



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY

Governor

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RICHARD PRICKETT

Chairman

NANCY WITTENBERG

Executive Director

MEMORANDUM

To: Land Use, Climate Impacts and Sustainability Committee Members

From: Nancy Wittenberg
NW
Executive Director

Date: January 14, 2021

Subject: Meeting materials

Enclosed please find the agenda for the Committee's upcoming meeting on January 20, 2021. We have also enclosed the minutes from the Committee's October 30, 2020 meeting.

We will be updating the Committee on NJDEP's PACT (Protecting Against Climate Threats) regulatory reform efforts. Staff has attended a number of recent stakeholder meetings, including a session on December 22, 2020 that focused on the framework of potential amendments to NJDEP's land resource protection rules. I encourage all Committee members to view the NJDEP's presentation by clicking on the following link:

<https://www.nj.gov/dep/workgroups/docs/njpact-real-20201222.pdf>

The Committee meeting will be conducted through Zoom. The public will be able to view and participate in the meeting through the following YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>



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LAND USE, CLIMATE IMPACTS AND SUSTAINABILITY COMMITTEE MEETING

January 20, 2021

9:30 a.m.

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrio7ppxs3Uw>

To Provide Public Comment, Please Dial: 929-205-6099 Meeting ID: 868 5894 0819

Agenda

1. Call to Order
2. Adoption of the October 30, 2020 Committee meeting minutes
3. Discussion of solar energy facilities in the Pinelands Area
 - NJ Board of Public Utilities Community Solar Pilot Program
 - Comprehensive Management Plan standards
 - Recent application activity and issues
 - Possible amendments
4. Update on the New Jersey Department of Environmental Protection's NJPACT (Protecting Against Climate Threats) regulatory reform effort
5. Review of maps prepared using NJ FloodMapper tools
6. Legislative update
7. Public comment

Land Use, Climate Impacts & Sustainability Committee Meeting

This meeting was conducted remotely

All participants were present via Zoom conference

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

Minutes October 30, 2020

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Jordan Howell, Sean Earlen, Richard Prickett, Edward Lloyd and Alan W. Avery

STAFF PRESENT: Executive Director Nancy Wittenberg, Susan Grogan, Jessica Lynch, Stacey Roth and Paul Leaken

1. **Call to Order** - 10:03 am meeting called to order by Chairman Lohbauer
2. **Adoption of October 7, 2020 Committee meeting minutes**
Commissioner Prickett moved the adoption of the minutes of the October 7, 2020 Committee meeting. Commissioner Howell seconded the motion and the minutes were adopted with all voting in favor.
3. **Continued Discussion of revised draft resolution establishing the Pinelands Commission's objectives relative to climate change in the Pinelands Area and the responsibilities of the Land Use, Climate Impacts and Sustainability Committee.**
-Susan Grogan highlighted the changes made to the draft resolution based on the feedback from the Committee at the October 7, 2020 meeting.
-Chairman Lohbauer said he was supportive of the new language, particularly that reflecting that the Chairman of the Personnel and Budget Committee will update the LUCIS Committee on climate related matters regarding facilities management.
-Commissioner Avery said he was supportive of these changes as long as it is clear that this is the *intent* of the Commission and that it is not adopting standards or review criteria at this time, but working toward it.
-Chairman Lohbauer spoke of a new document published by the NJDEP called the "80 x 50", a new standard the NJDEP intends to follow for reduction of 80% greenhouse gas emissions in New Jersey by the year 2050, written in response to the NJ Legislature NJ Global Warming Response Act, 2007. Chairman Lohbauer recommended including reference to the document in the "Whereas" section of the resolution. After committee discussion, the recommendation was withdrawn by Chairman Lohbauer.
-Commissioner Earlen moved the recommendation that the Resolution be brought to the full Commission for adoption. Commission Howell seconded the motion and the motion was approved with all voting in favor.

4. Discussion of future schedule, priorities, staff responsibilities and budget implications

-Director Wittenberg said the assignment of staff to committees is based on the employee's field of expertise. She stated she doesn't feel the need for a formal staff committee focused on climate issues.

-Commissioner Earlen said the Committee should be trying to tackle the "lower hanging fruit" sooner rather than later, such as solar energy facilities. Commissioner Earlen stated he will send some topics/ideas to the Executive Director for discussion at the next meeting.

-Commissioner Irick said he agrees with Commissioner Earlen. The Committee should be proactive in those matters it feels it should/can address. His primary interests are forestry issues and redevelopment.

-Commissioner Prickett said if the Commission approves the resolution, he feels it gives the Committee the authority to move forward.

