

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
May 29, 2026 – 9:30 a.m.

MINUTES

Members in Attendance: Deborah Buzby-Cope, Jerome H. Irick, Chair Laura E. Matos, Jessica Rittler Sanchez, Gaetano Matro, Mark S. Lohbauer

Members Absent: Douglas Wallner, Alan Avery, Theresa Lettman

Staff Present: Gina Berg, April Field, Susan R. Grogan, Brad Lanute, Paul Leakan, Claire Osei, Stacey P. Roth, Ernest Derman, Brian Szura (via Zoom)

1. Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

2. Adoption of minutes from the April 24 , 2026 CMP Policy & Implementation Committee Meeting

Commissioner Mark Lohbauer moved the adoption of the April 24, 2026 meeting minutes. Commissioner Gaetano Matro seconded the motion. All Ayes. The motion passed.

3. NJPACT REAL Rules Implementation in the Pinelands Area: Flood Hazard Control Act, Coastal Zone Management and Freshwater Wetlands Presentation

Attachment A to these minutes and posted on the Commission's website at the following address:
[Regulatory Impacts of REAL PI 52926 meeting presentation FINAL.pdf](#)

Executive Director (ED) Susan Grogan introduced two presentations that would review impacts to Pinelands Commission regulatory reviews related to the Resilient Environments and Landscapes (REAL) rules adopted in January by the New Jersey Department of Environmental Protection (NJDEP). She said that information became available that morning indicating the NJDEP would be delaying implementation of the rules. She said this would allow the Commission time to consider implication of the impacts that would be discussed in the two presentations.

Chief of Legal and Legislative Affairs, Stacy Roth, provided a presentation on the impacts of the NJ Resilient Environments and Landscapes (REAL) rule amendments on the Pinelands Area and the Commission's review of applications. The REAL rules were proposed in November 2024 with substantial changes made in September 2025 and final adoption in January 2026.

Ms. Roth explained that the REAL rules amended standards related to Coastal Zone Management, Stormwater Management, the Wetlands Protection Act (FWPA), and the Flood Hazard Area Control Act. She provided a brief overview of the flood hazard rules amendments. She said that the new REAL rules raise the regulatory flood depth along tidal waters 4 ft above what FEMA considers the 100-year flood elevation or 1% chance of flood occurring in that year. The new flood hazard amendments affect construction standards based on flood level and the relative impact of flood damage in that portion of the Pinelands National Reserve (PNR) outside the Pinelands Area, where the Commission does not have primary regulatory authority. The Commission serves as a consulting and reviewing agency that provides comments on development applications in to NJDEP.

Executive Director (ED) Grogan remarked that NJDEP received a significant number of comments regarding these amendments. Ms. Roth confirmed that to be true.

Ms. Roth continued with an explanation of changes to the Freshwater Wetlands Protection rules and said this section of the adopted rules has a more significant impact on Pinelands regulatory reviews. She said that for General Permits issued under these rules, mitigation is now required for 17 out of 27 General Permits. There is also a hierarchy with regards to mitigation options from purchasing credits to creating and enhancing wetlands. She noted that wetlands buffer averaging and mitigation of impacts to wetlands is not available to applicants under the standards of the Comprehensive Management Plan (CMP).

Ms. Roth next discussed the existing Memoranda of Agreement (MOA) between the Commission and NJDEP. She explained that the three MOAs pertain to the application process related to the Coastal Zone Management standards, Freshwater Protection Act, and Flood Hazard Area Control Act.

The Coastal Zone Management MOA dates from 1988 and deals with permitting in the PNR. All permitting, planning, and regulatory decisions in the PNR have to be consistent with both the Federal Act and the State Pinelands Protection Act. NJDEP does not have to implement the CMP rules as written, but they review projects to ensure that they are consistent with the intent of the policies and objectives of the Pinelands Protection Act and Federal Act. ED Grogan added that the reason for the MOA was to set up a process for NJDEP to receive the Commission's comments about projects before making decisions. There have only been handful of occasions when the Commission has disagreed with the NJDEP final decision over the years.

Ms. Roth asked Chief Permit Administrator, April Field, about the number of applications related to coastal management in the PNR the Commission receives. Ms. Field added that there is a need to revisit the old, outdated MOAs. Due to time since the MOAs were executed and to staff turnover in that time, staff from either agency may not be aware or conversant in the applicability of an MOA. She said that requests by NJDEP for comments on applications subject to the Coastal Area Facility Review Act (CAFRA) are handled efficiently. She approximated the number of applications the Commission receives under coastal zone management to be about ten a year. ED Grogan added that the Commission only receives applications that require a CAFRA permit, which further limits the number that get reviewed in a year.

