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Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

January 27, 2016

Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625

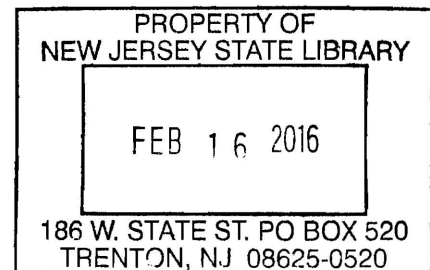
Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for December 11, 2015 for your information.

Sincerely,

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes



PC2-91

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

December 11, 2015

Commissioners Present

Alan W. Avery Jr., Bob Barr, Bill Brown, Sean Earlen, Paul E. Galletta, Ed Lloyd, Ed McGlinchey, Richard Prickett, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Candace Ashmun, Joe DiBello, Jane Jannarone, D'Arcy Rohan Green and Gary Quinn

Chairman Lohbauer called the meeting to order at 9:37 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

PC2-92

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the November 13, 2015 Commission meeting. Commissioner Earlen moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The open and closed session minutes of the November 13, 2015 Commission meeting were adopted by a vote of 9 to 0. Commissioner Lloyd was not present for the vote.

Committee Chairs' Reports

Personnel and Budget Committee

Commissioner Avery provided an update on the November 17, 2015 Personnel and Budget Committee meeting:

The Committee recommended adoption of the minutes from the June 2, 2015 meeting because a quorum of the Committee was not present at the prior P&B meeting. The Committee also recommended adoption of the minutes from the June 30, 2015 meeting.

Paul Leakan and Dawn Rago provided an update on the RFP for the Visitors Center. Copies of the schedule for the RFP were provided to the Personnel and Budget Committee for review.

Nancy Wittenberg and Jessica Lynch reviewed the check registers, electronic disbursements and application fees covering June through October. Michelle Russell provided an update on employee actions. She also reviewed the new dental plans that are being recommended to be offered to employees instead of the current plans. The Committee members recommended Commission approval of the resolution to authorize the Executive Director to change contributory dental plans for employees.

There was no public comment. The Committee met in Closed Session.

Commissioner Avery noted that Commissioner Witt raised issues about the Audit Committee members.

Commissioner Witt recommended discussing the re-organization of the Audit Committee.

Commissioner Avery said that once the Personnel and Budget Committee discusses the matter, a recommendation will be brought to the full Commission.

Chairman Lohbauer said the Audit Committee met at the end of November.

Employee Recognition

Chairman Lohbauer introduced Brad Lanute, who was recently hired as the Commission's Resource Planner.

PC2-93

Chairman Lohbauer acknowledged Rob Wilson's 10 years of service at the Commission and presented him with a plaque.

Executive Director's Reports

Chairman Lohbauer said that Senator Raymond Lesniak sent an email requesting that the Commission provide comment on Senate Bill 2125. Chairman Lohbauer requested Ms. Wittenberg update the Commission on the latest action with Senate Bill 2125.

Ms. Wittenberg provided an update on the Tuckahoe Turf Farm matter. She said that the Hammonton Zoning officer recently revoked the permit issued to Tuckahoe Turf because the terms of the approval were violated. She said earlier this week, staff learned that the Senate Bill 2125 was up for a vote this past Thursday and that the bill had been transferred from the Economic Growth Committee to the Community and Urban Affairs Committee. A letter was drafted and sent to Senator Lesniak prior to the Committee meeting reminding the Senator of the Pilot Program that staff initiated. Ms. Wittenberg noted that staff had not seen the new bill but were working to get a copy of the language. She said as soon as staff reviewed the legislation, a letter would be drafted and sent to both Houses of the Legislature.

Some Commissioners offered their objection to the large-scale soccer events that have occurred in Hammonton on Pinelands Development Credit (PDC) deed-restricted land.

Commissioner Avery said that he believes the biggest threat to the Pinelands is legislation such as S2125. Commissioners agreed that they are opposed to the proposed legislation and support staff as they contest the bill.

Ms. Wittenberg updated the Commission on the following:

- At a recent Commission meeting, Commissioner Lloyd said that the Commission should address climate change. Ms. Wittenberg reminded Commissioners that as part of Plan Review, multiple initiatives were outlined including climate change. She said the first three initiatives were identified as the following: Pinelands Development Credit Program enhancements, the Kirkwood-Cohansey study and the Medford-Evesham Black Run pilot program. Staff is currently working on these projects.
- Ms. Wittenberg pointed out that Rob Wilson, who was honored for his 10 years of service, is an invaluable member of the staff. While Rob is not often seen by the Commissioners his work on the Commission's permit application tracking system is essential to the Commission.

Mr. Larry Liggett updated the Commission on the following:

- Many municipalities faced a deadline to submit their affordable housing plans to the Courts this past week. He said the number of affordable units a municipality will be required to provide remains uncertain.

PC2-94

- The Commission's MIS office is working to create a database to help staff effectively track alternate design septic system monitoring and maintenance agreements.
- The Commission along, with the New Jersey Department of Environmental Protection and the US Geological Survey, may explore the effects of pharmaceuticals coming from wastewater treatment plants.
- The Commission has an existing Memorandum of Agreement (MOA) with Buena Borough Municipal Utilities Authority (BBMUA) that has been modified through the years for sewage plant upgrades. BBMUA would like to further expand the plant but a clause in the MOA will not permit that until they have reached at least 24 months of good results. He said they have only reached 22 months of good results.

Mr. Chuck Horner provided an update on multiple regulatory matters, including the following:

- A public hearing for the Stafford Township compelling public need waiver to construct a new stormwater management basin to alleviate flooding issues in Ocean Acres will be scheduled for the beginning of January.
- Commission staff issued a letter of no further review for a mixed use project in Barnegat. The development required the redemption of 9.0 PDC's.
- Staff issued a consistent Certificate of Filing for the New Jersey Natural Gas application on December 9, 2015. Mr. Horner added that the New Jersey Natural Gas application did not need to address the Comprehensive Management Plan's regulation of "primarily serves the needs of the pinelands" because natural gas mains are a permitted use in the proposed Management Areas. The Management Areas that the gas infrastructure will traverse are the Regional Growth Area, the Rural Development Area and the Federal and Military Installation Area.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval for the construction of 2,446 square foot storage building at the New Jersey Fish and Game Southern Regional office in Winslow Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1981-2403.003) (See Resolution # PC4-15-33). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner McGlinchey recused himself from the vote.

Chairman Lohbauer said the next resolution is for the establishment of a dog park in Evesham Township and improvements to an existing Turnpike Authority maintenance facility in Barnegat Township.

PC2-95

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1986-0433.008 & 1997-0257.010) (See Resolution # PC4-15-34). Commissioner Avery seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. All were in favor.

Chairman Lohbauer said the next resolution is for the construction of a salt barn and associated municipal improvements in Upper Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1990-0188.005)(See Resolution # PC4-15-35). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Brown recused himself from the vote.

Public Comment on Agenda Items and Pending Public Development Applications

Bill Wolfe of Bordentown, NJ said he was disappointed to hear that the Commission issued a Certificate of Filing for the New Jersey Natural Gas application. He recommended the Commission further review the need for gas on the base and the authenticity of the application submitted by New Jersey Natural Gas.

Fred Akers, Great Egg Harbor Watershed Association, said in light of today's conversation regarding the S2125 legislation, the Commissioners should remember that the Pinelands is a Federal Reserve. Any changes to the Pinelands Protection Act require federal review.

Jeff Tittel of the Sierra Club, spoke out against the New Jersey Natural Gas application. He said there was no public hearing, no transparency and the pipeline is not for the Pinelands but for growth along the shore. He said he supports a moratorium on pipelines.

Emile Devito of the New Jersey Conservation Foundation said the Certificate of Filing for the New Jersey Natural Gas application should be rescinded. He said staff should request documentation that the gas will be going to the base.

Commissioner Avery asked if the Commission needed to take any further action on either the South Jersey Gas or New Jersey Natural Gas application now that both Certificates of Filing have been issued.

Ms. Wittenberg said that the Commission will review the final record from the Board of Public Utilities through the coordination process.

