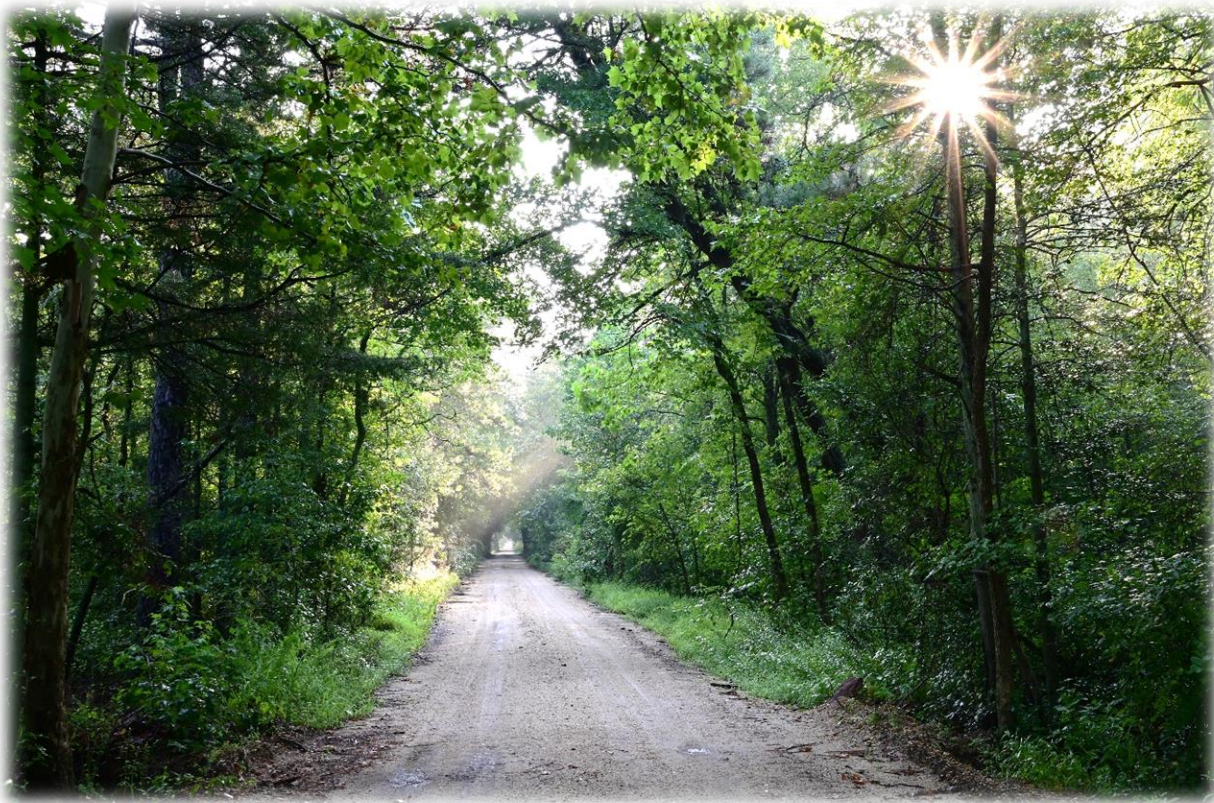




NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



An early morning sunburst captured along a sand road in Wharton State Forest in the Pinelands in August

AUGUST 2024

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee met on August 20, 2024 and received various financial updates from the staff. The Executive Director made a presentation on the Commission's draft Fiscal Year 2025 budgets and initiatives. The Committee voted to recommend adoption of the budgets by the full Commission.
- **Pinelands Climate Committee:** The Committee did not meet in August.
- **Policy & Implementation (P&I) Committee:** The Committee's August 30, 2024 meeting was canceled due to lack of a quorum.

1.1B RULEMAKING

- **Water Management (Kirkwood-Cohansey):** In March, staff finalized and distributed municipal model ordinances implementing the December 2023 Pinelands Comprehensive Management Plan (CMP) water management amendments. Pinelands municipalities have until December 4, 2024 to adopt the ordinance. Staff has encouraged Pinelands municipalities to adopt the ordinance as soon as possible. As of the end of August, 39 municipalities had submitted adopted ordinances to the Commission. Staff anticipates an additional three ordinances will be adopted and/or submitted in the month of September.
- **Stormwater Management:** In March, staff finalized and distributed municipal model ordinances implementing the December 2023 CMP water management amendments. Pinelands municipalities have until July 13, 2024 to adopt the ordinance. As of the end of August, 39 municipalities had submitted adopted ordinances to the Commission. Staff anticipates an additional three ordinances will be adopted and/or submitted in the month of September. Staff will continue to conduct outreach to ensure municipal adoption of the model ordinance.

1.1C OPEN PUBLIC RECORDS ACT

- A total of 12 Open Public Records Act (OPRA) requests were received in August. Eleven were provided responsive material, and one was advised that there were no responsive documents.
- Staff attended a webinar hosted by the NJ League of Municipalities on August 28, 2024. The webinar was conducted by the Executive Director of the Government Records Council for purposes of familiarizing municipalities and agencies with the new state legislation, set to take effect in early September.
- The Government Records Council released the State's new mandatory OPRA request/response form on August 28, 2024. Paul Leakan converted the document to a new fillable .pdf form and prepared updates to the Commission's Government Records Requests webpage on August 30. The form and updated webpage will be posted on September 3, 2024.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in August.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LITIGATION

- **In Re Challenge of Clayton Sand Company to December 4, 2023 Amendments to N.J.A.C. 7:50-1.1 et seq., A-001476-23** – On February 26, 2024, the Attorney General’s office notified the Commission that Clayton Sand Company had filed a Notice of Appeal of the amendments to the Water Management Rules at N.J.A.C. 7:50-6.86(d)2 of the Pinelands CMP (i.e. the Kirkwood-Cohansey rules). The appeal challenges the rule adoption as procedurally and substantively defective. The Statement of Items Comprising the Record has been filed with the Court and a briefing schedule established. Clayton’s Brief was filed and accepted by the Appellate Division on July 31, 2024. The Commission’s brief is due September 30, 2024.
- **Hovsons, Inc. et.al. v. Babbit, et. al., Civil Action No. 00-3943 (MLC/TJB)** – Earlier this year, Hovsons, Inc. filed a motion with the Federal Court seeking to enforce the terms of the 2004 settlement agreement between Hovsons, the New Jersey Department of Environmental Protection (NJDEP), the Pinelands Preservation Alliance and the Commission related to development of the Heritage Minerals tract in Manchester Township. At a status conference on May 14, 2024, the Judge ordered the parties to engage in mediation. The parties agreed to use Ralph Marra as the mediator. Mediation sessions have been scheduled for September 5th and 10th.

