



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



Native false asphodel (*Tofieldia racemosa*) blooming in the New Jersey Pinelands, as photographed with a macro lens in June

JUNE 2024

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee met on June 18, 2024. Staff provided the Committee with a series of financial updates, including the check register, electronic disbursements and application fees. A summary of employee actions and recruitment efforts was provided. Finally, staff made a presentation on anticipated application fee revenue and financial projections for Fiscal Year (FY) 2025.
- **Pinelands Climate Committee:** The Committee did not meet in June.
- **Policy & Implementation (P&I) Committee:** The Committee did not meet in June.

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 June, 20 municipalities had submitted adopted ordinances to the Commission. Staff anticipates an additional 18 ordinances will be adopted and/or submitted in the month of July.
- **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 June, 20 municipalities had submitted adopted ordinances to the Commission. Staff anticipates an additional 18 ordinances will be adopted and/or submitted in the month of July. Staff will continue to conduct outreach to ensure municipal adoption of the model ordinance.

1.1C OPEN PUBLIC RECORDS ACT

- A total of six Open Public Records Act (OPRA) requests were received in June. Four were provided responsive material, one was advised they could schedule a file review and one was advised there were no responsive documents.
- Staff attended an OPRA webinar on June 28, 2024 offered by the New Jersey State Bar Association. The webinar focused on how to navigate the recently enacted OPRA amendments.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in June.

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 is due July 19, 2024.
- In the Matter of Application #1981-1534.005 & .006, Block 6103, Lots 9 & 11, Franklin Township, Block 9301, Lots 10 & 11, Monroe Township, A-002210-23 & A-002149-23)**– This is an appeal filed by an adjacent property owner challenging the Commission’s issuance of a letter of no further review for municipal zoning board approvals authorizing a floating solar array on a surface water body created by a resource extraction operation in the Rural Development Area. The Statement of Items Comprising the Record has been filed in both cases.

1.2B LEGISLATION

The Legislature is currently on Summer Recess. A summary of legislation specific to the Pinelands 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 was subsequently signed by both parties in mid-February and posted on the Commission's website. The Township will need to 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. Pemberton Township's application for a wetlands general permit was received on April 14, 2024. The Pinelands Commission issued the 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. During review of the Right of Entry Agreement, staff noted a number of inconsistencies between the terms of the Right of Entry Agreement and the MOA; most notably the absence of a revegetation plan for the 4,980 sq. ft. sand area adjacent to the Magnolia Road parking area and the use of flowers and shrubs in the 9,250 sq. ft. sand area adjacent to the Coleman's Road parking area when the MOA required the planting of a combination of pitch pine and shortleaf pine at an equivalent rate of 300-400 plants per acre. Staff is working with representatives of Pemberton Township and NJDEP to resolve these inconsistencies.

- **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. The Township delivered a presentation at the Commission's July 14, 2023 meeting regarding the project and the need for a deviation MOA. Following the presentation, the Commission authorized the staff to begin working with Stafford Township to develop the draft MOA. In mid-March 2024, Stafford Township submitted additional information, including an updated stormwater report. Staff reviewed this information and, by letter dated April 23, 2024, requested that a site inspection be scheduled to review the depth to seasonal high water table determination in the stormwater report. The staff letter also requested additional information and revisions to the stormwater plan. A site inspection was performed on May 6, 2024 to confirm depth to seasonal high water. Stafford Township submitted the requested stormwater information on May 8, 2024. Staff anticipates presenting the draft MOA to the CMP Policy & Implementation Committee at its July 26, 2024 meeting.
- **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 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 to staff and asked for guidance concerning the threatened and endangered species work that needs to be conducted on the site.

- 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.

1.3 HUMAN RESOURCES

- Recruitment:** In June, Morgan Foley, MIS Specialist 4, started in the Information Systems Office. Interviews continued for a Planning Specialist vacancy in the Land Use Programs office. Recruitment efforts continued for a Research Scientist in the Science Office.
- Contract Negotiations:** A meeting with legal counsel and management was held on June 28, 2024.
- Trainings:** Staff participated in the following training: GoToWebinar – Internet Report of Contributions (IROC)
- Evaluations:** Final evaluations for FY24 are due at the end of June 2024.
- Employee Recognition:** On June 26, 2024, an anniversary recognition breakfast was held to acknowledge employees who reached certain milestones in terms of years of service with the Commission. The following employees were recognized:

10 Years of Service	Jessica Lynch Business Manager
20 Years of Service	Joel Mott Principal Public Programs Specialist

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Resilience (IAC):** In June, the IAC briefed state agency heads on the Council’s draft Extreme Heat Resiliency Action Plan and 2024-2025 work plan.
- **Federal Emergency Management and New Jersey Office of Emergency Management:** Federal and State Emergency Management agencies convened a meeting in June that was attended by Land Use Programs staff to consult with NJDEP, regional planning agencies, and other agencies about hazard mitigation planning. The purpose of the meeting was to gather information about other agencies’ roles and efforts with planning for climate change impacts and risk hazards and to consider opportunities for mitigating increased risks to environmental justice communities.

3 LAND USE PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	28	70
Drafted or Introduced	15	68
Total ¹	28	105
Master Plans/Ordinances Reviewed		
Substantial Issue Finding ²	0	4
No Substantial Issue Finding	17	50
No Issue Finding	0	6
Total	17	60
Finding Letters Issued³	13	36

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.

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	15	92
Surveys Required	3	15
Surveys Reviewed	1	14
Certificates of Appropriateness Required	0	1

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	8.25	27.62
PDCs Severed	0	0.25
Acres Protected	0	11.59
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	1.50	5.25
Average Sales Price per PDC	\$83,332	\$76,857
Average Sales Price per right	\$20,833	\$19,214
PDCs Redeemed	0	9.00

Notable Activity:

- PDCs were allocated to a total of 163.79 acres in the Preservation Area District in Pemberton and Woodland townships. PDCs were also allocated to 154.1 acres in the Agricultural Production Area in Southampton Township through amendments to expired Letters of Interpretation (LOI).

3.4 SPECIAL PROJECTS

- **MS4 Model Tree Ordinance:** Pinelands municipalities are required to adopt tree removal and replacement ordinances to meet the requirements of the Tier A MS4 Permit. Staff has started to receive adopted ordinances as well as municipal inquiries seeking feedback on the NJDEP model tree ordinance's consistency with the Comprehensive Management Plan (CMP). Staff is continuing to do proactive outreach to Pinelands municipalities regarding any potential conflicts with the CMP. Staff will also engage with NJDEP staff as needed.

- **Southern Barnegat Bay Watershed Restoration Plan:** Staff reviewed and commented on the final draft of the Restoration Plan. The Watershed Restoration Plan covers portions of the Townships of Little Egg Harbor, Ocean, Stafford, and Barnegat in the Pinelands Area. The draft plan identified “hot spots” for water quality concerns related total suspended solids and total phosphorus. Some of those locations are within the Pinelands Area. Staff commented that entities implementing the identified restoration projects should consult with Pinelands Commission staff to ensure application requirements and CMP standards will be met.
- **In-house Composting Program:** Staff finalized the plan for instituting a composting program in the Commission’s kitchens. Procurement of indoor receptacles, outdoor bins, and other equipment is underway, and the program is projected to be launched in July.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	6	41
Certificates of Filing	15	102
Public Development Reports	0	10
Forestry Certificates of Filing	0	2
PDC Letters of Interpretation	3	19
Non-PDC Letters of Interpretation	0	1
MOA Consistency Determinations	2	26
Review of Agency Determinations	47	325

4.2 NOTABLE APPLICATIONS

- **Solar Facility, Ocean Township (Applicant: Southern Ocean Waretown Solar Farm, App. No. 1981-2081.012):** An application was filed with the Pinelands Commission on November 14, 2023 proposing 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. Information available to the Commission staff indicates that the parcel is now privately owned. By letter dated November 22, 2024, the Commission staff advised the applicant of the information necessary to complete the application, including a threatened and endangered (T&E) animal survey. On February 26, 2024, a T&E animal species survey was submitted to the Commission. On April 10, 2024, a copy of the NJDEP-required maintenance plan for the existing vegetation on the capped landfill was submitted to the Commission. The T&E animal species

survey identified several T&E animal species as being present on the parcel. By letter dated June 11, 2024, the Commission staff advised that it had not been demonstrated that the proposed solar facility was consistent with the T&E animal species protection standards of the Ocean Township land use ordinance and the CMP. The Commission staff letter also identified the remaining information necessary to complete the application. At the applicant's request, a meeting is scheduled for July 10, 2024 to discuss the T&E animal species issue.

