

PHILIP D. MURPHY Governor TAHESHA L.WAY Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION PO Box 359 New Lisbon, NJ 08064 (609) 894-7300 www.nj.gov/pinelands



LAURA E. MATOS Chair SUSAN R. GROGAN Executive Director

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MEMORANDUM

To:	CMP Policy & Implementation Committee
From:	Gina A. Berg Director, Land Use Programs
Date:	August 20, 2024
Subject:	August 30, 2024 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on Friday, August 30, 2024. We have also enclosed the following:

- The minutes from the Committee's July 26, 2024 meeting; and
- A draft resolution to approve an additional extension of the Commission's Secondary Impacts Agreement with Atlantic County associated with the improvement of Garden State Parkway Interchange 44. A copy of the County's extension request together with a cover memo and other supporting documents is also enclosed.

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

www.youtube.com/c/PinelandsCommission



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LAURA E. MATOS

SUSAN R. GROGAN

Executive Director

Chair

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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

August 30, 2024 – 9:30 a.m.

This meeting will be held in-person and virtuallyRichard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New JerseyWatch the meeting on the Pinelands Commission YouTube channel:
www.youtube.com/c/PinelandsCommission
To Provide Public Comment, Please Dial:1-929-205-6099 Meeting ID: 891 1827 1891

Agenda

- 1. Call to Order
- 2. Adoption of minutes from the July 26, 2024, CMP Policy & Implementation Committee Meeting
- 3. Consideration of an additional extension of the Secondary Impacts Agreement between the Commission and Atlantic County for Garden State Parkway Interchange 44
- 4. Presentation on NJDEP REAL Amendments to Stormwater Management Rules
- 5. Public Comment
- 6. Adjournment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center 15C Springfield Rd New Lisbon, New Jersey 08064 July 26, 2024 – 9:30 a.m.

MINUTES

Members in Attendance: Alan W. Avery, Jerome Irick

Members in Attendance (Zoom): Mark S. Lohbauer, Douglas Wallner

Members Absent: Theresa Lettman, Laura Matos

Other Commissioners Present: Jessica Rittler Sanchez (*as a non-member of the Committee, Commissioner Rittler Sanchez did not vote on any matter*)

Staff Present: Gina Berg, Ernest Deman, Lori Friddell, Susan R. Grogan, Brad Lanute, Paul Leakan, and Stacey P. Roth.

1. Call to Order

Vice Chair Avery called the meeting to order at 9:30 a.m.

2. Adoption of minutes from the May 31, 2024 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved to adopt the minutes of the May 31, 2024 meeting. Commissioner Irick seconded the motion. Commissioners Avery, Irick, Lohbauer and Wallner voted in favor of adopting the minutes. The motion passed.

3. Consideration of the draft Memorandum of Agreement with Stafford Township (Forecastle Lake Park Trails)

Project plan is Attachment A to these minutes

Legal and Legislative Affairs Chief, Stacey Roth, presented the draft Memorandum of Agreement (MOA) between the Pinelands Commission and Stafford Township concerning improvements to an existing trail at Forecastle Lake Park to make it accessible to individuals with ambulatory challenges. Ms. Roth noted that because the proposed improvements are within wetland buffers, the MOA to allow for a deviation from the standards of the CMP is required. Ms. Roth reviewed the proposed improvements and said the Township intends to offset the impacts to wetland buffers by revegetating an upland area onsite as a forested area, as well as adding a buffer to the adjacent housing. She explained that a boardwalk for the entire length of the trail would not be economically feasible, and that the Township does not believe crushed stone would not be appropriate for individuals using walkers and canes. Ms. Roth noted that the project provides a good open space resource for outdoor recreation.

Executive Director (ED) Susan R. Grogan reviewed the procedures for the MOA approval and informed the Committee that with their approval to move forward, a public hearing would be scheduled for August 14, 2024.

Vice Chair Avery invited comments from Stafford Township representatives.

Stafford Township Engineer Frank Little informed the Committee that they are adding drainage along the entire length of the trail to mitigate any runoff from the paving and that it will be directed away from the lake. Township Administrator Matthew von der Hayden said that the site had not been well maintained prior to 2019 and that the ADA improvements are the goal of the project.

Vice Chair Avery opened the floor to questions or comments from the Committee.

Commissioner Wallner asked if the offset area provides habitat for grassland birds. Ms. Roth responded that it is not habitat.

Commissioner Irick said he supported the project. He questioned the potential for downstream flooding and whether there is sufficient freeboard in the lake to tolerate the additional impervious covers.

Mr. Little responded that the surface is 6 to 7 feet above the lake surface and the pedestrian bridge is above those elevations. He said that the spillway allows the overflow to go under Route 72. Commissioner Irick inquired if the lake level could be lowered before a major storm event. Mr. Little said that the spillway is low at present and has not presented a flooding issue. He said that the Township has received additional federal grant funding to complete improvements on the bulkheads and spillway within the next few years.

Ms. Roth reiterated that the Township would install drainage measures along the entire length of the project to infiltrate runoff from the trail.

Commissioner Irick stated that he is addressing concerns that were brought up at the prior Commission meeting about lowering lake levels prior to a storm.

Commissioner Lohbauer said that he supports the project, and he is happy to see Pinelands municipalities working to expand accessibility to park areas. He said that while he would not usually support the use of asphalt, he understands the reasoning and supports it in this use. Mr. Lohbauer said that his concerns regarding protecting the lake from runoff have already been addressed by the Township.

Commissioner Rittler Sanchez said that she agrees that it is a good project and inquired where the lake spill over occurs on the other side of Route 72. Mr. Little said that it goes toward the forested area on the south side and that there has not been any problem downstream.

Vice Chair Avery said that he believes the land on the south side of Route 72 is publicly owned. He said he hoped that in the Commission's next work plan, a quicker system other than the MOA process could be developed to address approval of accessible trail projects.

ED Grogan asked the Committee to confirm that the MOA could go directly to the full Commission for action if there are no comments that need to be addressed after the public hearing and comment period. The Committee supported moving forward with the MOA process and allowing the MOA to proceed directly to the full Commission after the public hearing, provided there are no substantial issues identified.

Vice Chair Avery said that if a public agency is trying to make improvements for accessibility purposes, then regulatory agencies have a responsibility to try to accommodate such projects, even though they are not always consistent with typical regulations.

Stafford Township Administrator von der Hayden commended and thanked Ms. Roth for her assistance on the project.

There being no further questions or comments, Vice Chair Avery closed the discussion.