Commissioner Avery said he recalls the circulation of a letter from the Joint Base McGuire Dix Lakehurst expressing the need for the natural gas.

PC2-96

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Jackson Township Ordinance 25-15
- Monroe Township Ordinance O:35-2015

No members of the Commission had questions.

Other Resolutions

Commissioner Galletta moved the adoption of a resolution Setting Pinelands Commission Meeting Dates for 2016 (See Resolution # PC4-15-36). Commissioner Earlen seconded the motion.

After a quick discussion the June night meeting was changed to May.

The Commission adopted the resolution by a vote of 10 to 0. All were in favor.

Commissioner Prickett moved the adoption of a resolution To Accept the Fiscal Year 2014 Audit Report (See Resolution # PC4-15-37). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Galletta was not present for the vote.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Change Contributory Dental Plans for Pinelands Commission Employees (See Resolution # PC4-15-38). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Galletta was not present for the vote.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Ron Hutchinson of Northfield, NJ asked that Commissioners uphold the Comprehensive Management Plan. He said its time to end the use of fossil fuels.

Jeff Tittel of the Sierra Club said he attended the hearing for S2125. He said it was transferred out of the Economic Growth Committee by Senate President Sweeney to the Community and Urban Affairs Committee because it did not have enough votes. He said the effects of climate change and the negatives impacts of pipelines will harm the Pinelands. He said based on the contract there is no gas going to the base.

Chairman Lohbauer paused the comment portion of the meeting and asked Commissioner Lloyd if he wanted to provide his opinion on the recently moved Senate Bill 2125. He said Commissioners had an earlier discussion on this legislation.

PC2-97

Commissioner Lloyd said he thought the Commission was pursuing a pilot program that would allow the Commission, landowners and the other involved parties to find a resolution to this matter. He supports staff in communicating the Commission's concerns to the legislature.

Emile Devito of the New Jersey Conservation Foundation said he hopes that the Tuckahoe Turf matter and the proposed legislation get resolved. He said the soccer activities that are occurring are not low-intensity recreation but rather a commercial operation. He supports a moratorium on pipelines.

Georgina Shanley of CURE said the Commission should be doing more to address climate change.

Nathalie Neiss of Upper Township, NJ said that Upper Township could not provide her with a title for Block 350 Lot 12, the parcel on which Upper developed without applying to the Commission. She asked questions about road improvements in Upper Township.

Bill Wolfe of Bordentown, NJ said he could not find a distinction referenced in the Pinelands Protection Act between "private development" and "public development" processes. He said this was the basis of the two Certificates of Filing issued for South Jersey Gas and New Jersey Natural Gas. He said he has heard Governor Florio mention on two separate occasions that the Pinelands were created to block oil and gas lines from east to west. He said he conducted his own research and found Governor Florio's statements to be true. He said the posture back then was correct and today the Commission is headed in the wrong direction.

Ed Cohen of Mt. Laurel, NJ said he is in favor of renewable energy.

Doug O'Malley provided comments on the proposed pipelines, climate change and the Governor.

Lena Smith of Food and Water Watch provided a handout on fracking (see attached). She said Chesterfield Township passed a resolution opposing the New Jersey Natural Gas pipeline. She is in favor of a moratorium on pipelines.

Ann Kelly questioned the role of the Commissioners and staff with regard to decision making.

Peter Ferwerda said that a mining operation in Little Egg Harbor Township has caused water evaporation on the Cedar Bridge branch of the Wading River.

Dave Pringle of Clean Water Action spoke out against the proposed South Jersey Gas and New Jersey Natural Gas pipelines. He asked Commissioners to do a better job of protecting the Pinelands and do more about climate change.

PC2-98

Margo Pellegrino provided information about a water study conducted in the Medford Lakes area in the 1970s. She said New Jersey is experiencing climate change at a fast pace and all fossil fuel projects should be put hold.

George Hay of Somers Point, NJ spoke about general energy issues, including stranded costs and said he believes the New Jersey Natural Gas pipeline may be delivering gas to the Oyster Creek plant.

Adjournment

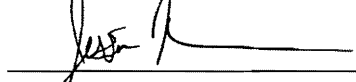
Vice Chairman Galletta wished everyone a Happy Holiday and a Happy New Year.

Commissioner Lloyd said stranded costs have cost New Jersey citizens one billion dollars from a number of energy projects that never came to fruition. He said he would like to see an investment in renewable energy rather than gas infrastructure.

Chairman Lohbauer said a press release about climate change was issued yesterday, and it was made to look as if it was issued by the Commission. He said that the Commission did not issue a press release and that it was a hoax. He said that he was quoted in the press release as saying things that he never said and he took great offense to it. He apologized to the public who thought the press release was true.

Commissioner Avery moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:06 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 18, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 33

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1981-2403.003)

Commissioner Galletta moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1981-2403.003

Applicant: NJ DEP Division of Fish & Wildlife
Municipality: Winslow Township
Management Area: Pinelands Forest Area
Date of Report: November 23, 2015
Proposed Development: Construction of a 2,446 square foot storage building.

WHEREAS, the development subject of this application occurred without application to, and approval by, the Commission and constitutes a violation of the Pinelands Comprehensive Management Plan; and

WHEREAS, the completion of this application is intended to address this violation; and

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1981-2403.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun			X	Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn			X
Barr	X			Jannarone			X	Rohan Green			X
Brown	X			Lloyd	X			Witt	X		
DiBello			X	McGlinchey	Recused			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2015

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



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General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 23, 2015

John Piccolo
NJ DEP Division of Fish & Wildlife
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Re: Application # 1981-2403.003
Block 6002, Lot 1
Winslow Township

Dear Mr. Piccolo:


The Commission staff has completed its review of this application for construction of a 2,446 square foot storage building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 11, 2015 meeting.

Development occurred on the lot without application to the Commission. Specifically, an approximate one acre forested area adjacent to an existing office building on the lot was cleared, five storage sheds were placed on the lot and two vehicle fueling areas, with above ground fuel tanks, were established on the lot. The applicant proposes to remove the five storage sheds and two vehicle fueling areas, with above ground fuel tanks fuel tanks, from the lot and revegetate the concerned one acre forested area with native Pinelands vegetation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,


Charles M. Horner, P.P.
Director of Regulatory Programs

- Enc: Appeal Procedure
- c: Secretary, Winslow Township Planning Board (via email)
- Winslow Township Construction Code Official (via email)
- Winslow Township Environmental Commission (via email)
- Secretary, Camden County Planning Board (via email)
- Teal Jefferis, P.E.





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Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

PUBLIC DEVELOPMENT APPLICATION REPORT

November 23, 2015

John Piccolo
NJ DEP Division of Fish & Wildlife
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Application No.: 1981-2403.003

Location: Block 6002, Lot 1
Winslow Township

This application proposes construction of a 2,446 square foot storage building on the above referenced 228.3 acre lot in Winslow Township. The New Jersey Fish and Game Southern Regional Office building is located on the lot.