Ms. Roth then moved on to discuss the Freshwater Wetlands MOA from 1993. She explained that MOA delegates authority to the Commission to issue Freshwater Wetland General Permits on behalf of NJDEP. The MOA includes provisions that the Commission is the lead agency in the Pinelands Area for the purposes of verification of wetland delineations and wetlands buffer requirements.

Subsequent to execution of the MOA, NJDEP regulations were amended to codify the role of the Pinelands Commission as the lead agency for purposes of wetlands delineation and buffer requirements.

She discussed the Stream Encroachment Permit MOA from 1998 which allowed the Commission to issue general permits related to construction of foot bridges, utility line crossings, and minor grading work. Due to changes in the stream encroachment regulations, the citations and associated permits included in the MOA no longer exist. Therefore, staff stopped issuing those permits around the early 2000s.

Ms. Roth presented staff recommendations regarding the various MOA with NJDEP. She stated that the recommendation was to terminate the Flood Hazard MOA because with the REAL rule changes related to mitigation requirements, and the few applications that are reviewed by Commission staff under the MOA, the level of effort for staff to refamiliarize with the standards and issue the permit or to coordinate mitigation projects, does not provide the streamlining envisioned by the MOA. In addition, the Stream Encroachment MOA could be terminated as the regulations it covered no longer exist. Regarding the Freshwater Wetlands Protection Act MOA, her initial determination was that it should also be eliminated. This is because the relevant provisions that give the Commission authority to delineate wetlands, issue Letters of Interpretation (LOI), and initiate enforcement, are all already codified in the NJDEP regulations.

ED Grogan noted that if the MOAs are terminated, then the Commission would not be reviewing or issuing any General Permits. Ms. Roth affirmed and noted that projects that are exempt from application to the Commission, but may require a wetlands permit, would not be reviewed by the Commission staff if the MOA is terminated.

ED Grogan asked for clarification on wetlands permit projects that are exempt from Pinelands application but inconsistent with CMP standards. Ms. Roth said that some types of development, such as re-building a single-family dwelling, do not require application under the CMP, but may trigger the need for a wetlands permit. She said that without Commission review under the MOA, there is a chance that NJDEP would issue a permit for development that is inconsistent with the CMP. However, the CMP prohibits other state agencies from issuing permits for development that is noncompliant with the CMP standards. Therefore, NJDEP should not issue a permit for development that is inconsistent with the CMP. Ms. Roth said rather than eliminating the Freshwater Wetlands MOA, it may be best to discuss amending the MOA with NJDEP to reflect a better application review process.

Commissioner Rittler Sanchez asked if the Commission was responsible for all Freshwater General Permits in the Pinelands. Ms. Roth confirmed. Ms. Rittler Sanchez asked if staff was recommending termination of the MOA.

ED Grogan said that it was important for the Commission to discuss the current Freshwater Wetlands MOA with NJDEP to determine the best course of action, be it amendment, termination or a new improved process. She said that the increased complexity of NJDEP standards requires more effort for the Commission to review wetlands general permit applications. She said that mitigation requirements add responsibility for Commission staff and are also a concern.

Ms. Roth said that if the MOA gets terminated, the jurisdiction over wetlands delineation and buffer requirements in the Pinelands Area would be unaffected. However, the NJDEP would be

responsible to issue general permits and coordinate any conditions of the permits such as mitigation requirements. ED Grogan added it is still important to have a clearer review process both for environmental reasons and to also make things easier for applicants.

April Field, Chief Permit Administrator, said that there are strict CMP standards regarding wetlands and only few activities are allowed. She said that keeping up with NJDEP's rule changes along with the CMP's requirements can be time-consuming. Ms. Roth said that when the MOA was executed, only general permits existed, but regulations have changed significantly since then.

Commissioner Rittler Sanchez asked if the threshold for mitigation had changed. Ms. Roth said that prior rules required mitigation if the impacted area exceeded a quarter of an acre but that the threshold has been changed to 0.1 acres.

Commissioner Irick inquired about the Commission's role where an individual or utility has a Permit by Rule for horizontal directional drilling (HDD) that is not compliant with the CMP standards. Ms. Roth answered that Permit by Rule no longer exists for horizontal drilling. A general permit is required. She said that the amended rules allow Permit by Rule for underground jacking if the jacking is done outside wetlands and NJDEP's transition areas. Under the CMP, development requires a 300-foot buffer to wetlands unless the applicant uses the Commission's delineation model to reduce it.

Commissioner Irick inquired about the major difference between NJDEP's requirements under a general permit and that of the Commission's. Ms. Roth said that Commission is responsible for delineating wetlands and for setting wetlands buffers requirements in the Pinelands. She said that wetlands buffers are generally larger in the Pinelands Area.