4. Update on NJDEP REAL Rule Amendments

Attachment B to these minutes and posted on the Commission's website at the following address: July 26, 2024: NJPACT Draft Rule Amendments

Gina Berg, Director of Land Use Programs, presented the Committee with an overview of the extensive NJDEP (New Jersey Department of Environmental Protection) REAL (Resilient Environments and Landscapes) draft amendments to eleven rule chapters, noting that a more detailed review of any impacts on Pinelands activities would be presented at a future date.

She said multiple chapters of the NJDEP rules are being amended to align with the Flood Hazard Area Control Act regulations, which define new standards for sea level rise, coastal flooding risks and from increased storm water runoff due to climate change predictions. She explained the amendments intend to implement nature-based solutions and to align the state's programs with Federal Emergency Management Agency (FEMA) programs.

Ms. Berg said the draft rule projected sea level rise and risk zone that is five feet above the current FEMA flood elevations. She said the proposal also increases the flood fringe for riverine flooding. Ms. Berg said that the Pinelands Commission has MOAs with NJDEP in place that deal with certain permits in those areas. Ms. Roth noted that the increased width of the floodway may have substantial impact on development.

Commissioner Irick inquired about development within the new flood fringe, and impact on flood insurance. Ms. Berg responded that flood insurance is likely based on FEMA requirements not on state requirements.

Commissioner Rittler Sanchez commented regarding the process of integrating rule changes across multiple chapters. Ms. Berg said it is a large undertaking.

Ms. Berg said the Flood Hazard Area Control Act Rules set standards and goals used in reviewing other permits which are issued in accordance with other chapters to be amended in the draft rule package. She noted the new category of permit by registration that will be an online tracking system. She listed several activities and permits that would be re-categorized.

Ms. Roth provided additional review of permit changes. She noted permit by certification will require a licensed professional complete the requisite calculations and that permit by registration is free.

Vice Chair Avery inquired under what statute they are changing the freshwater wetlands regulations. He said that he believed the statute includes a provision that no changes to regulations can be made. Ms. Roth said she was unfamiliar with that statute.

Vice Chair Avery inquired as to responsibility for enforcement for the expanded requirements. Ms. Berg said she does not have information on those responsibilities. ED Grogan said training will be needed for municipalities, engineers and staff and there may be a need to hire more staff.

Ms. Berg identified some potential impacts to Pinelands activities, including an increase in freshwater wetlands general permits, stormwater amendments and horizontal directional drilling (HDD) general permits.

Ms. Berg reviewed the Commission's next steps for the rule proposal including a detailed review of the rules, evaluation of existing MOAs with NJDEP, and outlining the need for CMP amendments. She said these steps will be completed to prepare for future discussion at a Policy and Implementation Committee meeting. She said that the NJDEP anticipates its rule proposal to be published this summer with the potential adoption and effective date of Fall 2025.

Vice Chair Avery opened the floor to questions or comments from the Committee.

Commissioner Lohbauer asked if this discussion will be brought to the Climate Committee since many of the rule changes are precipitated by climate impacts.

ED Grogan noted that this topic was on the agenda for the July 17, 2024, Climate Committee meeting, however the meeting was cancelled due to a lack of a quorum. Therefore, the discussion was brought before the Policy and Implementation Committee.

Commissioner Rittler Sanchez inquired if this would impact the evaluation of changes to Pinelands management area boundaries due to climate impacts.

Ms. Berg explained that Pinelands boundary analysis already took into consideration the 5ft of sea level rise and used the same tools as NJDEP. Therefore, the management area boundary analysis is anticipated to be aligned with the draft rules.

There being no further questions or comments, Vice Chair Avery closed the discussion.

5. Presentation on FY24 Accomplishments and FY25 Work Plan Projects *Attachment C to these minutes and posted on the Commission's website at the following address:* July 26, 2024: Fiscal Year 2024 Policy & Implementation Committee Accomplishments

Executive Director (ED) Susan R. Grogan presented the FY24 accomplishments of the Policy and Implementation Committee, noting that these are the more policy-oriented items and actions that have come before the P&I committee and not a full report on the Pinelands Commission's activities.

ED Grogan discussed municipal conformance matters that have been processed throughout the year.

ED Grogan reviewed CMP amendments that were adopted or were being drafted during the past year. She reminded the committee that there is litigation filed regarding the Kirkwood-Cohansey rules. She said that staff is continuing to review and monitor the progress of that litigation. She reviewed a package of amendments that were previously presented to and endorsed by the P&I committee and explained that a formal proposal is being drafted to submit to the Governor's office. Ms. Grogan reviewed other rules and amendments explaining that many of these items on the work plan will be continued in FY25.

Ms. Grogan presented agency plans and MOAs that were worked on in the fiscal year. She outlined several including Stockton University's 2020 facilities master plan, the Atlantic County secondary impacts agreement for improvement of Garden State Parkway interchange 44, and work on accessible trails MOAs with Pemberton, Stafford and Evesham Townships. She said requests for additional MOAs or amendments are anticipated for additional development at the Atlantic City Airport and expansion on the Atlantic City expressway.

Ms. Grogan reported on the status of the National Park Service (NPS) Economic Monitoring projects. She also reviewed the continuing coordination with Fair Share Housing and the observation and monitoring of municipal affordable housing settlement agreements.

Ms. Grogan discussed the PDC program and related activities such as estimating supply and demand for PDCs, tracking active PDC demand, and including that data in the PDC Bank annual report. She said that proposed legislative changes to the PDC Bank statute have been drafted and would give more authority to the bank board and to staff to facilitate the program. She said that the changes will require sponsorship and funding.

ED Grogan mentioned work on issues related to Enduro events and ORV/ATV (off road vehicle/all-terrain vehicle) ordinances, review of the NJDEP Wharton Visiting Vehicle Use map and of other state agency rules and New Jersey Board of Public Utilities (NJBPU) projects. She said the Climate Committee will be involved in these matters. She said that the Management Area Boundary assessment was completed and presented to the Climate Committee and used by the P&I Committee to modify and expand its acquisition target areas.

ED Grogan also reviewed unanticipated projects addressed in the past fiscal year including grant applications and responses to state legislation changes to OPRA, affordable housing and forestry policy. Ms. Grogan detailed the time dedicated by staff to participation in various state task forces and committees. Ms. Grogan said the standards and process for use of advanced wastewater treatment systems for nonresidential development (outside pilot program) has also required staff attention.

Executive Director (ED) Grogan commended the accomplishments of both the Committee and staff.

Presentation on FY25 Work Plan Projects

Attachment D to these minutes and posted on the Commission's website at the following address: July 26, 2024: Fiscal Year 2025 Policy & Implementation Committee Potential Initiatives

Executive Director (ED) Susan R. Grogan presented FY25 potential initiatives and work plan projects for the next fiscal year.

