based on the presence of stumps, snags, or other evidence. Forested land includes transition zones, such as areas between forest and non-forestland that meet the minimal tree stocking/cover and forest areas adjacent to urban and built-up lands.

On May 29, 2026, the NJDA provided comments on the site,¹⁷ confirming that the site is an agricultural development area in Warren County and contains Prime soils and soils of Statewide importance. NJDA noted that the site is within the White Township Planning Incentive Grant farmland preservation project area and is identified as a target farm for preservation within the Township's Comprehensive Farmland Preservation Plan.¹⁸ NJDA further noted that there is no evidence of a Woodland Management Plan or Forest Stewardship Plan filed with the New Jersey Forest Service for the management of the forested acreage on the Property.

On May 28, 2026, the Highlands Council provided a memorandum pursuant to the Highlands Act (13:20-16c) which requires a non-binding comment on "capital or other projects" that provide for the ultimate disturbance of two (2) acres or more of land in the Highlands Planning Area.¹⁹ The Council confirmed that Block 47, Lots 9, 9.08, 9.09, 9.10, and 9.11 are in the Highlands Planning Area of White Township, Warren County, where conformance with the Highlands Regional Master Plan ("RMP") is voluntary, and that White Township has not conformed its local planning and land use documents with the RMP.

The Council stated that the lots are primarily located on lands actively devoted to agriculture and contain Highlands mapped resources including Agriculture Resource Areas, Important Farmland Soils, Critical Habitat for Eastern Box Turtle, Bobcat, Wood Thrush, American Kestrel and Vesper Sparrow, Forest Resource Area, Prime Groundwater Recharge Area, and High Priority Agricultural Preservation lands. The parcels are located in the Conservation Zone – Environmentally constrained sub-zone of the Land Use Capability Zone Map, which favors protections of agricultural resources. The Council provided documentation of the resources present.

The Council confirmed that there is no direct prohibition on solar projects in the Planning Area but stated that the loss of farmland, especially farmland with valuable soils, is considered a significant threat to the region and advised that the use of active valuable agricultural lands for the development of solar installations should be avoided in favor of existing disturbed and developed sites. The Council recommended the inclusion of certain conditions if the Project is approved: utilizing Dual Use or Agrivoltaics development that will allow continued agricultural use of the land while providing the benefit of solar power generation; maintaining existing top soil; the creation of a decommissioning plan for the facility to restore the land to its original state when and if the power generation use ends; and requiring a bond from the project developer to ensure compliance with these measures.

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

¹⁷ NJDA May 29 letter at Appendix B.

¹⁸ The Municipal Planning Incentive Grant ("PIG") Program is a state initiative administered by the SADC that provides grants to municipalities to permanently preserve farmland in designated project areas. <https://www.nj.gov/agriculture/sadc/farmpreserve/programs/municipalPIG.html>

¹⁹ Highlands Council May 28 letter at Appendix C.

preserving and protecting open space and farmland.²⁰

The Board has effectuated this policy priority through the creation of siting rules for CSI-eligible facilities in cooperation with the NJDEP, the NJDA, 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: consultation with other state agencies, as appropriate; a determination that the petitioner has documented sufficient facts and circumstances to establish the public's specific interest in siting the CSI-eligible facility on or within a specific prohibited land use; and finding that the waiver is in the public interest, wherein the specific project at issue provides a benefit that outweighs the 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.

The Board **FINDS** that the process for considering a siting waiver request was properly followed with respect to the Project. The Board **FINDS** that, as required by the Act and codified at N.J.A.C. 14:8-12.6(a), Board Staff consulted with the NJDEP as the State agency with regulatory authority over the site. While not required by the Act, the Board **FINDS** that Staff's consultation with the NJDA and the Highlands Council on the Project assisted in the Board's consideration of the siting waiver request and public interest determination.