1.2B LEGISLATION

The Legislature is currently on summer recess. A summary of legislation specific to the Pinelands Area or Commission is provided below. A summary of other pending legislation potentially related to the Pinelands is attached at the end of the document (Attachment 1).

Pinelands Specific Legislation

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A4162/S2424	Calabrese, Hall Smith, McKeon	Establishes various programs in the New Jersey Department of Environmental Protection (NJDEP) concerning management of publicly owned forested land; appropriates \$60 million.	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources, and Solid Waste Committee on 4/8/24. Senate Bill - Reintroduced, Referred to Senate Environment and Energy Committee on 1/29/24.

1.2C INTERGOVERNMENTAL AGREEMENTS

- Pemberton Township:** This Memorandum of Agreement (MOA) between the Township and the Commission authorizes a deviation from CMP wetlands and wetlands buffer standards to accommodate surfacing of an existing trail at Pemberton Lake for accessibility purposes. The Commission approved execution of this MOA at its January 12, 2024 meeting. The MOA specifies that the Township must complete and submit its revegetation plans, rain garden plan, wetlands general permit and right of entry approval from NJDEP before the trail improvement project may commence. The Commission issued a Freshwater Wetlands General Permit 17 for the project on May 31, 2024. On June 3, 2024, the Commission staff was copied on an email from Pemberton Township to NJDEP providing notice that Pemberton was starting preliminary site work for the project. Included with this email was a copy of a Right of Entry Agreement between the NJDEP, Pinelands Preservation Alliance and Pemberton Township that was issued on May 23, 2024. Review of the Right of Entry Agreement revealed a number of inconsistencies with the MOA. After discussions with NJDEP, staff emailed the Township on July 9, 2024 to provide details on the inconsistencies and request that the missing items be submitted. No further information was received as of August 31st.
- Stafford Township:** This proposed MOA would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for accessibility purposes. Staff presented a draft MOA to the CMP Policy & Implementation Committee at its July 26, 2024 meeting. A virtual public hearing was held on August 14, 2024 at 9:30 a.m. Following that hearing staff became aware of technical issues associated with livestreaming the hearing. In order to ensure that the public had an opportunity to present oral testimony concerning the proposed MOA, a second hearing was duly noticed and conducted on August 29, 2024. The deadline for submission of written comments by the public was also extended to August 29th.
- Evesham Township:** The Township is proposing an MOA that would accommodate surfacing of an existing trail and parking improvements within wetlands and wetlands buffers in the Black Run Preserve. The MOA is also proposed to address a number of outstanding violations in the

Preserve, where development was undertaken without application to, or approval by, the Commission. Township representatives met with Chair Laura E. Matos and the Executive Director on January 17, 2024 and provided an overview of their proposal. After receiving the recommendation of the P&I Committee, the Township made a presentation to the Commission at its April 12, 2024 meeting regarding the project and need for a deviation MOA. The Commission authorized the staff to work with the Township to develop the draft MOA. Staff conducted a site inspection with representatives of Evesham Township on May 14, 2024. On June 19, 2024, Evesham provided additional maps and asked for guidance concerning the threatened and endangered (T&E) species work that needs to be conducted on the site. Staff provided the Township such guidance on July 9, 2024. Evesham Township submitted additional information on July 25, 2024. Commission staff and representatives of Evesham Township met on August 27, 2024 at the Commission's offices to discuss the threatened or endangered species work and other application submittals required for the MOA process.

- **South Jersey Transportation Authority (SJTA):** The Federal Aviation Administration (FAA) contacted Commission staff on May 21, 2024 regarding potential development at the Atlantic City International Airport. The FAA asked for a meeting with staff to discuss the potential resource impacts, challenges and possible mitigation for the potential development. FAA is currently assessing the appropriate level of environmental investigation for the potential development under the National Environmental Policy Act. The requested meeting occurred virtually on June 7, 2024. Atlantic City International Airport is the subject of a 2004 Memorandum of Agreement and an April 16, 2019 MOA Amendment between the Pinelands Commission and the South Jersey Transportation Authority (SJTA). Both the MOA and MOA amendment afford deviations from the CMP's threatened or endangered wildlife standards because of development impacts to threatened and endangered bird species, among other things. Staff emailed SJTA on June 26, 2024 to reiterate the importance of discussing any additional development proposed at the airport and the likelihood that a second MOA amendment would be necessary, particularly if new development is proposed in the area of a former Grassland Conservation Management Area. On June 28, 2024, SJTA responded that it would first be meeting with FAA and would request a meeting with the Commission shortly thereafter. By letter dated August 27, 2024, Counsel for the SJTA requested a meeting with Pinelands Commission staff to discuss proposed development at the airport.

1.3 HUMAN RESOURCES

- **Recruitment:** In August, recruitment efforts continued for a Research Scientist in the Science Office.
- **Contract Negotiations:** A negotiation session was held with the Communication Workers of America Union (CWA) on August 27, 2024.

2 INTERAGENCY COORDINATION

- **South Jersey Transportation Planning Organization (SJTPO):** The SJTPO held a virtual meeting to discuss transportation goals and coordination for their region. The meeting was held to address a New Jersey Department of Transportation requirement to consult with environmental resources entities in the region. The agency is preparing the Regional Transportation Improvement Plan for metropolitan areas in four counties including Cumberland, Cape May, Salem, and Atlantic counties. The City of Vineland is part of the planning area along with 63 other municipalities. Staff will provide the SJTPO with a link to the Commission's ESRI online data for permanent land protection and SJTPO will notify staff about ongoing planning activities.