ED Grogan said she would be seeking Committee feedback on priorities that they would like pursued this year or additional topics to add to the work plan. She explained that these projections help in the budget process and in seeking resources and funding.

Ms. Grogan reviewed work plan projects from FY24 that are being continued into FY25. She noted the need to finalize the package of rules as previously reviewed and submit to the governor's office to have published as a formal proposal. She presented agency plans and MOAs and NPS economic monitoring projects as continuations from last fiscal year. She said additional project recommendations might come from the Climate Committee.

Ms. Grogan discussed other new projects for the upcoming year include cultural resources projects, studying of the economic impacts of climate change on growth-oriented management areas, and affordable housing matters. Specifically, staff will need to work with DCA and municipalities to prepare for the 2025 round of affordable housing and will also begin tracking PDC projects as they relate to affordable housing. She said that staff will be working with NJBPU regarding the dual use solar energy pilot program and looking at the CMP for changes that would facilitate the development of solar energy facilities in an appropriate way. Ms. Grogan said that implementation of ongoing amendments to stormwater rules is also in the work plan. She discussed possible projects relating to Threatened and Endangered species (T&E) protection.

Ms. Grogan continued with additional work plan projects. She said that staff will begin preparations for renewal of the Pinelands' Biosphere Region designation. She informed Committee members of recent collaboration with Stockton University on their creation of a new climate change curriculum for South Jersey teachers. ED Grogan said that staff hope to complete a review of old MOAs with NJDEP dealing with various types of permitting procedures. She said that the new DEP rule changes offer an opportunity to either modernize or eliminate these existing MOAs.

ED Grogan requested Committee member feedback on priorities and any new initiatives they would add to the work plan. She said direction is needed as budget preparation approaches.

Commissioner Wallner said he supported efforts involving threatened and endangered species as necessary items.

Commissioner Rittler Sanchez inquired if the work plan projects would assist with preparing the biosphere report. ED Grogan said that any documentation showing how the Pinelands Commission responds to climate change and threatened and endangered species would be notable in the biosphere report.

Commissioner Lohbauer said the report was an impressive list of accomplishments for 2024 and commended staff. He suggested that two items be added to the list as both accomplishments for FY 2024 and carry over projects for FY2025. He said that the work to stabilize and improve Fenwick Manor and next year's planned construction, and the Commission's effort to minimize its carbon footprint with improvements to lighting, landscape and equipment should be added.

Commissioner Irick said that he supports the PDC Bank initiatives and would like to create PDC requirements for infrastructure extensions. He also supported fee assessment increases, specifically for off road vehicle events. Mr. Irick said he supported the study of native species and recommended including the listing of invasive species. He further suggested, in the interest of the farm community, that additional native crops such as corn and tomatoes be included in the CMP. He said that native crops go beyond just berries. Commissioner Irick thanked Executive Director Grogan for her comprehensive report.

Commissioner Avery said the improvements to Fenwick Manor are an important project, noting the disruption it may cause to staff during the construction phase. He said the project is much needed and that financing is in place for the project.

ED Grogan said the historic trust grant agreement was signed with the full scope of services finalized and approved. She said the RFP (request for proposal) should be posted soon for the

project. She anticipated more discussion at the Personnel & Budget Committee meeting in August.

Commissioner Rittler Sanchez inquired on the anticipated period of disruption. ED Grogan anticipated at least one year, noting that the coordination of moving staff and maintaining file access will be a challenge.

Commissioner Irick inquired about hiring a temporary part-time construction manager. Ms. Grogan responded that a design consultant is being hired to manage that process and that staff archeologist Marc Paalvast is fully involved and will be onsite. She said that Paul Leakan will also be photographing the progress.

Vice Chair Avery said that as questions arise an immediate response will be required to keep the project on schedule. He said Business Manager Jessica Lynch is a helpful resource. Vice Chair Avery said the presentation was thoughtful and complete and asked if there were any further questions. There being none, Vice Chair Avery closed the discussion.

6. Public Comment

Vice Chair Avery opened public comment. There being no public comments, Vice Chair Avery closed public comment.

7. Adjournment

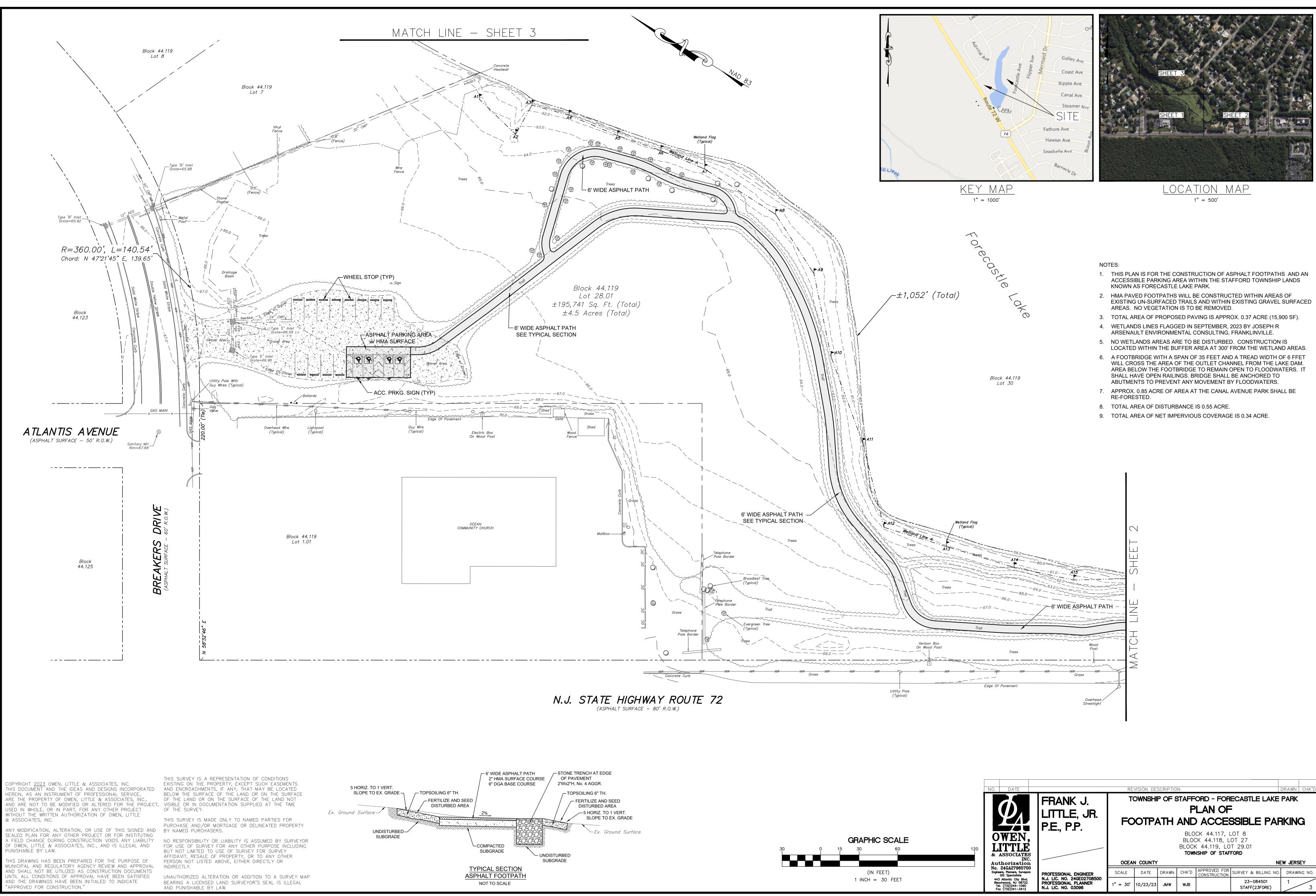
There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. All voted in favor. The meeting was adjourned at 11:11 a.m.