NJDEP advised that based on a review of the petition, the majority of the site is cleared agricultural land. However, NJDEP advised that there is area within the current Project design that overlaps with mapped forested areas, and strongly recommended that the panel layout be redesigned to avoid the clearing of trees. This forested area may serve as critical habitat for Threatened and Endangered species and species of "Special Concern" in New Jersey. In considering NJDEP's recommendations, the Board **FINDS** that the definition of forested lands provided by the New Jersey Forest Service and utilized in the NJDEP evaluation aligns with the definition provided in the Board's CSI Siting Rules for Grid Supply and Large Net Metered Solar Facilities at N.J.A.C. 14:8-12.2 and therefore confirms Staff's evaluation that the Project is proposed for forested land prohibited under N.J.A.C. 14:8-12.3. The Board **FINDS** that the NJDEP determined that it had received the information necessary to evaluate the character of the site and recommended that the Board not grant a waiver to site on the prohibited land use. The Board **FURTHER FINDS** that NJDEP supports Project participation in the CSI Program if certain conditions can be met. Specifically, the NJDEP recommends that the Petitioner modify the Project site plan to avoid the clearing of trees in the mapped forested areas.

The Council provided information on the agricultural importance of the site in the Conservation Zone and Environmentally-constrained sub-zone of the Council's Land Use Capability Zone Map. This information was corroborated by the NJDA's review. The Board **FINDS** that while the Project location on prime soils and soils of Statewide importance in agricultural development areas does not surpass the limits on these lands set in the Act, the concerns expressed by the Council align with the intent of the CSI Siting Rules to project important soils and agricultural activity, and the Project must comply with all solar facility construction requirements pursuant to N.J.A.C. 14:8-

²⁰ N.J.S.A. 38:3-114(c).

12.8. The Board does **NOT FIND** reason to set a bond to ensure that the Project will meet these requirements.

Based on the information contained in the petition and the recommendation of the NJDEP, the Board **FINDS** that the construction of the proposed Project would necessitate the clearing of forest lands, and that the Petitioner has not advanced sufficient facts and circumstances to support a finding that such clearing is in the public interest. The Petitioner offers no mitigation strategy that would alleviate the environmental impacts of site deforestation and the net loss of the natural resource. 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(a)(6) is not in the public interest and **DECLINES** to waive the applicability of N.J.S.A. 48:3-119(f) and N.J.A.C. 14:8-12.3(a)(6) in the matter of the petition.

However, upon reviewing the determinations received from its sister agencies, the Board **FINDS** that the Project has conditional support to move forward in the CSI Program. Specifically, the Board **FINDS** that the Petitioner must revise the site plan to avoid all forested areas (i.e., forested lands one (1) acre or more in size and one hundred and twenty feet wide) as delineated by the NJDEP's 2020 Land Use/Land Cover GIS dataset, to meet the CSI Program siting requirements. The Board **DIRECTS** the Petitioners to submit a revised site plan certified by a licensed engineer to the Board that meets these conditions within six (6) months of the effective date of this order, to be administratively approved by Board Staff in consultation with NJDEP. The Board further **DIRECTS** that Board Staff may administratively approve an extension of the timeline for site plan revision and approval by up to three (3) months.


After careful consideration of the materials submitted to the CSI Program as a part of the prequalification application for the fourth solicitation, the Board **FINDS** that with the exception of a revised site plan, the petition 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 **FINDS** that upon the approval of a revised site plan, the Petitioner will satisfy all prequalification requirements. The Board therefore **WAIVES** its requirement for a site plan certified by a licensed engineer pursuant to N.J.A.C. 14:8-11.10(d)(3) to allow the Project to conditionally prequalify to participate in the fourth CSI Program solicitation, and **DIRECTS** that the Petitioner's bid shall be considered for an SREC-II award in Tranche 1 in the fourth CSI Program solicitation, with an award conditioned on meeting the above requirement.

