

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

<https://www.youtube.com/watch?v=My3rrm77nf8>

Meeting ID: 821 0187 6065

New Lisbon, New Jersey

April 29, 2022 - 9:30 a.m.

Members in Attendance – Alan W. Avery Jr., Jerome H. Irick, Mark Lohbauer, Laura E. Matos

Members Absent – Ed Lloyd

Other Commissioners in Attendance – Theresa Lettman, Davon McCurry

Commission Staff in Attendance (TDM Room) – Ernest Deman, Katie Elliot, April Field, Susan R. Grogan, Charles Horner, Brad Lanute, Paul Leakan, Jessica Lynch, Trent Maxwell, Stacey Roth. Also in attendance was Janice Venables from the Governor’s Authorities Unit

1. Call to Order

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

2. Adoption of the Minutes from the March 25, 2022, P&I Committee Meeting

Chair Matos asked for a motion to adopt the minutes from the March 25, 2022, meeting of the CMP Policy & Implementation Committee. Commissioner Lohbauer made the motion to adopt the minutes. The motion was seconded by Commissioner Irick. All voted in favor.

3. Winslow Township’s 2019 Master Plan Reexamination Report Phase II, Master Plan Reexamination Report Addenda and Ordinance O-2022-004, amending Chapter 296 (Zoning Within Pinelands) of the Township’s Code by implementing zoning changes along Route 73 within the Regional Growth Area

Planning Specialist Brad Lanute presented the staff’s findings regarding the Township’s submitted master plan and ordinance. Mr. Lanute described the Township’s multi-year planning process to rezone the New Jersey Route 73 corridor in Winslow’s Regional Growth Area (RGA). For decades the township has desired to develop mixed-use and commercial development along the highway.

In April 2018, the Township presented the findings and recommendations from its master plan reexamination process to the P&I Committee. Following a favorable reception from the Committee, Winslow officials continued to finalize their master plan and zoning amendments. This culminated in the adoption of the 2019 Master Plan Reexamination Report and Ordinance O-2022-004.

Mr. Lanute provided a detailed review of the various zoning changes implemented by the ordinance, referring to different displayed maps and summary charts (see attached). Mr. Lanute clarified that none of the zoning changes necessitated any changes to Pinelands management area boundaries.

Mr. Lanute stated that during the Township's 2002 effort to rezone this area, the Commission required various growth controls to ensure that the permitted development potential did not adversely impact the Kirkwood-Cohansey (K-C) aquifer. In the following years, the Commission, the Township, and Camden County MUA agreed to a Memorandum of Understanding (MOU) that was most recently amended in 2017 to protect the K-C aquifer and address export of water from the Pinelands.

Importantly, the MOU caps the Township's withdrawals from K-C wells and requires the Township to acquire water from alternative sources once the limit on withdrawals has been reached. Through the MOU, the Commission receives annual reports from Winslow on well withdrawals and has received the most recent report through February 2022. The Township is still below the agreed-upon limit. With the resource protections provided by the MOU in place, the Township is proposing greater intensity to both residential and non-residential uses in its RGA. Mr. Lanute reviewed the various residential and non-residential development standards adopted by the ordinance, referencing various summary charts (see attached).

Regarding non-residential intensity, the Township opted to eliminate the existing bonus floor-area ratio (FAR) standards, which required the use of Pinelands Development Credits (PDCs) to achieve bonus FAR, in favor of a single maximum FAR. The ordinance also provides an increase in the maximum FAR for the Major Commercial Zone.

In terms of residential development, the Township opted to eliminate the traditional base density/bonus density PDC structure in favor of a 25% mandatory PDC requirement for all its residential RGA zones.

Mr. Lanute summarized the changes to the maximum permitted density in each of the residential RGA zones as well as the impacts on the Township's residential zoning capacity in its RGA. Mr. Lanute stated that the ordinance would lead to an increase in overall residential zoning capacity by about 1,200 units, and that the average density for developable lands in Winslow's RGA would increase from 1.9 to 2.6 du/acre. This is greater than the 1.125 du/acre prescribed for Winslow Township's RGA by the CMP.