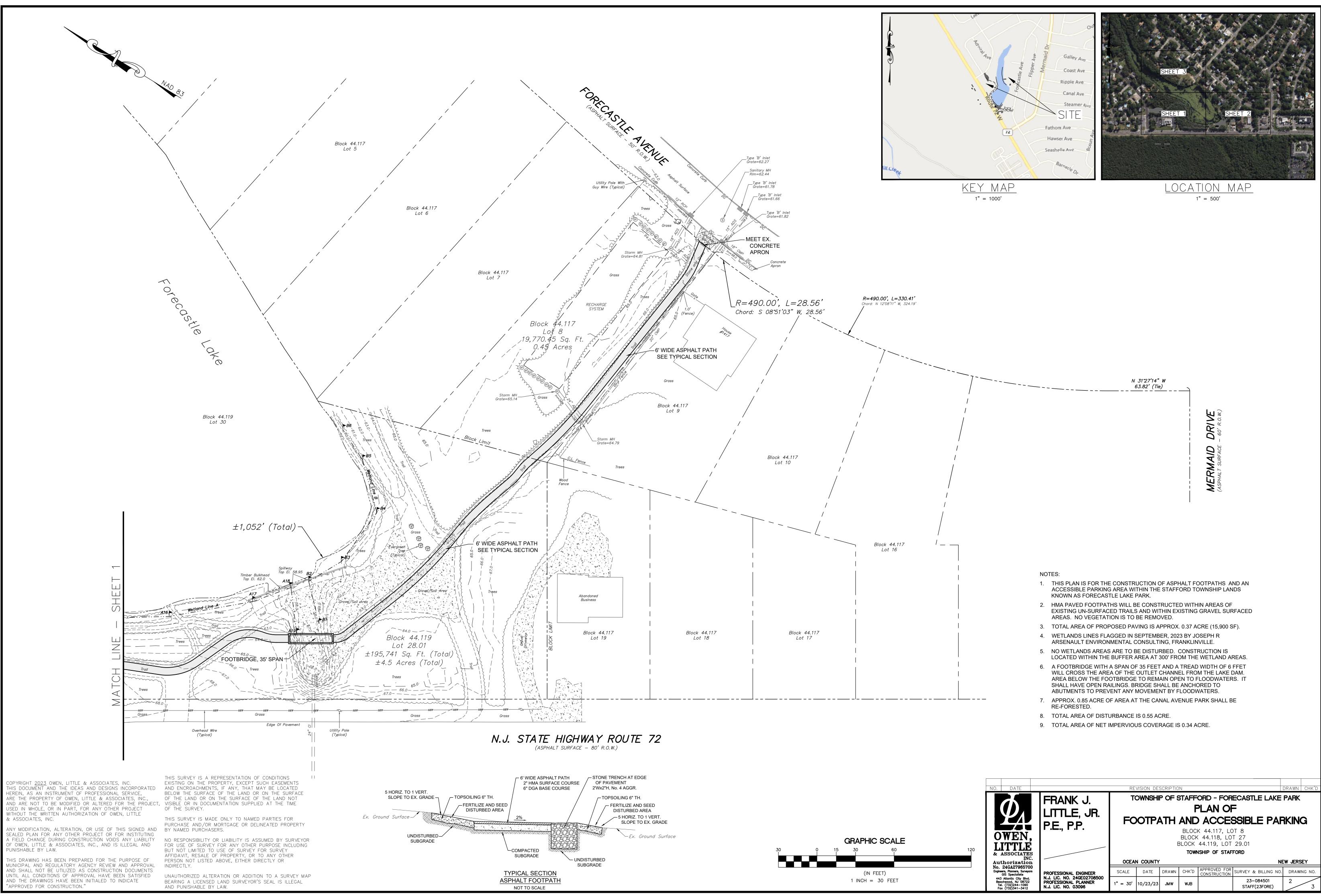
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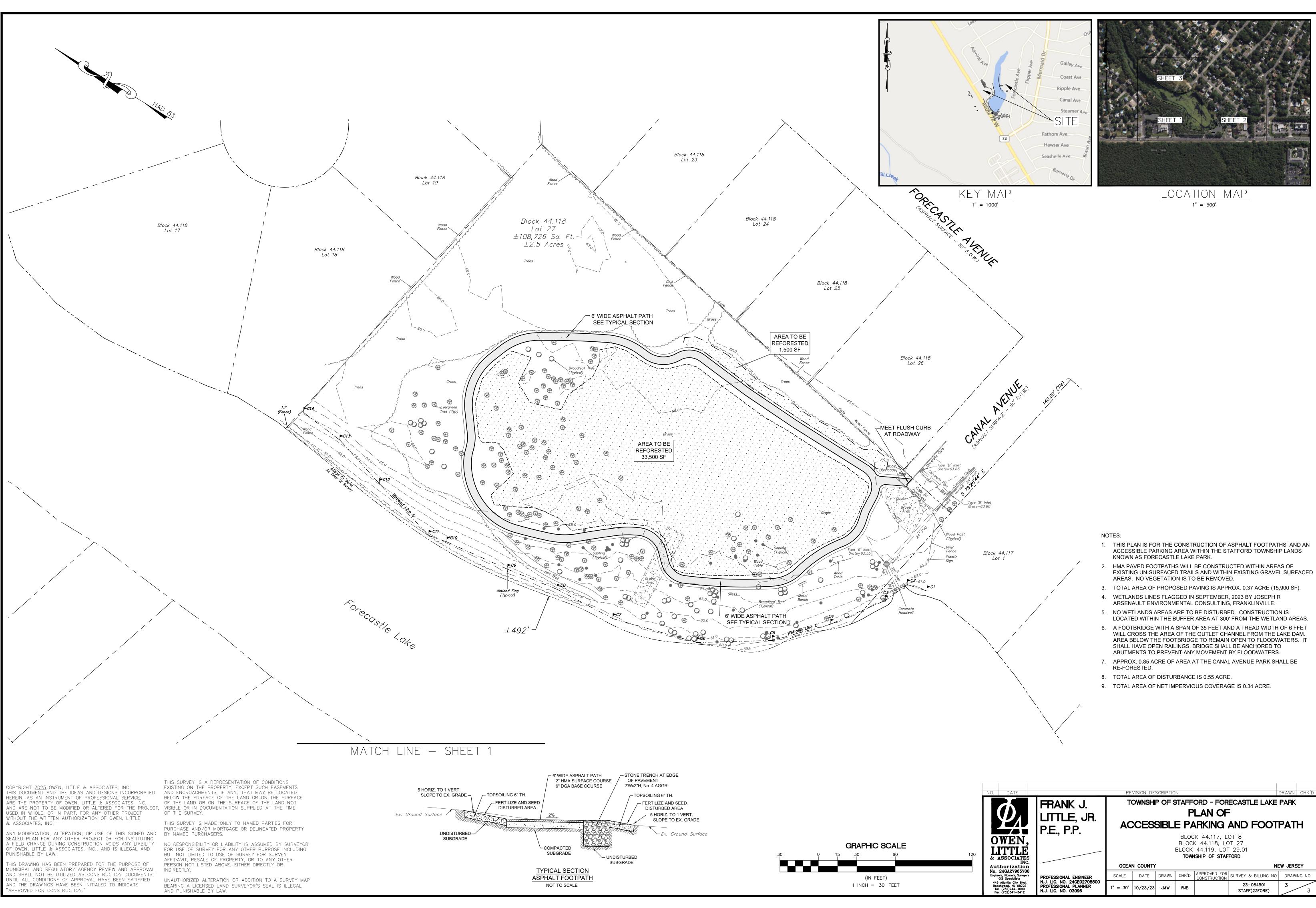
Sori a. Kriddell