The Board **FINDS** that the Project must follow all permitting and approval requirements established by the Council and the NJDEP under their respective permitting and/or approval authorities; the conditions set by the Board do not waive any of these requirements. More specifically, the Petitioner must receive all approvals and permits from NJDEP, which may include but may not be limited to the specific issues mentioned in the advisory memo.

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

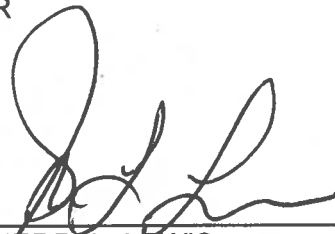

DR. ZENON CHRISTODOLOU
COMMISSIONER


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 CHAMBERLAIN EAST 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. QW26040135

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DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF PERMITTING AND PROJECT NAVIGATION

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Ed Potosnak
Acting Commissioner

Mikie Sherrill
Governor

Dr. Dale G. Caldwell
Lt. Governor

June 10, 2026

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

**Subject: Chamberlain East Solar Farm, LLC
Waiver of the CSI Siting Prohibitions
Block: 47, Lots 9, 9.08, 9.09, 9.10, and 9.11
White Township, Warren 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 petition for a waiver to the siting requirements under the New Jersey Board of Public Utilities (Board) Competitive Solar Incentive Program (CSI) for the Chamberlain East Solar Farm 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 on forested lands and associated transition zones without a waiver granted by the Board (N.J.A.C. 14:8-12.3). The applicant proposes to develop a 15.459 MW dc solar facility located on Block 47, Lots 9, 9.08, 9.09, 9.10, and 9.11 in White Township, Warren County, New Jersey.

In regards to the CSI prohibited land type, the New Jersey Forest Service (Forest Service) defines "forested lands" as "*Land that has or has had within the past ten years at least 10 percent crown cover by live tally trees of any size or at least 10 percent canopy cover of live tally species, based on the presence of stumps, snags or other evidence.*" To qualify as forested lands, the area must be at least 1.0 acre in size and 120.0 feet wide. Forest land includes transition zones, such as areas between forest and non-forest lands that meet the minimal tree stocking/cover and forest areas adjacent to urban and built-up lands. In addition, the Forest Service has implemented a 10-year look back history within the definition to avoid short term clear cutting for the purpose of receiving incentive funding.

Based on a review of the petition, the majority of the site is cleared agricultural land however, there is area within the current project design that overlaps with mapped forested areas. It is strongly recommended that the panel layout be redesigned to avoid the clearing of trees. The forested area is valued for Endangered & Threatened and "Special Concern" wildlife species which include, Bobcat, Vesper Sparrow, American Kestrel, Wood Thrush, Woodland Box Turtle, Little Brown Myotis, Big Brown Bat, and Eastern Red Bat. There are also listed bat species that are found across northern NJ, including Indiana Bat, Northern Myotis, and Tri-colored Bat (all are Endangered in NJ). The areas where trees are present would be potential summer roosting habitat for bats and nesting habitat for the American Kestrel which utilize tree cavities to build their nests.

The NJDEP does not recommend that Chamberlain East Solar Farm, LLC be granted a waiver to site on forested areas which are a prohibited site type. Provided the applicant could avoid the forested areas on the property, the NJDEP would support participation in the CSI Program. Should the project move forward, the NJDEP recommends further coordination with the New Jersey Forest Service to confirm avoidance of forested areas and New Jersey Fish and Wildlife to establish timing restrictions and best management practices for construction and impacts to Threatened and Endangered species. This letter is not indicative that the NJDEP has made any decisions on whether the proposed project will be permitted.

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 Chamberlain East Solar Farm project. Should you have any questions or need additional information, please contact Hannah Locke with the Office of Permitting and Project Navigation at Hannah.Locke@dep.nj.gov.