Mr. Lanute summarized how this elevated level of permitted density met the CMP's criteria for zoning at higher densities in the RGA. He discussed the suitability of lands in question to be

developed at higher densities, including the availability of sewer and water, the existing MOU and the necessary accommodation of PDCs.

He reiterated that the Township is adopting the 25% mandatory PDC requirement. Based on the projected residential zoning capacity of the Township's RGA, it will provide an opportunity for use of about 1,087 rights, and these would be guaranteed if any residential units are developed in

these zones. Under the minimum prescribed densities for Winslow's RGA, the Township would be required to zone for approximately 1,100 units and provide an opportunity for use of 949 rights.

Mr. Lanute stated that two public hearings were held on these matters. No public comment was provided at either public hearing nor were any written comments received. In conclusion, Commission staff finds that the Winslow Township 2019 Master Plan Reexamination Report and Ordinance O-2022-004 are consistent with CMP.

Mr. Lanute asked for any questions from the Commissioners and asked the Committee to make a recommendation to the full Commission on whether to certify Winslow Township's master plan and ordinance.

Commissioner Lohbauer noted an area bordering Route 73 was zoned residential (see Route 73 Rezoning Segment 2) and asked why the Township is interested in having the residential zone border Route 73 in that area.

Winslow Township Administrator Joe Gallagher said that he was not sure why this area was included in a residential zone but speculated that it may be because of existing residential development.

Ms. Grogan said it is also possible that there are approved residential projects in the zone, and they are not visible on the aerial image because they have not been built yet. She said they may be in various stages of approval, though it is hard to know exactly. There are applications with approvals issued and others in progress in various portions of the Township's RGA.

Commissioner Lohbauer said he appreciated Ms. Grogan's input and commented on a clear trend in recent years. Over time, the trend has been for commercial development to march southward along Route 73. He has witnessed the development throughout his lifetime and remembers when former orchards were cleared for major commerce and box store development.

Commissioner Lohbauer asked what sort of uses would be permitted in the Major Commercial Zone. Mr. Lanute said he does not believe the ordinance changes any uses permitted in the Major Commercial Zone. Commissioner Lohbauer said that imposing new limits on FAR would probably limit the type of commercial development that could occur there.

Mr. Lanute said the Township is removing base-density/bonus-density FAR, which should remove one impediment to commercial development, and the Township has increased the permitted FAR slightly. Mr. Lanute restated the permitted uses in the zone, which include office

buildings, research facilities, hospitals, healthcare facilities, hotels, motels, and retail services. The Township does have restaurants and grocery stores along the stretch. Mr. Lanute said the list of retail and personal services is quite long.

Commissioner Lohbauer assumed that supermarkets would be allowed in this district, which would be necessary to accommodate the added development. Lastly, he asked where Winslow

Township will draw water once it reaches its K-C capacity limit. Mr. Lanute said that Winslow has an existing interconnection with New Jersey American Water, and the Township already draws some of its water from there. Mr. Lanute noted that he does not think the MOU places any stipulations on where the Township can draw its water after exhausting its K-C wells.

Ms. Grogan said the MOU is very detailed but does not require Winslow to draw additional water from a specific source once the thresholds on K-C aquifer withdrawals are reached. She said that since the Township already received some of its water from New Jersey American Water, it was assumed that the Township would likely continue to draw from them in the future. She said the Commission will be monitoring their usage carefully and that they have a sizable RGA and commercial zone. At some point, they will reach the threshold and both the Commission and Winslow Township should be planning for that.

Commissioner Lohbauer said that all the development is appropriate for the area but wants to make sure that by certifying this ordinance the Commission is not sending a signal to Winslow Township that the Commission would relax the MOU requirements to facilitate the permitted development.

