

Adopted July 31, 2015

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
June 26, 2015 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Candace Ashmun, Sean Earlen, Ed Lloyd and Richard Prickett

MEMBER ABSENT: Paul E. Galletta

STAFF PRESENT: Executive Director Nancy Wittenberg, Susan R. Grogan, Charles Horner, Robyn Jeney, Paul D. Leakan, and Betsy Piner. Also present was Amy Herbold with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting of the Policy and Implementation (P&I) Committee to order at 9:35 a.m.

1. Adoption of minutes from the May 29, 2015 CMP Policy & Implementation Committee meeting

Commissioner Ashmun moved the adoption of the May 29, 2015 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

2. Pinelands Conservation Fund

Ms. Robyn Jeney, Regulatory Programs Specialist, made a PowerPoint presentation on the Pinelands Conservation Fund (PCF) Land Acquisition Program (*See Attachment A to these minutes*) and the staff recommendation to fund a new round of acquisitions. She noted that land acquisition is one of four components of the PCF, the others being Community Planning and Design, Conservation Planning and Research and Education and Outreach. She reviewed the history of the previous six rounds and the Garden State Parkway and Cape May County components of the land acquisition program. She noted that Conservation Resources, Inc. had been the facilitator for acquisition but is no longer in business. The proposed new round will be handled internally by Commission staff. In reviewing past projects, Ms. Jeney described the funding sources, location, size and cost as well as the partnering entities. She said the photographs of scenery projected on the slides for each of the rounds represented the projects with the largest acreage for each, e.g., the 887 acres Horner property in Ocean County was the largest project in Round 1. Ms. Jeney said the 33 projects concluded to date preserved some 7,700 acres through the awarding of \$8,704,959.00 in grants.

Ms. Jeney provided various statistics about the completed projects. She said Ocean County Natural Lands Trust was the most active and efficient applicant having completed 12 of the 33 projects while preserving some 1,500 acres. She said the New Jersey Conservation Foundation (NJCF) followed with eight projects and The Nature Conservancy (TNC) with four. Ms. Jeney said eight projects were completed within the Toms River Corridor.

Ms. Jeney said approximately \$700,000 remained in the PCF land acquisition account, including funds from the New Jersey Turnpike Authority to preserve lands near the Garden State Parkway (GSP) (as identified in Exhibit D of the supplemental agreement to the 2008 Memorandum of Agreement to prevent secondary impacts arising from the road widening project) that were now available. She said only two of 18 lots included in Exhibit D had been purchased and the location where those funds can be used is now unrestricted. She said at its August 8, 2014 meeting, the Commission had approved the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account for a total balance of about \$1.2 million now in the Land Acquisition account.

Commissioner Ashmun asked whether any Federal 502 funds were available. Ms. Grogan said such funds would only be available if the Congress were to appropriate them. She noted that early on, millions of dollars of Federal funds had been appropriated for Pinelands acquisition but that has long since been spent.

Ms. Jeney said staff is recommending a new round of land acquisition. In addition to the Section 502 Target Areas and the 20 Planning Areas, of which some 12,600 acres and 118,900 acres remain unpreserved, respectively, a new priority allocation area would be the Ocean County Forest Area. This is a reflection of the goal of preserving lands in association with the expansion of the GSP. She noted in 2009, the Commission had implemented a higher level of readiness before a project could be considered for funding, including a landowner willing to enter into negotiations and at least one appraisal. She said staff is recommending that this continue. She noted the evaluation criteria that staff developed in order to assist in selecting the best projects to fund (*see January 17, 2015 Memorandum [packet item]*). Other elements of the program will include: approval by the P&I Committee for projects within the priority areas; approval by the full Commission for “contingency” projects, those outside the targeted areas; the granting of a maximum of 33.3% of land acquisition costs, unless otherwise approved by the P&I Committee; and the use of the same Deed of Conservation Restriction language used in previous rounds.

Ms. Jeney reviewed the proposed schedule and, with Committee approval, an initial solicitation for projects would be distributed to the regional land conservation groups, counties and municipalities in August, with applications due by September 30, 2015 and a potential date for staff to make recommendations to the Committee at its October 30, 2015 meeting.

In response to questions from Commissioner Prickett regarding the funds from the GSP project, Ms. Grogan said under the MOA and the secondary impacts agreement, the funds are now unrestricted. The difficulty with acquiring the lands in the vicinity of the two interchanges was that there were many small lots with many different owners. Acquisition of these properties will still be feasible under the new PCF round; however, it seems unlikely that many of the lots listed in Exhibit D will be acquired.

In response to Commissioner Ashmun's question if there were a plan to secure Federal 502 funds, Ms. Grogan said in the past, requests had been submitted to Congress regularly although it has been several years since that was done. She added that there had been a lot of cooperation with Green Acres and the NJDEP as well as the non-profits.

In response to Chairman Lohbauer's question if a 60-day window were adequate for the return of applications, Ms. Jeney said staff based the schedule on that used for the previous rounds. Ms. Grogan added that both she and Ms. Jeney receive frequent inquiries from those who are interested in the program and a quick response from the Commission's acquisition partners was anticipated. She added that \$750,000 is not much money and she hoped that the Commission would be able to focus its efforts on a few larger projects.

In response to Commissioner Earlen's question if those submitting applications would have time to secure at least one appraisal within that time period, Ms. Jeney said often these applicants have already started the process.