3 LAND USE PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	13	116
Drafted or Introduced	4	75
Total ¹	16	135
Master Plans/Ordinances Reviewed		
Substantial Issue Finding ²	0	4
No Substantial Issue Finding	28	85
No Issue Finding	3	21
Total	31	110
Finding Letters Issued³	22	69

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	12	114

¹The total accounts for unique master plans and ordinances received (i.e., it does not double count drafted, introduced, or adopted submissions for the same ordinance).

² Ordinances and Master Plans that are found to raise substantial issues with respect to the standards of the CMP require formal review and approval by the full Commission.

³ A single finding letter can pertain to multiple master plans/ordinances from the same municipality.

Surveys Required	3	18
Surveys Reviewed	0	16
Certificates of Appropriateness Required	0	1

Notable Activity:

- St. Mary's in the Pines Cemetery:** A ground penetrating radar (GPR) survey report was completed this month at the St. Mary's historic cemetery in Pleasant Mills. Constructed in 1827, St. Mary's was the first Catholic Church in South Jersey. Land for the church was donated by Jesse Richards, iron master at Batsto, for his Catholic workers to have a place to worship. Although official use of the church as a place of worship ended in the 1860's, the building stood until it was destroyed by a wildfire in 1900, an event that would have destroyed any wooden grave markers as well. The survey identified several subsurface anomalies potentially associated with unmarked burials and confirmed the location of the original foundation of the church building. Digital copies of the report are available upon request.
- Fenwick Manor Rehabilitation:** The project is expected to be announced in early September on the New Jersey Division of Property Management and Construction website. A pre-bid site visit is scheduled for the end of September so that interested design consultants can view the property in person prior to submitting bids.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.50	28.12
PDCs Severed	4.25	4.50
Acres Protected	89.80	101.39
PDCs Extinguished	0.25	0.25
Acres Protected	1.83	1.83
PDCs Sold	0	6.00
Average Sales Price per PDC	n/a	\$78,917
Average Sales Price per right	n/a	\$19,729
PDCs Redeemed	1.00	10.25

Notable Activity:

- **PDC Bank Annual Report:** The PDC Bank's Annual Report for Fiscal Year 2024 was produced and distributed in August. Highlights will be presented at the Commission's October meeting. The full report is available for download here: <https://www.nj.gov/pinlands/pdcbank/reports/>
- **Allocations:** A total of 0.5 PDCs were allocated to 9.3 acres in the Agricultural Production Area in the Town of Hammonton.
- **Severances:** PDCs were severed from 9.81 acres in Winslow Township's Agricultural Production Area and 80 acres in Galloway Township's Agricultural Production Area.
- **Extinguished PDCs:** PDCs associated with a 1.83 acre portion of a lot located in Hamilton Township's Agricultural Production Area were extinguished through an open space acquisition by the NJDEP Green Acres Program.
- **Redemptions:** 1.00 PDC was redeemed for a 657-unit residential project in Egg Harbor Township.

3.4 SPECIAL PROJECTS

Composting program: The office-wide food composting program was launched in August. A team of volunteers constructed outdoor compost bins and placed indoor receptacles in each of the office buildings. The team of volunteers established a schedule and procedures for operating the composting program and have been completing those tasks since the program's launch.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	1	47
Certificates of Filing	15	131
Public Development Reports	2	13
Forestry Certificates of Filing	0	2
PDC Letters of Interpretation	1	20
Non-PDC Letters of Interpretation	1	2
MOA Consistency Determinations	2	29
Review of Agency Determinations	56	439

4.2 NOTABLE APPLICATIONS

- **Landfill Capping and Solar Energy Facility, Pemberton Township (App. No. 2021-0112.001 and App. No. 2021-0112.005):** A closed municipal landfill is located on this 27.21-acre parcel in the Pinelands Preservation Area District. On October 14, 2023, the Commission approved limited soil and vegetation disturbance on the parcel to facilitate delineation of the limits of the existing landfill. Two threatened and endangered (T&E) animal species are located on the parcel within the limits of the approximately 17-acre landfill. By letter dated January 31, 2024, the Commission staff responded to an NJDEP proposal to relocate one of the two T&E animal species from the landfill to other nearby State lands. The Commission's letter advised that although the Commission does not regulate NJDEP's proposed relocation of wildlife, the proposal raises a number of concerns. One of those concerns is the difference in professional opinions as to what constitutes "appropriate habitat" and "inappropriate habitat" for a particular life cycle stage of a T&E animal species. The second concern is the regulatory precedent and implications of relocating a T&E species based upon a determination of "inappropriate habitat." An application was filed with the Commission on April 24, 2024 to place a soil cap on the landfill. By letter dated May 24, 2024, the Commission staff advised that the proposed capping of the landfill was inconsistent with the T&E species protection standards. By email dated August 26, 2024, the NJDEP advised the Commission staff that they were pursuing the proposed relocation of one of the two T&E animal species from the landfill parcel to other nearby State lands. By email dated August 27, 2024, the applicant's attorney requested a meeting with the Commission staff to discuss the application. That meeting is scheduled for October 2, 2024.
- **Warehouses, Waterford Township (Applicant: AASMWF Property, App. No. 1987-0886.005):** This application proposes the development of a 267,389 square foot warehouse building and a 688,125 square foot warehouse building on a 59.1-acre parcel located in a Pinelands Regional Growth Area. The proposed development is located within the Township's Haines Boulevard Redevelopment Area. A final Township site plan approval for both proposed warehouse buildings is subject of a Commission staff public hearing scheduled for October 2, 2024. The issue subject of the public hearing is the need to acquire and redeem a total of 14.25 PDCs for the two warehouse buildings. The Township is considering granting an approval that would allow for the phased development of the two warehouse buildings. By email dated August 12, 2024, the Commission staff provided draft language to the applicant's attorney that could be included in any proposed Township resolution of approval. The language would enable the applicant to separately acquire and redeem the PDCs for each proposed warehouse.
- **Subdivision, Borough of Lakehurst (Applicant: Lakehurst Presbyterian Church, App. No. 2010-0095.001):** This application proposes a two-lot subdivision of a 1.26 acre parcel. The applicant proposes to locate an existing church on one proposed lot and an existing single family dwelling on a second proposed lot. On August 4, 2010, the Commission issued a Certificate of Filing for the proposed two lot subdivision. The subdivision proposed to locate the existing single family dwelling serviced by public sanitary sewer on a 7,500 square foot lot. The single family dwelling is located in the Borough of Lakehurst's R-2 zoning district. This zoning district requires a minimum lot size of 7,500 square feet for a single family dwelling serviced by public sanitary sewer. Approximately 14 years later, on May 6, 2024, we received notice of an approval for the proposed two lot subdivision. The approved subdivision plan had been revised to propose a 6,250 square foot lot for the existing single family dwelling. By letter dated June 3, 2024, the