Sincerely,



David Pepe, Director



Memo



To: Diane M. Watson, Ph.D., Research Scientist, New Jersey Board of Public Utilities (NJBPU)

From: Steven Bruder PP/AICP, Supervising Planner, New Jersey State Agriculture Development Committee (NJSADC)

**Re: Competitive Solar Incentive (CSI) Program Land Use Waiver Petitions
Chamberlain East Solar Farm (Block 47, Lots 9, 9.08, 9.09, 9.10 and 9.11; White Township, Warren)
Chamberlain West Solar Farm (Block 47, Lot 10; White Township, Warren County)**

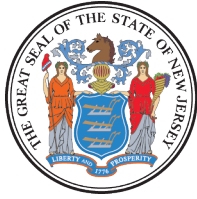
Date: 5/29/2026

Petitions requesting NJPBU consideration for a waiver from the siting prohibitions at N.J.A.C. 14:8-12.3(a)6 have been submitted for above referenced CSI projects due to the presence of “forested land”. This memo provides the NJBPU advisory information on the attributes of these parcels from the NJSADC and the New Jersey Department of Agriculture (NJDA).

Both the Chamberlain East Solar Farm and the Chamberlain West Solar Farm:

- Are located within the Warren County Agricultural Development Area as identified by the Warren County Agriculture Development Board and certified by the NJSADC;
- Are within the Warren County Planning Incentive Grant (PIG) farmland preservation project area;
- Are within the White Township PIG project area and identified as farms targeted for preservation within the Township’s Comprehensive Farmland Preservation Plan;
- Contain soils that are identified as Prime Farmland and Farmland of Statewide Importance;
- Are located adjacent to three separate preserved farms;
- Are within the New Jersey Highlands Planning Area. White Township however is a municipality that has not opted to conform its land development ordinance to the Highlands Regional Master Plan; and
- Are within the Rural Planning Area pursuant to the New Jersey State Plan Policy Map.

The above projects are proposing to impact both land in active agricultural production and forested acreage. We note there does not appear to be an existing Woodland Management Plan or Forest Stewardship Plan filed with the New Jersey Forest Service for the management of the forested acreage on these properties.



MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

State of New Jersey

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CARL J. RICHKO
Chairman

BENJAMIN L. SPINELLI, ESQ.
Executive Director

May 28, 2026

VIA EMAIL ONLY:

Diane M. Watson, Ph.D.
Research Scientist, Division of Clean Energy
New Jersey Board of Public Utilities
44 South Clinton Ave
Trenton, NJ 08625

Re: CSI Solar Application: White Twp, on Block 47, Lots 9, 9.08, 9.09, 9.10, 9.11 and 10

The above-mentioned lots are in the Highlands Planning Area of White Township, Warren County where conformance with the Highlands Regional Master Plan (RMP) is voluntary. As such, White Township has not conformed its local planning and land use documents with the RMP at this time. However, the Highlands Act at 13:20-16c requires a non-binding comment by the Highlands Council on “capital or other projects” that provides for the ultimate disturbance of 2 acres or more of land in the Planning Area. Due to the nature of the CSI initiative, which commits State resources and funds to such projects, the Council finds it appropriate to provide comment on such projects.

The Highlands Act and RMP acknowledge that “Agriculture is a vital component of the Highlands Region’s culture, landscape, and economy. It provides important economic benefits to the Highlands Region in the form of agricultural production and agritourism, provides a local food source to area residents using less energy than would be required to import produce from other regions, and helps maintain the Highland’s rural character. Agriculture is also an industry in which the land is the primary instrument of production. Therefore, it is imperative to retain the land base and preserve contiguous areas of agriculture to sustain and enhance agricultural resources and the agricultural industry.” These goals were found to be consistent with the State Plan through the State Planning Commission endorsement of the RMP.

The above-mentioned lots are primarily located on lands actively devoted to agriculture. These lots contain a variety of Highlands mapped resources including Agriculture Resource Areas, Important Farmland Soils, Critical Habitat (Eastern Box Turtle, Bobcat, Wood Thrush, American Kestrel, and Vesper Sparrow), Forest Resource Area, Prime Groundwater Recharge Area, and High Priority Agricultural Preservation lands. For these reasons the parcels are located in the Conservation Zone- Environmentally constrained sub-zone of the Land Use Capability Zone Map, which favors the protection of agricultural resources. The attached property reports provide a complete breakdown of the resources present.