Commissioner Lohbauer asked if the Commission had any right to review projects in the Pinelands National Reserve (PNR) outside the Pinelands Area. Ms. Roth explained that NJDEP sends applications to the Commission requesting comments prior to issuing CAFRA permits. Several times staff raised significant concerns with water quality parameters and NJDEP has recognized those concerns in the permitting. The final decision for an application in the PNR is fully up to NJDEP since they have primary jurisdiction.

Commissioner Irick asked if things had generally stayed the same for the general and individual permits. Ms. Roth answered that there have been several changes leading to around four new categories of permits, including individual permits, general permits, permit by registration, permit by rule, and exemptions.

Commissioner Irick asked if any modification to the Freshwater Wetlands Protection Act MOA was necessary to allow the Commission to delineate wetlands and enforce the 300 ft buffer. Ms. Roth responded that this is already codified in NJDEP's rules. ED Grogan agreed with that response and added that the MOA delegates the procedures for implementing the rules and spells out each agency's responsibility in that process.

Commissioner Irick requested clarification on whether a modification of the MOA is recommended. ED Grogan said that further consideration is needed before making that recommendation. Any new agreement would not remove requirements or allow deviation from any CMP standards. It would just be an agreement about the application review process.

Commissioner Rittler-Sanchez asked about the threshold for applications to have mitigation measures required and how many applications have required that. Ms. Field said that staff has not received an application that requires mitigation yet, but that such applications would need additional review and approval by NJDEP of the mitigation measure for the project which would complicate and delay permit application review.

Commissioner Rittler-Sanchez asked if the Commission signs off on mitigation projects. ED Grogan answered that it depends on the type of mitigation project. Ms. Roth added that in the Pinelands Area, if the project does not meet CMP requirements for wetlands protection, a permit will not be issued.

4. NJPACT REAL Rules Implementation in the Pinelands Area: Stormwater Management Presentation

Attachment B to these minutes and posted on the Commission's website at the following address:
[20260529 - P_I Committee - REAL Rules Stormwater.pdf](#)

Chief Planner, Brad Lanute, gave a presentation regarding the implementation of the REAL rules stormwater management regulations in the Pinelands Area focusing on the Commission's review of development applications and provided historical context. He said that the CMP has always had stormwater management standards, but the NJDEP adopted rules in 2004 that incorporated design and performance standards related to groundwater recharge, stormwater runoff quality, stormwater runoff quantity, green infrastructure, and maintenance. All municipalities are required to adopt stormwater control ordinances as mandated by their MS4 permits. Pinelands municipalities adopted different stormwater control ordinances that incorporate the CMP's regulations. The CMP was amended in 2006 to incorporate NJDEP standards by reference to avoid having to amend the CMP whenever NJDEP adopted regulatory amendments. However, in 2022, another major CMP amendment was adopted to address NJDEP's green infrastructure amendments and significant staff effort was necessary to prepare model ordinances tailored to each municipality's ordinances. Now in 2026, the REAL rules must be considered in the Commission's review of development applications and incorporated into municipal ordinances.

He continued the presentation by discussing the new NJDEP rule amendments applicable to major development and minor non-residential development in the Pinelands and requiring total suspended solids (TSS) removal for reconstructed motor vehicle surfaces. Additionally, the REAL amendments give greater design flexibility to new and reconstructed public roadway projects recognizing the difficulties of implementing green infrastructure in public rights of way.

Mr. Lanute said that differences in definitions between the CMP and NJDEP rules, such as for major development, cause challenges. By reference, NJDEP's stormwater definitions are applied unless the CMP has an existing definition. Since major development is defined differently by NJDEP, it can impact the CMP stormwater standards. He said that a CMP amendment may be needed to resolve the issue and that model ordinances must be created for municipalities to deal with the discrepancy.

Mr. Lanute reviewed the Commission's existing MOAs regarding the reviews of certain county road projects dating back to the 1990s. Upon preliminary assessment of these county MOAs against the REAL rule amendments, they do not seem to have been affected by the new rules.

He then discussed the amendments to the stormwater quantity standards which will require reduction in total runoff volume, not just peak flow rate as in the past. In most cases the CMP rules would be

sufficient to meet the new volumetric standard for major developments. He said that the amended rules allow offsite infrastructure improvements to retain the runoff volume. There are also special provisions for public transportation entities to retain the runoff volume in the same watershed management area where the project is located, rather than more strictly in the same HUC-14 watershed. A CMP amendment may be necessary to incorporate that offsite volumetric standard.