Development occurred on the lot without application to the Commission. Specifically, an approximate one acre forested area adjacent to the existing office building on the lot was cleared, five storage sheds were placed on the lot and two vehicle fueling areas, with above ground fuel tanks, were established on the lot. The applicant proposes to remove the five storage sheds and two vehicle fueling areas, with above ground fuel tanks, from the lot and revegetate the concerned one acre forested area with native Pinelands vegetation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.23(b)15)

The proposed development is located in a Pinelands Forest Area. Institutional uses (public office buildings) are a permitted land use in a Pinelands Forest Area provided certain conditions are met. The Commission approved the now existing office building in 1989. That approval determined the existing office building was a permitted institutional land use in a Pinelands Forest Area. The proposed storage building is a permitted land use as accessory to the existing office building.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within a maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. The applicant will be expanding an existing stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced lot was completed on February 6, 2015. Newspaper public notice was completed on February 7, 2015. The application was designated as complete on the Commission's website on October 29, 2015. The Commission's public comment period closed on November 13, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Jefferis Engineering Associates, LLC and dated as follows:

Sheets 1, 2, 5 & 6 - March 7, 2014; revised to September 3, 2015
Sheet 3 - March 7, 2014; revised to October 26, 2015
Sheets 4, 7 & 8 - March 7, 2014; revised to March 31, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The five sheds and two fuel tanks shall be removed from the lot by May 31, 2016 and the concerned one acre forested area shall be revegetated as depicted on the above referenced plan by May 31, 2016.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 54

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1986-0433.008 & 1997-0257.010)

Commissioner Barr moves and Commissioner Avery seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

1986-0433.008

Applicant: Evesham Township
Municipality: Evesham Township
Management Areas: Pinelands Regional Growth Area
 Pinelands Rural Development Area
Date of Report: November 23, 2015
Proposed Development: Establishment of a recreational dog park use; and

1997-0257.010

Applicant: NJ Turnpike Authority
Municipality: Barnegat Township
Management Area: Pinelands Garden State Parkway Overlay District
Date of Report: November 23, 2015
Proposed Development: Improvements to the existing New Jersey Turnpike Authority Ocean Maintenance Facility.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1986-0433.008 & 1997-0257.010 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS				
Ashmun			X	Earlen	X			Prickett	X			
Avery	X			Galletta	X			Quinn			X	
Barr	X			Jannarone			X	Rohan Green			X	
Brown	X			Lloyd	X			Witt	X			
DiBello			X	McGlinchey	X			Lohbauer	X			

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Date: December 11, 2015
Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 23, 2015

Nancy Jamanow, PE & PP
Director of Community Development
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Re: Application # 1986-0433.008
Block 45, Lot 1
Evesham Township

Dear Ms. Jamanow:

The Commission staff has completed its review of this application for the establishment of a recreational dog park use on the above referenced lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 11, 2015 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)





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PUBLIC DEVELOPMENT APPLICATION REPORT

November 23, 2015

Nancy Jamanow, PE & PP
Director of Community Development
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Application No.: 1986-0433.008

Location: Block 45, Lot 1
Evesham Township

This application proposes the establishment of a recreational dog park use on the above referenced 20.91 acre lot in Evesham Township. The Evesham Township Municipal Complex is located on the lot. The only proposed development associated with establishment of the recreational dog park use is the installation of 2,135 linear feet of fencing surrounding an existing maintained lawn area.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The lot is located partially in a Pinelands Regional Growth Area (13.1 acres) and partially in a Pinelands Rural Development Area (7.81 acres). The proposed development will be located entirely within the Pinelands Regional Growth Area portion of the lot. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.7)

On April 12, 1996, the Commission approved the development of the Evesham Municipal Township Complex on the above referenced lot (App. No. 1986-0433.004). The development associated with the Municipal Complex was required to maintain a 175 foot buffer to wetlands. The proposed recreational dog park will be located in an existing maintained lawn area within the previously required 175 foot buffer to wetlands. The CMP (N.J.A.C. 7:50-6.11) permits low intensity recreational uses within

wetlands buffers provided that any development associated with the use will not have a significant adverse impact on wetlands. The only development associated with the proposed establishment of the recreational dog park use is 2,135 linear feet of fencing. The applicant has demonstrated that the installation of fencing to establish the proposed dog park use on an existing maintained lawn area will not result in a significant adverse impact on the wetland.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within a maintained grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Based upon the size and location of the proposed development, this application does not propose revegetation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The proposed recreational dog park use does not involve grading, clearing or disturbance in excess of 5,000 square feet. In accordance with the CMP, the proposed establishment of the recreational dog park does not require stormwater management.

An existing stormwater infiltration basin on the lot, subject of the Commission's April 12, 1996 approval of the Evesham Township Municipal Complex, is not functioning. To complete the application for the currently proposed recreational dog park use, the applicant is required to address remediation of the nonfunctioning existing stormwater infiltration basin. The applicant has determined that the existing stormwater infiltration basin cannot be remediated to function due to the elevation of the seasonal high water table.

The CMP (N.J.A.C. 7:50-6.84(a)6vi(4)) provides that if an applicant is able to demonstrate that the CMP stormwater standards (N.J.A.C. 7:50-6.84(a)6i through 6v) cannot be met on a parcel proposed for development or that stormwater management would more effectively be achieved through alternative measures, the Commission may grant an exception to the CMP stormwater management standards. To grant such an exception, the Commission must find that the applicant proposes alternative stormwater management measures within the Pinelands Area and within the same drainage area and that the proposed stormwater management measures are sufficient to offset the granting of the exception.

To address the existing stormwater infiltration basin, the applicant proposes to construct a stormwater basin at the Indian Springs Golf Course (Block 29, Lots 3 and 3.01) in Evesham Township by June 30, 2016. The existing golf course is located approximately 2,300 feet west of the Township Municipal Complex. The existing golf course is located in the Pinelands National Reserve, immediately adjacent to, but outside of the Pinelands Area. The golf course is located in the same drainage area as the Municipal Complex. Stormwater runoff from the golf course drains into the Pinelands Area.

The proposed stormwater management infiltration basin will be designed to retain and infiltrate an equivalent volume of stormwater runoff (73,600 cubic feet) as the design volume required for the development of the Evesham Township Municipal Complex. The proposed alternative stormwater management measures are sufficient to offset the granting of the stormwater management exception.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 8, 2015. The Commission’s public comment period closed on November 13, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the sketch submitted to the Pinelands Commission on February 27, 2015 titled "Municipal Building Complex," sheet SP-2.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. This application is for the establishment of the proposed recreational dog park use and installation of the fencing only. No additional structures or development associated with the proposed recreational dog park use shall be placed or constructed on the lot unless an application is submitted to, and approved by, the Commission.
7. The applicant shall submit a proposed stormwater management design for the Indian Springs Golf Course for Commission staff review and comment by February 1, 2016. Upon Commission staff agreement in writing with the proposed design, the applicant shall construct the stormwater management measures by June 30, 2016.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 23, 2015

Robert Fischer, PE
NJ Turnpike Authority
581 Main St
Woodbridge, NJ 07095

Re: Application # 1997-0257.010
Garden State Parkway
Ocean Maintenance Facility
Barnegat Township

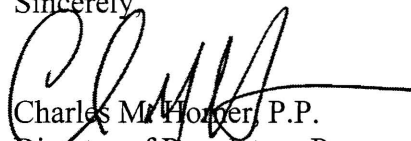
Dear Mr. Fischer:

The Commission staff has completed its review of this application for proposed improvements to the existing New Jersey Turnpike Authority Ocean Maintenance Facility. Specifically, this application proposes the demolition of an existing salt storage shed and a multi-use building, both 50 years old or older, and the reconstruction of those two buildings. In addition, this application proposes a 4,800 square foot storage building and a 173 stall parking lot. All proposed improvements are located within the Garden State Parkway right-of-way. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 11, 2015 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely


Charles M. Hopper, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Barnegat Township Planning Board (via email)
Barnegat Township Construction Code Official (via email)
Barnegat Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
James J. Brazel (via email)





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Executive Director

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Application Specific Information: AppInfo@njpines.state.nj.us

**PUBLIC DEVELOPMENT APPLICATION REPORT
AND CERTIFICATE OF APPROPRIATENESS**

November 23, 2015

Robert Fischer, PE
NJ Turnpike Authority
581 Main St
Woodbridge, NJ 07095

Application No.: 1997-0257.010

Location: Garden State Parkway
Ocean Maintenance Facility
Barnegat Township

This application proposes improvements to the existing New Jersey Turnpike Authority Ocean Maintenance Facility. Specifically, this application proposes the demolition of an existing salt storage shed and a multi-use building, both 50 years old or older, and the reconstruction of those two buildings. In addition, this application proposes a 4,800 square foot storage building and a 173 stall parking lot. All proposed improvements are located within the Garden State Parkway right-of-way.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.35)

The proposed development is located in the CMP designated Parkway Overlay District and underlain by a Pineland Regional Growth Management Area. The proposed development is a permitted land use in the Parkway Overlay District.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within maintained grassed, graveled, paved and forested areas. The proposed development will disturb approximately two acres of forested lands. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Garden State Parkway is eligible for listing on the National Register of Historic Places. After reviewing the cultural resource survey submitted for this application, the Commission staff, in cooperation with State Historic Preservation Office (SHPO), identified the existing multi-use building, proposed for demolition and reconstruction, as a significant historic resource eligible for listing on the National Register of Historic Places as a contributing resource to the Garden State Parkway Historic District. An existing sign shop building located within the maintenance yard will remain. The submitted cultural resource survey also identified the existing sign shop building as a significant historic resource eligible for listing on the National Register of Historic Places as a contributing resource to the Garden State Parkway Historic District. The Commission staff has concluded that the two buildings are eligible for Pinelands Designation in accordance with the provisions of the CMP (N.J.A.C. 7:50-6.154).