Commission staff advised of the need to purchase and redeem 0.25 PDCs based upon the creation of a lot that did not meet the minimum lot size requirement in the Borough's R-2 zoning district. The attorney representing the church expressed concern with the cost of the 0.25 PDCs. By letter dated August 28, the Commission staff advised that for the subdivision approval to take effect, the applicant could revise the proposed subdivision plan and locate the existing single family dwelling on the originally proposed 7,500 square foot lot or submit to the Commission documentation that 0.25 PDCs have been acquired and redeemed. The Commission staff letter also identified a third option that would allow for recordation of a deed restriction against 1,250 square feet of the proposed church lot in favor of the proposed single family dwelling lot.

- **Residential Development, Barnegat Township (Applicant: Walters Development Company, App. No. 1990-0788.157):** The Commission staff is reviewing a proposal to develop 108 single family dwellings within a relatively undeveloped section of Ocean Acres, an existing residential development in Barnegat Township. Ocean Acres consists of approximately 2,000 residential lots that were subdivided and sold prior to the 1981 effective date of the Commission's regulations. The Ocean Acres residential development has an extensive history with the Pinelands Commission. To address both permitted residential density and T&E species protection, the Commission entered into two Agreements and worked with the Township on several rezonings. A 2004 Agreement entered into by the developer (Mark Madison LLC), Barnegat Township and the Pinelands Commission provided for the residential development of some of the lots in Ocean Acres and also addressed T&E species protection. The 2004 Agreement provided protection from undertaking additional T&E species survey work in Ocean Acres until September 2009 and longer if there were no changes to environmental conditions. A pre-application conference for the proposed development of the 108 single family dwellings was held with the Commission staff on September 19, 2023. By email dated August 12, 2024, the applicant's attorney requested a meeting to discuss the proposed development. Prior to that meeting, the Commission staff is reviewing how the Commission's 2022 stormwater management amendments, including the requirement that stormwater management be provided for applications proposing one single family dwelling, will alter the prior stormwater management approach for Ocean Acres. In addition, the Commission staff is reviewing whether additional T&E species information will be required.
- **Landfill Soil Cap, Hamilton Township (Applicant: Hamilton Township, App. No. 1984-1306.002):** This application proposes a soil cap on a closed, municipal landfill. The landfill is located on a 38-acre parcel within the Hamilton Township Industrial Park in a Pinelands Regional Growth Area. After capping, the installation of an approximately 20-acre solar energy facility is proposed. A T&E animal species survey completed for the application identified the presence of a threatened animal species on the parcel. Although the application is complete, by letter dated July 15, 2024, the Commission staff advised the applicant that either additional T&E species survey work is required or revisions to the proposed site layout were required to demonstrate consistency with the T&E animal species protection standard. The Commission staff letter suggested the provision of forested corridors outside of the limits of the proposed landfill cap and solar facility to address the T&E species issue. By letter dated August 1, 2024, the applicant advised that the Commission staff's suggested approach was not practical and would jeopardize the landfill capping and proposed solar facility. The submitted information is currently under review.

- Communications Tower, Dennis Township (Dennis Township Board of Education (BOE), App. No. 1988-0097.007):** On December 26, 2023, the Board of Education submitted information proposing a 100 foot tall emergency services communication tower at the Dennis Township Elementary School. The communications tower would be located in the Pinelands Village of Dennisville. The submitted information indicated that the proposed tower would be utilized for emergency communications by the Dennis Township School District and Dennis Township. For a proposed communication tower to be a permitted principal use in a Pinelands Village, it must be included in a Pinelands Commission approved comprehensive plan for such communication towers. The proposed communications tower is not included in such a comprehensive plan. For the proposed communications tower to be a permitted use, the tower must qualify as an accessory use to the existing elementary school on the parcel. The Commission staff asked the BOE to provide information addressing the proposed geographic coverage area of the proposed communications tower. The Commission staff is currently reviewing the geographic coverage area information that was submitted on August 15, 2024.
- Church, Winslow Township (Applicant: Iglesia Bautista Soli Deo Gloria, App. No. 1988-0080.005):** This application proposes a church on a portion of a 62-acre parcel that is subject to an existing conservation deed restriction. The parcel fronts on Tansboro Road. The parcel is located partially in the Pinelands Village of Tansboro and partially in a Pinelands Rural Development Area. The deed restriction was recorded in 1998 to allow for the residential density assigned to the 62 acre parcel to be transferred to a proposed residential development located on the opposite side of Tansboro Road. That residential development was fully constructed. The applicant is now requesting that the existing conservation deed restriction be lifted. There is a land development violation on the 62 acre parcel associated with soil mining and offsite removal of that soil from the parcel without securing the required permits and approvals. Approximately 35 acres of the 62 acre parcel were subject of soil mining. By letter dated August 1, 2024, the Commission staff provided three approaches that the applicant may wish to consider to address the existing land development violation and future development, including the proposed church, on the 62 acre parcel.
- Solar Facility, Ocean Township (Applicant: Southern Ocean Waretown Solar Farm, App. No. 1981-2081.012):** This application proposes an approximately 24 acre solar facility on a 125-acre parcel. The parcel is located in a Pinelands Forest Area. There is a closed and capped former Ocean County landfill on the parcel. A survey identified several T&E animal species on the parcel. The Commission staff advised the applicant that it had not been demonstrated that the proposed solar facility was consistent with the T&E animal species protection standards. At a July 10, 2024 meeting, the applicant's representative discussed why they believed the proposed solar facility could be developed on the existing capped landfill consistent with T&E animal species standards. The Commission staff indicated support for the proposed solar facility but indicated that it remained necessary to demonstrate that the proposed solar facility was consistent with the T&E animal species protection standard. The applicant offered to arrange a site visit to an existing solar facility located outside of the Pinelands Area. The applicant indicated that there were known T&E animal species on that parcel and suitable habitat for the concerned species continues to exist on the parcel after the development of the solar energy facility. The applicant also indicated that Rutgers University was studying the impact of the solar facility on the concerned T&E animal species and that they would attempt to obtain any available study addressing the concerned T&E animal species. By email dated August 22, 2024, the applicant indicated that they were unable to secure access to the solar facility and that the

T&E study is ongoing and not available. The email also requested a meeting to further discuss the project. The meeting is being scheduled.

