

Adopted 9/25/ 2020

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted remotely

All participants were present via Zoom conference

The public could view/comment through Pinelands Commission YouTube link:

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

Meeting ID: 833 5477 1666.

August 28, 2020 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Jordan Howell, Jerome H. Irick, and Mark Lohbauer

MEMBERS ABSENT: Sean Earlen and Ed Lloyd

STAFF PRESENT: Nancy Wittenberg, Stacey P. Roth, Susan R. Grogan, Charles Horner, Brad Lanute, Ed Wengrowski, Joel Mott, Jessica Lynch, and Betsy Piner. Also present was Craig Ambrose, with the Governor's Authorities Unit.

1. Call to Order

Chairman Prickett called the meeting to order at 9:35 a.m. and Ms. Wittenberg identified all Commissioners and staff attending or participating in the meeting, noting that Ms. Roth would be joining shortly.

2. Adoption of minutes from the June 26, 2020 CMP Policy and Implementation Committee meeting

Commissioner Lohbauer moved the adoption of the minutes of the June 26, 2020 Committee meeting. Commissioner Howell seconded the motion and the minutes were adopted with all voting in favor.

Chairman Prickett noted the recent release of the July Monthly Management Report on the Commission's website

(<https://www.state.nj.us/pinelands/infor/online/July2020MonthlyManageReport.pdf>), the FY-2020 PDC Bank Annual Report

(<https://www.state.nj.us/pinelands/pdcbank/reports/PDC%20Bank%20Annual%20Report%202020.pdf>), and the 2020 Annual Report on the Pilot Program for the Alternate Design Septic Pilot Program

(https://www.state.nj.us/pinelands/landuse/current/altseptic/2020%20Septic%20Pilot%20Program%20Annual%20Report_Final.pdf).

He also noted the photos in the monthly report (*p. 7 of July Monthly Management Report*) of all-terrain vehicle damage to a Science Office research study area. In response to his inquiry about the status of an update from the New Jersey Department of Environmental Protection (NJDEP) regarding their vehicle impoundment and other enforcement efforts, Ms. Wittenberg said NJDEP staff will attend the Commission's September 11, 2020 meeting.

In response to Chairman Prickett's questions about the Monroe Township water monitoring program (*p. 3 of July Monthly Management Report*), Ms. Grogan said staff will provide an update at the next meeting.

3. Executive Director's Reports

Woodland Township Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 by extending the duration of resource extraction permits from two to five years

Mr. Lanute said Woodland Township Ordinance 2020-3 extends the duration of the Township's Resource Extraction Permits from two years to five years. The Township's certified land use ordinance currently permits resource extraction in its Mining/Conservation Zone, which includes three active mining operations.

He said the CMP provides that municipalities may opt for a five-year permit system for mining, provided that such permits are conditioned on specific requirements that are spelled out in the CMP. These permit conditions help to ensure that mining activities maintain compliance with the permit approval for the duration of the permit.

Mr. Lanute said that Ordinance 2020-3 incorporates the required permit condition requirements. Specifically:

- Mine operators must certify, in writing and on an annual basis, that all mining, mine restoration, and other activities have been, and continue to be, conducted in accordance with approved permits.
- A process is spelled out by which either the Township Land Use Board or the Commission's Executive Director may take action if deviations from approved permits become known.
- This process details how operators are to be provided notice of any deviation and includes instructions for taking corrective action.
- If such a notice is provided, a meeting is required to be held within 10 days, at which the mine operator must present all information regarding the deviation and any plans or actions taken to correct it.
- Failure to resolve a deviation or to adhere to any agreement to resolve a deviation constitutes sufficient cause for revoking the mining permit.
- Either the Township's Land Use Board or the Commission's Executive Director may institute proceedings for revoking the permit.

Mr. Lanute said there are no other substantial changes to the Township's existing Resource Extraction standards, which have already been certified. There were some minor revisions simply to incorporate updated CMP terminology.

He also provided some background, noting that in 1994 the Commission amended the CMP to allow for five-year mining permits. Prior to those changes, municipalities were limited to permits with a duration of two years. The five-year mining permit provision has been of great help to mine operators, municipalities, and the Commission staff. The two-year cycle is quite burdensome; by the time mine operators get through the Commission's application process and the municipal permitting process, it's practically time to re-apply. He said the Commission is supportive of municipalities taking advantage of this option, and as of now, six other Pinelands municipalities have already opted for the extended permit duration.