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While there is no direct prohibition on solar projects in the Planning Area, the Highlands Council considers the loss of farmland, especially farmland with valuable soils, a significant threat to the Region. The use of active valuable agricultural lands for the development of solar installations should be avoided in favor of utilizing existing available host locations such as warehousing, large-scale “big-box” retail buildings and parking lots. Existing disturbed and developed sites are always a preferable alternative in the Highlands region to siting solar facilities on agricultural lands. To that end, while a solar project located on agricultural lands is not favored, we urge the BPU, if this project is approved, to impose certain conditions of such projects:

- Dual-use or Agrivoltaics type development is preferred. Such mechanisms will allow the continued agricultural use of the land while providing the benefit of solar power generation.
- Maintenance of top-soil: the solar developer should not be allowed to remove existing top soil.
- Decommissioning Plan: The solar developer shall put in place a plan to decommission the solar facility and restore the land to its original state when and if the power generation use ends.
- Require a bond from the project developer to insure compliance with the outlined mitigation measures.

Thank you for the opportunity to provide comments on this important aspect of Highlands land use. Should you have any questions or require additional information we would be happy to provide it.

Sincerely,



Benjamin L. Spinelli, Esq.
Executive Director

Attachments



NEW JERSEY HIGHLANDS COUNCIL

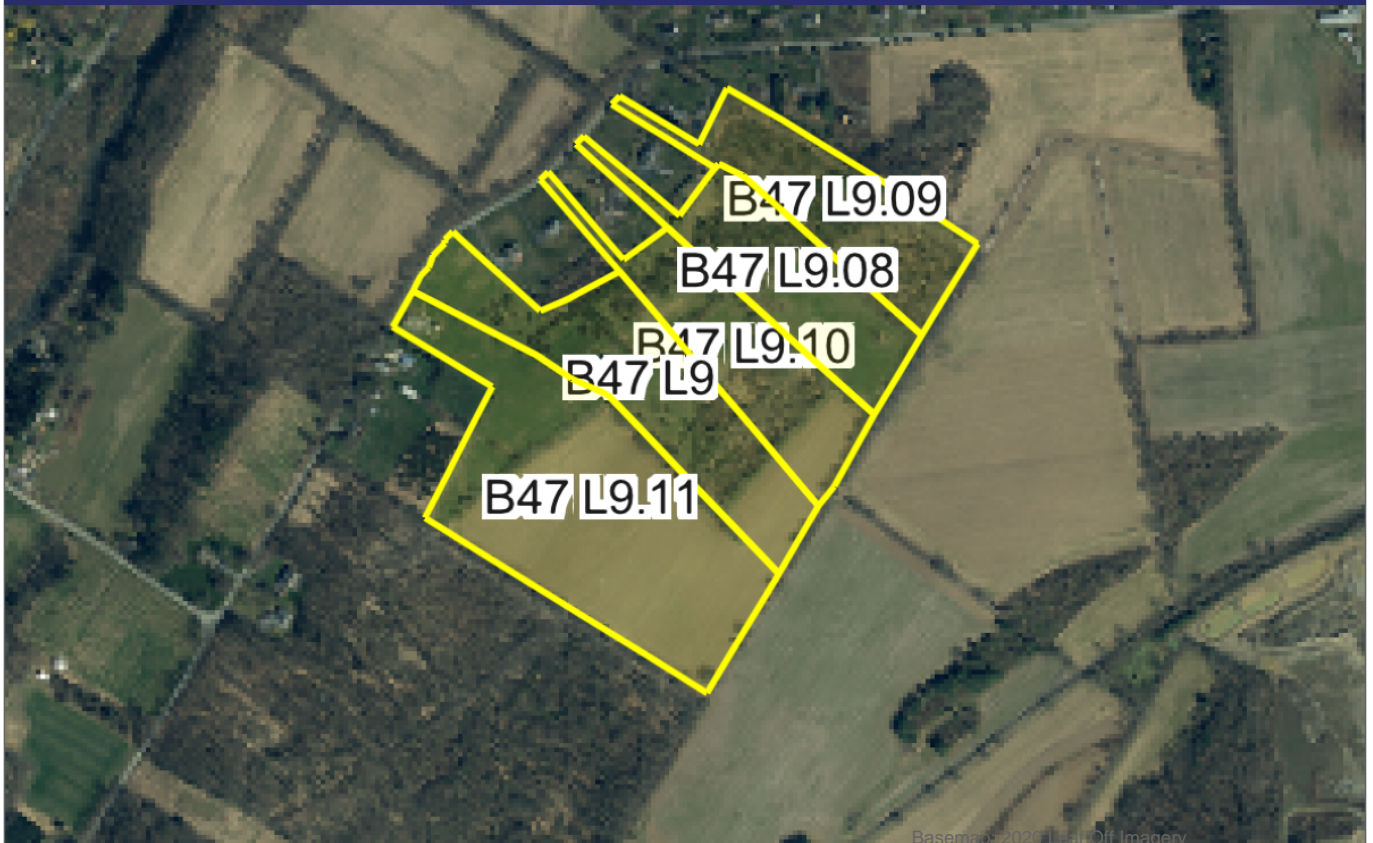
State of New Jersey Highlands Water Protection and Planning Council