- **County Route 563 Bridge Replacement, Egg Harbor City (Atlantic County, App. No. 2019-0060.001):** An application is pending with the Commission for the proposed replacement of the County Rt. 563 bridge over Egg Harbor City Lake. The application also includes proposed improvements to an existing dam attached to the bridge. The bridge is located in a Pinelands Forest Area. On November 2, 2023, the Commission staff met with representatives of the County to discuss an issue raised by the proposed stormwater management design for the bridge. The current stormwater management design results in an increase in the volume of stormwater being directly discharged into the lake (wetlands). On November 28, 2023, the Commission staff provided a follow-up email to the County identifying possible approaches to address the stormwater management issue. On November 28, 2023, the Commission staff met with representatives of the County to discuss the application process for a Commission Waiver of Strict Compliance based upon a compelling public need. Such a Waiver would be required if the stormwater management issue could not be resolved. At the same meeting, the Commission staff also offered guidance to possibly resolve the stormwater management issue. On November 30, 2023, a Commission staff member conducted a site inspection to assess soil suitability conditions for the possible siting of stormwater management infiltration areas north and south of the Lake along County Route 563. Such stormwater infiltration areas could eliminate the increase in stormwater volume being discharged to the lake. By email dated December 7, 2023, the Commission staff provided the County with the results of the site inspection. The site inspection identified what the Commission staff believed to be favorable soil conditions in the vicinity of the proposed bridge for the potential siting of stormwater management infiltration swales. Additional information was provided to the County via email on December 13, 2023 indicating that the staff completed its site inspection within approximately 500 feet to both the north and south of the bridge along County Route 563. On April 23, 2024, the applicant submitted soil testing information to address the feasibility of siting stormwater management infiltration swales within 100 feet to the north and south of the bridge along County Route 563. The Commission staff sent a letter to the County inquiring as to why the soil testing was limited to 100 feet both north and south of the lake and also addressing the requirements for a Commission Waiver of Strict Compliance based upon a compelling public need.
- **Lake Herbiciding, Town of Hammonton (Applicant: Town of Hammonton, App. No. 1989-0573.006):** This application proposes the herbiciding of Hammonton Lake. The lake is located in the Pinelands Town of Hammonton. By letter dated May 22, 2023, the Commission staff advised the applicant of the potential presence of certain threatened and endangered (T&E) plants species in Hammonton Lake. The Commission staff letter required the applicant to complete a T&E plant species survey to determine whether the concerned T&E plant species were present in Hammonton Lake. Alternatively, the applicant could provide information demonstrating that even if the T&E plants species were present in the lake, the proposed herbiciding would not have an irreversible, adverse impact on any local populations of the concerned T&E plants. On September 19, 2023, the applicant submitted a T&E plant species survey. The survey confirmed the presence of two T&E plant species in Hammonton Lake. On October 9, 2023, the applicant