Commissioner Irick said he was not part of the 2018 study, and commended Commission staff and Winslow for working diligently towards this plan. He stated that he has expressed his concerns about recent trends in municipal ordinances that promote redevelopment, affordable housing, and super housing densities in RGAs. He said that this ordinance is no exception. This ordinance increases the housing units by 1,203 units and increases the density to 2.6 du/acre versus the CMP's 1.125 du/acre. He said that he fails to see how this would not create a negative effect on the Pinelands, mentioning such impacts as traffic.

Ms. Grogan responded by saying that development impacts like traffic are not directly addressed by Commission rules. She continued that Winslow's zoning plan does not expand the RGA; it simply shifts zoning within the area. Although zoning capacity has been increased, these numbers are largely theoretical. The Commission does not expect that every unit in the RGA will be developed, and many project proposals are approved at lower densities than what is permitted in the zoning ordinance.

She also said one of the things Winslow has done with its residential zone is to shift the number of vacant acres from the lower density zone to the higher density zone. This increases the potential number of units but also provides more flexibility and additional housing types that can be developed. This is contrasted with the low-density zone that only permits single family development, which often encourages sprawl.

In this ordinance, Winslow is taking portions of the low-density zone and placing them into the higher density zone that allows for more clustering and different residential development types. Ms. Grogan said this is a more efficient use of the land than zoning it for lower density development. Although the number of housing units will increase, focusing the development along Route 73 will create a better pattern of development and exert less of an impact on the RGA.

Commissioner Irick said he appreciated the effort to consolidate and cluster the development but stated his concern that the increase in units is significant. It is not a 10% or 20% increase, and he reiterated he is concerned about that.

Commissioner Avery asked how many units would require PDCs in the hypothetical maximum buildout. Mr. Lanute said he believed 25% would require PDCs. Ms. Grogan said the number of PDC opportunities would increase significantly based on the ordinance and it is guaranteed that many PDCs would be used. She said that while this does not address the impacts of development in the RGA, the redemption of PDCs preserves land elsewhere in the Pinelands Area and could potentially preserve land in Winslow Township's Agricultural Production Area (APA).

Commissioner Avery said that from the Pinelands perspective, it would result in the permanent protection of a significant amount of land if PDCs are used to achieve the new densities. Ms. Grogan concurred and reiterated that the 25% PDC requirement would be mandatory.

Commissioner Avery asked if the hypothetical building would take into consideration all the CMP's environmental standards that would come into play for individual permit applications or if it is just gross.

Ms. Grogan replied that it is a theoretical zoning capacity and not a lot-by-lot analysis that considers wetlands buffers or how the lots would be clustered. She said the number of units would be lower than the proposal in real cases. She continued that there are no affordable housing requirements in the plan, and that Winslow is already meeting its affordable housing requirements elsewhere. As far as PDC requirements are concerned, the 25% requirement would apply to all projects in the RGA and serve as a huge benefit to the PDC program.

Ms. Grogan asked the Committee to recommend that the full Commission certify the Township's master plan reexamination report and implementing ordinance at the meeting in May.

Chair Matos asked for a motion to recommend that the full Commission certify Winslow Township's master plan reexamination report and implementing ordinance. Commissioner Lohbauer made the motion and Commissioner Avery seconded. Commissioners Matos, Lohbauer, and Avery voted in favor. Commissioner Irick abstained from the vote in recognition of the staff's hard work on this effort.

4. Continued Discussion of CMP Amendments Schedule and Priorities

Ms. Grogan presented a slideshow on potential CMP amendments compiled over the years. She recapped the status of the amendments, noting staff and Commissioners took the opportunity to rank them last year. She indicated that only a limited number of Commissioners participated in the ranking.

Ms. Grogan said that while there was consensus on the top three amendments, other amendments did not receive general support. She continued to say that the P&I Committee endorsed continued work by staff on several of the amendments in fall 2021. The Commission decided to move forward on three amendments: stormwater management rules, the Kirkwood-Cohansey water supply and management rules presented in March, and the electric transmission line right-of-way maintenance pilot program that will be presented in the next few months.