- **Public Safety Building, Mullica Township (Applicant: Mullica Township, App. No. 1991-0320.005):** This application proposes the development of a 4,473-square-foot public safety (police) building at the existing Mullica Township municipal complex on the White Horse Pike. The municipal complex and the proposed building are located on a 1.6-acre parcel in the Pinelands Village of Elwood. The existing municipal complex and the proposed public safety building are/will be serviced by an onsite septic system. Considering the public safety need for the proposed building, the Commission staff is coordinating its review of the application with the Atlantic County Improvement Authority (ACIA). The ACIA is providing funding for the proposed public safety building. As part of that effort, the ACIA is soliciting construction bids for the proposed public safety building prior to Commission approval of the proposed building. Pending the award of a construction contract(s) by ACIA, it is anticipated that construction of the public safety could begin in September of 2024. On August 22, 2024, the Commission staff issued a Report on an Application for Public Development recommending approval of the proposed development at the Commission's September 13, 2024 meeting.
- **Stormwater Management Basins, Barnegat Township (Applicant: Paramount, App. No. 2001-0245.003):** This application, approved by the Commission in 2000, proposed the development of 563 single family dwelling units on a 368-acre parcel in a Pinelands Regional Growth Area. Approximately 330 of the 563 single family dwellings have been constructed. Based on available information, two stormwater basins on the parcel are not functioning as designed. This constitutes a violation of the stormwater management standards of the Barnegat Township land use ordinance and the CMP. Residents of the community and the Township Administrator from an adjacent municipality have contacted the Commission regarding the matter. By letter dated April 3, 2024, the Commission staff advised that a proposed basin remediation plan was consistent with the stormwater management standards of the CMP. The letter further indicated that the applicant could utilize the Certificate of Filing previously issued for this residential development application to pursue any necessary county or municipal permits and approvals that may be required for the proposed stormwater basin modifications. On May 20, 2024, the applicant submitted a different proposal for remediation of the stormwater management basins. By letter dated July 16, 2024, the Commission staff advised that the currently proposed stormwater management remediation plan did not meet the wetlands protection standards. This was because the stormwater remediation plan proposed to discharge stormwater into and store stormwater in a wetlands area adjacent to the two stormwater management basins that are not functioning. By letter dated July 16, 2024, the applicant submitted information addressing why, in their opinion, the concerned area was not a wetland. By letter dated July 31, 2024, the Commission staff indicated that based upon review of the submitted information and a site inspection, the concerned area is a wetland. The area was delineated as a wetland as part of the application approved by the Commission in 2000 to develop 563 single family dwellings on the parcel. By email dated August 28, 2024, the applicant requested to meet to further discuss stormwater management.
- **Improvements to an Existing Agricultural Access Driveway, Pemberton Township (App. No. 1983-9180.004):** On February 7, 2024, the Commission staff received a report that an existing driveway that provided access to an existing agricultural operation was being improved and widened. The parcel is located in a Pinelands Agricultural Production Area. On February 21,

2024, the Commission staff issued a letter to the property owner indicating that any widening of the existing driveway would be inconsistent with the wetlands protection standards contained in the Pemberton Township land use ordinance and the CMP. The February 21, 2024 Commission staff letter also indicated that although the CMP provides that improvements to a driveway exclusively for agricultural purposes do not require application to the Commission, the proposed driveway improvements must still meet the wetlands protection standards of the Township land use ordinance and the CMP. The February 21, 2024 Commission staff letter also inquired as to the source of the fill/soil material that was brought to the parcel for the purposes of improving the driveway. The Township land use ordinance and the CMP prohibit the placement of fill/soil material on a parcel that would result in the degradation of ground or surface water quality. If any fill/soil material placed on the parcel contains contaminants that would degrade surface or groundwater, it must be removed from the parcel. On July 19, 2024, the property owner submitted the results of the fill/soil material testing. The test results indicate that the fill/soil material does not exceed the NJDEP regulatory levels. However, the test results show that the material deposited on the parcel contains contaminants, such as semi-volatile organic compounds, pesticides, metals and extractable petroleum hydrocarbons. By letter dated August 5, 2024, the Commission staff advised that within 30 days, the property owner complete certain additional groundwater, surface water and soil testing or a proposal must be submitted to remove all fill/soil material from the parcel by September 15, 2024. By email dated August 13, 2024, the property owner appeared to indicate that all fill/soil material will be removed from the parcel. The August 13, 2024 email requests an extension of time until December 30, 2024 to remove the fill/soil material from the parcel. The Commission staff is reviewing the submitted information.