The CMP (N.J.A.C. 7:50-6.156), requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resources from among three alternatives:

- preservation of the resource in place, if possible;
- preservation of the resource at another location, if preservation in place is not possible; or
- recordation.

Based upon the outmoded design of the existing multi-use building, the Commission staff in cooperation with State Historic Preservation Office (SHPO), determined that recordation is the appropriate treatment for the multi-use building. The Commission staff determined that preservation in place is the appropriate treatment for sign shop building. This Certificate of Appropriateness requires recordation of the multi-use building and preservation in place of the sign shop building, both in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). As required by the CMP (N.J.A.C. 7:50-6.156(c)3.), the proposed treatments must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Prior to demolition, the multi-use building must be recorded. The design of the exterior of the proposed reconstructed multi-use building must also conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on June 9, 2015. Notice to required land owners within 200 feet of the above referenced development was completed on September 23, 2015. The application was designated as complete on the Commission's website on November 2, 2015. The Commission's public comment period closed on November 13,

2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 41 sheets, prepared by The RBA Group and dated as follows:

Sheets 1-5, 9-11, 14-16 19, 22-29, 33-35 - June 2015
Sheets 6, 12-13, 17-18, 20-21 - September 2015
Sheets 7-8 - October 27, 2015
Sheets 30-32 - February 2015
Sheets 36-41 - April 2009
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to demolition of the multi-use building, a copy of the recordation report shall be provided to the Commission staff. The design of the exterior of the proposed multi-use building must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Prior to its development, the design of the exterior of the multi-use building must be approved by SHPO.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Nancy Wittenberg
Executive Director

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Application Specific Information: AppInfo@njpines.state.nj.us

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1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 35

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1990-0188.005)

Commissioner Avery moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1990-0188.005

Applicant:

Upper Township

Municipality:

Upper Township

Management Area:

Pinelands Village

Date of Report:

November 23, 2015

Proposed Development:

Construction of a 3,312 square foot municipal salt barn, a 1,657 square foot vehicle wash building and a 1,424 square foot addition to an existing municipal garage.

WHEREAS, the development subject of this application occurred without application to, and approval by, the Commission and constitutes a violation of the Pinelands Comprehensive Management Plan; and

WHEREAS, the completion of this application is intended to address this violation; and

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0188.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun			X	Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn			X
Barr	X			Jannarone			X	Rohan Green			X
Brown	Recused			Lloyd	X			Witt	X		
DiBello			X	McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2015

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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Mark S. Lohbauer
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Nancy Wittenberg
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Application Specific Information: AppInfo@njpines.state.nj.us

November 23, 2015

Richard Palombo, Mayor
Upper Township
P.O. Box 205
Tuckahoe, NJ 08250

Re: Application # 1990-0188.005
Block 350, Lot 12
Block 353, Lots 1 - 32
Upper Township

Dear Mayor Palombo:

The Commission staff has completed its review of this application for construction of a 3,312 square foot municipal salt barn, a 1,657 square foot vehicle wash building and a 1,424 square foot addition to an existing municipal garage. This application also proposes two stormwater infiltration basins. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 11, 2015 meeting.

The three buildings were developed prior to completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure



11/13/15 Public Comment Letter

11/13/15 Public Comment Letter

c: Secretary, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Cape May County Health Department (via email)
Paul Dietrich
Theresa Lettman
William Wolfe
Mark Demitroff
Jeff Tittel



Chris Christie
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Mark S. Lohbauer
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Executive Director

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

PUBLIC DEVELOPMENT APPLICATION REPORT

November 23, 2015

Richard Palombo, Mayor
Upper Township
P.O. Box 205
Tuckahoe, NJ 08250

Application No.: 1990-0188.005

Location: Block 350, Lot 12
Block 353, Lots 1 - 32
Upper Township

This application proposes construction of a 3,312 square foot municipal salt barn, a 1,657 square foot vehicle wash building and a 1,424 square foot addition to an existing municipal garage on the above referenced 7.94 acre parcel in Upper Township. This application also proposes two stormwater management basins. There is an existing Upper Township Public Works facility located on the parcel, including six buildings and two baseball fields.

The three buildings subject of this application were developed prior to completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address that violation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

The parcel is located in the Pinelands Village of Tuckahoe. The proposed development is a permitted land use in a Pinelands Village.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located within 300 feet of the above referenced parcel. All proposed development was located at least 300 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development was constructed within existing developed, grassed and wooded areas. The proposed development resulted in the disturbance of 0.66 acres of forest. The proposed clearing and soil disturbance is limited to that which was necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to use grass species that meet this recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development and the existing municipal public works facility are serviced by an existing onsite septic system(s). The applicant has demonstrated that the existing and proposed development will be consistent with the groundwater quality (septic dilution) standard of the Upper Township land use ordinance and the CMP.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, this application proposes to construct two stormwater infiltration basins.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on September 24, 2015. Newspaper public notice was completed on September 28, 2015. The application was designated as complete on the Commission's website on October 27, 2015. The Commission's public comment period closed on November 13, 2015. The Commission received six public comments, four verbal and two written (copies enclosed), regarding this application.

Verbal Comments from Commenters One, Two, Three & Four:

These four commenters expressed concerns that the Township had undertaken development in the Pinelands prior to obtaining Commission approval. The commenters recommended that the Commission penalize municipalities that undertake development prior to obtaining Commission approval, require mitigation for development that occurs prior to Commission approval and amend the CMP to provide the Commission with direct enforcement authority.

Staff Response to Verbal Public Comments One, Two, Three & Four:

The staff appreciates the concern of the four commenters. The staff agrees that public development sometimes occurs in the Pinelands Area prior to public agencies obtaining Commission approval. It is important to note that most public agencies do, in fact, obtain approval from the Commission prior to undertaking development. The existing regulations contained in the CMP do not allow the

Commission to penalize municipalities or require mitigation for development undertaken without Commission approval. If a public agency undertakes development without Commission approval, the Commission staff requires completion of an after the fact application and ensures that the development meets all CMP standards. The staff also agrees that the absence of direct Commission enforcement authority sometimes presents a challenge to addressing development that occurs prior to Commission approval.

Written Comments from Commenters Five & Six:

These two commenters both expressed a concern that the municipality was diverting public open space for the municipal facilities proposed in this application. The commenters requested that the Commission suspend any action on this application until the New Jersey Green Acres Program determined whether the above referenced parcel is included on the Green Acres Recreational and Open Space Inventory (ROSI) inventory and, as such, the parcel is not available for the proposed municipal facilities.