At the November P&I Committee meeting, staff recommended that amendment prioritizations be postponed until the spring. Ms. Grogan described how new members were expected to join the Commission by spring. She also indicated that this timing would coincide better with work plans and budgeting for upcoming Fiscal Year 2023 (FY23).

Ms. Grogan continued that it is now time to pick up the amendments again, with the hope of identifying amendments to work on in the future. This would allow the staff time to develop work plans and budget items for the Commission to consider during the fiscal year budget process.

Ms. Grogan transitioned to a slide depicting the progress of current rulemaking efforts for the three CMP amendments that were prioritized last November. The stormwater management rules are nearing completion, having gone into effect in January. As previously mentioned, Kirkwood-Cohansey water supply rules were presented to the P&I Committee at the March meeting, and Stacey Roth and Marci Green are preparing the right-of-way rules for an upcoming meeting.

Ms. Grogan moved on to FY23 CMP amendment considerations. She said she updated and distributed the full list of CMP amendments to the P&I Committee and sent the document out to the rest of the Commissioners separately. Ms. Grogan wanted to let the other Commissioners know that the discussion was occurring and encouraged them to vote or participate in the meeting if they wish. Staff hopes to gather feedback and recommendations from the Committee and any other Commissioners who would like to offer their priorities. They will then interpolate the input and turn it into a work plan for FY23 and formulate a budget by the August meeting.

Ms. Grogan shared her own recommendations for Committee consideration for the next fiscal year. Some of these amendments are written and ready for implementation, while others need more time but are close to fruition. She first listed clarifications and codifications to the PDC rules as a recommended priority.

Ms. Grogan then turned attention to the Black Run watershed CMP Management Area changes. She detailed the length of time the changes have been considered, the effort of Evesham Township to enact recommended zoning changes, and the appropriateness of moving forward with drafted CMP amendments to complement Evesham Township's efforts. These are the management area changes that were recommended in the Southern Medford/Evesham Plan

adopted in 2007. This amendment would change the Rural Development Area (RDA) designation to Forest Area (FA) to recognize the importance of protecting the Black Run in Evesham. Ms. Grogan noted that staff recently gave a presentation to Evesham representatives and received vocal support from the Township.

Next, Ms. Grogan discussed the gap rule permitting process. This is to amend the CMP to include an application and approval process largely for public service infrastructure projects that do not receive municipal approval but are submitted by private entities. There is no process in the CMP to address such applications. Ms. Grogan said the Commission developed a process to use for some applications in the past but has not formally amended the CMP to incorporate the process. She continued that it should be addressed soon before the court orders the Commission to devise a process for a second time.

Ms. Grogan next recommended moving forward with CMP amendments to clarify and revise the existing FA and RDA cluster development standards. A full evaluation of these standards was completed in recent years.

Ms. Grogan also mentioned amendments dealing with expiration dates for old waivers and Certificates of Filing. This is another amendment that has already been written but has not yet been codified into the CMP. Expiration dates for Certificates of Filing are a recurring issue, whereby new property owners can use valid certificates that predate changes in rules and zoning. There are other expiration dates that the Commission should consider for other documents, but Ms. Grogan stated it would be easiest to do this one quickly.

Finally, Director Grogan noted that amendments for increased fees for applications involving CMP violations are also drafted and could be moved quickly towards adoption.

Ms. Grogan then listed her recommendations for the staff. She suggested preparation of a work plan for the Climate Committee for FY23 to identify specific climate change-related CMP amendments to pursue. This could include solar facilities, management area boundary changes, clearing limitations, etc. She said the staff should also monitor the rulemaking activities of other state agencies, like initiatives undertaken by DEP and BPU. She said she would like to see what policies other state agencies are adopting before the Commission drafts its own rules.

Ms. Grogan said she would like to have the P&I Committee or even the full Commission identify and prioritize additional CMP amendments to research and draft over the next three fiscal years. Lastly, she thinks the work plans for these amendments should be prepared by the August Commission meeting.

