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THE PINELANDS COMMISSION  
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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## MEMORANDUM

To: CMP Policy & Implementation Committee

From: Gina A. Berg *gab*  
Director, Land Use Programs

Date: July 17, 2024

Subject: July 26, 2024 Committee meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on Friday, July 26, 2024. We have also enclosed the following:

- The minutes from the Committee's May 31, 2024 meeting; and
- A draft Memorandum of Agreement for an accessible trail in Forecastle Lake Park, Stafford Township with staff memo

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](http://www.youtube.com/c/PinelandsCommission)



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## CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

July 26, 2024 – 9:30 a.m.

**This meeting will be held in-person and virtually**

Richard J. Sullivan Center for Environmental Policy and Education  
Terrence D. Moore Conference Room  
15C Springfield Road  
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

[www.youtube.com/c/PinelandsCommission](https://www.youtube.com/c/PinelandsCommission)

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 857 7649 4529

### Agenda

1. Call to Order
2. Adoption of minutes from the May 31, 2024, CMP Policy & Implementation Committee Meeting
3. Consideration of the draft Memorandum of Agreement with Stafford Township (Forecastle Lake Park Trails)
4. Update on NJDEP REAL Rule Amendments
5. Presentation on FY24 Accomplishments and FY25 Work Plan Projects
6. Public Comment
7. 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](http://www.youtube.com/c/PinelandsCommission)

Richard J. Sullivan Center  
15C Springfield Rd  
New Lisbon, New Jersey 08064  
**May 31, 2024 – 9:30 a.m.**

### **MINUTES**

**Members in Attendance:** Jerome Irick, Chair Laura E. Matos

**Members in Attendance (Zoom):** Alan W. Avery, Jr., Mark S. Lohbauer, Douglas Wallner

**Members Absent:** Theresa Lettman

**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, John Bunnell, Ernest Deman, April Field, Lori Friddell, Susan R. Grogan, Dawn Holgersen, Brad Lanute, Paul Leakan, Amber Mallm, and Stacey P. Roth. Also in attendance was Alexis Franklin with the Governor's Authorities Unit (Zoom).

#### **1. Call to Order**

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

#### **2. Adoption of minutes from the April 26, 2024 CMP Policy & Implementation Committee Meeting**

Commissioner Lohbauer moved the adoption of the April 26, 2024 meeting minutes. Commissioner Avery seconded the motion. Commissioners Avery, Lohbauer, Matos and Wallner voted to adopt the minutes. Commissioner Irick abstained. The motion passed.

Chair Matos requested a moment of silence in recognition of the recent loss of Albert Horner, an artist, photographer, champion and supporter of the New Jersey Pinelands.

#### **3. Update on Open Public Records Act Legislation**

Legal and Legislative Affairs Chief, Stacey Roth, presented an update on the pending Open Public Records Act (OPRA) legislative amendment (S2930). Ms. Roth reviewed the history and basic requirements of the current OPRA law and the role of the records custodian. She explained the definition of a government record in context of the OPRA law and that a public record is not limited to paper. She said a public record includes all media forms and applies to email. She noted the many exemptions to OPRA and that many of the exemptions have been determined by case law. (presentation attached)

Commissioner Irick inquired as to what would be considered private correspondence.

Ms. Roth explained that the law is designed to provide transparency and pertains to records made, maintained or received as a result of official business; and would therefore apply to private emails and social media provided the material related to government business.

Ms. Roth presented the legislative history of S2930, the proposed amendments within and the potential impact on the Commission's processes and record custodians.

Ms. Roth noted that the legislation is very controversial.

Commissioner Rittler Sanchez stated that many Mayors are still opposed.

Ms. Roth outlined the amendment's definition of a commercial purpose and that the new law would change the time frames associated with obtaining a government record for resale or financial benefit. She noted that the definition excludes news media, educational or governmental organizations, labor organizations, political or non-profit groups.

Ms. Roth reviewed changes to the exemption requirements pertaining to personal identifying information. She explained that the more restrictive exemptions result partially from the institution of "Daniel's Law."

Ms. Roth explained proposed changes that require government records be made available to the public on websites. She said the custodian must provide detailed links to the location of the record within the website. She presented an overview of the public access requirements for government records, including the agency's requirement to convert a record to the medium requested and the reasonable special service fees applicable.

Ms. Roth's presentation further outlined the requirement for a public agency to adopt the OPRA request form established by the Government Records Council, the parameters of a proper request, the ability to complete an anonymous records request and the conditions allowing an agency to deny a request.

Commissioner Rittler Sanchez inquired if OPRA requests and responses are required to be posted to the website. Ms. Roth responded that they do not, however the OPRA form and information on how to complete a request should be accessible on the agency website.

Ms. Roth stated that the recurring theme within the proposed OPRA amendments is to improve transparency and the process of communication between the custodian and the requestor to find and provide the records.

Ms. Roth reviewed the OPRA requirements regarding response time and disruptive repeated requests. Ms. Roth said the law would not allow the same request to be sent to multiple agencies. Regarding legal proceedings, Ms. Roth said that OPRA cannot be used in place of a pending discovery request or if matters may pertain to a court order.

Commissioner Irick said that the subject matter could be heard by multiple agencies.

Ms. Roth agreed. She explained that the requestor would need to identify the record specific to the agency and, while hard to implement, the intent is to reduce duplicative requests.

Ms. Roth reviewed proposed amendments to response times, including commercial requests, extensions and archival storage retrieval. She further stated that a custodian is not required to provide records created or received by another agency.



Executive Director (ED) Grogan inquired if it is at the agency's discretion to provide a copy of a record from another agency.

Ms. Roth responded that the intent is to be transparent and if the record is not subject to exemption, it could be provided.

ED Grogan said it would be difficult to determine record exemptions for another agency.

Ms. Roth reviewed amendments to agency actions when records requests are denied, as well as associated attorney fees and penalties. She said advocates are against these changes. She noted that in the event of a finding of a willful violation of OPRA, the public agency is now subject to civil penalties rather than the records custodian. She further explained that a requestor who fails to certify that the request is for a commercial purpose is subject to civil penalties.

Commissioner Irick asked for an example of a commercial purpose.

Ms. Roth gave the example of a data company requesting every application submitted so they can use it for consulting.

Ms. Roth reviewed that a court protective order may be issued for requests that substantially interrupt the performance of government function.

ED Grogan stated that the proposed bill appropriates funding to the New Jersey Department of Community Affairs (NJDCA) to provide grants to public agencies to help promote public access to records. She referred to the Commission's application tracking system as an example of a project intended to make public access easier.

ED Grogan stated, regarding the proposed legislation, that while this is one of many things happening outside of the Commission, it is going to have an impact on Commission operations. Staff will need to be aware of changes so that they can be incorporated into the Commission's OPRA process.

Chair Matos opened the floor to questions.

Commissioner Irick inquired if an agency is required to post and make public the name of the records custodian.

Ms. Roth stated she was not aware if that was an obligation, but she will further investigate.

Commissioner Irick commended the Commission for being diligent regarding record requests and public access.

Commissioner Rittler Sanchez inquired what the major sticking point is for non-profit groups.

Ms. Roth stated it would predominately be the changes to the attorney fees and penalties.

Commissioner Lohbauer inquired if the Commission provided comments to the Governor's office.

Ms. Roth stated that no opportunity was made for comment and that the legislation moved quickly.

Commissioner Lohbauer stated that he was surprised how quickly it moved considering that there are controversial provisions. He noted, for example, a commercial benefit will need to be defined by litigation down the road and he would be concerned that a non-profit organization's publication of information derived from an OPRA request could be viewed as an opportunity for commercial benefit.

Ms. Roth said that a lot will likely be decided through litigation.

Commissioner Lohbauer thanked Ms. Roth and said that the Pinelands Commission has been very responsive to the public and has a great records policy and approach to transparency.

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

#### **4. Overview of New Jersey Department of Environmental Protection (NJDEP) Model Tree Removal Ordinance**

Chief Planner Brad Lanute presented an overview of the NJDEP Model Tree Removal Ordinance. ([presentation attached](#))

Mr. Lanute reviewed the NJDEP requirement that all municipalities with a Tier A MS4 Stormwater Permit adopt and enforce a tree removal and replacement ordinance to reduce stormwater runoff and pollutants and promote infiltration of rainwater into the soil. He said that the NJDEP has provided municipalities with a model ordinance for that purpose. Mr. Lanute provided background on the MS4 permitting program regulation required by both federal and state regulations to address water quality.

Commissioner Irick inquired if all municipalities are governed by the MS4 permit.

Mr. Lanute explained that all Pinelands municipalities are classified as Tier A. He reviewed the NJDEP reclassification of all Tier B municipalities to Tier A.

Mr. Lanute presented some of the Tier A MS4 stormwater permit requirements, including adoption of a stormwater pollution prevention plan, local public education and outreach, creation of watershed improvement plans, and the need to provide for minimum standards via adoption of pollution prevention ordinances. He reviewed the required pollution prevention ordinances, noting that former Tier B permittees will need to adopt these ordinances. Mr. Lanute specifically noted the new ordinances required for privately owned salt storage and tree removal and replacement. Mr. Lanute stated that the privately owned salt storage ordinance does not pertain to the Commission rules, however the tree removal and replacement ordinances do require review.

He reviewed the minimum requirements of the Tree Removal ordinance, which must address both tree removal and replacement. Mr. Lanute further stated that the NJDEP has stressed that the model ordinance is a guidance document and offers municipalities flexibility in crafting their ordinance. He said municipalities with existing tree removal ordinances can submit the ordinance to the NJDEP to see if they meet the requirements of the MS4 permit. Mr. Lanute explained the ordinance addresses regulated tree removal activities and DBH (diameter at breast height) thresholds.

He reviewed the application process, explaining that the model ordinance provides flexibility to municipalities to either integrate the application process with existing reviews or to establish a

separate application process. He further noted that municipalities are allowed to impose application fees.

Mr. Lanute said that municipal ordinances are required to include a list of tree species that are acceptable to be planted and that the Pinelands Commission maintains a list of native Pinelands plants on its website. The list can serve as a resource for municipalities.

He reviewed two replacement alternatives as outlined in the model ordinance. This first allows tree replacement in a separate area approved by the municipality. The second alternative establishes a fee per removed tree to be placed into a fund for continued tree maintenance and planting. He explained that the ordinance allows municipalities to implement their own planning and community outreach and to incorporate their own best practices in how funds are allocated.

Mr. Lanute reviewed exemptions within the model ordinance.

Commissioner Wallner inquired about exemptions for invasive species and pest trees.

Commissioner Rittler Sanchez inquired if diseased trees were included in exemptions.

Mr. Lanute stated that some municipalities have included these types of exemptions in their ordinances.

Commissioner Irick inquired about monitoring and review requirements of municipal ordinances.

ED Grogan stated that the ordinances will be reviewed for consistency with the Pinelands Comprehensive Management Plan (CMP).

Mr. Lanute explained how the CMP regulations intersect with the tree removal and replacement ordinances and what staff is looking for during review. He said that all Pinelands municipalities have incorporated the CMP minimum vegetation standards. He said Commission staff have reviewed two tree removal ordinances and found that they raise no substantial issue with respect to CMP standards. He said that staff will review to ensure that the authorized species list in the ordinance is consistent with the species listed in the CMP or on the Commission's "Native Pinelands Plants for the Landscape" fact sheet. He stated that Commission review will also ensure that agricultural exemptions are met and will consider impacts on realistic development potential in regional growth areas, particularly where PDC opportunities exist. Mr. Lanute said the Commission will communicate with municipalities as they go through the process.

ED Grogan stated that the Commission will also coordinate discussion with the NJDEP since there are a significant number of issues to address that are not specified in the model ordinance, such as how municipalities will set up and allocate funds. She noted that the ordinance also applies to larger development and is vague in setting up those standards.

Chair Matos inquired if staff had any recommendations to provide on the three draft ordinances received.

Mr. Lanute stated that the first two we received are good examples and the Commission has room to provide recommendations from requirements to best practices.

Chair Matos stated it is best to be proactive with municipalities.

ED Grogan explained that this is one small piece of the MS4 permitting, and that the Commission is trying to help the towns as much as possible.

Commissioner Rittler Sanchez inquired regarding thresholds for development impacted by the ordinance.

ED Grogan said exemptions and fee issues will be important to the implementation of this ordinance, and there are many issues for towns to consider.

Commissioner Lohbauer said there did not appear to be any consideration given to carbon sequestration capacity as a rationale when considering tree removal. He further stated that he would like to see the Climate Committee consider this in reviewing the model ordinance.

ED Grogan responded that this ordinance is coming from NJDEP as authorized under the MS4 stormwater permit requirement. She said that the Commission will need to see how this is implemented over the next few months.

Commissioner Irick stated that he would like to see exemptions considered for the farming community, cemeteries and provisions for inherently beneficial uses.

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

## **5. Long-Term Economic Monitoring Work Plan for National Park Service Task Agreement**

Gina Berg, the Commission's Director of Land Use Programs, presented the proposed projects that are being considered for funding through the economic monitoring side of the National Park Service agreement and their anticipated schedules and reporting. (presentation attached)

Ms. Berg reviewed the project to evaluate the economic impacts of climate change on Pinelands Villages and selected Regional Growth Areas. She said the project will build on work from the Climate Committee and would assign economic value to the affected parcels.

Regarding the Pinelands Development Credit (PDC) supply and demand project, Ms. Berg said staff intend to develop a methodology that can be implemented easily. She said geospatial analysis has been used to determine potential credits and that this project would standardize and set up certain ground rules for the analysis.

Ms. Berg discussed the cultural resource projects in the work plan. She reviewed the ground penetrating radar survey projects, noting upcoming equipment upgrades. She said that the field school planned in the prior year work plan did not get approved by the federally recognized tribe, but that a field school may be coordinated at the Whitesbog Village in the coming year. Ms. Berg reviewed the Pinelands Byway activities. The activities include assisting municipalities to identify grant opportunities and providing for printing and distribution of the Pinelands calendar. She outlined the new Cultural Resource maps project, which includes the digitalization of historic maps, as well as a data sharing agreement with the State Historic Preservation Office.

Ms. Berg discussed the Local Conformance and Zoning system project. She said this would be the second year of a two-year project and reviewed the status of work completed. She projected the internal system to be completed by January 2025 and launch of the public external portion by April 2025.

With regard to the Economy of Parks and Open Space project, Ms. Berg said the project is being carried over from prior fiscal year funding. The purpose of the project is to evaluate the economic impact of land preservation.

Commissioner Irick said that he supports amendments to require PDCs to be redeemed for utility improvements and extensions projects separate from the larger development. He asked if that could be considered. He said his concern is that there is insufficient demand for PDCs.

Ms. Berg said it would not fall under the umbrella of this project.

ED Grogan explained that the intent behind the PDC supply and demand analysis is to allow the Commission to consider whether there is a balance between supply and demand.

Commissioner Irick said that while the PDC program has been a valuable tool, he believes it does not generate sufficient demand to create high PDC values.

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

## **6. Public Comment**

No public comments were made.

Chair Matos opened comments to Commissioners.

Commissioner Rittler Sanchez thanked staff for their presentations.

Commissioner Lohbauer thanked Chair Matos for the tribute to Al Horner.

Chair Matos stated a more formal tribute for Mr. Horner will be arranged for the upcoming full Commission meeting.

Commissioner Wallner inquired on the status of the Black Run rule proposal.

ED Grogan stated it is part of the CMP amendments currently being worked on.

## **7. Adjournment**

There being no other business, Commissioner Lohbauer moved to adjourn the meeting.

Commissioner Wallner seconded the motion. All voted in favor. The meeting was adjourned at 11:33 a.m.