Staff Response to Written Public Comments Five & Six:

On August 31, 2015, the Commission staff received a copy of an April 16, 2014 email from the NJDEP Green Acres Program to the Upper Township Engineer indicating that the parcel subject of the Township's current application was not encumbered by Green Acres restrictions. On November 12, 2015, the New Jersey Green Acres Program issued a letter to Upper Township affirming that Block 350, Lot 12 is not a Green Acres encumbered parcel.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Paul Dietrich, Sr., dated July 7, 2015 and revised to September 28, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 36

TITLE: Setting Pinelands Commission Meeting Dates for 2016

Commissioner Galletta moves and Commissioner Earlen seconds the motion that:

WHEREAS, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10th of each year; and

WHEREAS, the Pinelands Commission will use the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

WHEREAS, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

WHEREAS, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission shall conduct its meetings on the following dates in 2016 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- | | |
|---------------------------------------|---------------------------------------|
| Friday, January 15, 2016 (9:30 a.m.) | Friday, July 8, 2016 (9:30 a.m.) |
| Friday, February 12, 2016 (9:30 a.m.) | Friday, August 12, 2016 (9:30 a.m.) |
| Friday, March 11, 2016 (9:30 a.m.) | Friday, September 9, 2016 (9:30 a.m.) |
| Friday, April 8, 2016 (9:30 a.m.) | Friday, October 14, 2016 (9:30 a.m.) |
| Thursday, May 12, 2016 (6:00 p.m.) | Friday, November 4, 2016 (9:30 a.m.) |
| Friday, June 10, 2016 (9:30 a.m.) | Friday, December 9, 2016 (9:30 a.m.) |

BE IT FURTHER RESOLVED that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and to post the annual schedule on the Commission's web page (www.nj.gov/pinelands).

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun			X	Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn			X
Barr	X			Jannarone		X		Rohan Green			X
Brown	X			Lloyd	X			Witt	X		
DiBello		X		McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: December 11, 2015

 Mark S. Lohbauer
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 57

TITLE: To Accept the Fiscal Year 2014 Audit Report

Commissioner Prickett moves and Commissioner Barr seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2014 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the Fiscal Year 2014 Audit Report contains two findings for the Commission to address. This includes strengthening the internal controls by ensuring the Annual Financial Statements are audit ready and preparing an update to the existing Management Information Systems (MIS) disaster recovery plan; and

WHEREAS, to address the internal controls finding the FY2016 Budget includes an allocation for a new integrated system that will be comprised of budget, accounting and financial reporting modules. To address the disaster recovery plan the MIS department has been tasked with updating and testing the existing disaster recovery plan by December 31, 2015; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby accepts the attached Audit Report for Fiscal Year 2014 and directs that it be included as a publication available through the Pinelands Commission's website.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS				
Ashmun			X	Earlen	X			Prickett	X			
Avery	X			Galletta		X		Quinn			X	
Barr	X			Jannarone			X	Rohan Green			X	
Brown	X			Lloyd	X			Witt	X			
DiBello			X	McGlinchey	X			Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2014

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 30

TITLE: To Authorize the Executive Director to Change Contributory Dental Plans for Pinelands Commission Employees

Commissioner Avery moves and Commissioner Rickett seconds the motion that:

- WHEREAS**, the Pinelands Commission currently offers two types of contributory dental plans for Pinelands Commission employees through Horizon;
- WHEREAS**, employees of the Pinelands Commission who elect to have dental insurance contribute 50% of the monthly premium; and
- WHEREAS**, Pinelands Commission staff have expressed displeasure with the current dental plans; and
- WHEREAS**, a committee comprised of Pinelands Commission staff carefully evaluated several other dental plans; and
- WHEREAS**, this evaluation was conducted in a manner consistent with applicable purchasing requirements; and
- WHEREAS**, the Human Resources Office and the staff committee recommended joining the dental plans offered through the State Health Benefits Program of the New Jersey Division of Pensions and Benefits; and
- WHEREAS**, the representing union, the Communications Workers of America (CWA), approved the new dental plans; and
- WHEREAS**, a summary of the plans is attached hereto; and
- WHEREAS**, the Executive Director concurred with the recommendation of the staff committee and reviewed the proposal with the Personnel and Budget Committee on April 28, 2015 and November 17, 2015; and
- WHEREAS**, the Personnel and Budget Committee recommends offering the State Health Benefits Program dental plans to employees and their dependents with voluntary participation and with half of the premium paid through payroll deduction; and
- WHEREAS**, the State Health Benefits Program of the New Jersey Division of Pensions and Benefits requires a resolution to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for SHBP Dental Plans coverage to provide the dental plans to employees; and
- WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; and
- WHEREAS**, the Pinelands Commission authorizes the Executive Director to execute the attached Resolution of the State Health Benefits Program of the New Jersey Division of Pensions and Benefits; and
- WHEREAS**, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Executive Director is authorized to contract with the Division of Pensions and Benefits in the State of New Jersey for a voluntary, partially employee paid dental plan for Pinelands Commission employees per the CWA agreement.

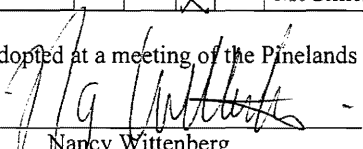
BE IT FURTHER RESOLVED that the Executive Director is authorized to withhold the requisite premiums from employee salaries and remit those amounts to the Division of Pensions and Benefits even though that amount may exceed the threshold stipulated in N.J.S.A. 52:25-23 in any given fiscal year.

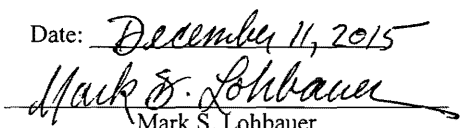
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun			X	Earlen	X			Prickett	X		
Avery	X			Galletta		X		Quinn			X
Barr	X			Jannarone		X		Rohan Green			X
Brown	X			Lloyd	X			Witt	X		
DiBello			X	McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2015


Nancy Wittenberg
Executive Director


Mark S. Lohbauer
Chairman

Fact Sheet #37

HD-0113-1114

A PUBLICATION OF THE NEW JERSEY DIVISION OF PENSIONS AND BENEFITS

PLAN COMPARISON — The following chart provides a summary description of a variety of dental services under the two types of dental plans offered by the Employee Dental Plans. The chart is not complete and does not describe all the benefits, limitations, or conditions associated with coverage under either type of plan. Please refer to the *Employee Dental Plans Member Handbook* for additional details.

	Dental Expense Plan		Dental Plan Organization (DPO)
	In-Network	Out-of-Network	
Deductible	\$50 per person per calendar year / \$100 per family None for diagnostic/preventative and orthodontic services	\$75 per person per calendar year / \$150 per family None for diagnostic/preventative and orthodontic services	None
Coinsurance	Plan pays: 100% Diagnostic and Preventative 80% Basic Restorative 65% Major Restorative 50% Periodontics, Prosthodontics ¹	Plan pays: 90% Diagnostic and Preventative 70% Basic Restorative 55% Major Restorative 40% Periodontics, Prosthodontics ¹	Plan pays 100% (less copayment) 100% Diagnostic and Preventative
Copayments	None	None	Varies depending on service
Benefits Maximum	\$3,000 (Maximum of \$3,000 combined in and out-of-network) per member annually (excluding orthodontics) \$1,000 (lifetime) per child for orthodontics	\$2,000 (Maximum of \$3,000 combined in and out-of-network) per member annually (excluding orthodontics) \$750 (lifetime) per child for orthodontics	Unlimited
Provider Limitations	Must use participating dentist	Any licensed dentist	Must use DPO participating dentist
Selected Services	Some services listed below may be covered subject to deductibles and coinsurance as shown above	Some services listed below may be covered subject to deductibles and coinsurance as shown above	Services listed below are covered in full subject to copayments as shown below
Examinations	Oral evaluations limited to twice per calendar year Plan pays 100%	Oral evaluations limited to twice per calendar year Plan pays 90%	Oral evaluations limited to twice per calendar year Plan pays 100%
X-rays	Covered subject to limitations Plan pays 100%	Covered subject to limitations Plan pays 90%	Covered subject to limitations Plan pays 100%
Cleanings (Oral prophylaxis)	Two cleanings per calendar year Plan pays 100%	Two cleanings per calendar year Plan pays 90%	Two cleanings per calendar year Plan pays 100%
Fluoride applications	Covered only for children under age 19 Twice per calendar year Plan pays 100% ¹	Covered only for children under age 19 Twice per calendar year Plan pays 90%	Covered only for children under age 19 Twice per calendar year Plan pays 100% ¹

¹ In the Dental Expense Plan, you are responsible for the amount the dentist charges above the reasonable and customary allowances.