Director of Land Use Programs, Gina Berg, asked how the location of the offsite infrastructure would be included in applications to the Commission. Environmental Specialist, Brian Szura, said that for private development, applicants must identify the offsite mitigation location in their application, and for public development, it is the same process, but the Commission would have to approve it as part of a public development approval. ED Grogan added that if mitigation projects are proposed outside the Pinelands boundary, the Commission lacks jurisdiction to review them. Mr. Lanute added that the Commission may consider a CMP amendment that would require any off-site location to also be situated in the Pinelands Area.

Mr. Szura said that drainage areas for green infrastructure BMPs are limited to 2.5 acres. This limitation can be a big hurdle for major road projects. The CMP has its own exceptions for these types of projects that allow offsite recharge. Implementation of offsite recharge has proved to be difficult. Dealing with specifics of implementation is why clarification may be needed in the CMP.

Mr. Lanute next discussed NJDEP's BMP manual, which is a guidance document cross-referenced in both NJDEP and CMP rules. The manual has been updated in response to the REAL rules, and it includes significant updates to the stormwater pollutant removal chapter (chapter 4), which affects nitrogen reduction rates. According to NJDEP, they made these changes based on the latest science. He explained that the CMP requires all major developments to achieve a minimum of 65% reduction of post-construction total nitrogen load from the developed site. When this standard was adopted in 2022, projects needed two BMPs in sequence to meet the nitrogen reduction standard, but with these new rules, three BMPs will now be required due to lower nitrogen removal rates assigned to the various BMP measures. The high cost and land-intensive nature of this requirement could potentially affect development density in the Regional Growth Area. He stated that staff recommend using the previous nitrogen removal rates until the Commission adopts amendments to revise the CMP's nitrogen standard.

Mr. Lanute presented the rule implementation schedule. This would include finalizing and distributing model stormwater ordinances as well as considering a CMP amendment related to nitrogen reduction.

ED Grogan acknowledged the amount of work that has been involved in figuring out the details of the rules, considering the applicants, and determining each agency's responsibilities. She added that the Commission's implementation of the rules is different from NJDEP. The Commission reviews and applies stormwater standards to every proposed development but NJDEP only does so for proposed development that requires a wetlands or other NJDEP permit. NJDEP rule changes, however big or small, can impact the Pinelands in unanticipated ways.

Commissioner Irick asked if the Commission intends to keep any required mitigation inside the Pinelands so the Commission can be involved in the review process. ED Grogan confirmed that that is the intention. Ms. Berg added that it would be unlikely to find an upstream project site that is outside the Pinelands as most streams flow out of the Pinelands Area.

Commissioner Ritler-Sanchez asked if there was a mechanism in the CMP to set up a mitigation bank for large transportation projects. Mr. Lanute answered that there are no such mechanisms in the CMP but there is potential for it. Commissioner Rittler-Sanchez said that it may be difficult for highly urbanized areas to find mitigation sites, but that mitigation could improve an urban area at a smaller scale.

Commissioner Irick commented on effective infiltration practices in the Pinelands. He said that nitrogen removal efficiency of green infrastructure facilities may be better than the BMP manual indicates. Mr. Lanute said that NJDEP staff updated the BMP manual on most recent science. He said Commission staff raised concerns about the impact of the new standards on the Pinelands, and NJDEP responded that they were willing to include a separate section with specific rates for the Pinelands provided there are scientific studies available recognizing the unique soil conditions of the Pinelands Area. ED Grogan added that the NJDEP has always been open and willing to learn about the Commission's concerns and take it into consideration when making their stormwater rules. She said that while the Commission conducts scientific research, it does not have specific research about the nitrogen removal rates for any particular BMP measure. Ms. Berg said that the Commission previously applied for grant to survey water quality of stormwater facilities but did not receive it.

Commissioner Irick said that it will be difficult for projects to use the required three BMPs for nitrogen removal and there would be more land used for stormwater management than is being developed. Mr. Szura added that NJDEP is not comfortable with the previous nitrogen reduction rates they assigned in the past.

Commissioner Irick commended Ms. Roth and Mr. Lanute for their extensive work of reviewing, analyzing, and presenting the REAL rule amendments.

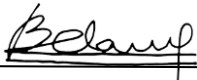
5. Public Comments

Cindy Justice expressed her concerns about proposed development in Egg Harbor Township related to application number 2008-0028.002. She said that wetlands adjacent to the site and her home could be damaged as a result of the large residential development.

6. Adjournment

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Buzby-Cope seconded the motion. All Ayes. The meeting was adjourned at 11:29 a.m.

Certified as true and correct:



Claire Osei
Resource Planner

Date: 6/17/2026