Commissioner Lohbauer thanked Ms. Grogan for putting the presentation together and said that all the rule changes recommended by the staff are needed. He continued that it was difficult to rank one priority above any of the others. To him, prioritization is more a question of what can staff accomplish within a given amount of time. He sees that as more of a decision for Ms. Grogan.

Commissioner Lohbauer said he would normally bristle at the idea of waiting until FY23 to develop a climate change work plan. He then mentioned that FY23 is only a few months away and commented that it was a reasonable suggestion. He said that the Commission should come up with a draft rule as soon as possible, and that the Climate Committee's purpose (in addition to developing policy that can be recommended to the full Commission) is to recommend draft rules changes to the CMP. This is so that the CMP can include climate as a decision-making rationale that Commissioners can utilize as a basis for decision-making in applications and budgetary considerations.

Commissioner Lohbauer continued that climate touches on many parts of the Commission's work, whether it is forestry, heating and cooling in buildings, or several other things. He stated climate considerations are necessary as a frame-of-reference for decision-making so that the public and applicants know that the Commission is considering those impacts whenever an application is coming before the Committee. He said it is difficult to do good and effective work for climate but supports Ms. Grogan's suggestion to focus on this work plan in FY23.

Ms. Grogan also mentioned that the Climate Committee meeting is May 27, which is coming soon.

Commissioner Irick commended Ms. Grogan and Commission staff, saying the report was outstanding. He said his opinion was to keep moving with the three CMP amendments that are already in progress. Further, there were several amendments sent to the previous governor's office that did not receive approval, and he urged the Commission staff to move forward with written amendments for the new administration to review. He also said other easy amendments could be made to the CMP, like increased fees for expired applications and increased fees that demand a significant amount of staff time.

Commissioner Irick mentioned that he and Commissioner Lloyd felt it would be simple to repeal Section 4.1 paragraphs five and six and enhance the definitions in section 4.1 that pertain to Horizontal Directional Drilling (HDD). Ms. Grogan said the rules that Commissioner Irick mentioned that did not receive the governor's approval are included on the recommended list of amendments to proceed with.

Commissioner Irick asked if the Commission can increase fees without going to the governor's office. Ms. Grogan replied that fee increases require rulemaking and approval of the governor's office. However, staff can require escrow payments for applications that require significant staff review time or complex issues necessitating outside expertise. She suggested that greater use of these escrow provisions may be appropriate. Commissioner Irick said he would support both increasing fees and escrow payments.

Commissioner Lohbauer said he agreed with Commissioners Irick and Lloyd with new language on HDD, referencing the water main application that was addressed by the last full Commission meeting. He said it is clear the Commission needs to do something to tighten the agency's definition of HDD and set stricter standards for overseeing it.

Commissioner Lettman asked Ms. Grogan why the sixth item on the list of potential CMP amendments was not included in her recommendations. This referred to Offroad Recreational Vehicle (ORV) regulations. She asked if the DEP is moving forward with addressing it, why has the Commission not moved forward with its language on dealing with ORV usage.

Ms. Grogan said staff previously drafted amendments to deal with the application process only and did not address the larger issue of standards or anything substantive. The draft amendments proposed an application process for Enduro events, for when they request approval for the routes of events. The CMP does not currently contain a formal process for such applications. She continued that staff met with representatives of the Enduro community multiple times but were unable to reach an agreement on a workable application process. Recognizing that an application process for Enduro events was not going to address the larger issues surrounding ORV use in the Pinelands Area, staff set those amendments aside.

Commissioner Lettman said it was mentioned in the 2014 Plan Review, and that leaving it out as an amendment makes the public feel that it is not important, and she does not want to give that impression. She would like to see what is going on and what pieces are involved, because she missed that part of the process.

Commissioner Avery said that while he sincerely hopes there are no more applications exempt from municipal review, it would be an embarrassment if the Commission does not address the gap rule after the courts have ruled on it and the staff went through such anguish to create a process that the court found suitable. He said it seems relatively simple to fix the issue, since it does not require towns to amend their ordinances on solar and wind power applications. He would rather have a process in place that the courts approve of before applications for projects like solar and wind power come before the Commission.