submitted supplemental information. By letter dated October 31, 2023, the Commission staff provided guidance to the applicant and indicated that information must be submitted to the Commission demonstrating that the proposed herbiciding would not have an irreversible, adverse impact on the local populations of the identified T&E plants. On November 22, 2023, Hammonton submitted information responding to the Commission staff's October 31, 2023 letter. By letter dated December 22, 2023, the Commission staff identified the information necessary to complete the application. That letter also identified the need for either the applicant to provide additional herbiciding expertise or an escrow enabling the Commission staff to retain such expertise. On January 11, 2024 and January 12, 2024, Hammonton submitted additional information regarding the proposed herbiciding of the lake. On January 25, 2024, the Commission staff met with members of the Town Council, the Mayor and other representatives of Hammonton to discuss the matter. The discussion focused on the proposed use of a post-emergent herbicide, the method of herbicide application and how the subsurface mobility (drift/migration/dispersal) of the proposed herbicide would be controlled. On February 6, 2024, Hammonton submitted a revised plan to the Commission. During the month of February 2024, the Commission staff consulted with the NJDEP Office of Natural Lands Management regarding the protection of T&E plants, the NJDEP Bureau of Pesticides regarding the subsurface mobility of the proposed herbicide, the Rutgers Agricultural Experiment Station, Pest Management Office Program regarding the subsurface mobility of the proposed herbicide and the applicant's consultant, all in an effort to assist Hammonton with developing a herbiciding proposal that would meet the T&E plant protection standard of the CMP. By letter dated March 7, 2024, the Commission staff identified the information that remained necessary to make that demonstration. Thereafter, the Director of Regulatory Programs discussed the matter with the Mayor of Hammonton. It was the Commission staff's understanding that Hammonton would be retaining the services of additional lake herbiciding expertise to address the question of the subsurface mobility of the proposed herbicide. A March 6, 2024 letter was submitted to the Commission from DuBois and Associates. A March 8, 2024 letter was submitted to the Commission from ARH Associates. An "updated" version of the March 6, 2024 DuBois and Associates letter dated March 11, 2024 was submitted to the Commission. By letter dated May 1, 2024, the Commission staff advised that the information contained in the three submitted letters regarding the subsurface mobility of the proposed herbicide summarized information that had previously been submitted to and reviewed by the Commission staff. The May 1, 2024 letter requested the submission of additional information addressing the subsurface mobility of the proposed herbicide. On May 30, 2024, the Commission staff received a request from the applicant to meet. On May 30, 2024, the staff discussed with the applicant's representative the meeting request. By email dated May 31, 2024, the Commission staff identified and summarized all the information that had been submitted to date addressing both the surface and subsurface the mobility of the proposed herbicide. The email requested confirmation of the Commission staff's summary of the submitted information. The email also requested that Hammonton submit any additional information that the Commission staff should consider in its evaluation of whether the proposed herbiciding would protect the local populations of the identified T&E plants. On June 7, 2024, the applicant submitted a summary of the information submitted to date and certain additional information that the Commission staff should consider in its evaluation of whether the proposed herbiciding of the lake would protect the local populations of the identified T&E plants. In 1991, the Commission entered into an MOA with the NJDEP, Pesticide Control Program. The MOA provides that NJDEP will only issue permits for the proposed herbiciding of water bodies and wetlands in the Pinelands Area if the Commission staff advised the Pesticide Control Program that such a permit will not raise issues with the

standards of the CMP. By memorandum dated June 12, 2024, the Commission staff advised the Pesticide Control Program that provided the conditions specified in the Commission staff's June 12, 2024 memorandum were imposed by NJDEP on any Pesticide Control Program permit that may be issued for the proposed herbiciding of the lake and that the areas depicted on the aerial attached to the Commission staff memorandum were not subject of herbiciding, the Commission staff was in agreement that such a permit would not raise any issues with the standards of the CMP.

- **Public Safety Building, Mullica Township (Applicant: Mullica Township, App. No. 1991-0320.005):** On April 2, 2024, an application was initiated with the Commission for the proposed development of a 4,473-square-foot public safety (police) building at the existing Mullica Township municipal complex. The municipal complex and the proposed building are located in the Pinelands Village of Elwood. Considering the public safety need for the proposed building, the Commission staff is coordinating its review of the application with both Mullica Township and 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. On June 17, 2024, the applicant submitted additional information necessary to complete the application. That information is currently under review.
- **Communications Tower, Dennis Township (Dennis Township Board of Education, App. No. 1988-0097.007):** On December 26, 2023 and January 2, 2024, information was submitted to the Commission on behalf of the Dennis Township Board of Education, proposing a 100-foot-tall emergency services communication tower at the Dennis Township Elementary School. The proposed 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. The submitted information requested a determination whether the proposed tower is exempt from application to the Commission. By letter dated February 16, 2024, the Commission staff advised that regardless of whether the proposed communication tower did or did not require application to the Commission, the proposed communications tower must still meet the permitted use and environmental standards of the Township land use ordinance and the CMP. The Commission staff's February 16, 2024 letter further indicated that for a communications tower to be a permitted principal use, it must be located in a Pinelands Town, a Pinelands Regional Growth Area or be included in a Pinelands Commission approved comprehensive plan for local communications facilities in the Pinelands Area. This proposed tower would be located in a Pinelands Village and is not included in any Commission-approved comprehensive plan. The Commission staff's February 16, 2024 letter further indicated that for the proposed communications tower to be permitted, it would need to qualify as an accessory use to the existing elementary school on the parcel. To determine whether the proposed tower qualifies as an accessory use to the existing school, the February 16, 2024 letter requested the submission of additional information. On February 27, 2024, additional information was submitted. By email dated March 14, 2024, the Commission staff advised that it remained necessary to submit the previously requested information addressing the proposed geographic coverage area of the proposed communications tower. The geographic coverage information is necessary for the Commission staff to determine whether the proposed communications tower qualifies as an accessory use to the existing school. On May 6, 2024, the Commission staff received a request from the Township Board of Education to meet. During a subsequent telephone conversation,

the Commission staff reiterated the need for the Board of Education to provide the previously requested geographic coverage information for the proposed communications tower. By letter dated June 3, 2024, the Commission staff reminded the Board of Education of the need to provide the requested communications tower coverage area. On June 28, 2024, the Board of Education submitted additional information. That information is currently under review.