100 North Road (Route 513), Chester, NJ 07930 | Telephone: (908) 879-6737 | Fax: (908) 879-4205

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Combined Report for 5 Parcels



Basemap: 2022 Aerial Off Imagery

MOD IV Data	
Block	47, 47, 47, 47, 47
Lot	9.10, 9, 9.09, 9.11, 9.08
Municipality	WHITE TWP
County	WARREN County
QCode	Q0265
Owner	N/A
Property Location	PEQUEST DR, 141 PEQUEST DR
Zoning	Detached Single-Family Residence District

NJ Highlands Data	
Planning Area	64.17 ac. (100.00%)
Preservation Area	-
Plan Conformance	Not Approved
Designated Center	No
Lot Size	64.17 ac.
Impervious Surface (2020)	0.32 ac. (0.51%)

Agriculture	
Agricultural Landscape >= 250 ac.	57.09 ac. (88.96%)
Agricultural Resource Area	64.17 ac. (100.00%)
Important Farmland Soils	31.13 ac. (48.52%)
Agricultural Uses	40.50 ac. (63.11%)

Critical Habitat	
Confirmed Vernal Pool Buffer (300m)	0 ac.
Critical Wildlife Habitat	52.47 ac. (81.77%)
Significant Natural Area	0 ac.
Species Habitat	Eastern Box Turtle, American Kestrel, Vesper Sparrow

Forest Resources	
Total Forest Area	17.52 ac. (27.30%)
Forest Resource Area	0 ac.
Core Forest	0 ac.
Forest Integrity Score - High	34.37 ac. (53.55%)
Forest Integrity Score - Moderate	29.80 ac. (46.45%)
Forest Integrity Score - Low	0 ac.

Geology	
Carbonate Rock	64.17 ac. (100.00%)

Historical & Archaeological	
Archaeological 1 Sq. Mi. Grid	0 ac.
Historic District	No
Historic Property Name	No historic property present.

Land Use Capability Zones

Protection Zone (PZ)	0 ac.
Wildlife Management Sub-Zone (WMA)	0 ac.
Conservation Zone (CZ)	0 ac.
Conservation - Env. Constrained Sub-Zone (CECSZ)	64.17 ac. (100.00%)
Existing Community Zone (ECZ)	0 ac.
Existing Community - Env. Constrained Sub-Zone (ECECSZ)	0 ac.
Lake Community Sub-Zone (LCZ)	0 ac.