Commissioner Lohbauer said he agreed with Commissioner Avery.

Commissioner Avery said he would very much like the Commission to get into the specifics of the climate change regulations that need to be done, whether it is solar, connecting solar to the grid, or clearing requirements. The BPU has taken the lead from DEP, and their regulations are not as specific as DEP. He agreed with the staff rationale that the Commission should be consistent with other agencies and their rule-making processes.

As chairman of the Personnel and Budget (P&B) Committee, Commissioner Avery said he has been talking with staff about the upcoming budget and energy audit that was done on facilities at the Commission's campus. The Commission must see what it can afford in order to finish projects that would reduce the agency's carbon footprint. The Commission must fund its own building improvements. As such, it needs to prioritize what it can do with the limited funds and assess what else can be done to its physical assets that extend beyond the audit recommendations, such as electric vehicles. He said the Commission will likely need replacement vehicles in FY23.

Commissioner Avery asked Ms. Grogan if the Commission must pay for its own vehicles. Ms. Grogan said that was correct.

He said the Commission needs to figure out how it can acquire a hybrid vehicle that is appropriate for routine and field use. The resolution that deals with climate change specifies that physical improvements at the Commission's offices are sent to P&B. Commissioner Avery said that Commissioner Lohbauer is a member of the P&B Committee and that his input will be essential as well. He said he would also like to tie the energy audit recommendations into the budget process and discuss what the Commission can afford to do with its own funding.

He continued that he understood concerns about specifics like exemptions and does not know if the Commission unanimously agrees with making wholesale changes there. He agreed with resurrecting amendments that were not approved by the governor previously, and that the sooner they are sent to the governor the better. He said that Ms. Grogan made a good point on escrow payments, and that the Commission should be careful on where they hire outside consultants to review a more complex application. His understanding was that this was for extraordinary cases that take up a significant amount of staff time.

Commissioner Irick said he does not fully understand the issues regarding the gap ruling, and that he agrees with Commissioner Avery that the Commission should look at that. There may be specific language that mandates all applications not requiring municipal approval be reviewed by the Commission. He said while there is not a full Commission consensus on HDD, he feels that minor changes to section 4.1 could be accomplished simply without altering procedures for soil testing or grout pressures. Some changes to section 4.1 need to be made.

Commissioner Avery responded that the Commission has only had limited input on HDD, and that it is a construction technique that is utilized by a variety of private and public entities. It is important to gauge stakeholder opinion before the Commission passes rule language banning it.

Commissioner Irick said eliminating the two exemptions should not be an issue and changing some of the language regarding distribution lines should not be contentious.

Commissioner Lohbauer said he is not calling for a ban on HDD, but merely asking for more oversight of the projects. The Commission needs the opportunity to stop and review projects once spills happen, rather than finding out retroactively. He said he understands that it is universally utilized.

Chair Matos said she agreed with the staff suggestions on moving forward with CMP amendments. She asked if it was necessary to hold a vote. Ms. Grogan said she would take input from the Committee today and prepare work plans for the staff and the Commission. She said there is a full agenda for the May meeting, and that work plans would likely be laid out at the June committee meeting.

Chair Matos thanked Ms. Grogan and the Commission staff, saying they took a thoughtful approach and made sure every angle was covered. She thanked everyone for their dedication and work.

Commissioner Avery mentioned the Black Run plan, asking if management area changes to the CMP would be necessary. Ms. Grogan said this is not something the Commission does often, but

it can happen when there is a large area that has been identified for additional protection. She referenced an example in Lacey and Ocean Townships in Ocean County, where about 4,000 acres were downzoned by the Commission from the Rural Development Area (RDA) to the Forest Area (FA). It was so large an area that it was not appropriate for the communities to address through their zoning. Similarly, in Evesham there is an area of similar size that would be downzoned from RDA to FA by the Commission and the community would have to respond via zoning ordinance.