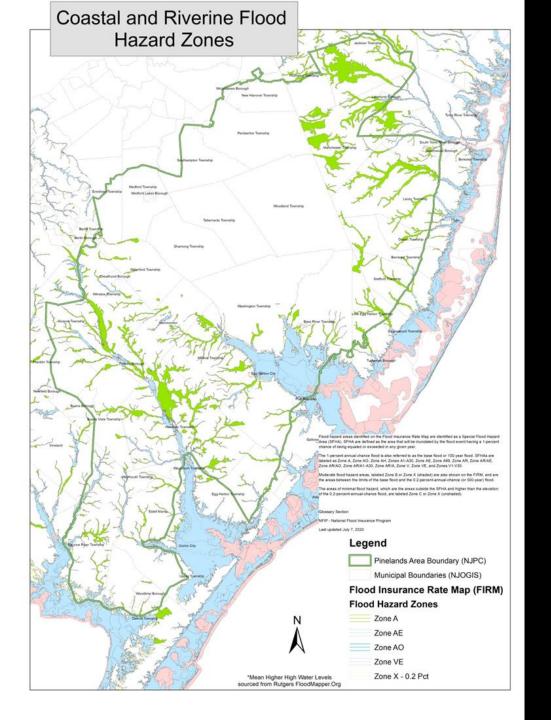
Date: August 6, 2024

Lori Friddell Land Use Programs Technical Assistant









Resilient Environments and Landscapes

NJPACT Draft Rule Amendments P&I Committee 7/26/2024

Climate Change Response & Resilience

Amending 11 chapters of DEP rules

- Coastal Zone Management
- Freshwater Wetlands Protection
- Stormwater Management
- Well Construction & Maintenance; Sealing Abandoned Wells
- Safe Drinking Water
- Flood Hazard Area Control
- New Jersey Pollutant Discharge Elimination System
- Solid Waste
- Recycling
- Hazardous Waste

It's BIG: over 1,000 pages of draft rules to be proposed

Draft Rule Goals

Harmonize rules to account for SLR and increased flood risks

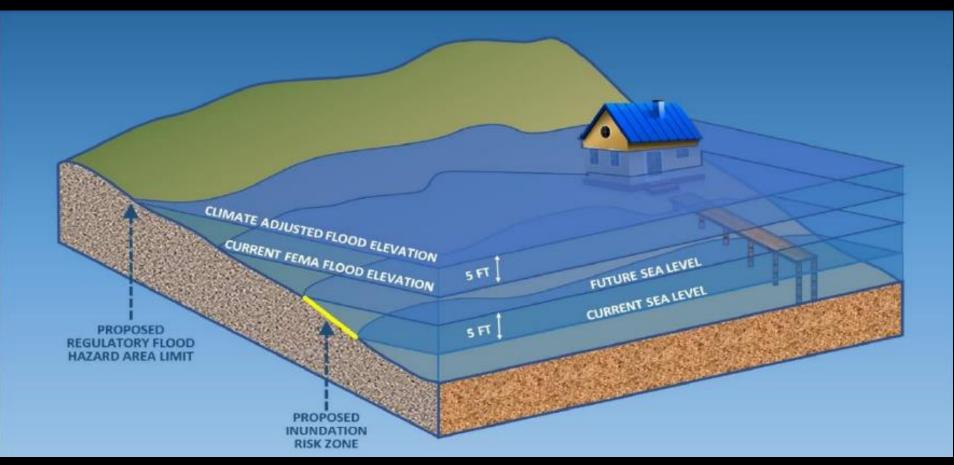
Reduce flooding due to stormwater runoff