Certified as true and correct:



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Lori Friddell  
Land Use Programs Technical Assistant

Date: June 10, 2024

# OPRA and Recent Legislative Amendments (s2930)

Pinelands Commission  
CMP Policy and Implementation  
Committee Meeting  
May 31, 2024



# OPRA Basics


## What is OPRA?

1. The New Jersey Open Public Records Act, N.J.A.C. 47:1A-1 *et seq.* (P.L.2001, c.404)
2. OPRA went into effect in July 2002
  - a. It replaced the former Right to Know Law
  - b. Expanded the definition of a "public record"



# OPRA Basics

## What does OPRA Do?

- Provides process by which requestors may gain access to government records maintained by public agencies in NJ.
  - Makes government records accessible for inspection, copying or examination by the public, unless record is exempt under OPRA or any other law
- 



# OPRA Basics

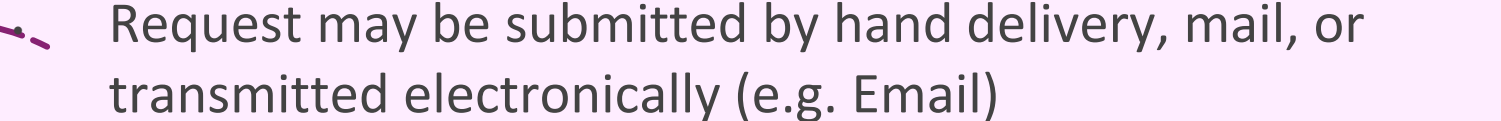
## What is a Government Record?

- Any record that has been made, maintained, or kept on file, or has been received in the course of official business
- Not limited to paper records.
  - e.g. tape recordings, microfilm, electronically stored records, emails, text messages, data sets stored in a database, books, maps, photographs, etc.



# OPRA Basics

## How does OPRA work?

- Requestor submits an OPRA request to the records custodian of the agency.
  - OPRA required agency to have an OPRA request form, but requestor is not required to use it, but request must be in writing.
- Request may be submitted by hand delivery, mail, or transmitted electronically (e.g. Email)
- 




# Records Custodian

- Reviews OPRA request
- Determines scope of Request
- Works with Requester to Narrow Broad Requests
- Locates Responsive Records
- Reviews Records for exemptions



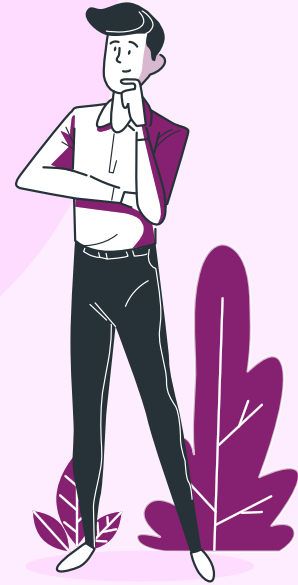


# Records Custodian

- Responds to Request within no more than 7 business days
  - Must permit access to a government record and provide a copy of the record in the medium requested if the agency maintains the record in that medium
  - If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record or provide a copy in some other meaningful medium
  - May deny request if does not identify records with sufficient specificity
- 
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- 

# Recent OPRA Amendments

**§ 2930**



# S 2930

- Introduced - March 4, 2024
- Reported out of Senate Budget & Appropriations Committee, with Amendments – March 11, 2024
- Recommitted – April 8, 2024
- Reported from Committee – May 9, 2024
- Passed by Senate – May 13, 2024
- Received in Assembly, Substituted for A 4054, Passed by Senate – May 13, 2024

# Definitions

“Commercial Purpose” – direct or indirect use of any part of a government record for sale, resale, rent, or lease of a service, or any use by which a user expects a profit either through commission, salary, or fee, not including use of a government record for any purpose by:

1. News media
2. News, journalistic, educational, scholarly, or governmental organization
3. Person authorized to act on behalf of candidate, political, political party or legislative leadership committee
4. Labor Organizations
5. Non-profit entity that does not sell, resell, solicit, rent or lease a government record to an unaffiliated third-party for a fee




# Definitions

“Personal identifying information” – information that may be used, alone or in conjunction with any other information, to identify a specific individual.

Personal identifying information shall include:



name, social security number, credit card number, debit card number, bank account information, month and day of birth, personal email address, personal telephone number, street address of person’s primary or secondary home, or drivers license number







# Public Access

- Government records are to be made available to the public on a publicly available website to the extent feasible
    - No fee if request is fulfilled by pointing requestor to documents on website
    - Custodian must provide address along with the location on the website of a search bar, menu button, tab, link and landing page which contains the requested record.
    - Establishes a process if requestor can not find the record on the website.
- 
- 




# Public Access

- If the public agency does not maintain the requested government record in the medium requested, the custodian must convert the record to the medium or format requested, if the medium or format is available to the public agency and does not require a substantial amount of manipulation or programming of information technology, or the services of a third-party vendor
- If the public agency does not maintain the record in the medium or format requested, and such medium/format is not available without a substantial amount of manipulation or programming, there is no obligation to convert the record, but must supply record in the electronic format maintained



# Public Access

- Agency may charge a reasonable special service fee, in addition to the actual costs of duplication, based on cost of use of information technology and labor cost of personnel for programming, clerical and supervisory assistance required.
  - Requestor shall be provided with an explanation for and itemized list of the fees or charges and has opportunity to review and object to any fee before being charged
  - Rebuttable presumption that fees or charges are reasonable
- 

# Public Access

- Public agency must adopt the OPRA request form established by the Government Records Council

Form shall include space for requestor's name, address, email address and telephone number, a brief description of the government record sought and a space for the requestor to certify whether record will be used for commercial purpose

Requestor may use the adopted form, a letter or an email as long as it includes all the information required by the adopted form

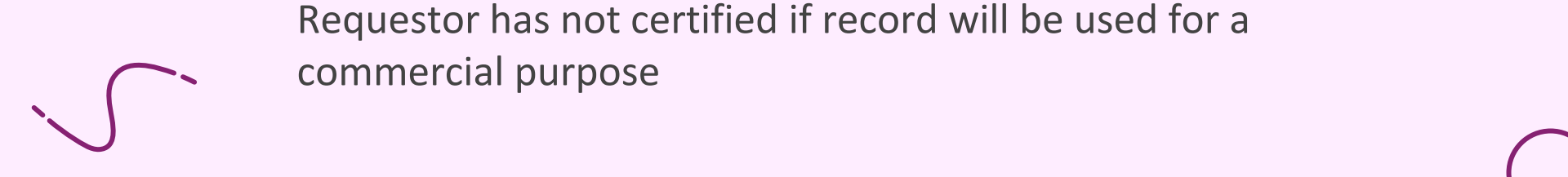


# Public Access

Custodian may deny a letter or email request if:

It contains substantially more information than required on the form and requires more than reasonable effort to clarify the information

It is incomplete, except an anonymous request shall not be considered incomplete



Requestor has not certified if record will be used for a commercial purpose

# Public Access

Public agency who has adopted electronic government request forms shall provide directions on how to submit government records requests, including any forms, on its website

Clarifies electronic response permitted to electronic records requests if government records are available electronically

Public agency may make available on its website an online form, portal or software for transmitting requests

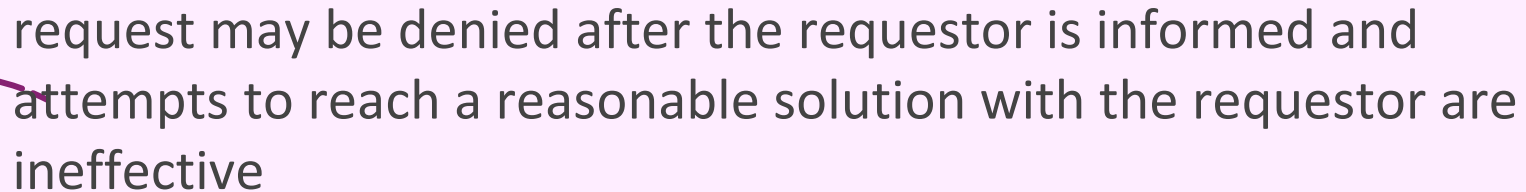
GRC form may be submitted electronically or by fax



# Public Access

Each submission of form or email record request shall be made to the custodian of not more than one public agency

Submission of repeated requests to multiple custodians in the same agency for the same record in the same public agency, while an identical or substantively similar request is pending, permits denial of the request



If a request will substantially disrupt agency operation, the request may be denied after the requestor is informed and attempts to reach a reasonable solution with the requestor are ineffective

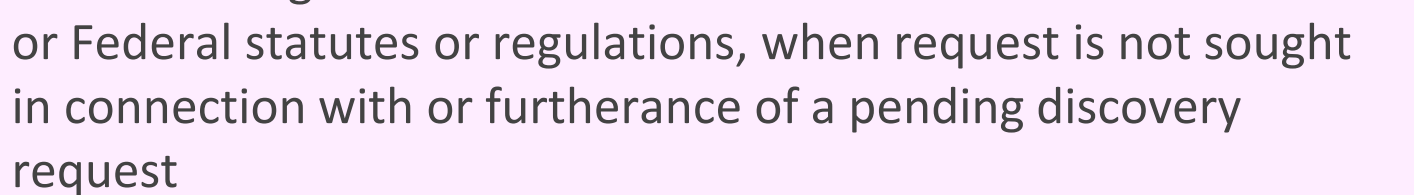


# Public Access

Requests by parties to a legal proceeding, including attorneys and agents:

May not request a record if that record is the subject of a court order, including a pending discovery request

Must certify whether the record is being sought in connection with a legal proceeding and identify the proceeding



Not applicable to a labor organization or contractor signatory of a CBA seeking information material to enforcement of a State or Federal statutes or regulations, when request is not sought in connection with or furtherance of a pending discovery request

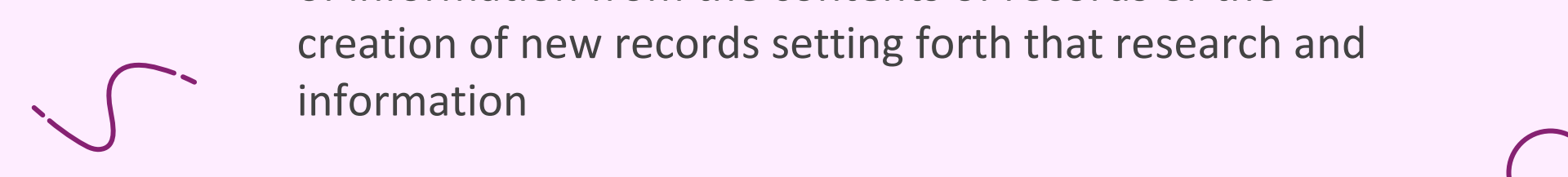




# Public Access

A custodian is not required to complete a request for mail, email, text messages, text message, correspondence, or social media postings and messages, if the request does not identify:

- a specific job title or accounts to be searched
- a specific subject matter
- and is not confined to a reasonable time period
- or the request would require research and the collection of information from the contents of records or the creation of new records setting forth that research and information







# Public Access

## Response Times:

No more than 7 business days after custodian receives request or 14 business days for a request for commercial purposes

For a commercial requestor, who would like to receive a record within 7 business days, the custodian shall provide the record and may charge a special service fee not exceeding two times the cost of production






# Public Access

Custodian is entitled to a reasonable extension of any response deadline for unforeseen circumstances that necessitate additional time to fulfill request

Custodian must notify requestor of the time extension within seven business days

If a record is in storage or archived, the requestor must be so advised within 7-14 business days and also when the record will be made available, which shall be no more than 21 business days from the date the requestor is advised





# Public Access

The custodian is not required to:

Provide a record created, maintained or received by another public agency, but must direct requestor to that agency with seven business days

Complete an identical request for a record from the same requestor if the information hasn't changed



A requestor has fourteen business days to retrieve records following notice that the records are available



# Attorney Fees

Sets 45-day deadline for filing of action by a requestor, who did not submit an anonymous request, for denial of records request

Reasonable attorney fees may be awarded to requestor who prevails in challenge to records request denial


Court or GRC may award attorney's fees to a prevailing party in any proceeding. An award of reasonable attorney's fees is required if the public agency unreasonably denied access, acted in bad faith or knowingly or willfully violated the law



# Penalties

If a public official, officer, employee or custodian is found to have knowingly and willfully violated OPRA and to have unreasonably denied access under the totality of the circumstance, the public agency shall be subject to civil penalties

A requestor who is found to have intentionally failed to certify that a records request is for a commercial purpose shall be subject to civil penalties







# Penalties

Court protective order may be issued, following filing of verified complaint, if Court finds by clear and convincing evidence that a requestor has sought records with the intent to substantially interrupt the performance of government function

Protective order may limit the number and scope of requests the requestor may make or order such other relief including, referral of the matter to mediation or waiver of the required response time



The complaint shall be accompanied by a declaration of facts by the public agency demonstrating that it has complied with the law and made a good faith effort to reach an informal resolution






# Miscellaneous

The bill encourages and allocates funds to assist public agencies with moving documents online, with the goal of making such records searchable via an online database

The bill appropriates \$4 million to NJDCA to provide grants to public agencies to assist in accomplishing the above objective








# Miscellaneous

Act takes effect 90 days following the date of enactment

Bill is awaiting Governor's action

Bill is very controversial, especially the changes to the Attorney's Fee provisions





# Questions?

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# Overview of the NJDEP Model Tree Removal/Replacement Ordinance



**CMP Policy & Implementation  
Committee**

**5/31/2024**



# Presentation Overview

- What's the requirement?
- Tier A MS4 Stormwater Permit
- The NJDEP model ordinance
- Related CMP regulations
- Status of Pinelands municipalities
- What staff is looking out for during review



# What's the Requirement?

- By May 1, 2024, all municipalities with a Tier A MS4 Stormwater Permit are required to adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil
- This requirement was added during the 2022 Tier A MS4 Master Permit renewal
- The NJDEP has prepared a model ordinance



# Tier A MS4 Stormwater Permit

- The MS4 permitting program is required by both federal and state regulations to address water quality
- The permit authorizes certain new and existing stormwater and non-stormwater discharges to surface water and ground water from small MS4 Systems



# Tier A MS4 Stormwater Permit

- All Pinelands municipalities are classified as Tier A
- As part of the 2022 permit renewal the DEP reclassified all 101 Tier B municipalities to Tier A, including 13 Pinelands Municipalities





# Tier A MS4 Stormwater Permit

## Some of the Permit Requirements

- Stormwater pollution prevention plan
- Local public education and outreach
- Watershed improvement plan
- Provide minimum standards for (i.e., ordinances):
  - Construction site stormwater runoff
  - Post construction stormwater management in new development and redevelopment
  - Pollution prevention/good housekeeping for municipal operators
  - MS4 Mapping, and Scouring, and Illicit Discharge Detection and elimination



# Tier A MS4 Stormwater Permit

## Pollution Prevention Ordinances:

- Pet Waste
- Wildlife Feeding
- Litter Control
- Improper Disposal of Waste
- Yard Waste
- Private Storm Drain Inlet Retrofitting
- Privately-Owned Salt Storage
- Tree Removal/Replacement

Former Tier B permittees need to adopt by 5/1/2024

All permittees need to adopt by 5/1/2024



# Tree Removal-Replacement Model Ordinance

- At minimum, municipalities must adopt an ordinance that addresses both removal and replacement, and it must apply to all lands of the municipality
- The NJDEP has stressed that the model ordinance is a guidance document and serves as a template that can be used in whole or in part by municipalities
- Municipalities can use existing ordinances if they meet the minimum requirements of the MS4 permit



# Tree Removal-Replacement Model Ordinance

## Purpose

To reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil and protect the environment, public health, safety, and welfare

## Ordinance Structure

Definitions

Regulated Activities

- Application Process
- Tree Replacement Requirements
- Replacement Alternatives

Exemptions

Enforcement, Violations, and Penalties



# Tree Removal-Replacement Model Ordinance

## Regulated tree removal activities

The removal of

- any street tree with a DBH of 2.5" or more
- any non-street tree with DBH of 6" or more

## Application Process

The model ordinance provides flexibility to integrate with existing reviews (e.g., site plan approvals, building permit approvals,...etc.) or to establish a separate application process

Municipalities may impose application fees



# Tree Removal-Replacement Model Ordinance

## Tree Replacement Requirements

Trees removed must be replaced in kind with a tree that has an equal or greater DBH than the tree removed OR meet the criteria below

<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria</b>
2.5" (street trees) or 6" (non-street trees) to 12.99"	1 tree w/ min caliper of 1.5" per tree removed
13" to 22.99"	2 trees w/ min calipers of 1.5" per tree removed
23" to 32.99"	3 trees w/ min calipers of 1.5" per tree removed
33" or greater	4 trees w/ min calipers of 1.5" per tree removed



# Tree Removal-Replacement Model Ordinance

## Tree Replacement Requirements

Replacement trees must be:

- Planted within 1 year of removal of the original tree(s)
- Monitored by the applicant for 2 years and replaced as needed within 1 year

Replacement trees are not permitted to be planted in temporary containers or pots



# Tree Removal-Replacement Model Ordinance

## Tree Replacement Requirements

Municipalities are required to supplement the model ordinance with either:

- a list of tree species that are acceptable to be planted; or
- a list of tree species that are not acceptable to be planted



# Tree Removal-Replacement Model Ordinance

## Replacement Alternatives

If the municipality determines that some or all required replacement trees cannot be planted on the property where removal occurred, then the applicant shall either:

- Plant replacement trees in a separate area(s) approved by the municipality.
- Pay a fee of [*amount to be set by municipality*] per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.