A PUBLICATION OF THE NEW JERSEY DIVISION OF PENSIONS AND BENEFITS

	Dental Expense Plan		Dental Plan Organization (DPO)
	In-Network	Out-of-Network	
Tooth sealants	Covered for children under age 19 (with restrictions) Plan pays 100% ¹	Covered for children under age 19 (with restrictions) Plan pays 90%	Covered only for children under age 19 No copayment (limitations apply)
Routine fillings	Plan pays 80% ¹	Plan pays 70% ¹	Covered Copayments may apply ²
Simple extraction	Plan pays 80% ¹	Plan pays 70% ¹	Covered after copayment of \$20
Crowns	Plan pays 65% ¹	Plan pays 55% ¹	Covered after copayment of \$150-\$225 ²
Root Canal (Endodontics)	Plan pays 80% ¹	Plan pays 70% ¹	Endodontic Therapy covered after copayment of \$100-\$175
Dentures	Repair of existing dentures covered at 80% ¹ New or replacement dentures covered at 50%	Repair of existing dentures covered at 70% ¹ New or replacement dentures covered at 40%	Covered after copayment (with limitations) ²
Oral surgery for removal of impacted tooth	Plan pays 80% ¹ Considered under the medical plan first then dental will consider	Plan pays 70% ¹ May be covered under the medical plan first then dental will consider	Covered under copayment of \$65
Periodontics	Plan pays 50% (with limitations)	Plan pays 40% (with limitations)	Covered after copayment of: \$30 for gingivectomy (one to three teeth) \$55 for root planning (per quadrant) \$100-\$175 for osseous surgery
Orthodontic	After you have been employed for 10 months, eligible services covered at a 50% coinsurance level, up to a \$1,000 lifetime maximum per child Covered only for those who start treatment before age 19 (See the <i>Employee Dental Plans Member Handbook</i> for specifics)	After you have been employed for 10 months, eligible services covered at a 40% coinsurance level, up to a \$750 lifetime maximum (maximum of \$1,000 combined in and out-of-network) per child Covered only for those who start treatment before age 19 (See the <i>Employee Dental Plans Member Handbook</i> for specifics)	Maximum treatment is 24 months Copayment as follows: Patient under age 18: After copayment of \$1,000 or 50% of bill whichever is less Patient age 18 or over: After copayment of \$1,750 or 50% of bill whichever is less

¹ In the Dental Expense Plan, you are responsible for the amount the dentist charges above the reasonable and customary allowances.

² See the Employee Dental Plans Member Handbook for DPO copayment amounts.

HB-0720-0904

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
NEW JERSEY STATE HEALTH BENEFITS PROGRAM
PO Box 299 Trenton, New Jersey 08625-0299

RESOLUTION

A RESOLUTION to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for SHBP Dental Plan coverage.

BE IT RESOLVED:

1. The _____
Name of Employer
a participating employer in the State Health Benefits Program, hereby elects to participate in the SHBP Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
3. As the employer I understand that the employer is responsible for at least 50% of the dental premium.
4. We hereby appoint the _____ to act as
Certifying Officer in the administration of this plan. Title
5. This resolution shall take effect immediately and coverage shall be effective as of _____
or as soon thereafter as it may be effectuated pursuant to the statutes and regulations. Date

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the

Corporate Name of Employer
on the _____ day of _____, 20_____.

Signature

Official Title

Number of Employees

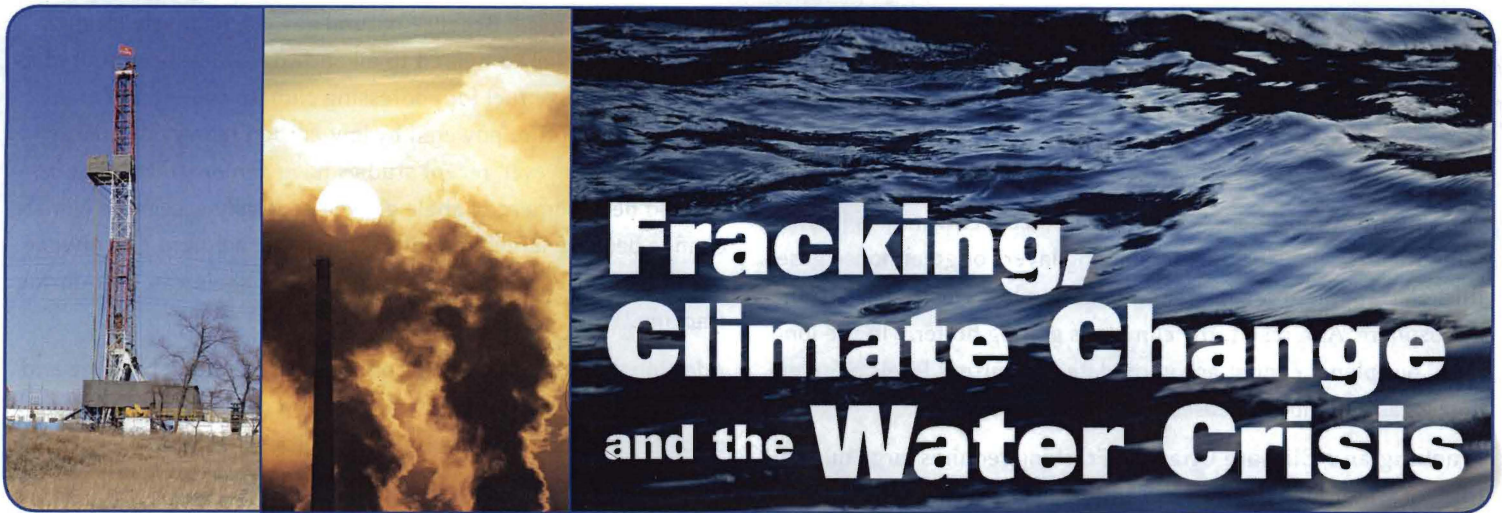
Street Address

City State ZIP Code

Area Code Telephone

Present Dental Plan Carrier

Employer's State Social Security Identification Number



Fracking, Climate Change and the Water Crisis

Issue Brief • September 2012

Despite the alarming water crisis the world is facing, private interests are polluting, exploiting and selling water — a resource essential for all life. A 2009 publication, sponsored by the World Bank’s International Finance Corporation and several for-profit multinational companies, predicted that by 2030 global freshwater demand would exceed available supplies by 40 percent.¹ In addition to the increasing pollution and overuse of the available freshwater supply, climate change will exacerbate water shortages worldwide. In fact, a UN-Water report said, “...climate change is expected to account for about 20 percent of the global increase in water scarcity.”²

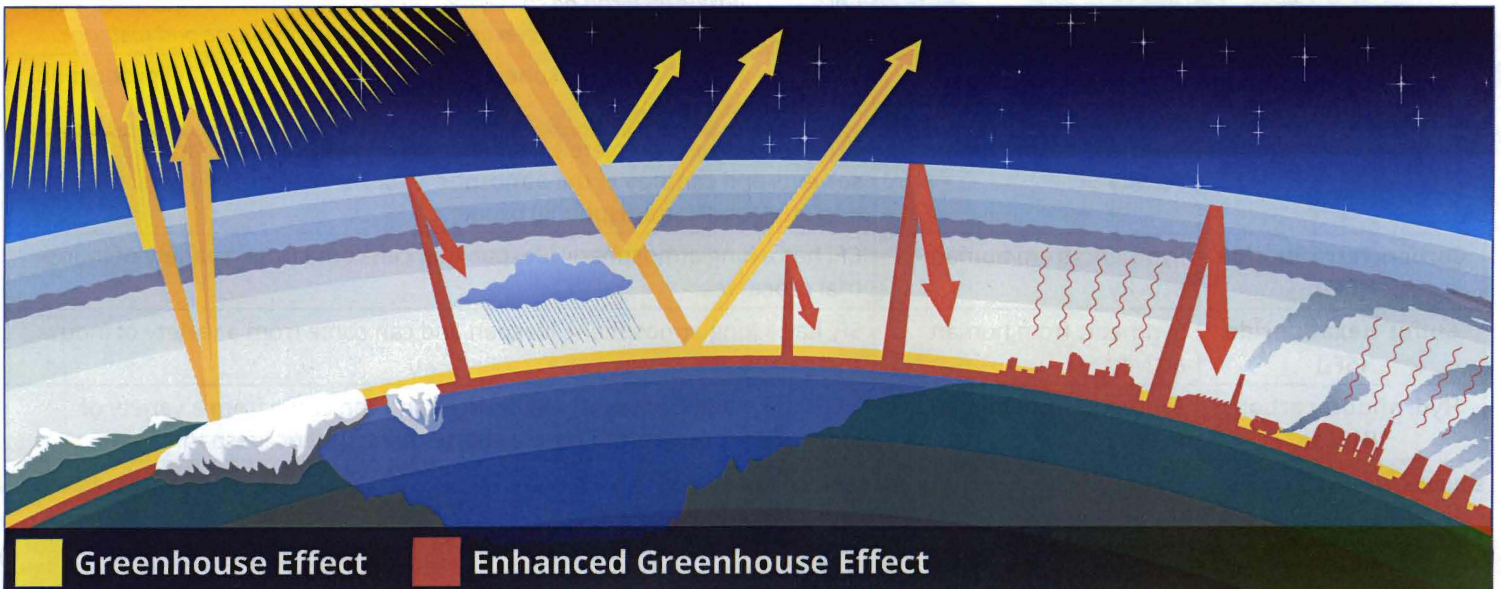
Yet the oil and gas industry continues to contribute to climate change and the water crisis by drilling and fracking for fossil fuels and siphoning off the water in our aquifers and watersheds. Water resources need to be protected, and the public’s best interest should be put before the interests of multinational corporations.