- **Seasonal Agricultural Employee Housing, Town of Hammonton (Applicant: Glossy Fruit Farm, App. No. 1984-0389.011):** On October 23, 2023, the Commission sent a letter to the applicant indicating that the change in use of four agricultural storage buildings to seasonal agricultural employee housing on a 1.82-acre parcel required application to the Commission. The buildings are located in a Pinelands Agricultural Production Area. On October 26, 2023, an application for the change in use was submitted to the Commission. The parcel is serviced by an onsite wastewater disposal system. By letter dated November 23, 2023, the Commission staff advised of the information necessary to complete the application. On April 17, 2024, the Commission staff met with the applicant and the applicant's representatives. By email dated April 23, 2024, the Commission staff advised that certain adjacent lands, currently subject to a PDC deed restriction that allows seasonal agricultural employee housing, could be further restricted for purposes of meeting CMP groundwater quality (septic dilution) standards. On May 10, 2024, the applicant submitted information addressing whether the four concerned agricultural storage buildings had been constructed in wetlands after the 1981 effective date of the Commission's regulations. By letter dated June 11, 2024, the Commission staff advised that the submitted information demonstrated that the concerned buildings had not been developed in wetlands and identified the remaining information necessary to complete the application.
- **Residential Development, Hamilton Township (Applicant: Harding Housing Associates, App. No. 1984-1087.010):** This matter involves two separate residential communities, one existing and one proposed. The parcel is located in a Pinelands Regional Growth Area. There is a disagreement between the two developers of the residential communities regarding the shared use of a stormwater management basin(s). Lot 5.01 contains 99 existing dwelling units. Lot 5.01 also contains three existing stormwater management basins and a portion of a fourth large, existing stormwater management basin. The other portion of the large, existing stormwater basin is located on adjacent vacant Lot 5.03. All four stormwater management basins have been constructed; however, none are functioning as designed. It appears that the primary problem is that the bottoms of the stormwater basins are either located in the seasonal high water table or in the water table. The owner of Lot 5.03 is proposing to develop 56 townhouse dwellings. An application was filed with the Commission to demonstrate that proposed modifications of two of the existing stormwater basins to "wet basins" would meet all stormwater standards of the Township land use ordinance and the CMP. This in turn would allow both the existing residential development on Lot 5.01 and the proposed residential development on Lot 5.03 to utilize the two basins. By letter dated February 1, 2024, the Commission staff requested additional stormwater management information. The requested information was submitted on March 8, 2024. Commission staff met with the applicant on March 14, 2024 and answered numerous questions regarding the Commission's approval process. By letter dated April 16, 2024, the Commission staff advised that the proposed modification of the two stormwater management basins would not provide a sufficient volume of stormwater storage to allow either the existing residential development on Lot 5.01 or the proposed residential development on Lot 5.03 to meet the stormwater management standards. On May 20, 2024, the applicant submitted additional stormwater management information. By letter dated June 17, 2024, the Commission

staff advised that the proposed modification of the stormwater management basins would provide sufficient volume of stormwater storage to allow the existing residential development on Lot 5.01 to meet the stormwater management standards. The letter also indicated that there was some excess storage capacity in the proposed modifications to the stormwater management basins that could provide some stormwater storage capacity for the proposed residential development on Lot 5.03.