Commissioner Avery asked if this would generate Department of Interior review and approval. Ms. Grogan said any amendment of the CMP must be filed with the Secretary of the Interior once it is adopted by the Commission. There are no other special requirements beyond that. Commissioner Avery said he suspected a downzoning of such magnitude would be viewed more favorably than an upzoning.

Ms. Grogan mentioned amendments that were made to the CMP several years ago to provide guidelines for management changes and how they could be accomplished in an appropriate fashion. There is a list of criteria that guides the Commission's determination as to whether a management area change is so great that it requires changes to the land capability map through rulemaking or if it is something the municipality can implement through zoning. In most cases, the municipality can implement it on its own and request Commission certification.

5. Public Comment

Fred Akers of the Great Egg Harbor Watershed Association provided two comments. He first addressed Horizontal Directional Drilling (HDD), saying he learned that the National Park Service has conducted extensive research on the impacts of HDD on wild and scenic rivers. They published a handbook last year that included language favoring HDD as a preferred method to cross rivers with infrastructure rather than ditching straight through them. Mr. Akers mentioned that he sent this language to the Commission as a possible example for why it could be supported and how it could be monitored.

Mr. Akers expressed his surprise regarding NJDEP's proposed revisions of the Water Supply Master Plan. He said that he hoped regional planning was more included in the Water Supply Master Plan this time around. His understanding is that the DEP was working to incorporate regional planning considerations into a new plan due out in late 2022 or early 2023, and Mr. Akers said he hopes the Commission is included in the deliberation process.

Rhyan Grech of the Pinelands Preservation Alliance (PPA) commented on the testing of new technology during the meeting, saying it went well from the public's perspective. She said she had some issues hearing Director Grogan at certain points and mentioned that Commissioner attendance was never taken. Members of the public cannot see which Commissioners are present unless one is speaking.

Ms. Grech thanked the Commission for the thoughtful discussion about the CMP amendments, and encouraged the Commission not to wait on DEP, BPU, and other state agencies to move forward on climate policy. She thinks this is an opportunity for the Commission to distinguish itself amongst peer agencies and exercise its responsibility over the Pinelands National Reserve to demonstrate leadership and capability.

Ms. Grech continued that the PPA supports the Black Run headwaters project and expressed belief that the Township and the landowner all wish to see that area protected.

Ms. Grech commented on the gap rule process. She encouraged the Commission to replace the municipal planning board step with its own hearing process that allows expert testimony and public comment.

Ms. Grech further commented on HDD amendments. She states that a DEP Science Advisory Board report recommends that HDD be regulated based on high frequency of inadvertent returns in the Pinelands National Reserve and overall. She said CMP amendments could rectify the problem with HDD inadvertent returns on the Southern New Jersey Reliability pipeline. She said the report makes recommendations on using HDD in sandy soils and recommends specific construction and pre-construction planning.

Chair Matos closed public comment at 11:13 am.

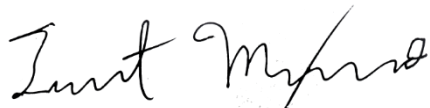
Commissioner Irick asked that the NJDEP Science Advisory Board report be distributed to the Committee. Director Grogan indicated that the report or a link to the report would be distributed.

Commissioner Lohbauer commented that he wished to recognize DEP Assistant Commissioner Cecil, and DEP staff member, Robin Madden, for their work on forestry and off-road vehicle damage. He expressed gratitude for being included in a recent meeting to discuss the topic. He further noted that the DEP has an initiative to plant Atlantic white cedar in the Pinelands. He indicated that photographer, Al Horner, recommends and that he supports the restoration of the One Quarter Mile site by planting Atlantic white cedar.

Chair Matos requested a motion to end the meeting. A motion was made by Commissioner Lohbauer and moved and seconded by Commissioner Avery.

The meeting was adjourned at 11:18 am.

Certified as true and correct:



Trent Maxwell, Assistant Technical Planner

Date: May 13, 2022