Open Water

Streams	None present
Wetlands	0 ac.
Open Water	0 ac.
Open Water Protection Area	0 ac.
Watershed Values - High	34.37 ac. (53.55%)
Watershed Values - Moderate	29.80 ac. (46.45%)
Watershed Values - Low	0 ac.

Preservation Priority

Special Environmental Zone	0 ac.
Conservation Priority Areas - High	0 ac.
Conservation Priority Areas - Moderate	0 ac.
Agricultural Priority Areas - High	55.57 ac. (86.59%)
Agricultural Priority Areas - Moderate	8.61 ac. (13.41%)

Preserved Open Space

Preserved Land	0 ac.
Scenic Resources	0 ac.

Riparian

Riparian Area	0 ac.
Wildlife Corridor	0 ac.
Riparian Integrity Score - High	0 ac.
Riparian Integrity Score - Moderate	64.17 ac. (100.00%)
Riparian Integrity Score - Low	0 ac.
Flood Prone Areas (1%)	0 ac.
Flood Prone Areas (0.2%)	0 ac.

Steep Slope Protection Area

Severely Constrained	3.48 ac. (5.43%)
Moderately Constrained	2.38 ac. (3.72%)
Limited Constrained	0 ac.

Transportation

Transportation Score >= 3	0 ac.
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Utilities

Public Water System	N/A
Waste Water System	N/A

Water Quality

Lake Management Area	0 ac.
Known Contaminated Sites (NJ-DEP)	N/A
Prime Groundwater Recharge	4.64 ac. (7.24%)
Wellhead Protection Area (community) - Tier 1	0 ac.
Wellhead Protection Area (community) - Tier 2	0 ac.
Wellhead Protection Area (community) - Tier 3	0 ac.

Water Quantity by Subwatershed

HUC14 Subwatershed Name	Pequest R (below Furnace Brook); Pophandusing Brook, Pequest R (below Furnace Brook)
Net Water Availability	-0.99-(-0.10); 0.00-0.04, 0.00-0.04 Million Gallons per Day

General Questions

If you have questions about the information contained in this report, please contact the Highlands Council at (908) 879-6737 or highlands@highlands.nj.gov. Additional information is also available via the links below.

[Highlands Council](#)
[Highlands Water Protection and Planning Act](#)
[Highlands Regional Master Plan](#)

Project Reviews

Please note that jurisdiction for project reviews in the Highlands Region is shared between the Highlands Council and the New Jersey Department of Environmental Protection. Information regarding the types of projects that require Highlands Council review is available on the Highlands Council website.

[Project Reviews](#)

Highlands Act Exemptions and Waivers

The Highlands Act creates seventeen exemptions that allow property owners to develop their properties without applying the enhanced environmental standards adopted by the New Jersey Department of Environmental Protection in the Preservation Area.

[Highlands Act Exemptions](#)
[Municipal Exemption Determinations](#)

Municipal and County Liaisons

A Highlands Council staff liaison is assigned to every highlands municipality or county involved in the Plan Conformance process. A list of liaisons is available at the Highlands Council website.

[Municipal Liaisons](#)

Highlands Plan Conformance Process and Status

Plan Conformance includes the revision of local planning and regulatory documents to integrate the land use and resource management requirements of the Highlands Act so those documents will conform to the goals, requirements and provisions of the Regional Master Plan (RMP). Plan conformance is required by the Highlands Act throughout the Preservation Area and is voluntary in the Planning Area.