- **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. After discussion of the matter with the Barnegat Township Engineer, staff sent a letter to the developer on December 28, 2023 summarizing the situation and asked that the Township Construction Office refrain from issuing building permits for any of the remaining dwellings in this development until the stormwater management issue was addressed. By letter dated January 24, 2024, the applicant submitted a schedule to the Township and the Commission for preparation and implementation of a stormwater management basin remediation plan. On February 23, 2024, a copy of the proposed stormwater management basin remediation plan was submitted to the Commission. By letter dated April 3, 2024, the Commission staff advised that the proposed basin remediation plan was consistent with the stormwater management standards of the CMP. The letter further indicated that the applicant could utilize a 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 revised proposal for remediation of the stormwater management basins. By letter dated May 29, 2024, the Commission staff requested additional stormwater management information regarding the revised proposal to remediate the two existing stormwater management basins. On June 18, 2024, the applicant submitted additional stormwater management information. That information is currently under review.
- **Improvements to an Existing Agricultural Access Driveway, Pemberton Township (App. No. 1983-9180.004):** On February 7, 2024, the Commission received a report that improvements were being undertaken to an existing driveway that provides access to an agricultural operation. The parcel is located in a Pinelands Agricultural Production Area. On February 9, 2024, the NJDEP issued a violation letter to the property owner regarding the filling of wetlands on the parcel. On February 9, 2024, Pemberton Township issued an email directing the property owner to cease and desist the activities associated with the driveway improvements. 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 an agricultural structure, including a driveway, 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 further indicated that in 1993 the NJDEP and the Commission entered into a Memorandum of Agreement (MOA) regarding the enforcement of the New Jersey Freshwater Wetlands

Protection Act Rules in the Pinelands Area. That MOA provides that the NJDEP is primarily responsible for the investigation of alleged wetlands violations for development in the Pinelands Area that does not otherwise require application to the Commission. 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 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. By letter dated April 3, 2024, the Commission staff again requested that the property owner provide information addressing the source of the fill material. On April 5, 2024, the property owner submitted a voluminous amount of information. By letter dated May 13, 2024, the Commission staff requested that the property owner either identify the information contained in the April 5, 2024 submission that specifically addressed potential soil contamination or complete and submit the results of soil testing. The property owner has not responded to the Commission's May 13, 2024 letter. The Commission staff is currently coordinating the proposed soil testing requirement with the NJDEP.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In June, 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.
- **Pinelands-wide Water Quality Monitoring:** Science staff completed the June 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 June, staff began to focus on searching nest sites for new and tagged snakes. A total of seven gravid corn snakes and six gravid pine snakes were found at nest sites and brought back to lay their eggs in the lab. Also, a gravid corn snake that was being radio tracked laid her eggs naturally in a mole tunnel. Her eggs, as well as another clutch of eggs that was deposited by an



Above: A radio-tracked corn snake and an unknown snake deposited their eggs in a mole tunnel. The tunnel was excavated, and the eggs were brought back for incubation.

unknown snake, were excavated from the tunnel and brought back to the lab. The resulting hatchlings will be weighed, measured, sexed, and tagged with a passive integrated transponder (PIT) for permanent identification. A total of 14 corn snakes, 8 pine snakes, 6 black racers, 2 redbelly snakes, and 1 milk snake were processed in June. Staff also surgically implanted transmitters into several new snakes and removed transmitters from several snakes to be retired from the study.



Above: A female northern pine snake digging her nest chamber in preparation for depositing her eggs.

5.2 LONG TERM STUDIES

- **Box Turtle Study:** In June, staff continued to radio track turtles to determine the habitats used for foraging and nesting. Staff has been monitoring the weight of female turtles to determine when they lay their eggs. Based on weight lost from egg laying, most of the radio tracked female turtles nested in June.
- **Snake Fungal Disease Monitoring:** Science staff continue to collaborate with researchers at Virginia Tech to swab Pinelands snakes for snake fungal disease.
- **Adenovirus Study:** Science staff continue to collaborate with Rutgers University researchers to swab Pinelands snakes for adenovirus.



Above: A female box turtle hiding under regenerating mountain laurel in an upland forest that was control burned in the spring of 2024.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to approximately 49 inquiries from the public in June, including phone calls, e-mails, and media inquiries.

- **Website:** Commission staff made routine edits to the website in June and contacted the state Office of Information Technology (OIT) to request a service agreement for redesigning the Commission's website.

- **Social Media Enhancements:** In June, staff shared 205 photos and five videos on the Commission's Instagram site and 59 tweets and retweets on X (formerly known as Twitter). Five of the Commission's photos were featured on other Instagram sites in June. The Commission's YouTube Channel garnered 16 new subscribers in June and now has 1,283 total subscribers. For the month, videos on the Commission's YouTube Channel were viewed 2,908 times, with a total of 9,885 minutes watched.