-Chairman Lohbauer stated he is open for any agenda suggestions put forward by Committee members. He stated he has been focused on the resolution as the first order of business.

-Commissioner Lloyd stated he feels it would be useful to have a portion of each monthly Management Report designated to climate change.

-Commissioner Avery said the Commission needed to consider the conflicts that will arise such as community solar projects requiring the clearcutting of acres of forest, allowing electric utility lines to run through the Preservation Area District or relieving height restrictions for the installation of a windmill for an individual house. As an example, the Commission could consider requiring the orientation of a house to accommodate rooftop solar but such orientation might require encroachment into wetlands buffers. The Commission should discuss where it stands on such issues.

-Chairman Lohbauer said the Committee must establish objective policies and then apply them to these types of conflict determinations. He said he felt carbon sequestration must be the first priority of good climate policy.

-Commissioner Avery said with more than 50% of the Pinelands preserved, he wasn't sure how effective the Commission can be in reducing emissions since most development is small scale, thus not a huge source of greenhouse gas.

-Commissioner Prickett suggested the Commission create a menu of items, a rubric, that an applicant would use in determining how a project could best offset climate change.

-Ms. Grogan said that any rules that make their way into the CMP require that the 53 municipalities incorporate them into their ordinances. She said the municipalities play a key role in the process. She said perhaps they should be involved in some of these discussions.

-In response to Commissioner Prickett's question if the Commission should require forest management of the open space in clustered developments, Ms. Grogan said most cluster development to date has resulted in relatively small areas of open space. In many cases, the open space is not administered by a homeowners association but is incorporated into an individual lot owned by one of the homeowners.

-Commissioner Lloyd said the Committee needs to start a discussion of a particular policy and invite the municipalities to participate.

-Ms. Wittenberg said that due to the pandemic and the loss of funding from the Payment in Lieu of Taxes (PILOT) program, the Commission needs to be sensitive to how much the municipalities are suffering. She said she would share the resolution recently adopted by the Pinelands Municipal Council requesting restoration of the funding.

-Commissioner Irick said he felt the Commission should reach out to the Pinelands municipalities and ask for their input on climate change.

-Ms. Grogan said she was supportive of that idea, particularly if the municipalities were to be provided with a specific list of projects the Commission was considering, such as solar facilities.

-Commissioner Avery said that rulemaking should be done in groups to minimize the cost (advertising, notices, codification, etc.) to municipalities of adopting the implementing ordinances.

-In response to Commissioner Avery's question, Ms. Grogan said all CMP amendments are transmitted to the Department of the Interior but in recent rounds, no response has been received. Ms. Roth added that absent a response, CMP amendments automatically take effect after 60 days.

-Chairman Lohbauer suggested that Leslie Sauer be invited to speak at an upcoming Committee meeting. Ms. Sauer is a New Jersey forester. Director Wittenberg will follow up on this request.

5. Public Comment

-Rhyan Grech, Pinelands Preservation Alliance, stated the PPA is glad to see the Commission is addressing climate change. She stated that PPA and others are concerned about the state forestry plan. She encouraged the Commission to move forward and emphasize preservation of threatened resources.

Branwen Ellis from the Commission's Regulatory Programs staff stated she attends quarterly Department of Defense (DOD) conference calls, at which the DOD installations have expressed concerns with forestry and the potential for wildfires. The military bases have Readiness and Environmental Protection Integration (REPI) Challenge Grants. The Commission may have an opportunity to apply for these Challenge grants, thereby enabling cost-sharing partnerships. Ruth Foster, NJDEP, Climate Change and Resiliency Program, would be a good contact person for the Committee to reach out to. Ms. Ellis stated she also attends bi-weekly NJDEP meetings with respect to offshore wind proposals in the Pinelands National Reserve. Ms. Ellis stated she will also be attending today's meeting on the draft State Forest Action Plan.

Commissioner Prickett stated the state's climate change and resiliency strategy, to be released sometime this month, includes five items:

- Reduce the risk to the health of New Jersey residents
- Support sustainable and resilient economic development
- Identify funding mechanisms, strategies and opportunities to support climate resilience

- Promote long-term energy and water resource security
- Reduce the risk of wildfires

Commissioner Avery moved the adjournment of the meeting. Commissioner Howell seconded the motion and all agreed. The meeting adjourned at 11:16 AM.

Minutes submitted as true and correct.

A handwritten signature in black ink that reads "Carol A Ebersberger". The signature is fluid and cursive, with "Carol" and "A" being the most prominent letters.

Carol A. Ebersberger
Business Specialist

Date: November 6, 2020