- Residential Development, Pemberton Township (Applicant: Equity Enterprises, App. No. 1981-0640.001):** This application proposes 578 dwelling units on an approximately 678-acre parcel. The development is proposed on the 322-acre portion of the parcel located in a Pinelands Regional Growth Area. The balance of the parcel is located in a Pinelands Forest Area. A Certificate of Filing for this application was issued on June 27, 2005. On July 7, 2007, the applicant received a 12-year Township General Development Plan approval. On December 6, 2018, the Township approved a General Development Plan approval extension until June 7, 2027. Both Township approvals, somewhat equivalent to a municipal preliminary approval, raise substantial issues with the minimum standards of the CMP. At the applicant's request, both Township approvals are currently pending transfer to the New Jersey Office of Administrative Law (NJ OAL) for a hearing. With respect to T&E animal species, surveys were originally completed for this application between 2004 and 2006. Those surveys identified T&E animal species on portions of the parcel. More recently, the applicant was advised that based upon the length of time that had elapsed since the 2004-2006 surveys, updated T&E animal species survey were required. Specifically, a September 6, 2023 email from the Commission staff advised the applicant that an updated two season drift fence survey for T&E snake species was required. The September 6, 2023 email further indicated that based upon the results of the first season drift fence survey, the Commission staff would evaluate the necessity of the second season drift fence survey. The results of an intensive visual survey for T&E snake species conducted during the fall of 2023 were submitted to the Commission. The intensive visual survey indicated that no T&E snake species were observed during the fall of 2023. By letter dated January 17, 2024, the Commission staff indicated agreement with the results of the visual survey. On June 20, 2024, an interim report for a spring 2004 drift fence survey was submitted to the Commission. The interim report indicated that no T&E snake species were observed or

captured. By letter dated August 23, 2024, the Commission staff advised that a second season (fall 2024) drift fence survey was required. A meeting is scheduled for September 10, 2024 with the applicant's representatives to discuss various aspects of the proposed development. The development application is currently pending before the Pemberton Township Planning Board.

4.3 OTHER NOTABLE ITEMS

- **Buena Vista Township Municipal Court Hearing;** On August 30, 2024, members of the Commission staff attended a municipal court hearing to provide expert testimony and support to Buena Vista Township officials regarding a land development violation. The land development violation concerned the establishment of a dwelling unit on a parcel without completing an application with the Township and the Commission and not securing the required municipal permits and approvals. In addition, the dwelling was established in the required buffer to wetlands.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In August, staff measured water levels at 43 forest plots and 30 ponds in the Commission network of long-term monitoring sites. This work is completed each month with assistance from the Communications Office. A solar powered weather station was installed at one of the continuous monitoring ponds to collect water level, water and air temperature, precipitation, and humidity data. The weather station will enable staff to view and download the data remotely.
- **Pinelands-wide Water Quality Monitoring:** Science staff completed the August round of measuring pH and specific conductance at the 47 Pinelands-wide stream sites. This work is completed in April, June, August, and October of each year to assess trends in these two parameters over time.
- **Rare Snake Monitoring:** In August, Science Office staff continued to check on radio-tracked corn snakes (18), pine snakes (12), and a single hognose snake to locate shed and nest sites. Pine snakes from six egg clutches and corn snakes from a single clutch that were incubated in the lab hatched and were processed in August. A total of 57 pine



Above: A solar powered weather station was recently installed at a long-term monitoring pond.

snake hatchlings and 16 corn snake hatchlings from these clutches were weighed, measured, sexed, PIT tagged, and released at the nest location. Recapturing tagged hatchlings in the future can provide information on dispersal distances and survivorship. A total of four adult corn snakes, four pine snakes, and one black racer were also processed in August. Staff also surgically replaced, removed, or repaired transmitters, or implanted new transmitters into several corn snakes. Staff continued to fix and replace snake monitoring infrastructure that was damaged or destroyed by the Tea Time Hill wildfire. Staff also continue to maintain and service PIT tag readers at several pine snake hibernacula that have been studied for decades.



Above: A radio tracked pine snake traversing an abandoned cranberry bog.

5.2 LONG TERM STUDIES

- **Box Turtle Study:** In August, staff continued to radio track turtles to determine the habitats used for foraging and nesting. As study turtles are brought back to the lab for annual replacement of transmitters, small lbuttons are being attached to record temperature data. Temperature data will enable staff to more accurately determine when turtles enter and emerge from hibernation burrows in the fall and spring, respectively. Science Office staff are currently radio tracking a core group of 42 box turtles on a weekly basis. Another group of 42 box turtles are radio tracked on a monthly basis.
- **King Snake Study:** Staff are seeking a one-year, no-cost extension of the project period to finish analyzing the data and write the final report.
- **Snake Fungal Disease Monitoring:** Science staff continue to collaborate with



Above: A GPS logger programmed to collect location data four times a day is being tested on this box turtle. Transmitters must not exceed 3% of a turtle's body weight.

researchers at Virginia Tech to swab Pinelands snakes for snake fungal disease. Several snakes were brought back to the lab to obtain a mid-season disease sample. In addition, eggs and hatchlings were swabbed to determine the presence of the fungus.

- **Adenovirus Study:** Science staff continue to collaborate with Rutgers University researchers to swab Pinelands snakes for adenovirus. Several snakes were brought back to the lab to obtain a mid-season disease sample.



Above: This pine snake is about to become a hatchling. Eggs and hatchlings are also tested for the presence of snake fungal disease.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to approximately 77 inquiries from the public in August, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in August.
- **Social Media Enhancements:** In August, staff shared 221 photos and three videos on the Commission's Instagram site and 67



Above: Commission staff shared 221 photos on its Instagram account in August 2024, including this photo of a common buckeye butterfly sipping nectar from goldenrod flowers in the Pinelands.

tweets and retweets on X.

- **Pinelands Merchandise:**
The Commission is offering 10% off Pinelands-themed merchandise throughout the summer. Staff processed \$238.60 in sales in August (or 14 transactions). All proceeds from sales will go to a fund for native Pinelands plants. Commission staff sold items during the Pinelands Speaker Series presentations, and they have inquired about selling merchandise at an upcoming festival. Staff have tested and successfully used a cellphone-based Square app to process numerous transactions.



Above: Commission staff shared 67 tweets in August 2024, including this photo of milkweed tussock moth caterpillars feasting on common milkweed at the Commission's headquarters.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series:**
Staff organized, promoted and staffed two Pinelands Speaker Series presentations at the agency's headquarters in August. More than 30 people attended the "Wildlife of the Pinelands" program on August 16, 2024. The presentation featured a live box turtle, a live northern pine snake and a live great horned owl. More than 40 people attended the second program, "If You Plant It, They Will Come: The Importance of Native Plants in the Landscape," August 22nd. Randi V. Wilfert Eckel, PhD, delivered the presentation in the conference room of the Richard J. Sullivan Center, and then attendees received a guided tour of the Commission's rain and bog gardens. A total of 60 people have registered to attend the third Speaker Series presentation, which will provide an introduction to the kingdom of fungi and will be held at 3 p.m. on September 26th.