# Tree Removal-Replacement Model Ordinance

## Exemptions

- Hazard trees may be removed with no fee or replacement requirement
- Residents who remove less than four (4) trees per acre with DBH less than 33 inches within a five-year period.



# Tree Removal-Replacement Model Ordinance

## Exemptions

- Tree farms in active operation, nurseries, fruit orchards, and garden centers
- Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality



# Tree Removal-Replacement Model Ordinance

## Exemptions

- Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- Any trees removed pursuant to a NJDEP or EPA approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;



# Relevant CMP Regulations

## N.J.A.C. 7:50-6 Part II Vegetation

- All clearing and soil disturbance activities, whether or not an application for development is required, shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by the CMP
- Where practical, all clearing and soil disturbance activities associated with an activity, use or structure other than agriculture, forestry and resource extraction, shall avoided wooded areas and revegetate or landscape areas temporarily cleared or disturbed during development



# Relevant CMP Regulations

## N.J.A.C. 7:50-6 Part II Vegetation

Except for forestry and resource extraction, each application for public development or major development shall contain a landscaping or revegetation plan containing:

- Existing vegetation
- Limits of clearing
- Proposed vegetation and landscaping



# Relevant CMP Regulations

## N.J.A.C. 7:50-6 Part II Vegetation

Landscaping or revegetation plan standards:

- Permanent lawn or turf areas must be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal non-residential uses.
- Native shrubs and trees authorized in the CMP shall be used for revegetation and landscaping (with some exceptions for non-natives)



# Adoption Status of Pinelands Municipalities

- All Pinelands municipalities have incorporated the CMP minimum vegetation standards
- Some Pinelands municipalities have adopted additional vegetation and tree-specific ordinances beyond what the CMP requires
- Commission staff have reviewed two ordinances responding to the MS4 requirement and found that they raised no substantial issue with respect to CMP standards
- Drafts have been received from three municipalities



# What staff is looking out for during ordinance review

- Ensuring that the authorized species list is consistent with those species listed in the CMP or listed on the “Native Pinelands Plants for Landscape” fact sheet posted on the Commission website.
- Ensuring that an appropriate exemption is provided for agriculture
- Consider impacts to the realistic development potential in Regional Growth Areas, particularly where PDC opportunities exist:
  - What alternatives to planting on site are provided
  - Are any payment in lieu of planting fees reasonable



A close-up photograph of a pine branch with vibrant green needles and several young, light-brown pine cones. The cones are in various stages of growth, with some showing distinct scales. The background is a soft, out-of-focus green, suggesting a forest setting.

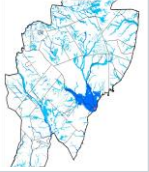
# Long Term Economic Monitoring Work Plan

P&I Committee

May 31, 2024



# Proposed Projects



Economic Impacts of Climate Change on Pinelands Villages and Selected Regional Growth Areas



Pinelands Development Credit Supply and Demand



Cultural Resources Projects – Historic Cemeteries, Pinelands Byway, Cultural Resource Maps



Local Conformance and Zoning System



Economy of Parks and Open Space (carry over)

Economic Impacts of  
Climate Change on  
Pinelands Villages and  
Selected Regional  
Growth Areas

Focus

Focus on areas for recommended actions by Climate Committee

Analyze  
and  
tabulate

Analyze and tabulate loss reductions

Data

Assessment & valuation datasets  
Permitted uses/ zoning  
Previously mapped risks  
Environmental standards

Report

Generate report of residential units, commercial SF, etc. and value

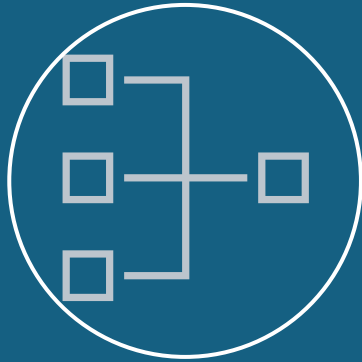
Schedule

October 2024 – September 2025

# Pinelands Development Credit Supply and Demand



Refine geospatial analysis for easier repetition



Set data aggregation standards

- Regional growth parcels
- PDC supply rounding rules



Add corrections with recent allocations in PDC LOIs



Document methodology



Report

Schedule: October 2024 – June 2025



# Cultural Resource Projects

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- Ground Penetrating Radar Surveys
  - Historic cemeteries
  - Whitesbog village
  - Equipment upgrades
  - Field school\*
- Pinelands Byway Activities
  - Assist with identifying grants or other opportunities for Byway municipalities
  - Attend cultural resource seminar(s)
  - Print and distribute Pinelands calendar
- Cultural Resource Maps
  - Data sharing agreement with State Historic Preservation Office
  - Share archaeological data
  - Verify data shared on NJ Cultural Resource Inventory

# Local Conformance & Zoning System

- 2<sup>nd</sup> year of a two-year project
- Completed transfer of old system to new system
- Completed internal system attributes & structure
- Continuing
  - QA/QC
  - User interface design
  - Historical document digitization
- Internal system: January 2025
- Identify content and format for external audience
- Launch public facing resources through website: April 2025

<i>Original Certification Dates</i>		<i>Resolution Numbers</i>
Barnegat	4/8/83	83-29
Bass River	7/9/92	82-41
Beachwood	5/6/83	83-41
Berlin Bor.	6/3/83	83-50
Berlin Twp	6/3/83	83-51
Buena Borough	10/4/85	85-60
Buena Vista	7/12/91	91-97
Chesilhurst	2/4/83	83-18
Corbin City	10/8/82	82-67
Dennis	9/9/83	83-77
Dover	3/1/91	91-??
Egg Harbor City	2/6/87	87-13
Eagleswood	4/8/83	83-28
Egg Harbor Township	10/1/93	93-139
Estell Manor	8/5/83	83-70
Evesham	7/8/83	83-57
Folsom	11/3/89	89-143
Franklin	11/5/82	82-82
Galloway	3/6/87	87-19
Hamilton	3/8/85	85-10
Hammonton	11/9/84	84-73
Jackson	7/8/83	83-58
Lacey	11/1/91	91-154
Lakehurst	2/4/83	83-15
Little Egg	1/7/83	83-03
Manchester	7/8/83	83-59
Maurice River	12/3/82	83-92
Medford	5/6/83	83-37
Medford Lakes	2/4/83	83-19
Monroe	9/9/83	83-76
Mullica	2/3/84	84-11

# Economy of Parks and Open Space

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Carry over from prior fiscal year  
funding

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Economic impacts/benefits of  
land preservation

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Identify relevant datasets and  
analysis tools

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Report September 2025





Questions?







State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands




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

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## MEMORANDUM

To: Members of the CMP Policy & Implementation Committee

From: Stacey P. Roth   
Chief, Legal & Legislative Affairs

Date: July 17, 2024

Subject: Memorandum of Agreement for Forecastle Lake Park

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Enclosed please find a draft of a 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 for individuals with ambulatory challenges. The MOA provides for a deviation from the wetland buffer standards of the Pinelands Comprehensive Management Plan (CMP) and an alternate permitting process.

Stafford Township is proposing to pave the uneven soil surface of a 6 ft wide portion of the trail with asphalt, install a 35 ft long pedestrian bridge over the existing spill way at the portion of the lake near Route 72 and to pave an existing stone surfaced parking area located off Breakers Drive and construct 4 accessible parking spaces therein. All proposed development is located within wetland buffers. Thus, in order to move forward with the project, Stafford Township requires an MOA permitting it to deviate from the wetland buffer standards of the Pinelands CMP.

As a proposed offset for the development, Stafford Township is proposing to revegetate a total of 35,000 sq. ft. (a 33,500 sq. ft. area and a 1,500 sq. ft. area) in the portion of the park located adjacent to Canal Avenue. The offset area consists of uplands located within wetland buffers. Stafford Township plans to restore the area to its prior forested state.

I look forward to discussing this matter with you at the meeting.



Memorandum of Agreement  
Between the New Jersey Pinelands Commission  
and Stafford Township Regarding Development of  
an Accessible Trail at Forecastle Lake Park  
\_\_\_\_\_, 2024

I. PURPOSE

This Memorandum of Agreement (“MOA”) is entered into between the New Jersey Pinelands Commission (“Commission”), an independent political subdivision of the State of New Jersey, having its offices at 15 Springfield Road, P.O. Box 359, New Lisbon, New Jersey 08064; and the Township of Stafford (the “Township”), a municipality, with its offices at 260 East Bay Avenue, Manahawkin, New Jersey 08050.

The Township is proposing to improve existing walking trails located adjacent to Forecastle Lake. These improvements will render the trails accessible to individuals with mobility (ambulatory) disabilities as well as provide a better experience for residents and visitors to enjoy the scenic nature of this area and easier access for fishing.

The existing trails run along the top of banks of Forecastle Lake and are located within the 300-foot buffer to wetlands. The elevation of the trail runs from approximately 2 ft. to 10 ft. above the lake surface. Currently, the trail consists of a hardpacked non-level soil surface. A spillway exists along the southerly edge of the lake to control the lake’s water surface with a pipe outlet beneath Route 72 to the south.

The Pinelands Comprehensive Management Plan (“CMP”) authorizes the development of trails within wetlands and wetland buffers provided: (1) there is no feasible alternative route that does not involve development in a wetland/buffer, or, if none, that another feasible route which results in less significant adverse impacts on wetlands/buffers does not exist; (2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; (3) the use represents a need which overrides the importance of protecting the wetland/buffer; (4) development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and (5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances. N.J.A.C. 7:50-6.13.



As discussed below, Stafford Township proposes to pave a 6 ft portion of the existing 10 ft wide trail, which is located within wetlands buffers. There are other practical measures, such as installation of gravel or boardwalks, that would have less impact on wetland buffers. Stafford Township has advised that use of an asphalt surface, in lieu of wood, mulch or stone requires less maintenance and provides a level, more suitable surface for wheelchair and or other ambulatory assistive device access. Consequently, absent the Commission's approval of this MOA permitting a deviation from the wetland buffer standards of the Pinelands CMP at N.J.A.C. 7:50-6.6, -6.13 and 6.14, respectively, the project would not be able to proceed. This MOA will also establish an alternative application process in accordance with N.J.A.C. 5:50-4.52(c)1.

## II. BACKGROUND

Forecastle Lake Park is a 7.45-acre area consisting of Block 44.117, Lot 8; Block 44.118, Lot 27; and Block 44.119, Lots 29.01 and 30 in the Ocean Acres section of Stafford Township. The park is adjacent to Forecastle Lake, an excavated, human created lake, and also to NJ Route 72, Forecastle Drive and Breakers Drive. Forecastle Lake Park is located in a Regional Growth Area.

The existing trails are located in an area that was formed during the creation of the lake by the placement of soils excavated from a wetland area along a branch of the Mill Creek. The trails are sparsely vegetated and approximately 10 ft. wide. The trails currently consist of uneven, unimproved and erodible compacted soil aggregate surface. The trails start at a stone-surfaced parking area adjacent to Breakers Drive and head toward Forecastle Lake. There is a loop section located between the Breakers Drive Parking Area and the shore of Forecastle Lake that then reconnects to the main trail and traverses the bank of Forecastle Lake to the spillway. Currently, there is no connection from the portion of the trail that ends at the spillway to the section located adjacent to Canal Avenue.

Forecastle Lake Park is a good candidate for a place for accessible nature recreation. The park is located close to many homes and is readily accessible to residents of Stafford, especially those residents living in Ocean Acres. The trail is relatively short and offers lovely views of the lake and places to fish along its length.

## III. THE PROJECT



The Pinelands National Reserve represents an important recreational resource and contains a wide assortment of public open spaces including, but not limited to, two national wildlife refuges, numerous State-owned parks, forests and wildlife management areas, and county and municipal parks. Hundreds of miles of trails suitable for hiking and bicycling exist throughout the Pinelands as well as countless unmarked sand roads that are also used for these purposes.

The Pinelands CMP protects natural resources and promotes recreational opportunities and minimizes land use conflicts by permitting low-intensity, recreational uses in undeveloped areas and directing more intensive recreational uses to developed areas. In order to be certified by the Commission, municipal master plans and land use ordinances must contain a program to protect and enhance recreational resources.

There is a growing interest among public and nonprofit land managers to provide better opportunities for people with disabilities to access recreational resources in the Pinelands and coastal areas of the State through low impact and affordable improvements to suitable, existing trails.

A. Need for Accessible Trails

People with disabilities that impair their ability to enjoy natural places make up a large portion of the population. According to the 2022 U.S. Census estimates, the total population of the seven counties located within the Pinelands National Reserve is about 2.4 million people. Approximately 14% of these individuals, just over 340,000, identify as having a disability. Ambulatory challenges account for 49% of these disabilities.

The percentage of people with disabilities in Stafford Township is 10.2%. Of these individuals, 6.1% identify as having ambulatory difficulties.

The United States Department of Agriculture, Forest Service's Accessibility Guidebook for Outdoor Recreation and Trails, dated 2013, defines accessibility as a facility that complied with accessibility guidelines/standards when it was built or altered. To comply with these standards, trails must be firm and stable, at least 36 inches wide, with no more than a 5% grade (except for short segments), and without gaps or protruding obstacles. Based on these standards, it is likely that the vast majority of existing trails in Stafford Township and the Pinelands National Reserve as a whole are not accessible, because they (1) are not flat due to gaps in the soil, slopes, protruding tree roots and puddles, (2) have sand that is too soft in places for regular wheelchairs or walkers, and (3) are not maintained, so the condition of these trails changes over time.



According to the Forest Service, the best way to integrate accessibility is to design programs and facilities to the greatest extent possible, without separate or segregated access for people with disabilities. The goal is independence, integration, and dignity for all visitors.

B. Health Benefits from Spending Time Outdoors

Although it is intuitive that human health is deeply intertwined with outdoor spaces and the environment, studies have proven the health benefits of spending time outside.<sup>1</sup> This growing body of research supports the theory that that exposure to the natural world has beneficial effects on health, reducing stress and promoting healing.<sup>2</sup> These studies suggest that nature is not only nice to have, but it's a have-to-have for physical health and cognitive function.

C. Proposed Improvements

Stafford Township is proposing to pave .34 acres (2468.4 linear feet) of the existing trail with asphalt, pave an existing .0275 acre (1,200 sq. ft.) existing stone parking area and construct a 35 ft. x 6 ft. pedestrian footbridge over the spillway. The project is depicted in the plans entitled "Township of Stafford – Forecastle Lake Park, Plan of Footpath and Accessible Parking Construction," dated October 23, 2023 and prepared by Owens, Little & Associates Inc. (attached hereto as Exhibit A.) The entire project is located within wetland buffers. The trail is 0.66 miles (3,470 ft.) long and consists of 4 parts: 1) a 1,580 ft. section from Breakers Avenue to Forecastle Lake, 2) a 220 ft. loop in the vicinity of the lake, 3) an 800 ft section from Forecastle Avenue to Canal Avenue and a 870 ft. loop at the Canal Avenue section of the park with a stub connecting the Canal Avenue.