Use soft solutions: nature-based protection

Support renewable energy

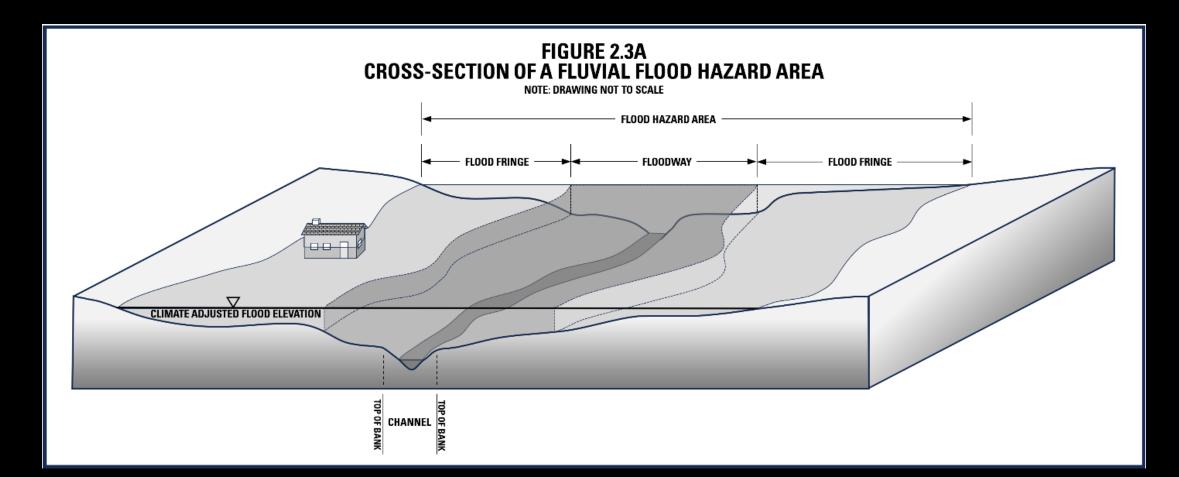
Align State management of risk with FEMA National Flood Insurance Program

Coastal Flooding standards



Change from FEMA BFE+1 to FEMA+5+1 or FEMA +6

Fluvial flooding



Flood Hazard Area Control Act Rules

- Sets standards and goals used in reviewing other permits+
 - Amendments to CAFRA, wetlands, WQ planning & other permits that will implement FHA rules
- Purpose: minimize damage to life and property and to wildlife & vegetation caused by flooding
- Risks addressed
 - 7:13-1.1(c) added that sea level rise exacerbate flooding
 - ...(c)1 added that permanent inundation is also a significant risk
- Expanded protections to riparian corridors and isolated wetlands

Process and applicability

- Repeal Permit by Rule
- Adopt three Permit levels
 - Permitted by Registration Online registration to track cumulative impacts of activities formerly not tracked
 - Certifications
 - General Permit
- Registrations and Certifications are valid for five years with one, fiveyear extension
- Activities authorized under registration, certification, or general permit shall NOT constitute major development as defined by stormwater management rules

Other Rules Amended to Harmonize with Flood Hazard Area Control Act Rule Changes

Numerous activities re-categorized from permit-by-rule to registration OR Certification OR General Permit OR exemption

CZM: traffic standards, canopied shelters, & repair/replacement of existing shelters are revised

FWPA: new standards for demonstrating compliance with stormwater management & need for projects impacting wetlands & requiring a DCR for wetlands transition areas

Requiring climate resilience planning in municipal stormwater management plans & amending definition of major development

Permittees must assess inundation risks

No "centers" designated on barrier islands of CAFRA

Impacts to Pinelands Activities

- Freshwater wetlands GPs
 - More GPs due to regulation of isolated wetlands
 - Mitigation standards
 - Redefining riparian corridor
- Stormwater amendments
- HDD
 - Repeal permit by rule
 - Create GP under FHACA and Wetlands rules

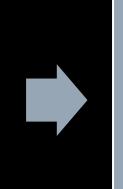


Commission Next Steps

- Detailed review of rules
- Evaluate existing MOAs with DEP for necessary updates, enhancements, or discontinuation
 - Wetlands protection general permits (1993)
 - Stream encroachment permits (1998)
 - CAFRA applications (1988)
- Outline need for CMP amendments
- Prepare comments and discuss with P&I

DEP Next Steps

Anticipate rule proposal this summer Three public hearings following publication in NJ Register



Fall 2025 anticipated adoption and effective date

P&I Committee FY24 Accomplishments

July 26, 2024

Municipal Conformance FY24

- Redevelopment Plans and Amendments
 - Residential development, warehouses, retail uses, movie studio, cell towers, solar facilities
- Bass River Township Master Plan/Zoning Map
- Cannabis facility ordinances
- Zoning boundary adjustments
- Permitted uses/development standards
- Master Plan Reexamination Reports

Municipal Conformance FY24

- CMP amendment responses
 - Stormwater ordinances
 - Water management ordinances
- State Agency required ordinances
 - EVSE/Make-Ready Parking Spaces (NJDCA)
 - Tree Removal/Replacement (NJDEP)
 - Flood Damage Protection
 (NJDEP)
 - Salt Storage Facilities (NJDEP)

CMP Amendments

- Kirkwood-Cohansey rules (water management)
 - Adopted December 2023
 - Municipal model ordinances
 - Litigation
- ROW vegetation management, Black Run watershed protection, expiration of waivers and CFs, application fees for violations and LOIs
 - Amendments reviewed/endorsed by P&I
 - Formal proposal being drafted to submit to GAU
- FA/RDA cluster development revisions and gap approval process
 - Deferred to FY25



Agency Plans and MOAs

- Stockton University 2020 Facilities Master Plan
 - NJDEP hearing held on DCR amendment NJDEP hearing held June 2024; schedule received for resolution of violations, enabling limited number of applications to move forward
- Atlantic County Parkway Interchange 44 Secondary Impacts Agreement
 - Extension granted through 9/7/2024 for completion of acquisition
 - 10 acres acquired and deed restricted; 4 acres remaining

Agency Plans and MOAs, continued

- Accessible Trails MOAs
 - Pemberton (complete)
 - Stafford (P&I review of draft MOA July 2024)
 - Evesham/Black Run (authorized by P&I and in progress)

Agency Plans and MOAs, continued

- South Jersey Transportation
 Authority MOAs
 - Extension granted for establishment of new GCMA; deed restriction recorded
 - Additional Atlantic City Airport development (no proposal received)
 - Atlantic City Expressway expansion (no proposal received)
- Old NJDEP MOAs (forestry, CAFRA, wetlands, etc.) deferred



NPS Economic Monitoring Projects

- Economic Monitoring Statistics: 5-Year Update Report

 Complete
- Economy of Parks and Open Space study
 Deferred
 - Deletted
- Local Conformance/Zoning System development
 - In progress
- Historic Cemeteries Mapping
 - GPR survey of one cemetery completed; site visits and discussions of two other sites underway
- Native American Site: Field School
 - Canceled







Laura E. Matos, Chair

Additional Projects and Initiatives

- PCF Land Acquisition priorities and funding policy review; new acquisition round
 - Revised priorities and target areas authorized
 - Funding round launched 5/3/24 with 9/16/24 submission deadline
- Second Permanent Land Protection Summit
 - Held April 4, 2024
- PCF stewardship and monitoring report
 - Completed and presented at 4/26/24 P&I meeting
- Local communications facilities (cellular) plan amendment
 - Contract executed June 2023 with technical expert
 - Draft amendment under review June/July 2024