Above: Educators from the Woodford Cedar Run Wildlife Refuge brought live animals, including this great horned owl, to a presentation at the Commission's headquarters in August.

- **Education Programs:** Throughout August, staff continued to plan for upcoming education programs, including the Pinelands Short Course and Pinelands-themed World Water Monitoring Challenge.
- **Barnegat Bay Partnership:** A member of the Communications Office chaired the Barnegat Bay Partnership's Communications and Education Committee's meeting on August 26, 2024.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided ongoing support for PCIS application-related issues. Staff completed short-term enhancements identified during the Regulator Programs meeting to make entering and retrieving information easier.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff worked closely with the Planning Office to finalize maps for the PDC Bank's 2024 Annual report and the Permanent Land Protection map. Staff also completed the evaluation of the new ESRI licensing model for ArcGIS Pro and prepared the annual quote for ESRI. Staff continued to support the conversion to the new GIS server by testing the Zscaler configurations.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world. Information Systems staff participated in the monthly call hosted by the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC). Staff conducted rigorous testing of the Zscaler Private Access (ZPA) software. Several critical errors were identified, and staff provided technical logs to Zscaler support and scheduled a follow up Zoom meeting.
- **Conformance Tracking/Zoning system:** Staff worked with the Land Use Programs office to improve the new SQL Server database that will act as a foundation for the new system through iterative steps of data evaluation and data cleansing. Staff are working with the Land Use Programs office to define requirements and deadlines for phase two, as well as implement minor enhancements.
- **Legacy Document Scanning:** The New Jersey Pinelands Commission was established in 1979, long before the revolutions in information systems that have taken place since then. All Commission applications and relevant documents from the earlier years were stored in paper format. The Document Scanning project was established to increase the efficiency of evaluating applications and conducting business by ensuring that all applicable documents are available electronically. Staff continued the document scanning effort and updated the status report to include additional document types now being scanned.
- **Pinelands Development Credit Bank:** The Pinelands Development Credit (PDC) Bank is the processing agency for the Pinelands Development Credit Program, one of the oldest and most successful transfer of development rights (TDR) programs in the world. The Information Systems

staff provides ongoing operational support to the PDC Bank. Staff supported the creation of maps and charts for the PDC Bank’s annual report.

- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff supported the Planning Office in maintaining PLP records. Staff provided support for the creation and printing of the annual summary report and maps.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff selected new headsets to use for the Teams Voice migration. Staff continued the required migration of legacy data and Oracle database to new server, working with Oracle support on hosting details. Staff conducted a success trial run; importing all databases into the new Oracle server. The Pinelands Commission network traffic worked smoothly on the new switch and the old switch was marked for removal.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** August 2024, Net Total: \$65,351.36, Fiscal Year to Date Total: \$174,485.71. This equates to 23.26% of the Fiscal Year 2025 anticipated fee revenue of \$750,000. The net total for August includes 19 online application payments totaling \$47,115.16.

Attachment 1:

Pinelands Related Legislation

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A682/S699	Kean/Singer	Establishes a program, in NJDEP, for acquisition of development easements on privately-owned woodlands.	Assembly Bill - Reintroduced and Referred to Assembly Environment Natural Resources and Solid Waste Committee on 1/9/24. Senate Bill - Reintroduced, Referred to Senate Environment and Energy Committee.
S257	Smith	Authorizes State Treasurer to appoint Garden State Preservation	Senate Bill – Reintroduced, Referred to Senate

		Trust acting executive director under certain conditions.	Environment and Energy Committee
A1253/S2859	Sauickie/Greenstein	Prohibits planting of non-native species in landscaping at State parks and forests; establishes grant program to support use of native plants at local parks and forests; appropriates \$250,000.	Reintroduced, Referred to Assembly Environment, natural Resources and Solid Waste Committee on 1/9/24. Senate Bill – Introduced, referred to Senate Environment and Energy Committee on 3/4/24
A1219/S2979	Sauickie/Tiver	Requires NJ Clean Energy Program incentives to be made available to commercial farms	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24. Senate Bill – Introduced, Referred to the Senate Environment and Energy Committee
A1300	Sauickie	Provides CBT (Corporate Business Tax) credit for construction or retrofitting of warehouses to meet certain green building standards.	Reintroduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 1/9/24.
A1301	Sauickie	Requires State Planning Commission to adopt model buffer ordinances detailing different regulatory options for siting warehouses; allows conforming updates to municipal master plans and zoning ordinances.	Reintroduced, Referred to Assembly Community Development and Women’s Affairs Committee on 1/9/24.

A1302	Sauickie	Requires certain warehouses to obtain air pollution control permits from NJDEP.	Reintroduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24.
A1303/S1074	Sauickie/Greenstein	Requires NJDEP to evaluate cumulative impact of stormwater when reviewing applications associated with warehouses and other high-density development projects.	Reintroduced, and Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24. Senate Bill introduced and referred to Environment and Energy Committee on 1/9/24.
A2792/S1106	Greenwald, Wimberly/Timberlake	Concerns development and use of accessory dwelling units	Assembly Bill – Introduced, Referred to Assembly Housing Committee on 1/9/24 Senate Bill – Introduced, Referred to Senate Community and Urban Affairs Committee, Combined with S2347 on 2/15/24
A3070/S2690	Guardian/Cruz-Perez, Corrado	Requires State entities to recycle certain materials and provide recycling bins	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24. Senate Bill – Introduced, Referred to Senate Environment and

			Energy Committee on 2/12/24.
A3645/S2425	Calabrese/McKeon, Smith	Establishes a low carbon transportation fuel standard program in NJDEP	<p>Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 2/12/24.</p> <p>Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 1/29/24.</p>
A3697/S2792	Spearman, Park, Simmons/Cruz-Perez, Turner	Appropriates \$500,000 from constitutionally dedicated CBT revenues and “2009 Farmland Preservation Funds” to the State Agriculture Development Committee for municipal planning grants for farmland preservation purposes.	<p>Assembly Bill – Reported out of the Assembly Appropriations Committee on 3/14/24, Second Reading. Substituted by S2792 on 6/28/24</p> <p>Senate Bill – Passed by Senate and Received in Assembly without Reference, Second Reading on 5/13/24. Passed both Houses on 6/28/24</p> <p>Signed by the Governor on 7/10/2024, P.L. 2024, c. 29</p>
A3698/S2793	Reynold-Jackson, Freiman, Fantasia/Cruz-Perez, Turner	Appropriates \$1.723 Million from constitutionally dedicated CBT revenues and “2009 Farmland Preservation Fund” to the State Agriculture Development Committee for grants to non-profits for farmland preservation purposes	Assembly Bill – Reported out of Assembly Appropriation Committee on 3/14/24, Second Reading. Substituted by S2793 on 6/28/24