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<sup>1</sup> *Prescribing Nature: A Physician's Perspective on Wellness and the Outdoors*  
<https://www.landscapeforms.com/blog/Pages/Prescribing-Nature-Article.aspx>

<sup>2</sup> *Ecopsychology: How immersion in Nature Benefits Your Health*, Jim Robbins, Yale Environment 360 (2020), <https://e360.yale.edu/features/ecopsychology-how-immersion-in-nature-benefits-your-health>, See also. *Nature and mental health: An Ecosystem Service Perspective*, Bratman et al., Science Advances, July 24, 2019, <https://www.science.org/doi/10.1126/sciadv.aax0903>



Consistent with the United States Forest Service Guidelines<sup>3</sup>, Stafford Township proposes to make improvements to the existing dirt trail to make it firm, stable and flat from side to side, with a width of 6 ft. and no more than a 2% grade along its entire length. The Township proposes to fill and grade a 6 ft. wide portion of the trail, within its existing 10 ft width, to create the compacted subgrade. Six inches of dense base aggregate will then be placed on top of the subgrade followed by the placement of 2 inches of a HMA (hot mix asphalt) surface course<sup>4</sup>. Stafford Township intends to seed the remaining width of the existing 10 ft wide trail to stabilize it. It will address stormwater runoff generated from the paved trail through installation of stone trenches at the downward sloping edge of the pavement. (See plan entitled "Township of Stafford – Forecastle Lake Park, Footpath and Accessible Parking Construction Details,": dated March 18, 2024, prepared by Owens, Little & Associates, Inc. (Attached hereto as Exhibit B.)

Stafford Township plans to install a 35 linear foot, prefabricated footbridge over the existing spillway located at the southerly edge of the lake near NJ Route 72. The footbridge would rest on 2 ft. x 2 ft. concrete abutments that would sit upon 10-inch diameter timber pilings. (See Exhibit B for a typical piling and abutment layout. The final piling and abutment design will be made upon the Township's selection of the footbridge and would be based on the loading and design detail for same.) The pilings would be vibrated into place to avoid the need for excavation.

Additionally, the Township intends to pave 0.0275 acre of an existing stone-surfaced parking area located off Breakers Drive and to construct four accessible parking spaces there. The parking spaces will measure 8 ft. by 18 ft. Two of the spaces will have an adjacent 5 ft. wide aisle, and the other two spaces will be van accessible with an 8 ft wide aisle. A 6 ft wide aisle will connect the parking area to the accessible trail. The accessible parking spaces will be marked with appropriate signage.

Stafford Township intends to conduct the proposed trail improvements using existing Township staff and resources. Additionally, once the improvements are completed, signage will be installed at each end of the trail advising that the trail is designed to be accessible to those using

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<sup>3</sup> US Forest Service Trail Accessibility Guidelines (FSTAG) dated 2013, <https://www.fs.usda.gov/sites/default/files/FSTAG-2013-Update.pdf>. See also <https://www.fs.usda.gov/sites/default/files/FSORAG-2013-Update.1.pdf>

<sup>4</sup> HMA is a combination of approximately 95% stone, sand or gravel bound together by asphalt cement.

wheelchairs and that use of motorized vehicles, bicycles and horses is prohibited on the trail. The availability of the accessible trail will be promoted on various websites. Additionally, the Township intends to maintain the trail by conducting quarterly inspections and making repairs as necessary.

#### IV. MEASURES PROPOSED TO AFFORD AN EQUIVALENT OR BETTER LEVEL OF PROTECTION FOR THE RESOURCES OF THE PINELANDS

The proposed project is expected to result in 0.55 acres of disturbance of wetland buffers, which includes 0.34 acres of asphalt paving for the trail surface. To offset these impacts, Stafford Township is proposing to revegetate a 33,500 sq. ft. area and a 1,500 sq. ft. area, both located in the portion of Forecastle Lake Park adjacent to Canal Avenue. (See Reforestation Plan for Forecastle Lake Walking Path, attached hereto as Exhibit C, See also page 3 of Exhibit A.) Stafford is proposing to restore these areas to their forested state prior to the establishment of the Ocean Acres Residential Community. Prior to clearing, the site was a typical pine-oak upland forest associated with the upper stream terrace of the Mill Creek drainage area. Based on a review of aerial photography, the site has been devoid of forest cover since 1972. Various herbaceous cover types have occupied the field during the ensuing year. Today the site is a sparsely vegetated area dominated by native warm season grasses and punctuated with 47 mature pines, cedars and oaks. Stafford Township is proposing to plant the 33,500 sq. ft. area with 303 new trees intermixed with forest shrubs. Forest Shrubs would also be planted under and between the existing pines, cedars and oaks. In the 1,500 sq. ft. area between the proposed accessible trail and the rear of the homes facing Forecastle Avenue, Stafford is proposing to create a visual buffer comprised of 24 evergreen species and 24 dense shrubs.

#### V. THE BASIS FOR THE MOA

The Pinelands CMP at N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government to authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of the CMP. To qualify for a MOA, the governmental entity must demonstrate, and the Commission must find, that any proposed development that may not be fully consistent with the provisions of the Pinelands CMP is accompanied by measures that will, at a minimum, afford a level of protection for the resources of the Pinelands equivalent to that provided by strict application of the standards of the Plan. As discussed above in Paragraph IV, Stafford Township has proposed measures designed to offset the wetland buffer impacts



attributable to the project and these measures will afford, at a minimum, an equivalent level of protection for the resources of the Pinelands.

In accordance with N.J.A.C. 7:50-4.52(c)i, the Commission may also enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities without securing individual development approvals from the Commission, provided that the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6. Execution of this MOA also warrants alternative application procedures because the Township is proposing measures that will afford an equivalent level of protection of the resources of the Pinelands as would be accomplished by application of the standards in Subchapters 5 and 6, which makes the MOA consistent with requirements of the Pinelands CMP.

## VI. AGREEMENTS

### A. The Township agrees:

1. The proposed improvements to existing Forecastle Lake Park trails will be constructed in accordance with following:
  - a. The Plan entitled “Township of Stafford – Forecastle Lake Park, Plan for Footpath and Accessible Parking, Block 44.117, Lot 8; Block 44.118, Lot 27 and Block 44.119, Lot 29.01, Township of Stafford, Ocean County, New Jersey,” prepared by Owen, Little & Associates, Inc., dated October 23, 2023, consisting of 3 sheets, incorporated herein by reference;
  - b. “Stormwater Management Report, Forecastle Lake Park Footpaths and Accessible Parking, Stafford Township, Tax Block 44.117, Lot 8; Tax Block 44.118, Lot 27; Tax Block 44.119, Lot 29.01, Ocean Acres, Township of Stafford, Ocean County, New Jersey,” prepared by Owen, Little & Associates, Inc., dated October 23, 2023, revised March 18, 2024, incorporated herein by reference; and
  - c. The Plan entitled “Township of Stafford – Forecastle Lake Park, Plan for Footpath and Accessible Parking, Construction Details, Block 44.117, Lot 8; Block 44.118, Lot 27 and Block 44.119, Lot 29.01, Township of Stafford, Ocean County, New Jersey,” prepared by Owen, Little & Associates, Inc., dated March 18, 2024, consisting of 1 sheet, incorporated herein by reference.

2. It will undertake the following to provide an equivalent level of protection for the resources of the Pinelands:
  - a. Reforestation Areas adjacent to Canal Avenue – 35,000 sq. ft.
    - i. It will revegetate the existing cleared 33,500 sq. ft. and 1,500 sq. ft. areas located within the portion of Forecastle Lake Park adjacent to Canal Avenue in accordance with the standards of the Pinelands CMP at N.J.A.C. 7:50-6.23 through -6.27.
  - b. Accessible Parking at Breakers Avenue Parking Area (1,200 sq. ft.)
    - i. It will construct four (4) accessible parking spaces in the parking area adjacent to Breakers Avenue, two of which will be van accessible. The accessible parking spaces will be marked with appropriate signage.
  - c. Other Offsets
    - i. It will install bollards at the trailhead at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers, electric scooters and other mobility assisting devices to enter the trail, while prohibiting entry by off-road vehicles.
    - ii. It will install signage at each end of the trial advising that the trail is designed to be accessible to those using wheelchairs and that use of motorized vehicles, bicycles and horses is prohibited on the trail. It will also promote the availability of the accessible trail on various websites of its choosing.
    - iii. It will conduct quarterly inspections of the trail and make repairs as necessary.
    - iv. Upon completion of reforestation activities in the portion of Forecastle Lake Park adjacent to Canal Avenue, it will monitor the offset areas and, as necessary, replace any vegetation that has withered or died, and maintain these areas in their reforested state in perpetuity. No portion of these areas may be converted into any use other than forested open space, including, but not limited to active recreational facilities.



3. At least thirty (30) days prior to commencing construction of the proposed improvements to the Forecastle Lake Park Trails, Stafford Township shall provide the following information to the Commission's Executive Director:
  - a. A final reforestation plan for the 33,500 sq. ft. and 1,500 sq. ft. areas in the portion of Forecastle Lake Park adjacent to Canal Avenue. Such reforestation plan shall include:
    - i. A list of the specific type and number of native Pinelands trees and shrubs that will be used in the revegetation of the areas. Temporary fencing shall be installed to protect the reforested areas during maturation of the planted vegetation.
    - ii. A plan showing the locations of the plantings and temporary fencing.
    - iii. A plan for replacement of vegetation that does not survive after planting, and percentage survival rate for replanted vegetation required to ensure viability of the replanted areas in perpetuity.
  - b. A final construction detail for the prefabricated footbridge to be constructed over the spillway near NJ Route 72.
4. To ensure that its staff, as well as any volunteers, who assist with the construction of the proposed project, comply with the obligations of this MOA and all requirements of the Pinelands CMP, unless a deviation therefrom is expressly authorized by this Agreement.
5. To obtain any and all certificates, licenses, consents, approvals, or permits required from any other State and/or Federal entity. No part of this MOA is intended to release the Township and/or any of its consultants, staff, volunteers, assignees, or successors from the responsibility to obtain all required approvals for the project.
6. Incorporate the terms of this MOA, as well as the obligation to comply with all requirements of the Pinelands CMP from which a deviation has not been expressly authorized by this Agreement, into any agreements, contracts, or other legal documents pertaining in any way to the construction of the improvements to the Breakers Drive Parking Area and the trails within Forecastle Lake Park.

7. Any material addition, deviation, or modification to the proposed for the Forecastle Lake Park Trails project as delineated in Exhibit A, shall require the Township to submit a formal public development application in accordance with N.J.A.C. 7:50-4.52(b) to the Commission and seek formal Commission approval of such addition, deviation, or modification. Any construction activities that may have commenced on the Forecastle Lake Park Trails project shall cease and no further development may proceed until the public development application review process has been completed and the Commission has issued a resolution approving the addition, deviation, or modification to the Forecastle Lake Trails project.
8. To the extent that new information becomes available or changes are made to the scope or design of the proposed Forecastle Lake Park Trails project that would result in more than a de minimis change to the impacts to wetland buffers but would not be considered material and subject to Paragraph VI.A.7., the Township shall submit the new information or changes to the Executive Director who shall determine whether the proposed development remains consistent with the terms of this MOA, the requirements of N.J.A.C. 7:50-5 or 6 not addressed by this MOA, and Exhibit A and issue a written consistency determination.
9. If the Executive Director determines that as a result of the new information or any de minimis change to the scope or design of the proposed Forecastle Lake Park Trails project is inconsistent with the terms of this MOA or a standard of the Pinelands CMP from which a deviation has not been expressly authorized by this Agreement or results in increased impacts to threatened or endangered animal species habitat or plant species, or wetland buffers associated with the proposed Forecastle Lake Park Trails project, the Township shall modify the proposed development project(s) until the Executive Director determines that it is consistent with all requirements of this MOA and the Pinelands CMP. If the Township disagrees with the Executive Director's determination, it may file an application for public development pursuant to N.J.A.C. 7:50-4.52(b) and seek formal approval from the Pinelands Commission of the project. The proposed development project may not proceed until the public development application review process has been completed and the Commission has issued a resolution approving the development project.



10. The terms of this MOA shall immediately be suspended in the event that the Executive Director determines that an unresolved violation of the terms of this MOA, a requirement of the Pinelands CMP for which a deviation is not authorized by this Agreement, or a written authorization issued by the Executive Director has occurred on the site of the Forecastle Lake Park Trails project (Block 44.117, Lot 8; Block 44.118, Lot 27 and Block 44.119, Lot 29.01, Township of Stafford, Ocean County, New Jersey.) The Township shall have thirty (30) days to seek reinstatement of this MOA by providing the Commission with a written agreement itemizing the steps the Township will take to remedy the violation and a timeline for completion of such steps. If the measures and timeline for completion proposed by the Township are acceptable to the Executive Director, following Commission concurrence, she shall issue a letter to the Township reinstating the terms of this MOA. Failure of the Township to complete the measures required to cure the violation or make changes to its submission following staff review within the specified timeline may result in reinstatement of the suspension.
  11. The Township shall attend a meeting of the Commission's CMP Policy & Implementation Committee to provide a summary of the project following its completion.
  12. The Township shall notify the Commission upon the completion of each component of the project, including improvements to the existing Forecastle Lake Park trails, revegetation of the cleared areas in the portion of Forecastle Lake Park adjacent to Canal Avenue, completion of the paving of the parking area at Breakers Drive and the construction of the accessible parking spots and installation of the gates and signage required in Paragraphs VI.A. 2 above.
- B. The Pinelands Commission agrees:
1. The Commission shall not require the filing of formal public development applications in accordance with N.J.A.C. 7:50-4.52(b) for the proposed improvements to the Forecastle Lake Trail and implementation of the offsetting measures set forth in Paragraphs VI.A.1 and 2 above, unless:

- a. Any of the proposed offsetting measures set forth in Paragraph VI.A.2 are inconsistent with the requirements of this MOA and/or any of the standards of Subchapter 5 and 6 of the Pinelands CMP for which a deviation has not been expressly provided by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements;
  - b. There is a material addition to, deviation from, or modification to any of the proposed development projects; or
  - c. As a result of new information or any change to the scope or design of the proposed development project(s) submitted to the Executive Director in accordance with Paragraph VI.A.8., the proposed development project is inconsistent with the requirements of this MOA or a standard of the Pinelands CMP from which a deviation has not been authorized by this Agreement or will result in a material increase in the wetland buffers impacts associated with the proposed project for which deviations have been authorized by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements.
2. Within thirty (30) days of receipt of the information submitted pursuant to Paragraphs VI.A.3 or VI.A.8, the Executive Director will provide written authorization in accordance with Paragraph VI.B.4 or the Commission staff will provide a written explanation of deficiencies in accordance with Paragraph VI.B.3.
  3. If the Executive Director determines that any portion of a proposed project is inconsistent with this MOA and/or the provisions of the CMP from which a deviation has not been authorized by this Agreement, then the Commission staff shall provide a written explanation of the deficiencies and identify specific actions that must be taken by the Township to remedy such deficiencies.
  4. If the Commission staff determines, after review of information submitted in accordance with Paragraphs VI.A.3 or VI.A.8 and/or in response to any deficiency letter issued by the Commission pursuant to Paragraph VI.B.3, that a proposed project is consistent with this MOA and the provisions of the CMP from which a deviation has not been authorized by this Agreement, it shall issue a written authorization to the Township setting forth this determination.



This written authorization shall constitute a public development approval and no further action by the Commission shall be required.

5. In the event of a suspension of the terms of this MOA in accordance with Paragraph VI.A.10, the Executive Director shall, following the Commission's concurrence, issue a letter to the Township reinstating the terms of this MOA following the Township's submission of a written agreement in accordance with Paragraph VI.A.10 and the acceptance of same by the Executive Director and the Commission. The Executive Director retains the right to deem a violation unresolved until such time as the Township has implemented all measures set forth within its written agreement.