[Plan Conformance](#)



NEW JERSEY HIGHLANDS COUNCIL

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Report for B47 L10 in WHITE TWP



Basemap: 2020 Leaflet Imagery

MOD IV Data	
Block	47
Lot	10
Municipality	WHITE TWP
County	WARREN County
QCode	QFARM
Owner	N/A
Property Location	253 PEQUEST DRIVE
Zoning	Detached Single-Family Residence District

NJ Highlands Data	
Planning Area	106.64 ac. (100.00%)
Preservation Area	-
Plan Conformance	Not Approved
Designated Center	No
Lot Size	106.64 ac.
Impervious Surface (2020)	0.44 ac. (0.41%)

Agriculture	
Agricultural Landscape >= 250 ac.	106.64 ac. (100.00%)
Agricultural Resource Area	106.64 ac. (100.00%)
Important Farmland Soils	36.67 ac. (34.38%)
Agricultural Uses	37.93 ac. (35.57%)

Critical Habitat	
Confirmed Vernal Pool Buffer (300m)	0 ac.
Critical Wildlife Habitat	104.89 ac. (98.37%)
Significant Natural Area	0 ac.
Species Habitat	Eastern Box Turtle, Bobcat, Wood Thrush, American Kestrel, Vesper Sparrow

Forest Resources	
Total Forest Area	62.52 ac. (58.63%)
Forest Resource Area	0 ac.
Core Forest	15.41 ac. (14.45%)
Forest Integrity Score - High	35.59 ac. (33.38%)
Forest Integrity Score - Moderate	71.04 ac. (66.62%)
Forest Integrity Score - Low	0 ac.

Geology	
Carbonate Rock	106.64 ac. (100.00%)

Historical & Archaeological	
Archaeological 1 Sq. Mi. Grid	0 ac.
Historic District	No
Historic Property Name	

Land Use Capability Zones

Protection Zone (PZ)	0 ac.
Wildlife Management Sub-Zone (WMA)	0 ac.
Conservation Zone (CZ)	0 ac.
Conservation - Env. Constrained Sub-Zone (CECSZ)	106.64 ac. (100.00%)
Existing Community Zone (ECZ)	0 ac.
Existing Community - Env. Constrained Sub-Zone (ECECSZ)	0 ac.
Lake Community Sub-Zone (LCZ)	0 ac.

Open Water

Streams	
Wetlands	0 ac.
Open Water	0 ac.
Open Water Protection Area	0 ac.
Watershed Values - High	35.59 ac. (33.38%)
Watershed Values - Moderate	71.04 ac. (66.62%)
Watershed Values - Low	0 ac.

Preservation Priority

Special Environmental Zone	0 ac.
Conservation Priority Areas - High	0 ac.
Conservation Priority Areas - Moderate	0 ac.
Agricultural Priority Areas - High	106.03 ac. (99.43%)
Agricultural Priority Areas - Moderate	0.61 ac. (0.57%)

Preserved Open Space

Preserved Land	0 ac.
Scenic Resources	0 ac.

Riparian

Riparian Area	0 ac.
Wildlife Corridor	0 ac.
Riparian Integrity Score - High	0 ac.
Riparian Integrity Score - Moderate	106.64 ac. (100.00%)
Riparian Integrity Score - Low	0 ac.
Flood Prone Areas (1%)	0 ac.
Flood Prone Areas (0.2%)	0 ac.

Steep Slope Protection Area

Severely Constrained	2.87 ac. (2.69%)
Moderately Constrained	3.95 ac. (3.71%)
Limited Constrained	0 ac.

Transportation

Transportation Score >= 3	0 ac.
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Utilities

Public Water System	N/A
Waste Water System	

Water Quality

Lake Management Area	0 ac.
Known Contaminated Sites (NJ-DEP)	
Prime Groundwater Recharge	0.21 ac. (0.20%)
Wellhead Protection Area (community) - Tier 1	0 ac.
Wellhead Protection Area (community) - Tier 2	0 ac.
Wellhead Protection Area (community) - Tier 3	23.63 ac. (22.16%)

Water Quantity by Subwatershed

HUC14 Subwatershed Name	Pequest R (below Furnace Brook); Pophandusing Brook
Net Water Availability	-0.99-(-0.10); 0.00-0.04 Million Gallons per Day

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