			<p>Senate Bill – Passed by Senate and Received in the Assembly without Reference, Second Reading on 5/13/24. Passed both Houses on 6/28/24</p> <p>Signed by the Governor on 7/10/2024, P.L. 2024, c. 30</p>
A3784/S2455	McCoy/Bucco	Makes \$100 million in federal funds available to NJDEP for grants to local governments for drinking water, wastewater and stormwater infra-structure projects	<p>Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources, and Solid Waste Committee on 2/22/24.</p> <p>Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 2/5/24.</p>
A3820/S609	Fantasia/Tiver	Excludes farmland from definition of “redevelopment area” and “rehabilitation area” in local Redevelopment and Housing Law	<p>Assembly Bill – Introduced, Referred to the Assembly Commerce, Economic Development and Agriculture Committee on 2/22/24.</p> <p>Senate Bill – Introduced, Referred to Senate Economic Growth Committee on 1/9/24.</p>
A3831	Sauickie	Expands definition of “qualifying land” for purposes of determining	Introduced, Referred to Assembly Commerce, Economic

		where a rural microenterprise may be permitted on a preserved farm	Development and Agriculture Committee on 2/22/24.
A3833	Sauickie	Requires the Office of Planning Advocacy to publish certain information concerning warehouses over 100,000 sq. ft. on its website	Introduced, Referred to Assembly Commerce, Economic Growth and Agriculture Committee on 2/22/24.
A3914/S3268	Katz/Steinhardt	Permits agriculture-related events on preserved farmland	Introduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 2/27/24. Senate Bill – Introduced, Referred to Senate Economic Growth Committee on 5/16/24
A3951/S2594	Fantasia/Bucco, Smith	Appropriates \$28,670,924 in 2003 and 1992 bond monies for loans for dam restoration and repair projects and inland waters projects	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 3/4/24 Senate Bill – Reported from Senate Environment and Energy Committee with Amendments, Second Reading on 3/4/24, Senate Amendment (Voice), Passed by Senate and Referred to Assembly Environment, Natural Resources, and Solid

			Waste Committee on 5/20/24
A4117/S2857	Calabrese, Conway/Greenstein, Smith	Provides corporation business tax credit to taxpayers that develop qualified native pollinator habitat on undeveloped property	Assembly Bill – Proposed for Introduction on 4/4/24. Senate Bill – Introduced on 3/4/24, Referred to Senate Environment and Energy Committee
A4137/S1029	Calabrese, Conway, Atkins/Greenstein	Prohibits sale, distribution, import, export or propagation of certain invasive species without permit from Department of Agriculture; Establishes NJ Invasive Species Council	Assembly Bill – Proposed for Introduction on 4/4/24. Senate Bill – Introduced 1/9/24, Referred to Senate Environment and Energy Committee
A4145/S3065	Lopez/McKeon, Smith	Excludes environmentally sensitive and flood-prone lands from designation as vacant or available lands for affordable housing construction	Assembly Bill – Introduced, Referred to Assembly Housing Committee on 4/4/24 Senate Bill – Reported from Senate Environment and Energy Committee with Amendments, Second Reading on 5/13/24
A4200/S3078	Azzariti Jr., Kanitra/Schepisi	Prohibits collecting of certain costs associated with offshore wind projects from ratepayers	Assembly Bill – Introduced, Referred to Assembly Telecommunications and Utilities Committee on 5/2/24

			Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 4/11/24
A4223/S3114	Sampson/Cruz-Perez	Establishes certification program for zoning officers and land use board administrators	Assembly Bill – Introduced, Referred to Assembly State and Local Government Committee on 5/2/24 Senate Bill – Introduced, Referred to Senate Community and Urban Affairs Committee on 4/15/24
A4260	Inganamort, Kanitra, Peterson	Prohibits NJDEP from requiring certain municipalities to adopt ordinance that controls tree removal and replacement	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 5/2/24
A4370/S2347	Lopez/Singleton, Timberlake	Concerns development of accessory dwelling units and related municipal land use regulations	Assembly Bill – Introduced, Referred to Assembly Housing Committee on 5/16/24 Senate Bill – Reported from Senate Community and Urban Affairs Committee, Second Reading on 2/15/24
A4383/S3364	Moen/Polistina	Directs NJDEP to develop motor vehicle driving maps for State Forests	Assembly Bill – Introduced, Referred to Assembly Tourism, Gaming and Arts

			Committee on 5/16/24 Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 6/3/24
S2816	Smith/McKeon	Requires electric public utilities to submit to BPU and implement electric infrastructure improvement plans	Reported from Senate Committee on 3/4/24, Second Reading. Senate Amendment (Voice) on 5/13/24, Passed by Senate, Received in Assembly, and Referred to the Assembly Telecommunications and Utilities Committee on 5/20/24
S3308/A4513	Scutari/Speight	Requires electric public utilities to implement certain improvements to the interconnection process for certain grid supply solar facilities	Assembly Bill – Introduced, Referred to Assembly Telecommunications and Utilities Committee Senate Bill – Introduced, Referred to Senate Environment and Energy Committee. Reported from Committee on 6/20/24. Senate Amendment (Voice) on 6/28/24
S3464	Smith	Requires electric public utilities to upgrade certain portions of electric transmission and distribution system with advanced conductors	Senate Bill – Introduced, Referred to Senate Environment and Energy Committee

S3480	Zwicker	Permits municipalities to adopt more stringent site improvement standards for stormwater management related to residential developments	Senate Bill – Introduced, Referred to Senate Community and Urban Affairs Committee
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