#### VII. EFFECTIVE DATE, DURATION AND SIGNATURES

1. In accordance with N.J.S.A. 13: 18A-5(h), this MOA shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commission meeting minutes authorizing execution of this MOA and then upon approval and signature by the authorized representatives of all parties.
2. This agreement shall remain in effect unless amended by written consent of both Parties or otherwise terminated or suspended by the Pinelands Commission or terminated by both parties upon sixty (60) days written notice or suspended by the Commission in accordance with Paragraph VI.A.10.
3. This MOA, along with any exhibits, appendices, addendums, or schedules, attached hereto and incorporated herein by reference and any subsequent written amendments executed by the parties, constitutes the entire agreement of the parties, and supersedes all previous understandings and agreements between the parties, whether oral or written. The Parties hereby acknowledge and represent that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set forth in this MOA, made by or on behalf of any other party or any other person whatsoever, prior to the execution of this MOA.
4. This MOA may be executed in counterparts. All such counterparts shall constitute an original and all of which together shall constitute one and the

same agreement, binding upon the parties. Faxed and electronic signatures shall constitute original signatures.

**IN WITNESS WHEREOF**, the parties have caused their duly authorized representatives to execute this MOA on and as of the day and year written below. This MOA shall be executed in at least three (3) original copies, one of which is to be delivered to Stafford Township and two (2) of which are to be delivered to the Pinelands Commission.

Stafford Township

Witnessed:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

New Jersey Pinelands Commission

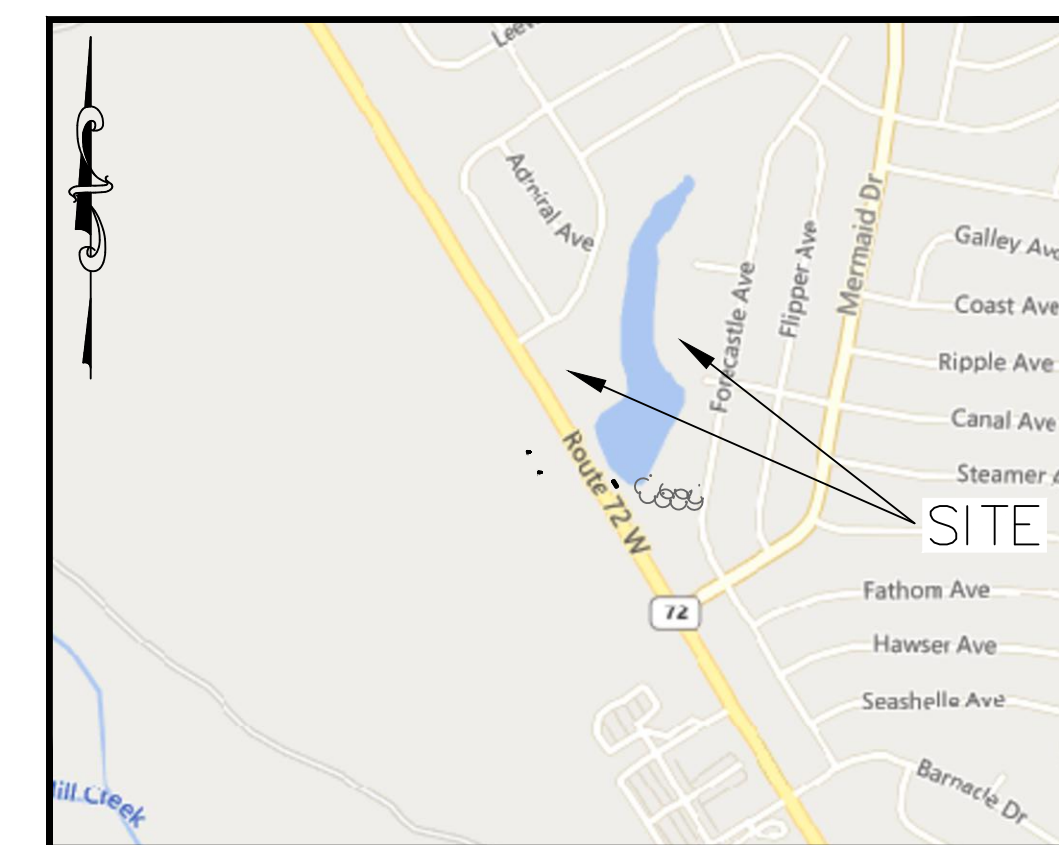
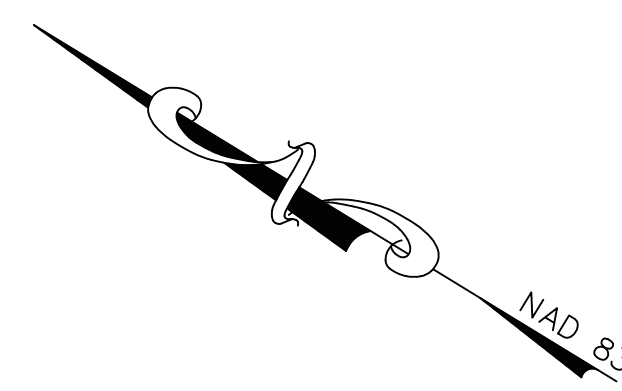
Witnessed:

By: \_\_\_\_\_  
Susan R. Grogan  
Executive Director  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



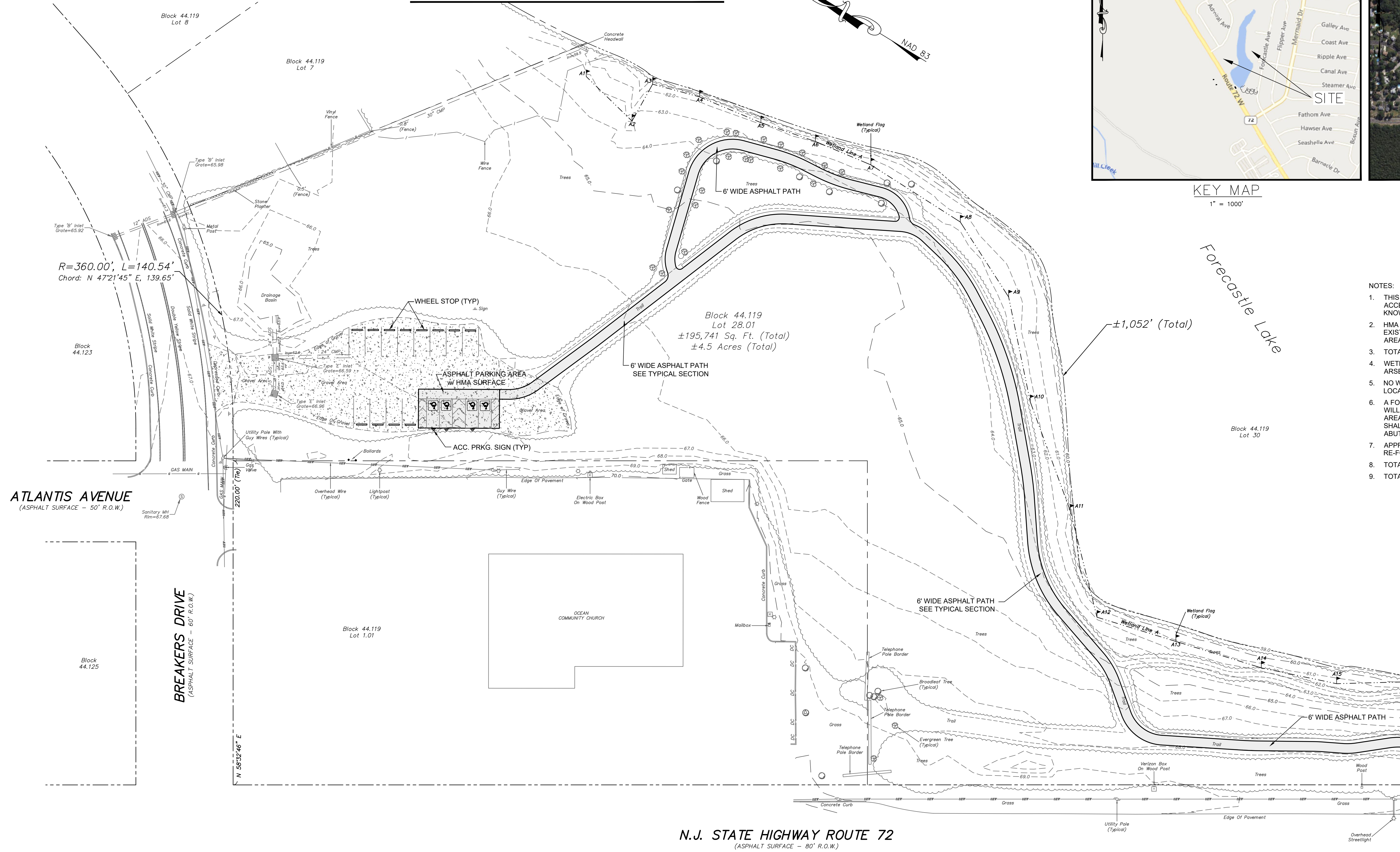
MATCH LINE - SHEET 3



KEY MAP  
1" = 1000'



LOCATION MAP  
1" = 500'



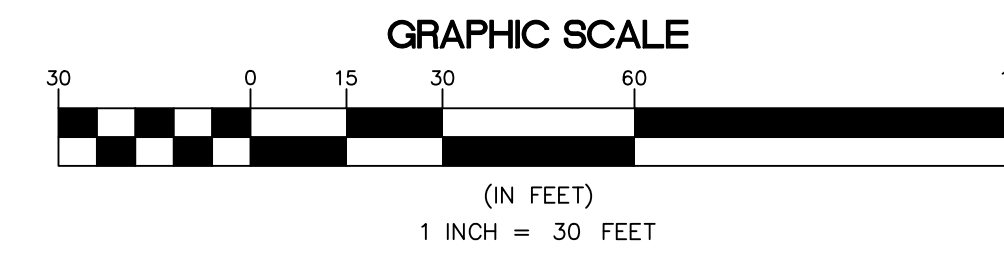
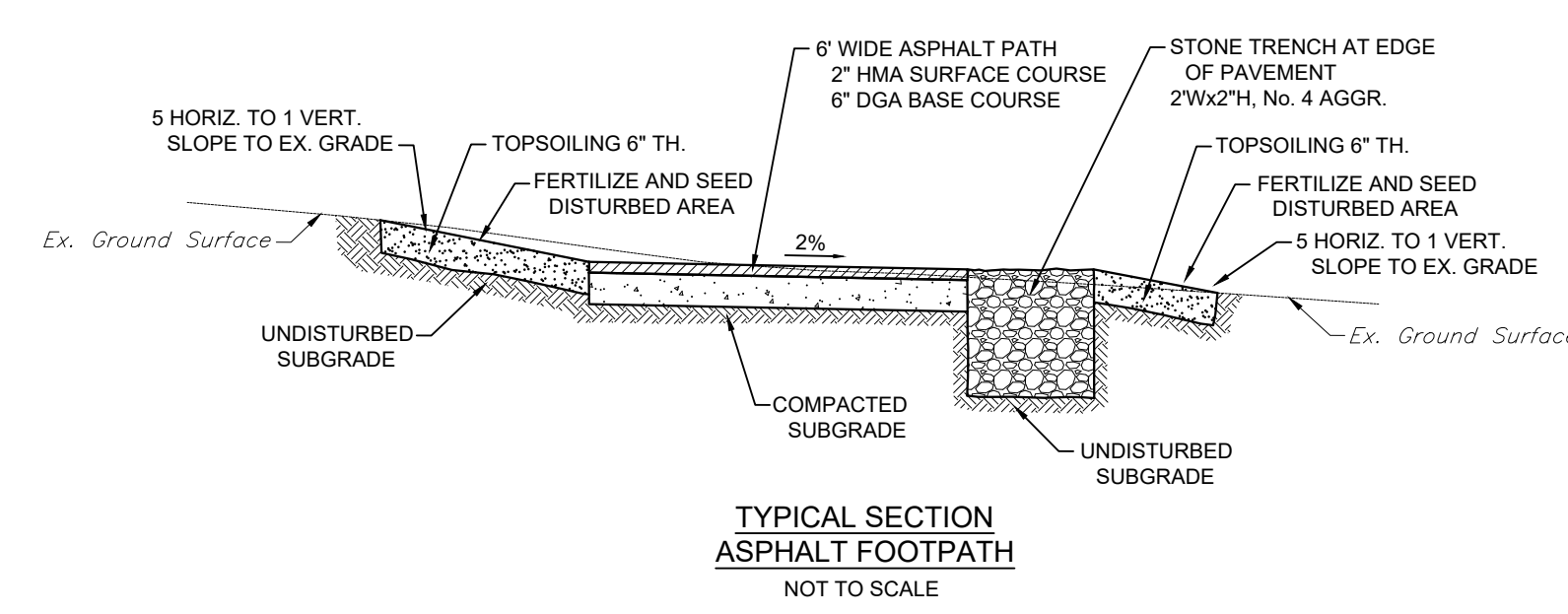
NOTES:

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2. HMA PAVED FOOTPATHS WILL BE CONSTRUCTED WITHIN AREAS OF EXISTING UN-SURFACED TRAILS AND WITHIN EXISTING GRAVEL SURFACED AREAS. NO VEGETATION IS TO BE REMOVED.
3. TOTAL AREA OF PROPOSED PAVING IS APPROX. 0.37 ACRE (15,900 SF).
4. WETLANDS LINES FLAGGED IN SEPTEMBER, 2023 BY JOSEPH R ARSENAULT ENVIRONMENTAL CONSULTING, FRANKLINVILLE.
5. NO WETLANDS AREAS ARE TO BE DISTURBED. CONSTRUCTION IS LOCATED WITHIN THE BUFFER AREA AT 300' FROM THE WETLAND AREAS.
6. A FOOTBRIDGE WITH A SPAN OF 35 FEET AND A TREAD WIDTH OF 6 FEET WILL CROSS THE AREA OF THE OUTLET CHANNEL FROM THE LAKE DAM. AREA BELOW THE FOOTBRIDGE TO REMAIN OPEN TO FLOODWATERS. IT SHALL HAVE OPEN RAILINGS. BRIDGE SHALL BE ANCHORED TO ABUTMENTS TO PREVENT ANY MOVEMENT BY FLOODWATERS.
7. APPROX. 0.85 ACRE OF AREA AT THE CANAL AVENUE PARK SHALL BE RE-FORESTED.
8. TOTAL AREA OF DISTURBANCE IS 0.55 ACRE.
9. TOTAL AREA OF NET IMPERVIOUS COVERAGE IS 0.34 ACRE.

ATLANTIS AVENUE  
(ASPHALT SURFACE - 50' R.O.W.)

BREAKERS DRIVE  
(ASPHALT SURFACE - 60' R.O.W.)

N.J. STATE HIGHWAY ROUTE 72  
(ASPHALT SURFACE - 80' R.O.W.)



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UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW.