Fracking’s Climate Impact

Fossil fuel emissions are the leading source of climate-altering greenhouse gases from human activity.³ Hydraulic fracturing,

or “fracking,” is a process that the oil and gas industry uses to extract natural gas and oil from shale rock formations buried deep within the Earth.⁴ On a global scale, drilling and fracking result in significant greenhouse gas emissions,⁵ which threaten the climate on which we depend.⁶

Climate Change and Human Activity: Many greenhouse gases exist naturally in our atmosphere and are crucial for keeping the planet habitable. At these natural levels, greenhouse gases trap and absorb some energy from solar radiation within the atmo-



sphere and emit the rest back to space.⁷ This process, called the greenhouse effect, keeps our planet warm;⁸ without it, the Earth would freeze.⁹

However, since the time of the Industrial Revolution, human activity has increased the amount and type of greenhouse gases entering the atmosphere.¹⁰ The increased concentration is intensifying the greenhouse effect by making layers of greenhouse gases thicker, trapping more heat, and releasing less energy back to the atmosphere. As a result, the climate is getting hotter.¹¹ In the long term, our planet cannot accommodate the current levels of greenhouse gas emissions released from human activity.¹²

Fracking and Climate Change: Fracking requires large quantities of water mixed with sand and toxic chemicals, which are injected underground at high pressure to crack dense rock and

release oil and gas.¹³ Because natural gas is a relatively clean-burning fossil fuel compared to oil and coal, it has been touted as a potential bridge fuel for addressing climate change and transitioning to a future powered by low-carbon renewable energy resources.¹⁴ However, recent studies have demonstrated that increased development of shale gas may actually accelerate climate change because large amounts of methane, a potent greenhouse gas that makes up more than 90 percent of shale gas, leak during fracking.¹⁵

Additionally, volatile organic compounds, including benzene and toluene, are released during fracking and can mix with nitrogen oxide emissions from diesel-fueled vehicles and equipment to form ground-level ozone.¹⁶ These emissions contribute to the enhanced greenhouse effect and climate change.

Common Greenhouse Gases Accelerating Climate Change

Greenhouse Gas	Source	Activity
Water Vapor	Naturally occurring, but can be indirectly accelerated by human activity	Human activity can indirectly intensify water vapor quantities through global warming because a warmer atmosphere contains more water vapor. There is a positive feedback loop between global warming and water vapor: the warmer the temperature, the more water vapor in the atmosphere; the more water vapor in the atmosphere, the warmer the temperature. Human activity can also contribute to water vapor levels through other greenhouse gas emissions (for instance, methane chemically alters in the atmosphere and produces a bit of water vapor as a byproduct).
Carbon Dioxide (CO₂)	Naturally occurring and from human activity	CO ₂ is generated from fossil fuel combustion, including vehicle emissions and some manufacturing processes. Deforestation also increases CO ₂ levels.
Methane (CH₄)	Naturally occurring and from human activity	Sources of CH ₄ include agriculture, natural gas distribution and landfills.
Nitrous Oxide (N₂O)	Naturally occurring and from human activity	N ₂ O can originate from fertilizer use, various industrial processes, fossil fuels and vehicle emissions.
Tropospheric (ground-level) Ozone (O₃)	Naturally occurring and from human activity	Carbon monoxide, hydrocarbons and nitrogen oxide can chemically react to produce "bad" (tropospheric) ozone. <i>Carbon monoxide (CO) can be considered an indirect greenhouse gas since it can control the production of other greenhouse gases such as ozone and methane.</i>
Volatile Organic Compounds (VOCs)	Naturally occurring and from human activity	VOCs can get into the atmosphere from vehicle emissions, fuel production and biomass burning.
Chlorofluorocarbons (CFCs)	Synthetic, from human activity	CFCs come from completely synthetic sources like aerosols and cleaning solvents and can stay in the atmosphere for more than 100 years. CFCs can deplete "good" (stratospheric) ozone
Carbon Tetrafluoride (CF₄)	Synthetic, from human activity	CF ₄ has a long atmospheric lifespan and can come from a variety of industrial processes.
Sulfur Hexafluoride (SF₆)	Synthetic, from human activity	SF ₆ has a long atmospheric lifespan and can come from a variety of industrial processes.
Hydrofluorocarbons (HFCs)	Synthetic, from human activity	HFCs are made from synthetic sources and can come from a variety of industrial processes, but have a shorter atmospheric lifespan.

SOURCES: National Oceanic and Atmospheric Administration, National Climatic Data Center. "Greenhouse Gases. Frequently Asked Questions." Last updated February 23, 2010. Accessed May 1, 2012 at <http://www.ncdc.noaa.gov/oa/climate/gases.html>; U.S. Environmental Protection Agency. "Climate Change – Greenhouse Gas Emissions." Last updated February 27, 2012. Accessed May 1, 2012 at <http://www.epa.gov/climatechange/emissions/index.html>; Intergovernmental Panel on Climate Change. (2007.) "Frequently Asked Questions." *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.* Cambridge University Press, Cambridge, and New York, NY, at 100 to 102.

Industry and Water: Their Profits and Our Problems

Water belongs to the public and should be protected and preserved for the public.¹⁷ However, the private water industry treats water as a market-based product, and some companies are selling public water resources to the oil and gas industry. The commodification of water — i.e., treating water as a commodity — combined with fracking could contribute to water scarcity and climate change.

Water-for-Profit Companies Make Money Off Fracking:

Shale gas development creates a potential multibillion-dollar market for water supply and treatment services,¹⁸ the prospect of which could be encouraging some large investor-owned water utilities to support shale gas and downplay its water risks.¹⁹

For example, during 2011, American Water — the largest publicly traded water and sewer utility in the country — sold 250 million gallons of water to a dozen gas-drilling companies, making \$1.6 million in revenue.²⁰ It sold water at 34 distribution points in Pennsylvania,²¹ mostly through pipeline extensions from its water systems.²² The company gave gas drillers a major discount on the price of water compared to what households pay — a benefit shared by other large industrial water users. On average, drillers paid 45 percent less than residential customers per gallon of water. (See Table 1.)