Mr. Lanute said the Commission held a remote public hearing, but no testimony was received. Likewise, no written comments were submitted during the public comment period. He said staff is recommending certification of the ordinance.

Chairman Prickett said he had watched the Zoom public hearing and saw that someone had called in to hear a summary of the ordinance. He said this seemed to be a convenient way to conduct a hearing.

Ms. Grogan said that happens frequently; many times participants attend merely to hear what others might say or to ask for a description. She said the Commission would be conducting three remote public hearings next week.

Chairman Prickett said that he would like to see this format continue, even after the office is open.

In response to Commissioner Lohbauer's question if any current mining permit holders in Woodland Township had any deviations, Mr. Horner said he would look into it and advise the Commission at its upcoming meeting.

In response to Chairman Prickett's question as to who monitors the mining sites, Mr. Horner said typically that is the responsibility of the municipality. He said performance bonds are posted and typically the code enforcement/zoning officer will make periodic site inspections. The Commission does site inspections on a case-by-case basis. He said the 5-year permit includes a self-reporting requirement.

In response to Chairman Prickett's question as to how the bonding process works, Mr. Horner said although he was no expert, when development occurs, both inside and outside the Pinelands, a performance bond is posted to make sure that the project is completed as specified.

Commissioner Lohbauer recommended Commission approval of Woodland Township Ordinance 2020-03. Commissioner Howell seconded the motion and all voted in the affirmative.

4. Update on an amendment to the 1998 Memorandum of Agreement between the Pinelands Commission and Atlantic County concerning Atlantic County Park at Lake Lenape

Ms. Roth arrived at 9:53 a.m.

Ms. Roth said she had been making progress on amending the existing Memorandum of Agreement (MOA) and the deed restriction with Atlantic County for Lake Lenape Park since the Committee had last discussed it (*see CMP P&I Committee minutes of August 23, 2019* https://www.state.nj.us/pinelands/home/meetings/documents/082319p&i_minutes.pdf)

She noted to the Committee that the 1998 MOA is tied to a specific deed restriction in the vicinity of the boat launch area of the lake that locked in the configuration of the docks. The County had since determined that it needs to revise that “pocket” of development to remove the conflicts between various users, e.g., boaters, bathers, rowing sculls, and multiple activities in a small area of less than a half acre. In exchange, the County will deed restrict additional lands. Those lands are in a separate development area that had been designated under the original MOA, where a dock and fishing pier were to be developed adjacent to an interpretive center that was never constructed. Ms. Roth said the amended MOA will lift the deed restriction on the development pocket at the existing dock area to allow reconfiguration of the docks to occur. Ms. Roth said she had sent the draft MOA amendment to Atlantic County in July and she is awaiting the County’s review and details on the proposed acreage to be deed restricted as an offset. She noted the Atlantic County Counsel’s office has been extraordinarily busy. Once we receive the County’s response, she will finalize the MOA amendment and the deed of conservation restriction to present to this Committee. She noted the next steps in the process, including a public hearing on the draft amendment, after which she will incorporate any public comment and present a final version of the amendment to this Committee for its recommendation.

5. Public Comment

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, said his organization had purchased a 1-acre property in Mays Landing for open space. It represents their first land acquisition project and he thanked the Commission for its support.

Also, Mr. Akers said the Commission had supported a Rutgers University green infrastructure project in Winslow Township. During that endeavor, he had found a Township-owned basin that was discharging directly into surface waters during certain rain events. He had reached out to Princeton Hydro and received a proposal for \$11,800.00 to analyze and get specifications to improve the basin. He said his next step was to approach Winslow’s mayor and governing body to proceed, perhaps in partnership.

In response to Chairman Prickett's request that Mr. Akers describe the program further, he said that Rutgers has a statewide program where it approaches municipalities and offers to perform an impervious cover analysis by subwatershed. He said they then develop some techniques to reduce that impervious cover to allow better discharge to groundwater. He said Rutgers had proposed 20 projects in Winslow and roughly 18 in Monroe.

Chairman Prickett said this was an important program for which there should be a link on the Commission's website.

There being no further business, Chairman Prickett thanked members and staff for participating in today's meeting.

Commissioner Lohbauer moved the adjournment of the meeting. Commissioner Howell seconded the motion and all agreed. The meeting adjourned at 10:09 a.m.

Certified as true and correct:



Betsy Diner

Principal Planning Assistant

Date: September 15, 2020