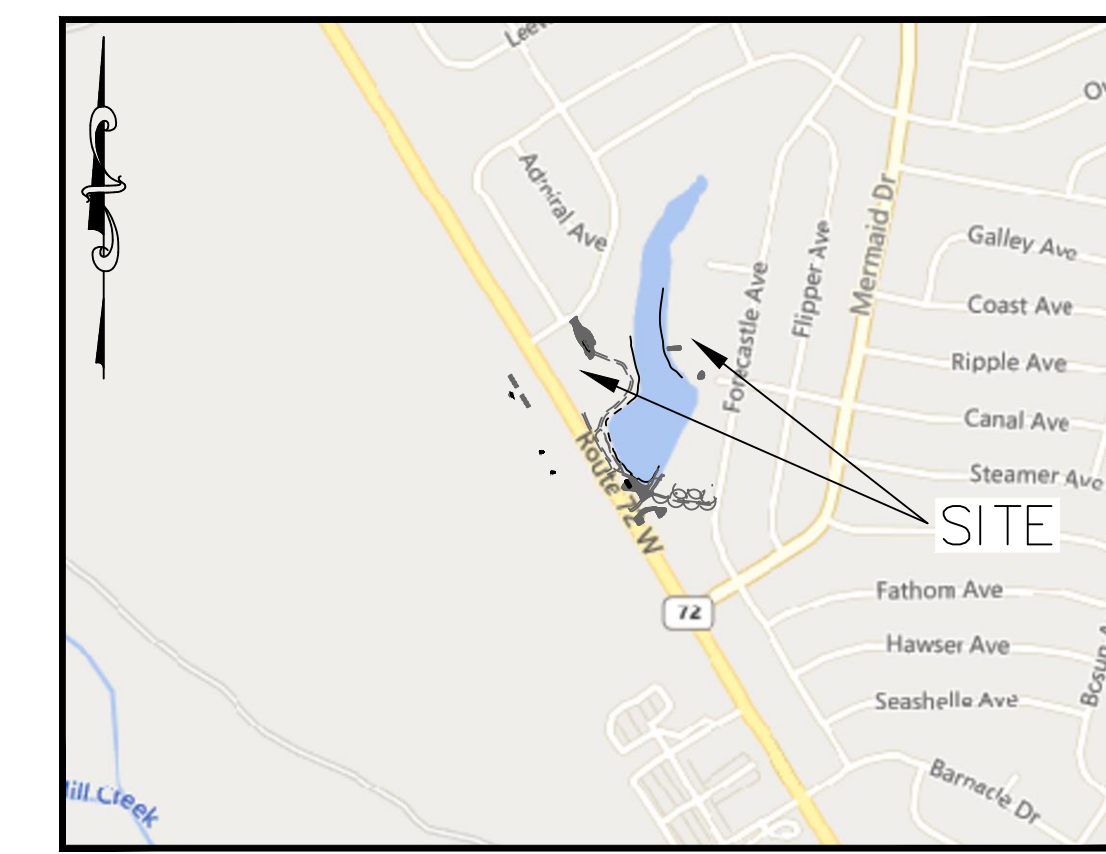
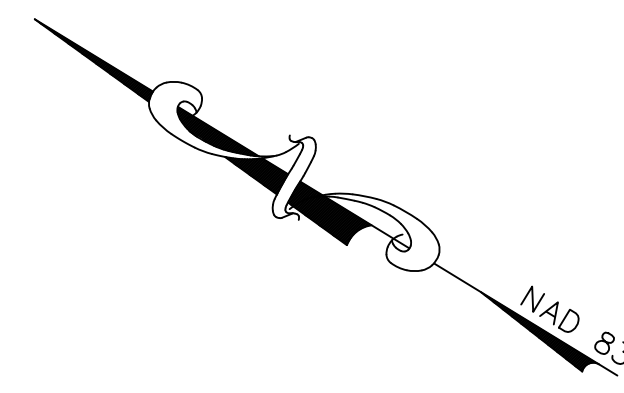
NO.	DATE	REVISION DESCRIPTION	DRAWN	CHK'D

<p><b>OWEN, LITTLE &amp; ASSOCIATES, INC.</b>                  Authorization No. 24627985700                  Engineers, Planners, Surveyors                  443 Atlantic City Blvd.                  Beachwood, NJ 07002                  Tel: 732/244-1392                  Fax: 732/241-3412</p>	<p><b>FRANK J. LITTLE, JR. P.E., P.P.</b></p>		<p><b>TOWNSHIP OF STAFFORD - FORECASTLE LAKE PARK</b></p> <p><b>PLAN OF FOOTPATH AND ACCESSIBLE PARKING</b></p> <p>BLOCK 44.119, LOT 8                  BLOCK 44.119, LOT 27                  BLOCK 44.119, LOT 29.01                  TOWNSHIP OF STAFFORD</p>			
	<p>OCEAN COUNTY</p>		<p>NEW JERSEY</p>			
SCALE	DATE	DRAWN	CHK'D	APPROVED FOR CONSTRUCTION	SURVEY & BILLING NO.	DRAWING NO.
1" = 30'	10/23/23	JMW	WJB	23-084501	STAFF(23FORE)	1

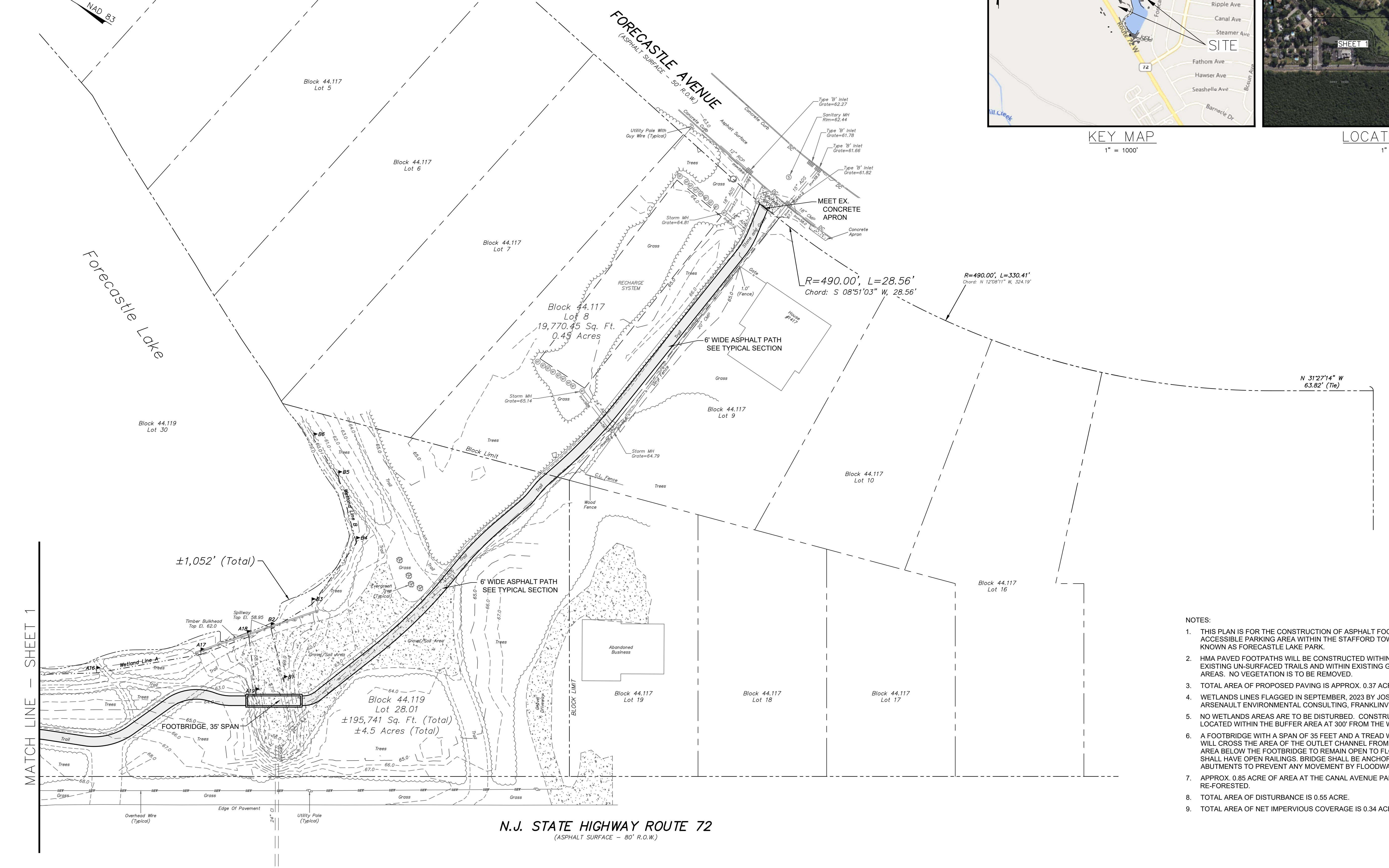
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KEY MAP  
1" = 1000'

LOCATION MAP  
1" = 500'

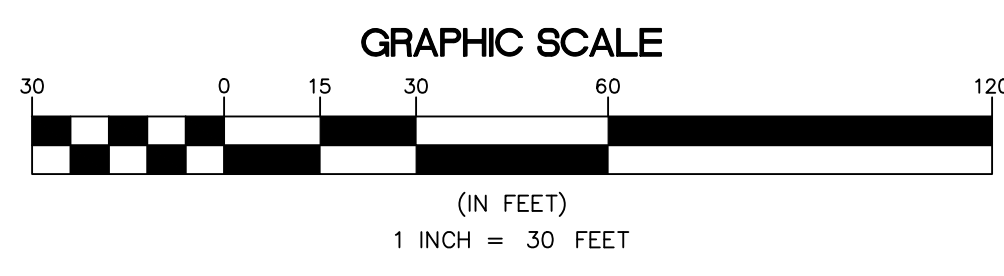
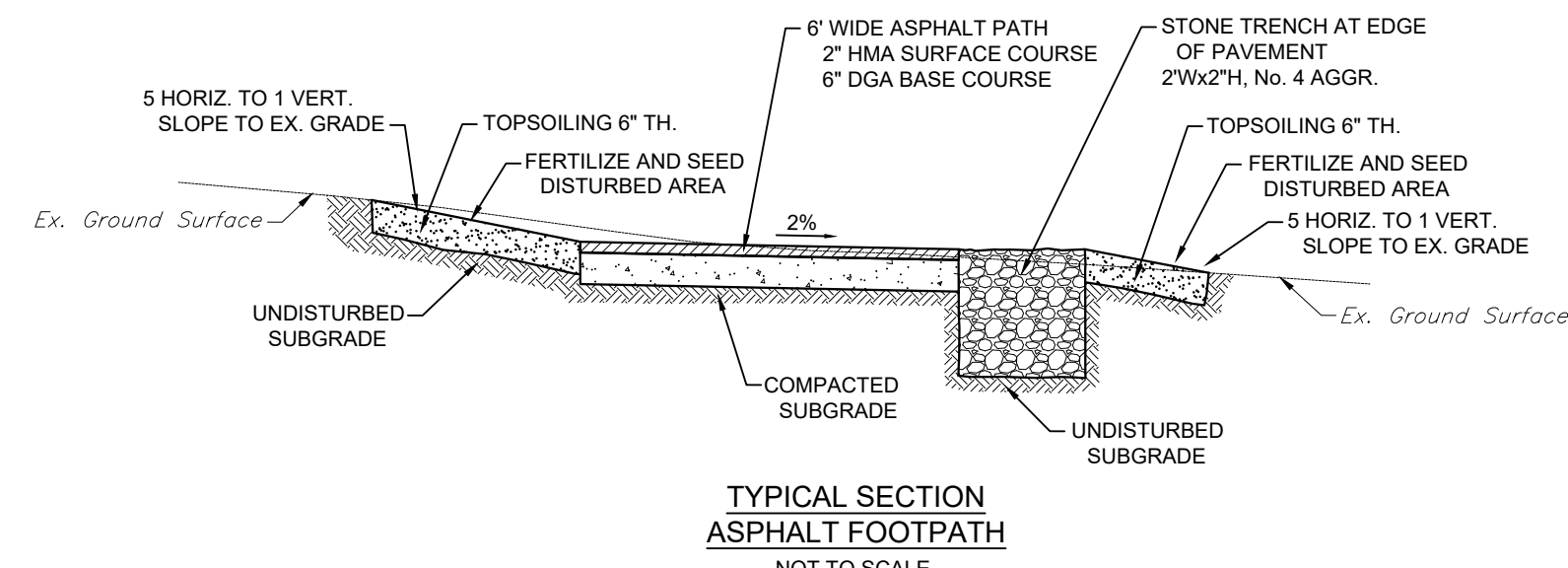


MATCH LINE - SHEET 1

N.J. STATE HIGHWAY ROUTE 72  
(ASPHALT SURFACE - 80' R.O.W.)

MERMAID DRIVE  
(ASPHALT SURFACE - 60' R.O.W.)

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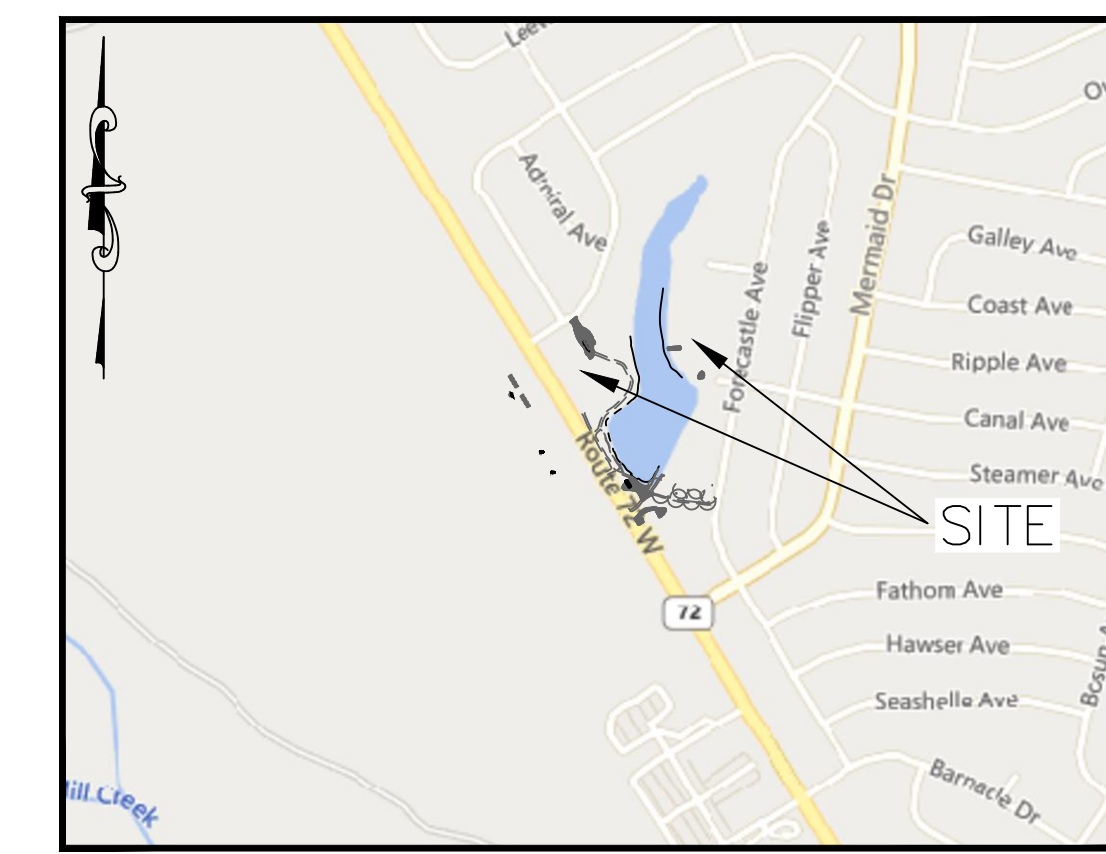
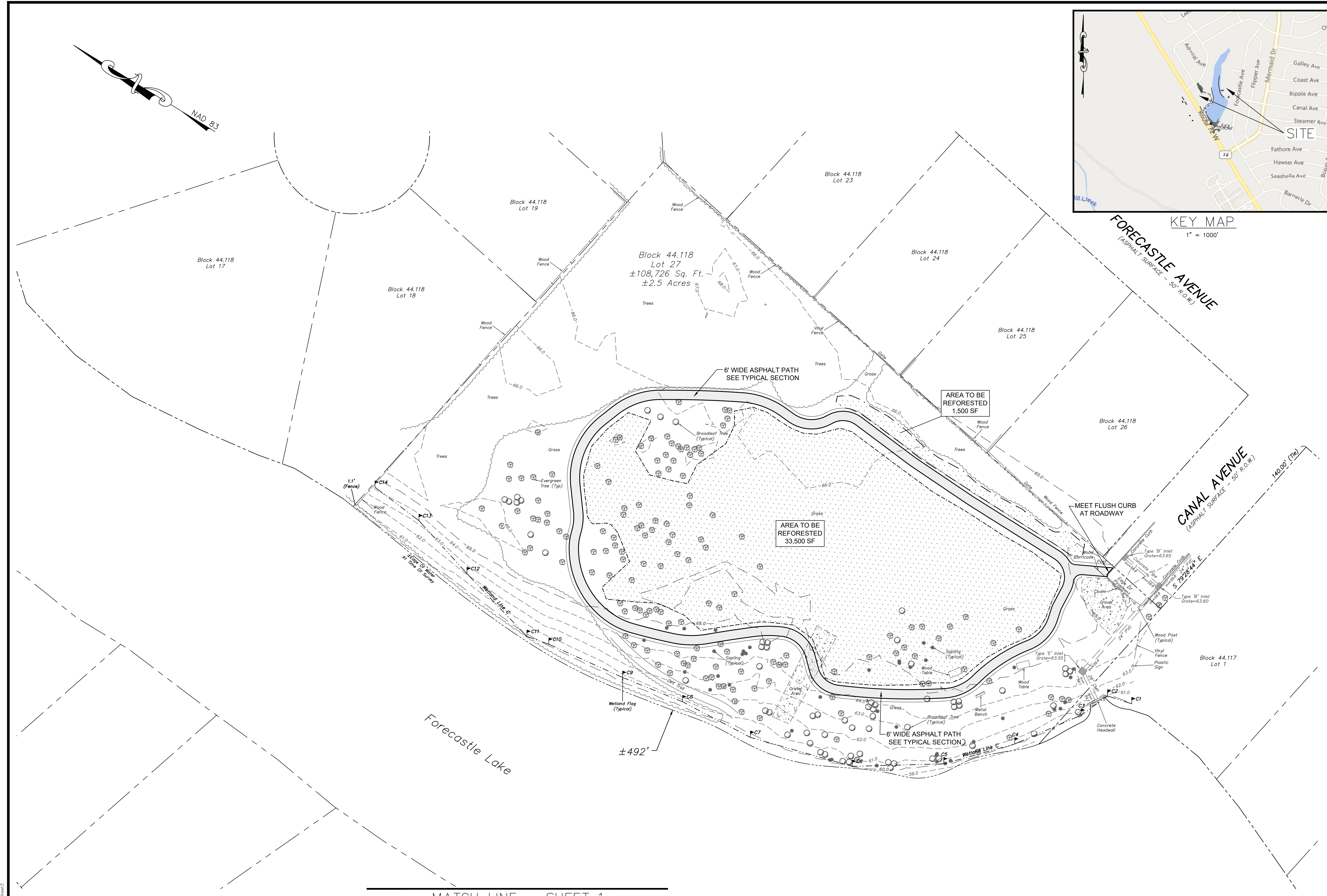
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NO.	DATE	REVISION DESCRIPTION	DRAWN	CHK'D