- **Bog/Rain Garden Maintenance:** Throughout June and amid rising temperatures, staff weeded, watered and maintained the native plants in the agency's bog and rain gardens. Staff members also worked on plans to further raise awareness of the native plants at the Commission's headquarters.



Above: Commission staff shared 205 photos on Instagram in June 2024, including this photo of a red-winged blackbird soaring above the Edwin B. Forsythe National Wildlife Refuge in the Pinelands National Reserve.



Above: Commission staff shared 59 tweets on its X account in June, including this macro photo of a fly perched on a pitcher plant flower.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Summer Short Course:** More than 100 people attended the 8th annual Pinelands Summer Short Course on June 28, 2024. The event was held at Stockton University's Kramer Hall in downtown Hammonton, and it featured 11 classroom sessions and four field trips. Staff promoted the Summer Short Course through numerous posts on social media throughout June. Many participants expressed their appreciation for the quality of the event and the programs.



- **Barnegat Bay Partnership:** A member of the Communications Office staff chaired a meeting of the Barnegat Bay Partnership's Communication and Education Committee on June 26, 2024.

- **Education Programs:** A member of the Communications Office led a tour of the Pinelands for three new Commission staff members on June 20, 2024.

Above: The Woodford Cedar Run Wildlife Refuge brought live snakes and turtles to its presentation on reptiles of New Jersey at the Pinelands Summer Short Course.

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. A meeting was held with members of the Regulatory Programs staff to discuss the way requested units are entered and stored in PCIS. Staff identified several approaches that could improve efficiency and reporting and made recommended adjustments to PCIS.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff continued migrating users to ArcGIS Pro so staff can take advantage of the numerous improvements. The new GIS server was fully deployed and the old server, running Windows 2008 R2, was removed from the network to comply with New Jersey state policy.
- **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 continued to participate in weekly meetings with members of NJCCIC and Zscaler to begin configuration and testing of Zscaler Private Access (ZPA). Initial server configurations were created, a test group was selected, and ZPA was deployed to those individuals.

- **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 participated in an internal meeting to release phase one of the Conformance System to users at the Pinelands Commission. In addition, staff worked to produce two summary reports of the conformance data.
- **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 created a new “unencumbered PDCs” report for the system. 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.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff continued the required migration of legacy data and Oracle database to new server, working with Oracle support on hosting details. Staff continues to work with the Office of Information Technology (OIT) to schedule the migration plan. Staff evaluated feedback from the NearMap trial to help define its value to the Pinelands Commission.

8 BUSINESS OFFICE

8.1 Financial Management

- **Application Fees:** June 2024, Net Total: \$100,485.93, Fiscal Year to Date Total: \$1,085,112.12. This equates to 155.02% of the Fiscal Year 2024 anticipated fee revenue of \$700,000. The net total for June includes 13 online application payments totaling \$4,185.03.

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 Trust acting executive director under certain conditions.	Senate Bill – Reintroduced, Referred to Senate 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	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 2/12/24. Senate Bill – Introduced, Referred to Senate Environment and

			Energy Committee on 1/29/24.
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.	Assembly Bill – Reported out of the Assembly Appropriations Committee on 3/14/24, Second Reading. Substituted by S2792 on 6/28/24 Senate Bill – Passed by Senate and Received in Assembly without Reference, Second Reading on 5/13/24. Passed both Houses on 6/28/24
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 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
A3784/S2455	McCoy/Bucco	Makes \$100 million in federal funds available to NJDEP for grants to local governments for drinking	Assembly Bill – Introduced, Referred to Assembly Environment, Natural

		water, wastewater and stormwater infra-structure projects	Resources, and Solid Waste Committee on 2/22/24. Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 2/5/24.
A3820/S609	Fantasia/Tiver	Excludes farmland from definition of “redevelopment area” and “rehabilitation area” in local Redevelopment and Housing Law	Assembly Bill – Introduced, Referred to the Assembly Commerce, Economic Development and Agriculture Committee on 2/22/24. Senate Bill – Introduced, Referred to Senate Economic Growth Committee on 1/9/24.
A3831	Sauickie	Expands definition of “qualifying land” for purposes of determining where a rural microenterprise may be permitted on a preserved farm	Introduced, Referred to Assembly Commerce, Economic 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	<p>Introduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 2/27/24.</p> <p>Senate Bill – Introduced, Referred to Senate Economic Growth Committee on 5/16/24</p>
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	<p>Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 3/4/24</p> <p>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</p>

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, 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