Additional Projects and Initiatives

- PITF project monitoring and review of NJDEP proposed rules
 - Projects: no recent activity
 - NJDEP rulemaking process initiated July 2024; stakeholder session scheduled for 8/1/24

• Affordable Housing

- Quarterly meetings with Fair Share Housing Center scheduled and held
- Multiple case management conferences attended for South Toms River Borough and Monroe Township matters

Additional Projects and Initiatives

- PDC Supply and Demand methodologies and estimates
 - Ongoing tracking of "active" PDC demand; info to be incorporated in PDC Bank FY24 Annual Report
 - Final methodologies to be produced as p/o NPS work plan by September 2025
- PDC Bank legislative changes
 - Drafted; requires sponsor(s) and funding
- ORV/ATV issues
 - Model municipal ordinances deferred
 - Development of methodology to assess restoration costs for damaged habitats – complete
 - Review of NJDEP Wharton Visiting Vehicle Use Map comments provided; meetings attended

Additional Projects and Initiatives

- Review of other state agency rules
 - Completed and ongoing (NJDEP, NJBPU and SADC)
- Dual Use Solar pilot program and CMP solar energy standards; coordination with NJBPU
 - Meetings with BPU and project consultants
 - Presentations to Climate Committee
 - Procedural options under evaluation
- Management Area boundary assessment
 - Completed and presented to Climate Committee
 - Acquisition Target Areas modified and expanded

Unanticipated Projects

- Grant applications
 - EPA
 - NFWF
- State legislation: OPRA, Affordable Housing, Forestry
- Task Force/Committee participation (SADC, FEMA, IAC, State Plan, etc.)
- PDC outreach and marketing project with UPenn grad student
- Advanced wastewater treatment systems for nonresidential development (outside pilot program): agreements, monitoring, process

P&I Committee Potential Initiatives FY25

July 26, 2024

CMP Amendments

- Rule proposal for ROW vegetation management
- Rule proposal for Black Run watershed protection
- Rule proposal for expiration of waivers and Certificates of Filing; application fee increases for violations and LOIs
- Draft rules for FA/RDA cluster development revisions and gap approval process
- Draft rules for accessible trails and wetlands impacts
- Recommendations from the Climate Committee

Agency Plans and MOAs

- Stockton University 2020 Facilities Master Plan and DCR amendment
- Atlantic County Parkway Interchange 44 Secondary Impacts
 Agreement
- Accessible Trails MOAs
 - Stafford + Evesham/Black Run
- South Jersey Transportation Authority MOAs
 - Atlantic City Airport
 - Atlantic City Expressway

NPS Economic Monitoring Projects

- Economy of Parks and Open Space study
- Local Conformance/Zoning System development
 - Staff database
 - Public facing system
- Historic Cemetery Mapping and GPR surveys
- Cultural Resources Maps
 - Support SHPO creation of New Jersey Cultural Resources Information System
 - Data sharing agreement With SHPO
- PDC supply and demand methodologies
- Economic Impacts of Climate Change on growth-oriented management areas

Additional Projects and Initiatives

- PCF Land Acquisition
 - Project evaluation, selection and funding
 - Permanent Land Protection Summit
 - Stewardship and monitoring field visits and report
- Local Communications Facility Plan Amendment
- Pinelands Infrastructure Trust Fund
 - Project monitoring/funding
 - NJDEP proposed rules
- Affordable Housing
 - Preparation for 2025 round
 - Coordination with Fair Share Housing and DCA
 - Tracking re: PDC projects

Possible Projects and Initiatives

- PDC Bank legislative changes
- Review and implementation of other state agency rules (NJDEP, NJBPU)
 - CMP amendments
 - Evaluation of old MOAs
 - Pinelands permitting procedures
- Solar energy facilities
 - NJBPU Dual Use Solar pilot program implementation
 - CMP amendments, MOA, MOU or other mechanisms
 - Review of specific projects/applications
- ORV/ATV model municipal ordinances

Possible Projects and Initiatives

- Continued implementation of stormwater rules and amendments
 - Model ordinances
 - New NJDEP amendments
 - Guidance documents and training for consultants and municipalities
- Threatened and Endangered Species
 - CMP amendments to expand plant list and develop update methodologies
 - Updated survey protocols
 - Development of native seed mix
 - Data sharing agreement with NJDEP for plants
- Biosphere Region designation
 - Preparation for 2026 report/renewal
 - Increased participation in US Network and Working Group

Possible Projects and Initiatives

- Municipal tree removal/replacement ordinances
- Advanced wastewater treatment systems
 - Implementation Report on residential pilot program
 - Application requirements and review process for nonresidential systems
 - NJDEP rule proposal to expand eligible technologies
- Climate Change curriculum
 - Coordination with Stockton University on workshops and professional development for South Jersey teachers



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Executive Director

Chair

General Information: Info@pinelands.nj.gov Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To:	Members of the CMP Policy & Implementation Committee
From:	Stacey P. Roth Schief, Legal & Legislative Affairs
Date:	August 14, 2024
Subject:	Atlantic County's Request for an Additional Extension of the Deadline to Complete

Garden State Parkway Interchange 44

Atlantic County's request for an additional extension of its deadline to obviate the secondary impacts associated with the Garden State Parkway Interchange 44 project will be presented for your consideration at the August 30, 2024 CMP Policy and Implementation Committee meeting. As you may recall, the Commission and County entered into a Secondary Impacts Agreement on January 7, 2014, which required the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area. From the outset, the County decided to acquire the 356 acres. As of August 2, 2023, the County had acquired all but 4 acres (352 out of 356 acres) within the Tier 1 target area.

Acquisition of Parcels to Address Secondary Impacts Associated with the Completion of

By letter dated August 9, 2024, the County has requested an additional 12-month extension to complete its acquisition of the remaining 4 acres. The County advised that the acquisition of this acreage has been delayed because of staffing shortages resulting from the retirements of 3 professional planners and the Assistant County Counsel involved in the acquisition program. The County recently hired a new Senior Planner who will be picking up the acquisition project and moving it to completion.

Staff, however, is recommending the Commission grant a 24-month extension to the Agreement. This extension is anticipated to provide sufficient time for the County to finalize acquisition of the remaining 4 acres. Additionally, the County intends to acquire an additional 110 lots, comprising approximately 95 acres, within the Tier 1 target area for preservation. If authorized, this would represent the fourth extension of the agreement.