This disparity appears to be a result from a bias in the company’s rate structure that favors large water users. Pennsylvania American Water said that it charged drillers its standard commercial rate and must serve any qualified applicant that requests service within its service area. Pennsylvania American Water’s natural gas drilling company customers included ALTA Operating Company, LLC; Cabot Oil & Gas Corporation; Carrizo Oil & Gas, Inc.; EOG Resources, Inc. and Rex Energy Corporation.²³

Water Commodification and Drought, A Bad Mix: In Pennsylvania, for example, the Susquehanna River Basin Commission (SRBC) grants permits to private companies so they can withdraw and purchase water from the Susquehanna River basin for frack-

ing.²⁴ Many permits have been granted to oil and gas companies,²⁵ and in March 2012 the SRBC approved a private water company’s application to withdraw millions of gallons of water to supply to drillers for fracking.²⁶ A month later in April, however, the commission placed a temporary moratorium on water withdrawals in certain areas due to severe drought conditions.²⁷ This is particularly noteworthy since shale gas fracking uses significantly more water than conventional natural gas production,²⁸ and unsustainable water withdrawals combined with increasing drought conditions can greatly reduce water supply.²⁹

How All of This Impacts Weather and Water

As a U.S. Geological Survey publication said, “The hydrologic cycle describes the continuous movement of water above, on, and below the surface of the Earth.”³⁰ Rainfall can recharge surface and groundwater sources. Heat from the sun evaporates water back into the atmosphere as a vapor that condenses into clouds before falling again to the Earth. “Climate and freshwater systems are interconnected in complex ways,” the Intergovernmental Panel on Climate Change noted. “Any change in one of these systems induces a change in the other.”³¹

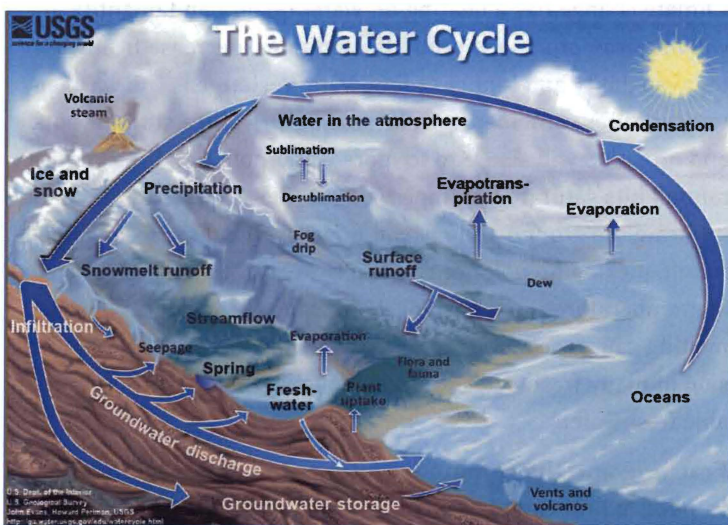


IMAGE COURTESY OF U.S. GEOLOGICAL SURVEY

Table 1. The Gas Driller Discount:

Comparison of Pennsylvania American Water’s Metered Water Sales to Gas Drillers and Residential Customers During 2011

Customer Class	Volume Sold (in gallons)	Revenue	Average Charge (Revenue/Volume) / (\$ per 1,000 gallons)
Gas Drillers ^a	250,400,000	\$1,600,000	\$6.39
Residential Customers ^b	28,327,905,000	\$329,801,618	\$11.64
Difference			\$5.25
Driller discount (% less for drillers)			45%

SOURCES: a American Water. “Institution Investor Presentation.” May 2012 at 35.

b Pennsylvania American Water Company. “2011 Water PUC Report for Pennsylvania American Water.” April 30, 2012 at 36 and 38.

Unpredictable and Extreme Weather Events: Climate change is believed to affect the water cycle and cause more extreme weather events, including heat waves, floods and droughts.³² Also becoming more common are tropical cyclones and other severe storms.³³ Rising ocean temperatures will lead to more rapid evaporation.³⁴

The National Oceanic and Atmospheric Administration reported that “2011 was a record-breaking year for climate extremes, as much of the United States faced historic levels of heat, precipitations, flooding and severe weather.”³⁵ For example, Tropical Storm Lee caused extreme flooding in states like Pennsylvania and New York.³⁶ During the first quarter of 2012, wildfires ignited along the east coast from Florida to New England, and 48 states experienced abnormally dry or drought conditions.³⁷

Impacts on Water Quality and Quantity: According to a UN-Water report: “Scarcity is also a question of water quality. Freshwater bodies have a limited capacity to process the pollutant charges of the effluents from expanding urban, industrial and agricultural uses. Water quality degradation can be a major cause of water scarcity.”³⁸

Climate change has a bearing on water quality and quantity. It will intensify prolonged drought conditions, decrease freshwater availability and hinder groundwater recharge.³⁹ The warmer temperatures combined with increasingly extreme storm events and droughts will also lead to more water pollution.⁴⁰ As intense rainfall hits saturated or impervious surfaces, like roads, it cannot infiltrate the ground and instead flows overland as stormwater runoff, picking up pollutants along the way.⁴¹ In addition, increasing temperatures melt snowpack, ice caps and glaciers.⁴² Glacial melting causes sea levels to rise,⁴³ which increases saltwater intrusion in many freshwater sources, reducing the amount of drinkable freshwater.⁴⁴

Fracking and the commodification of water are detrimental to people and the planet. In order to help mitigate global climate change and ensure a sustainable water supply for future generations, we must ban fracking and water commodification.

Integrate Water and Climate Change Policy

Water usage decisions should not be left to a market-based mechanism. To safeguard communities from water degradation and shortages, we should implement integrative water and climate change policies aimed to: (1) significantly reduce the amount of greenhouse gases released into the atmosphere, and (2) sustainably manage and protect all water resources. If water is treated as a commodity, it cannot adequately be protected for current or future generations.

- **Governments should foster adaptive water resource management.** As described by the Center for Island Climate

Change Adaptation and Policy at the University of Hawai‘i, adaptive water management is shaped by policies and rules that are: “(1) forward-looking—focused on crisis avoidance as well as crisis mitigation; (2) flexible—able to adjust to changing needs and conditions; (3) integrated—able to address climate-related impacts that cut across political and geographical boundaries; and (4) iterative—utilizing a continuous loop of monitoring, feedback, and reevaluation.”⁴⁵ Being adaptive allows water management practices to be preemptive rather than reactive.

- **Water management practices should not be solely reactive.** Proactive water protection provisions should support precautionary principles.
- **All water resources should be managed under statewide commons and the public trust framework.**
- **Fracking and the commodification of common water resources must be banned.**

Endnotes

- 1 The 2030 Water Resources Group. “Charting Our Water Future: Economic frameworks to inform decision-making,” 2009 at i and 5.
- 2 UN-Water. “Coping with Water Scarcity. Challenge of the Twenty-First Century.” March 22, 2007 at 15.
- 3 Intergovernmental Panel on Climate Change (IPCC). “Climate Change 2007: Synthesis Report.” 2008 at 36; U.S. Environmental Protection Agency. “Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010.” (EPA 430-R-12-001). April 15, 2012 at ES-6.
- 4 American Petroleum Institute. “Freeing Up Energy. Hydraulic Fracturing: Unlocking America’s Natural Gas Resources.” July 19, 2010 at 1, 2 and 4.
- 5 Wigley, Tom M.L. “Coal to gas: the influence of methane leakage.” *Climatic Change*, vol. 108, iss. 3. October 2011 at 601 to 607; Howarth, Robert W. et al. “Methane and the greenhouse-gas footprint of natural gas from shale formations.” *Climatic Change*, vol. 106. June 2011 at 679; Tyndall Centre for Climate Change Research. University of Manchester. “Shale gas: a provisional assessment of climate change and environmental impacts.” January 2011 at 6.
- 6 IPCC, 2008 at 48.
- 7 IPCC. (2007). “Frequently Asked Questions.” *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, Cambridge, U.K. and New York, NY, at 98 to 102; Schlesinger, William H. “Climate Change.” *Interpretation*, vol. 65, iss. 4. October 2011 at 379 and 382.
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Food & Water Watch works to ensure the food, water and fish we consume is safe, accessible and sustainable. So we can all enjoy and trust in what we eat and drink, we help people take charge of where their food comes from, keep clean, affordable, public tap water flowing freely to our homes, protect the environmental quality of oceans, force government to do its job protecting citizens, and educate about the importance of keeping shared resources under public control.