Ms. Grogan said she felt most of the applicants are familiar with the Commission's process and have a good track record. She noted that, with the absence of a facilitator, the staff will be handling the acquisition on its own and there is a lot of paperwork.

In response to questions from the Committee, Ms. Grogan said that staff time for this project will be included in the budget, that the Commission cannot buy or own property and that the Commission's ability to monitor preserved lands is limited. Entities such as NJCF, TNC and Green Acres are better able to steward the properties. But, easement monitoring is a future project that is on the radar.

In response to questions from Commissioner Lloyd, Ms. Grogan said that the Deed Restriction had been tightened somewhat in previous years to limit clear-clearing. Also, there have been anecdotal reports of violations which is why active monitoring and stewardship are important. Some of the properties are large and remote and it is difficult to know what is happening on them.

Ms. Grogan said staff was asking for a consensus that the Committee is supportive of the staff's recommendations for a new round of land acquisition, which would make \$750,000 available from the PCF.

Chairman Lohbauer said the Committee enthusiastically endorses the staff's recommendations.

Ms. Wittenberg said this project comes with significant manpower and personnel issues. She said Ms. Jeney would be taking on the challenge.

3. Public Comment

Mr. Rich Bizub, with the Pinelands Preservation Alliance (PPA), thanked the Committee for the informative discussion and presentation. He said PPA had also been unable to obtain more of the 502 funds for land acquisition. He asked about the process to review the application submitted by South Jersey Gas for a pipeline. He noted that the public needed an opportunity to review and comment on the application and that PPA has a strong interest in preserving the resources of the Pinelands and the integrity of the process.

Chairman Lohbauer said there is no component for the public to be involved in the process of reviewing a private application. He said that, although not called for under the CMP, the Commission might schedule a special meeting. However, the application is still incomplete, so no determination has been made.

Mr. Bob Filipczak, stated he is a retired chemist from the FAA Tech Center (*William J. Hughes Technical Center*) and presented documents (*Attachment B to these minutes*) including his credentials and reports related to stormwater management. He raised issues with the stormwater basins at Exit 44 of the Garden State Parkway. He said the New Jersey Department of Environmental Protection (NJDEP) had insisted upon the development of stormwater basins in association with the expansion of Exit 44. However, this resulted in the bulldozing of many trees and the paving of areas to accommodate heavy equipment. The result has been a reduction in infiltration and the loss of natural recharge. He said the only benefit from these basins is to the engineers.

Ms. Ann Kelly, a Mount Laurel resident, said she had attended the Board of Public Utilities hearing for the South Jersey Gas pipeline and had heard that the proposed pipeline is for reliability purposes for areas outside the Pinelands. She presented an online petition (*Attachment C to these minutes.*) She said the developers of pipelines target public lands because they are cheaper.

Ms. Marianne Clemente, a Barnegat Township resident, said she was astounded that a project of the magnitude of the proposed South Jersey Gas pipeline does not require input from the Commission, only the recommendation of the staff and the Executive Director. She asked, if this were the case, why hadn't the application been submitted as a private development application initially.

Mr. Horner said he had copies of the staff's recent letter to South Jersey Gas regarding its incomplete application.

Ms. Blanche Krubner, a Jackson Township resident, reminded all present that the Commission needed to be vigilant in its protection of the Pinelands, that it was obligated to include the public in the process and that there was no excuse for the Commission abdicating its obligations.

Mr. Lee Rosenson, a member of the Pinelands Preservation Alliance and New Jersey Audubon Society, said from Ms. Jeney's presentation he calculated that the cost of the lands preserved

through the Pinelands Conservation Fund was roughly \$1,100.00/acre. He said he'd be interested in seeing how much money was contributed by the partners in these projects.

Ms. Grogan concurred that it is an interesting question and she had been tracking the numbers for a while. She suggested it would also be useful to know the average cost per acre of land acquired through the PCF program by management area.

Mr. Fred Akers, with the Greater Egg Harbor Watershed Association, said that he didn't feel the Commission had bragged enough about how these acquisition projects had been leveraged with a 33% contribution.

Ms. Fran Brooks, a resident of Tabernacle Township, said Ms. Jeney's presentation was excellent. On the question of the revised application by South Jersey Gas for a pipeline, she asked about the Commission's June 22, 2015 "incomplete" letter and the status of the project.

Mr. Horner provided a brief overview of the amended application filed by South Jersey Gas in May 2015. He said that, as a private applicant, South Jersey Gas was seeking a Certificate of Filing. He said when an applicant submits new information, staff must respond within 30 days. However, if more information is required, the applicant is under no obligation to respond within a certain time period.

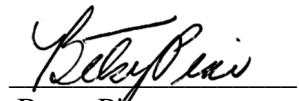
Chairman Lohbauer said that "abdicate" was a strong word and that the Commission was not abdicating its responsibilities. He said the CMP sets forth a process and the Commission is following it while exploring opportunities for public comment. He said the Commission is also aware that creating an exception for one private application could be considered prejudicial.

4. Other Items of Interest

Commissioner Prickett reminded everyone that tomorrow (Saturday, June 27, 2015) was the annual Whitesbog Blueberry Festival and he encouraged everyone to attend.

The meeting adjourned at 10:40 a.m. (moved by Commissioner Prickett and seconded by Commissioner Earlen).

Certified as true and correct:


Betsy Piner,
Principal Planning Assistant

Date: July 2, 2015