Although the Agreement contains a contingency provision should the County fail to obviate the remaining secondary impacts of the required 356 acres by the deadline, Staff does not believe this contingency should be invoked at this time. The contingency requires the County to pay the fair market value of any acreage within Tier 1 to a non-profit, government entity or university or college for the acquisition of Pinelands Development Credits from agricultural lands or other water quality improvement projects, including land

acquisition, within the boundaries of Tiers 1 through 3. As noted above, the County has acquired 352 acres of the 356 acres required by the Agreement. Despite various challenges it has worked diligently to satisfy the Agreements obligations. Additionally, despite only 4 acres remaining to be acquired under the Agreement, it has also committed to acquiring another 110 lots, approximately 95 acres, within the Tier 1 target area. Consequently, staff believes it is preferable to allow the County to complete its acquisition of the remaining 4 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose.

A draft resolution granting the County's extension request is included in the packet. At the August 30, 2024 meeting, staff will ask the Committee to recommend the approval of the extension to the full Commission.



Atlantic County

Department of Regional Planning and Development

Dennis Levinson County Executive Ranae Fehr Department Head

Division of Planning 609/645-5898 FAX: 609/645-5836 TDD: 348-5551

Division of Engineering 609/645-5898 FAX: 609/645-5836

Office of GIS

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August 9, 2024

Susan Grogan, Executive Director NJ Pinelands Commission PO Box 359 15 Springfield Road New Lisbon, New Jersey 08064

RE: GSP Interchange 44, Galloway Twp. – Secondary Impacts Agreement

Dear Ms. Grogan,

Please accept this letter as a request for an additional extension of the agreement between Atlantic County and the NJ Pinelands Commission, previously executed in connection with the NJ Turnpike Authority's expansion of Interchange 44 of the Garden State Parkway. To date, Atlantic County has acquired most of the land required to satisfy the requirements of that agreement, including the purchase of 352 of 356 acres of land within the Tier 1 area targeted for preservation.

Unfortunately, our efforts to acquire the final four acres have been delayed due to staffing shortages, including the retirement of three of our Professional Planners as well as Assistant County Counsel Anthony Pagano. Fortunately, last month we were able to bring on a new Senior Planner, who will be picking up this project and moving it through completion.

As previously reported, the County is currently pursuing acquisition of approximately 110 lots within the Tier 1 target area, totaling approximately 95 acres, more or less. Title searches have been obtained for individual lots and the County has developed a plan to phase the acquisition of these lots to keep the project manageable. Appraisals will be updated to reflect current market value. Also as previously reported, title issues impact some of the lots which has complicated the acquisition process.

Acquisition of the subject lots was approved by the Atlantic County Board of Commissioners on July 5, 2022, allowing for the County to purchase the lots via negotiations or Eminent Domain action (mostly in cases where clear title cannot be established). Formal offer packages will be sent out to the initial phase of lots once appraisal reports have been updated.





Based on our progress to date and our ongoing commitment to purchase and preserve the remaining acreage, we respectfully request the Commission's consideration of an additional 12-month extension of time to complete this project.

The Commission's consideration of this and prior requests is greatly appreciated. If you or your staff have any questions regarding this request or the County's progress to date, please feel free to contact me at 609-645-5898. Thank you.

Respectfully,

Mana Mowles

Ranae L. Knowles, PP, AICP, CPM Department Head

cc: Stacey Roth, Esq., Chief, Legal and Legislative Affairs, NJ Pinelands Commission



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-____

TITLE: To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

WHEREAS, this Agreement obligated the County to limit the development potential of parcels totaling 356 acres located within 1.5 miles of Interchange 44 within the Pinelands Area referred to in the Agreement as Tier 1; and

WHEREAS, the County had three years to obviate the secondary impacts within the Tier 1 area ending January 7, 2017; and

WHEREAS, based on the terms of the Agreement, the County requested, and the Executive Director granted an 18-month extension of the deadline for completion of the County's obligation in Tier 1 which ended on July 7, 2018; and

WHEREAS, by letter dated March 5, 2020, the County advised the Commission that it had completed acquisition of 327 acres of lands within Tier 1 and requested an additional 18-month extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

WHEREAS, on May 8, 2020, the Commission approved Resolution PC4-20-14, granting the County an extension from January 7, 2020 to January 7, 2022 to complete its obligations under the Agreement; and

WHEREAS, by letter dated August 15, 2022, the County advised the Commission that it has acquired 342 of the required 356 acres of lands within Tier 1 and requested an additional 12-month extension to complete acquisition of the 14 remaining acres; and

WHEREAS, on September 9, 2022, the Commission approved Resolution PC4-22-36 granting the County an extension from January 7, 2022 until September 7, 2023 to acquire the remaining 14 acres within Tier 1; and

WHEREAS, by letter dated August 2, 2023, the County advised that it had acquired 10 of the remaining 14 acres of land within Tier 1, bringing the total to 352 of the 356 acres of land within Tier 1 targeted for preservation, and requested an extension of the deadline to acquire the remaining 4 acres; and

WHEREAS, on September 8, 2023, the Commission approved Resolution PC4-23-37 granting the County an extension from September 7, 2023 to September 7, 2024 to acquire the remaining four acres within Tier 1; and

WHEREAS, by letter dated August 9, 2024, the County advised that since the September 2023 extension, its efforts to acquire the final four acres required by the Agreement had been delayed due to staffing shortages, resulting from the retirements of three of its professional planners and the Assistant County Counsel involved in the County's acquisition program; and

WHEREAS, the County also advised that it had recently hired a new Senior Planner to resume its acquisition efforts; and

WHEREAS, in its August 9, 2024 letter, the County renewed its commitment to preserve not only the remaining 4 acres within Tier 1, but the additional acreage within Tier 1 that the Atlantic County Board of Commissioners authorized for acquisition by adoption of Ordinance #7 of 2022; and

WHEREAS, the County has requested an additional 12-month extension to acquire the last four acres of land within Tier 1 to complete its obligation under the Agreement; and

WHEREAS, the County has acquired 98.9% of the 356 acres of land within Tier 1 necessary to obviate the potential secondary impacts associated with the Interchange 44 project; and

WHEREAS, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement (i.e. January 7, 2020) to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

WHEREAS, given the County's continued diligent efforts to complete its obligations under the Agreement, and its commitment to preserve substantially more acreage within Tier 1 than required by the Agreement, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 4 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose; and

WHEREAS, the Commission further acknowledges the extenuating circumstances outlined in the County's request for an extension, and seeks to afford the County sufficient time to complete the land acquisition required by the Agreement; and

WHEREAS, the Commission's CMP Policy & Implementation Committee has reviewed the County's extension request and recommended its approval by the Commission; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Commission grants Atlantic County an additional extension 24-months from September 7, 2024 until September 7, 2026 to complete its acquisition of the remaining 4 acres within Tier 1.

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta					Lettman					Rittler Sanchez				
Avery					Lohbauer					Wallner				
Christy					Mauriello					Matos				
Holroyd					Meade									
Irick					Pikolycky									

Record of Commission Votes

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