<p><b>OWEN, LITTLE &amp; ASSOCIATES, INC.</b>          Authorization No. 24627865700          Engineers, Planners, Surveyors          443 Atlantic City Blvd.          Brickwood, NJ 08722          Tel: (732)244-1392          Fax: (732)241-3412</p>	<p><b>FRANK J. LITTLE, JR. P.E., P.P.</b></p>		<p><b>TOWNSHIP OF STAFFORD - FORECASTLE LAKE PARK</b>  <b>PLAN OF FOOTPATH AND ACCESSIBLE PARKING</b>          BLOCK 44,117, LOT 8          BLOCK 44,118, LOT 27          BLOCK 44,119, LOT 29.01          TOWNSHIP OF STAFFORD</p>	
	<p>PROFESSIONAL ENGINEER          N.J. LIC. NO. 246202708500          PROFESSIONAL PLANNER          N.J. LIC. NO. 030996</p>	<p>OCEAN COUNTY</p>	<p>NEW JERSEY</p>	<p>SCALE DATE DRAWN CHK'D APPROVED FOR CONSTRUCTION SURVEY &amp; BILLING NO. DRAWING NO.</p>





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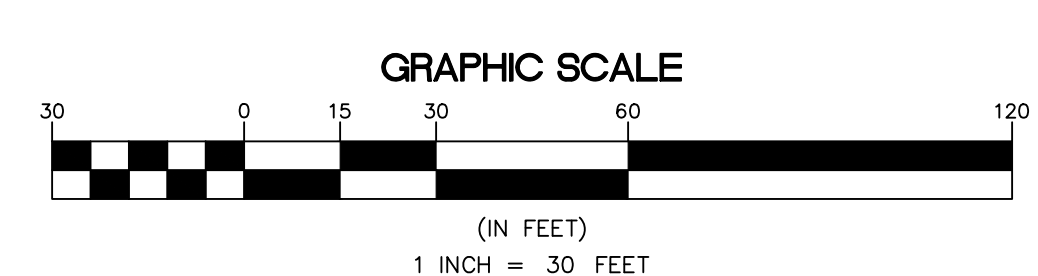
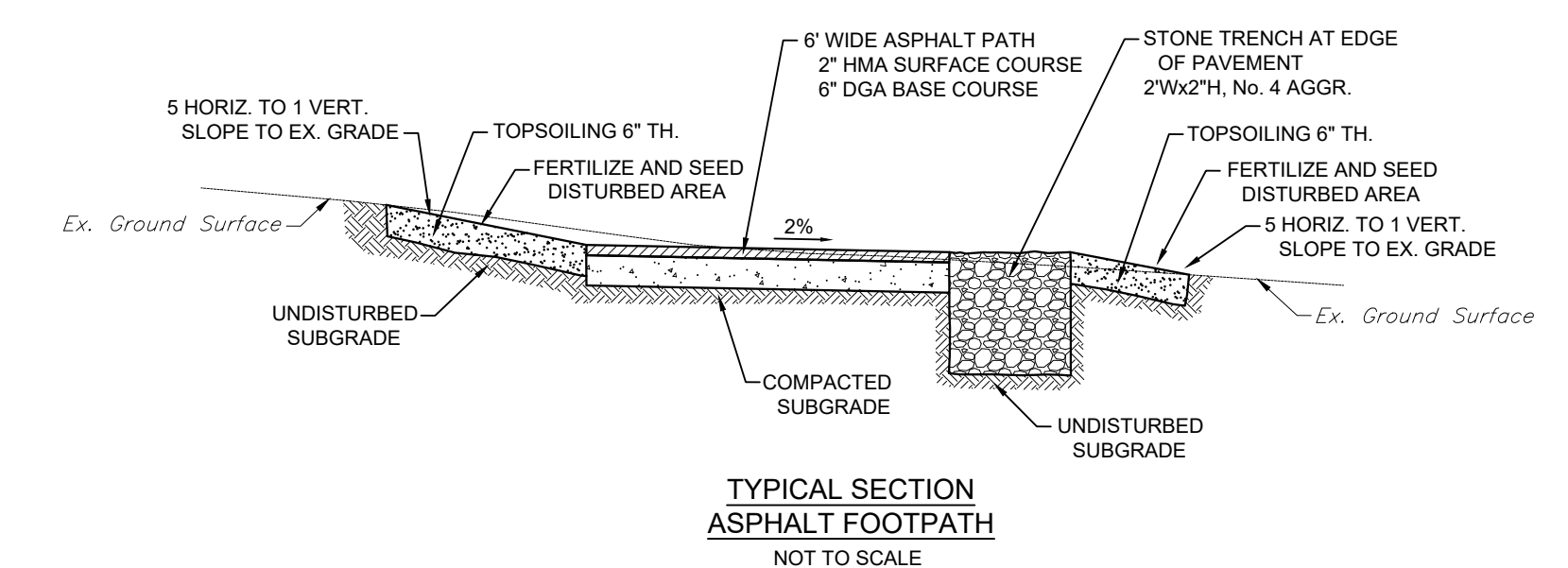
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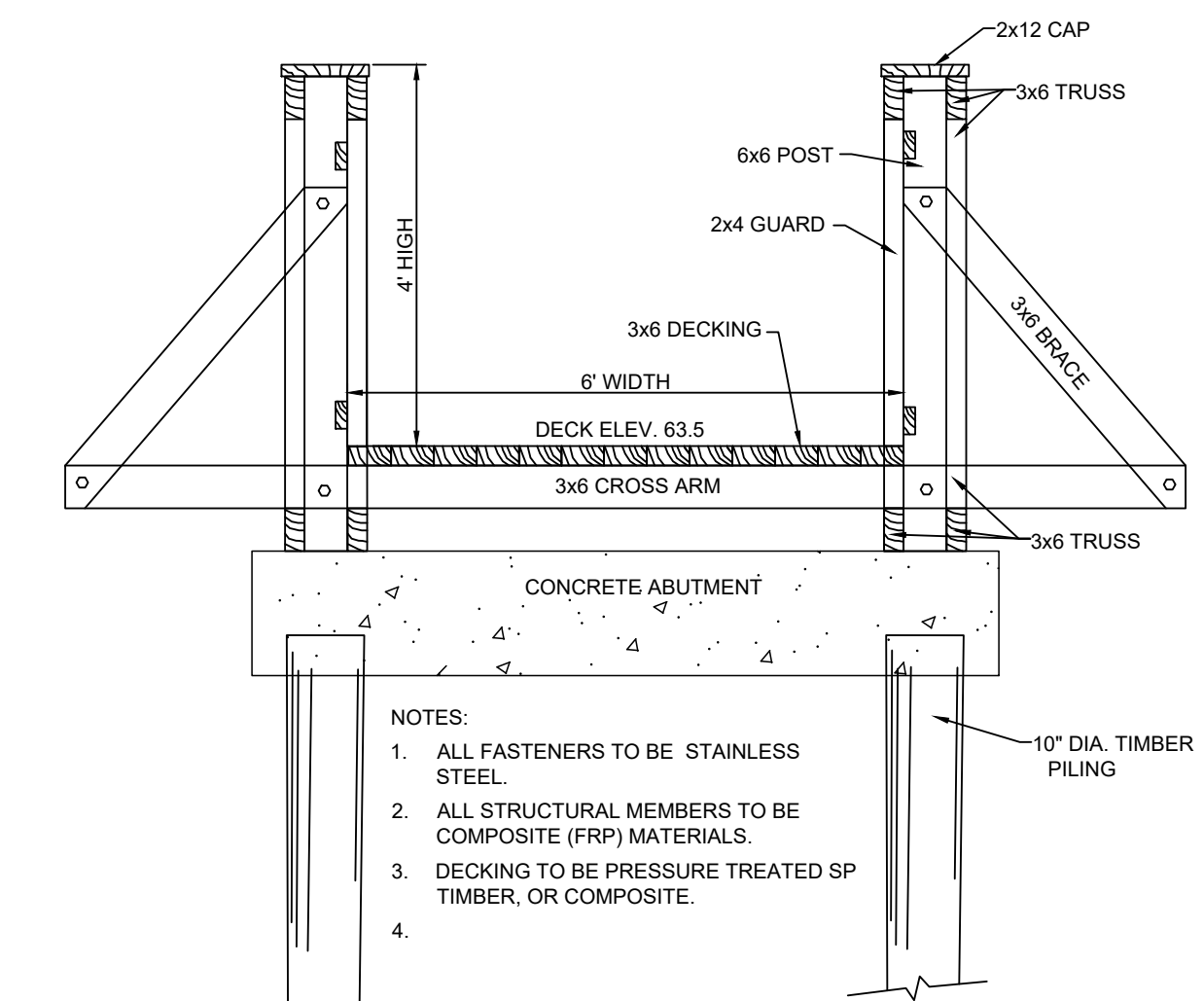
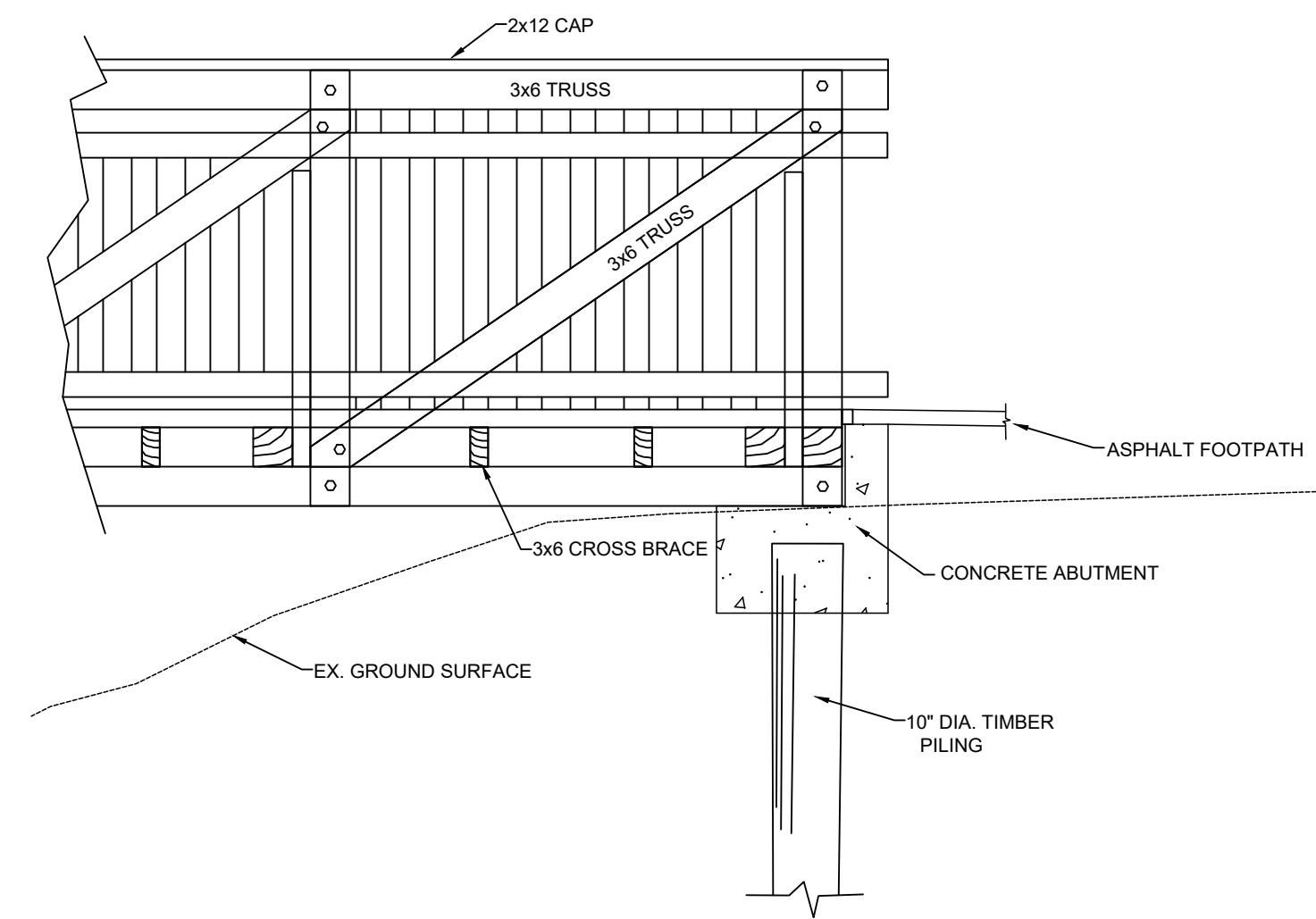
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MATCH LINE - SHEET 1



NO.	DATE	REVISION DESCRIPTION	DRAWN	CHK'D
<p><b>OWEN, LITTLE &amp; ASSOCIATES, INC.</b>  <b>FRANK J. LITTLE, JR. P.E., P.P.</b>  <b>TOWNSHIP OF STAFFORD - FORECASTLE LAKE PARK</b>  <b>PLAN OF ACCESSIBLE PARKING AND FOOTPATH</b>            BLOCK 44,118, LOT 8            BLOCK 44,118, LOT 27            BLOCK 44,119, LOT 29.01            TOWNSHIP OF STAFFORD            OCEAN COUNTY NEW JERSEY</p>				
SCALE	DATE	DRAWN	CHK'D	APPROVED FOR CONSTRUCTION
1" = 30'	10/23/23	JMW	WJB	
<p>Authorization No. 2462780500            Engineers, Planners, Surveyors &amp; GIS Specialists            443 Atlantic City Blvd.            Beachwood, NJ 07012            Tel: 732/244-1390            Fax: 732/244-3412</p>				<p>PROFESSIONAL ENGINEER            N.J. LIC. NO. 2462780500            PROFESSIONAL PLANNER            N.J. LIC. NO. 03096</p>
<p>23-084501            STAFF(23)FORE</p>				<p>DRAWING NO.            3</p>

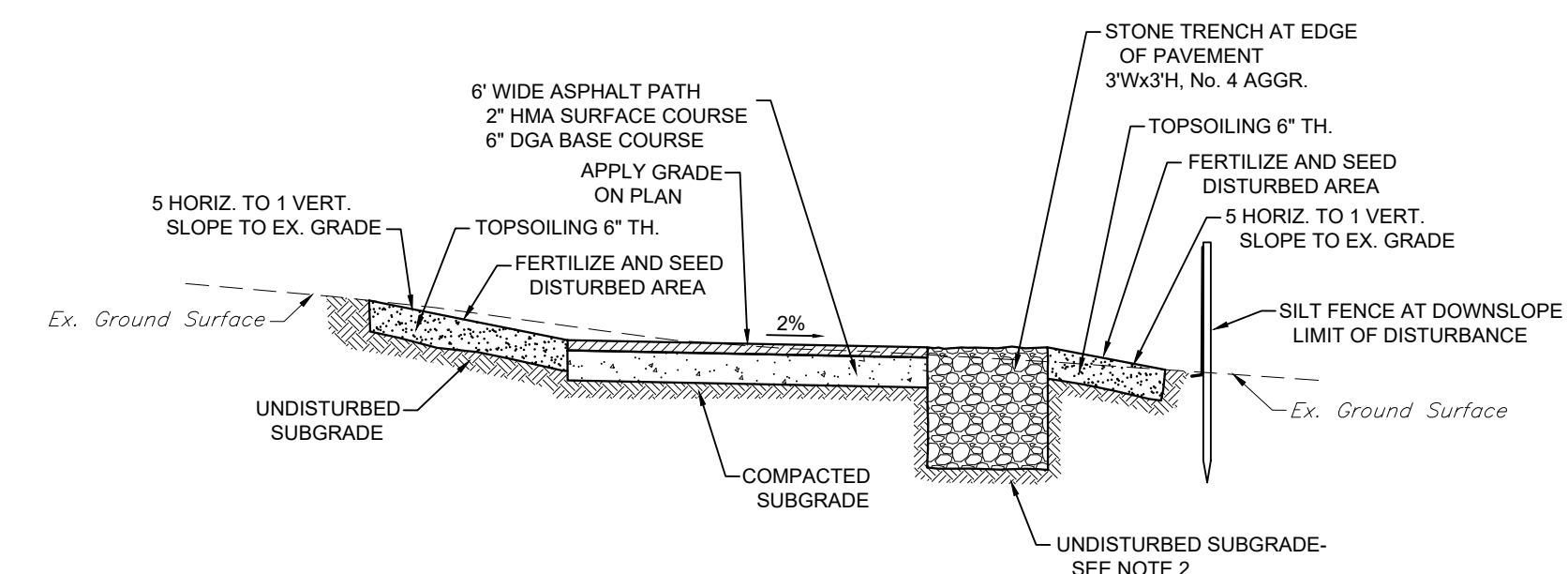




**TIMBER TRUSS FOOTBRIDGE  
SCHEMATIC CROSS SECTION**

NOT TO SCALE

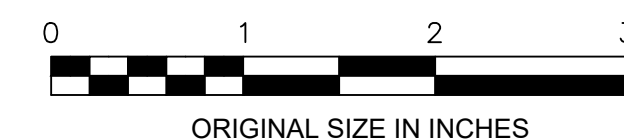
- NOTES:
1. ALL FASTENERS TO BE STAINLESS STEEL.
  2. ALL STRUCTURAL MEMBERS TO BE COMPOSITE (FRP) MATERIALS.
  3. DECKING TO BE PRESSURE TREATED SP TIMBER, OR COMPOSITE.
  - 4.



**TYPICAL SECTION  
ASPHALT FOOTPATH**

NOT TO SCALE

- NOTES:
1. IMPERMEABLE BARRIER OF PVC PLASTIC SHEETING MIN. 10 MIL. THICK (OR EQUIVALENT), TO BE INSTALLED ACROSS STONE TRENCH AT LOCATIONS SHOWN ON PLAN TO SERVE AS WATERSTOP.
  2. WHERE SOILS, AS DETERMINED BY THE ENGINEER, DO NOT MEET THE REQUIREMENT FOR K3 PERMEABILITY, BASED ON INSPECTION OF THE SOILS ENCOUNTERED DURING CONSTRUCTION, THE MUNICIPAL ENGINEER WILL REQUIRE SUITABLE SOIL REPLACEMENT TO A DEPTH OF 2 FEET BELOW THE BOTTOM OF THE TRENCH. THE SOIL PERMEABILITY FOR ANY SOIL REPLACEMENT SHALL BE K3 SOILS OR GREATER.



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NO.	DATE	REVISION DESCRIPTION	DRAWN	CHK'D
<b>TOWNSHIP OF STAFFORD - FORECASTLE LAKE PARK FOOTPATH AND ACCESSIBLE PARKING CONSTRUCTION DETAILS</b>				
BLOCK 44.117, LOT 8 BLOCK 44.118, LOT 27 TOWNSHIP OF STAFFORD				
OCEAN COUNTY		NEW JERSEY		
SCALE	DATE	DRAWN	CHK'D	APPROVED FOR SURVEY & BILLING NO.
NO SCALE	3/18/24	JMW	WJB	23-084501 STAFF(23)FORE
				DRAWING NO. 4



**FRANK J. LITTLE, JR. P.E., P.P.**

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 N.J. LIC. NO. 2462708500  
 PROFESSIONAL PLANNER  
 N.J. LIC. NO. 03096



## Restoration Plan for Forecastle Lake Walking Path

The Township of Stafford has applied to the Pinelands Commission to create a walking path in the vicinity of Forecastle Lake. The trail would provide public access to Forecastle Lake via an improved path made specifically for the enjoyment of the citizens of Stafford.

**The Area:** As part of the path design, a 35,000 SF open field at the end of Canal Avenue would be allowed to re-vegetate and become the forest it once was prior to the establishment of the Ocean Acres residential development. Prior to clearing, the site was a typical pine-oak upland forest associated with the upper stream terrace of the Mill Creek drainage. Based on aerial photography, the site has been without a forest cover since 1972. Various herbaceous cover types have occupied the field during the ensuing years, and today it is a thinly covered old field dominated by native warm season grasses punctuated with large, specimen pine and oak trees.

**The Plan:** The restoration concept is to replace what was there, using the adjacent forest as the template for species selection. The selected species would be dependent on the native nursery availability, as well as the size and quantity availability. The opening supports a scattered open canopy of 47 mature pine, cedars, and oaks. Although included in the 35,000 SF area, no forest trees would be planted under or around the existing specimens. The number of forest trees selected is based on an artificial grid of 10 foot squares, with one tree occupying each square or one per 100 SF. The result is 350 forest trees, minus the existing 47 specimens, to yield a total of 303 forest trees. The forest trees will be planted in 30 clusters of 10 specimens randomly selected from the available stock. They will be spaced 8-10 foot apart, intermixed with forest shrubs. The clusters would be spaced evenly until open area is planted. Shrubs within the re-planted forest would be set at a rate of one shrubs per tree, or 300 shrub specimens. Ten shrubs will be planted within each tree cluster, and the remaining specimens planted under and between the existing pine, cedars, and oaks.

The land between the path and the rear of the homes facing Forecastle Avenue would be visually separated by a planting of 24 evergreen specimens and 24 dense shrubs. White pine and eastern red cedar would be selected as buffer trees, and groundsel bush used as the dense woody shrubs planted in gaps between the evergreen trees.

**The tree species:** The selection will include 303 specimens from the following list. Three species minimum should be selected from highlighted species, otherwise the choice is based on availability and size. Three wetland tree species, red maple, sweet gum, and black gum, have been added to the selection based on their presence in adjacent forests.

*Acer rubrum*  
*Liquidambar styraciflua*  
*Nyssa sylvatica*  
*Pinus echinata*  
*Pinus rigida*  
*Quercus coccinea*  
*Quercus prinus*  
*Quercus alba*

*Quercus stellata*  
*Sassafras albidum*

**Sub-canopy Tree Specimens.** These specimens are planted at 1/8 rate of the forest tree selection (38). They would be planted between tree clusters, and under existing forest trees.

*Amelanchier canadensis*  
*Ilex opaca*  
*Betula populifolia*

**Buffer Specimens:** Planted on a staggered 12' on center pattern, with white pine nearest to homes, eastern red cedar filling the gaps between the pines, and groundsel bush filling gaps between cedars and pines.

*Baccharis halimifolia*  
*Pinus strobus*  
*Juniperus virginiana*

**Forest Shrubs:** These plants are planted at a rate of 1 shrubs per forest tree. This would provide 300 shrubs, 10 per cluster, remaining planted under existing forest trees.

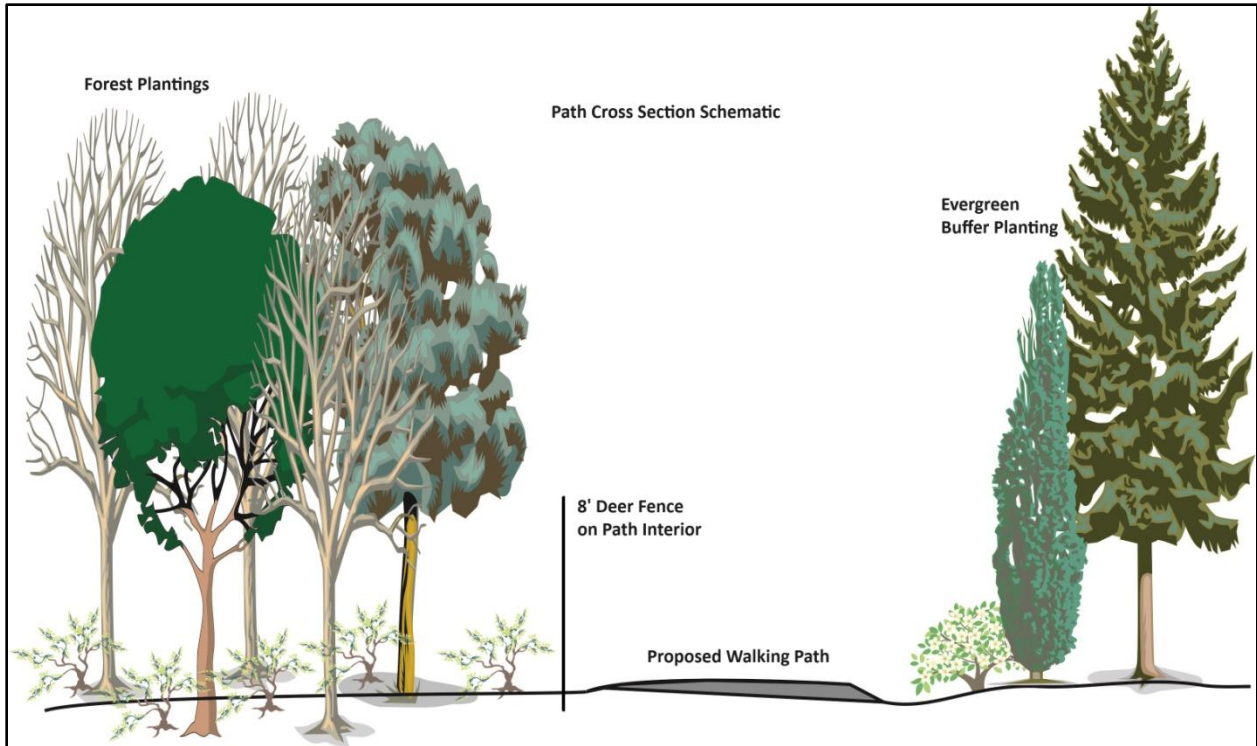
*Ilex glabra*-evergreen with black berry  
*Ilex vericilata*-deciduous with red berry  
*Morella pensylvanica*-semi-evergreen with dry berries  
*Quercus ilicifolia/prinodites*-dense multi-stem shrub oaks  
*Rhus copallina*-dense multi-stem shrubs with brilliant red leaves in autumn

**No herbs or seed is specified.** The nearby native sources will fill in open areas once the site is planted and isolated from deer and humans.

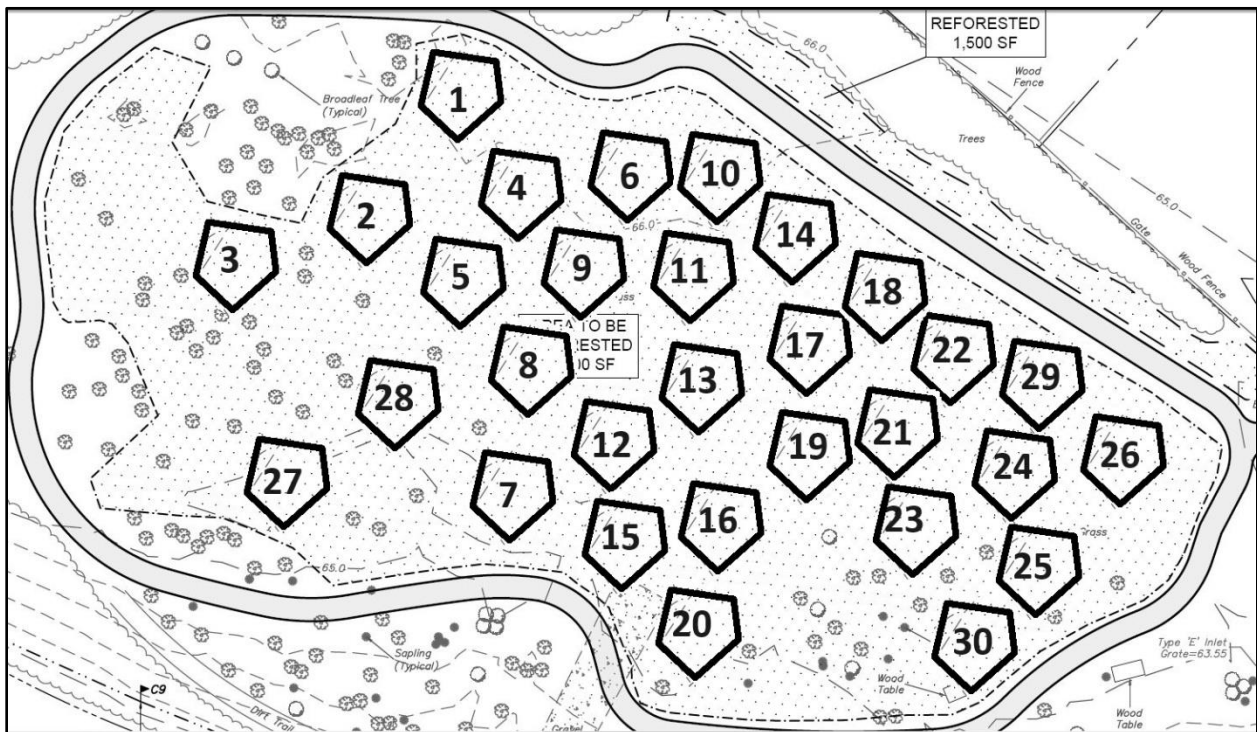
**Total specimens: ~665**

forest trees-303  
sub-canopy trees-38  
buffer trees/shrubs~24 t/s each  
forest shrubs-300





Cross section illustration showing path side plantings nearest evergreen buffer.



Thirty clusters to re-establish canopy. Shrubs and sub-canopy trees are planted in between and among clusters. This is to show the number of clusters can occupy the space; their location would be field located.