

Adopted June 28, 2013

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

15 Springfield Road
New Lisbon, NJ
May 31, 2013 – 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Leslie Ficcaglia, Richard Prickett and Candace Ashmun (1st Alternate)

MEMBERS ABSENT: Robert Jackson and Paul E. Galletta

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan Grogan, Stacey Roth, Robyn Jeney and Betsy Piner. Also present via telephone was Ms. Kerstin Sundstrom, with the Governor's Authorities Unit (until 10 a.m.).

Chairperson Lohbauer called the meeting to order at 9:40 a.m.

1. Adoption of minutes from the April 26, 2013 CMP Policy and Implementation Committee meeting

Commissioner Ficcaglia moved the adoption of the minutes of the April 26, 2013 CMP Policy and Implementation Committee meeting. Commissioner Prickett seconded the motion and noted that page 2 of the closed session minutes was missing. Commissioner Ficcaglia amended her motion to clarify that the motion was for only the open session minutes. All voted in favor. (*Ms. Piner apologized for the oversight and said that complete copies would be available for the Committee's consideration at the next meeting.*)

2. Pinelands Conservation Fund

Mr. Michael Catania and Ms. Anne Heasly, with Conservation Resources, Inc. [CRI], made a PowerPoint presentation (*See Attachment A, Open Session*). He noted that of the three active projects in the 2012 Pinelands Conservation Fund (PCF) round, one had closed, one was under a grant agreement and one was seeking an extension on the allocation. Additionally, one Turnpike project was under grant agreement and a Cape May County project was seeking an extension.

Mr. Catania said that DEP and Ducks Unlimited are seeking a North American Wetlands Conservation Act (NAWCA) grant for a "Southeast New Jersey Coastal" project and would like to use the Pinelands Commission's contribution to the Lenape Farms acquisition for matching funds on their application. This money has already been expended and, by signing as a partner, the Commission might then qualify for additional NAWCA funds in the future. He said that CRI has used NAWCA grants to assist The Nature Conservancy in a number of projects.

Chairman Lohbauer said that it seemed that this would mean an extra "bang" for Commission funds already spent.

Commissioner Ashmun moved that the Committee authorize Ms. Wittenberg to sign the Partner Contribution Form to allow the leveraging of the Lenape Farms funds. Commissioner Ficcaglia seconded the motion and all voted in favor.

Mr. Catania provided a summary of the role served by CRI in fulfilling its 2006 and 2008 contracts, noting that 6,752 acres had been preserved in 29 completed projects. He said that CRI was closing and that he had taken a position at Duke Farms. He said that the 2006 contract was scheduled to expire on June 30, 2013 and the 2009 contract on February 1, 2015. He requested a no-cost extension until December 31, 2013 in order to complete outstanding projects. He said that upon completion of the current projects, all funds will have been expended with the exception of those reserved for Turnpike parcels. Those funds (\$768,042.00) are scheduled to become unrestricted if not used by June 2014. He said that Ocean County has contacted all owners of the specific parcels to be acquired and that there was nothing more to be done.

Ms. Grogan confirmed that no action was required by the full Commission.

Commissioner Ashmun moved a no-cost extension of the 2006 contract with CRI until December 31, 2013. Commissioner Ficcaglia seconded the motion.

In response to a question from Commissioner Prickett, Ms. Wittenberg confirmed that staff supported such an extension.

The vote occurred with all voting in favor of extending the contract.

At 9:52 a.m., Commissioner Ficcaglia moved that the Committee meet in closed session to discuss matters related to land acquisition. Commissioner Prickett seconded the motion and all voted in favor.

Members of the Public left the room.

During the Closed Session, Ms. Sundstrom disconnected from the conference call.

The Committee returned to open session at 10:05 a.m.

Mr. Catania reviewed the closed session by indicating that the Committee had granted an extension until October 31, 2013 to allow two projects to close, one each in Ocean and Cape May counties and that the only remaining funds would be those restricted to the Turnpike parcels. (*see final slide of Attachment A to the Open Session minutes*).

The Committee thanked CRI for their successful projects.

3. Recommendation for extension of the Commission's Limited Practical Use Agreement with the New Jersey Department of Environmental Protection – Green Acres Program

Ms. Grogan reviewed her packet memorandum related to the Limited Practical Use (LPU) land acquisition program and Green Acres' (GA) continued interest in supporting the Commission's program while phasing out its own Quick Action (QA) program over the next two years. She said that the QA program had been established by Green Acres to provide a more streamlined acquisition process for owners of small Pinelands properties by allowing them to avoid the Pinelands waiver

process while selling their properties directly to Green Acres without a formal Pinelands determination if the property is buildable. Ms. Grogan said that in recent years, fewer LPU applications have been received and funding has diminished. Green Acres is still interested in meeting its obligation to process Pinelands LPU properties and some \$350,000 remains available. In his efforts to end the QA program by the end of FY-2015, Mr. Howard Wolf, the LPU program coordinator, intends to reach out to all eligible property owners who had chosen previously not to accept the GA offer in order to provide them with a final chance to sell their lands to the State.

Ms. Grogan said that, in recent years, the Commission has provided Green Acres with half the administrative costs up to a limit of \$16,000 per year. The annual contract is ready for renewal. Ms. Grogan said that she has asked GA if the funding should increase due to Mr. Wolf's final outreach efforts but has been assured that they are satisfied with the current \$16,000.00 maximum.

Commissioner Ashmun moved the extension of the contract with the Green Acres Program through FY-2014 for 50%, up to a maximum of \$16,000.00, of administrative expenses related to the Limited Practical Use Program. Commissioner Prickett seconded the motion and all voted in agreement.

4. Comprehensive Management Plan amendments: review of draft rule proposal to implement efficiency measures and extend the Alternate Design Treatment Systems Pilot Program

Ms. Wittenberg said that the draft rule proposal had been included in the meeting packet and has undergone internal staff review. The intent was for the P&I Committee to review it today and make a recommendation to the Commission to propose the rule. However, the Governor's Authorities Unit has said that they have not yet reviewed it and has asked that no such recommendation be made at this time.

Ms. Wittenberg said that she felt that the only possible potential areas of concern might be the cessation of publication of public notices in newspapers and the fee increase for violations. She said that the date for the installation of the alternate design septic systems is a critical issue and that portion of the rule must go forward.

Ms. Grogan said that, in writing the rules, she tried to explain that the increase in fees for violations is justified by the amount of staff time spent in resolving them. In most cases, they are small fees. Furthermore, the proposal explains the financial implications of any rule changes. She said that all the changes have been discussed with the P&I and Plan Review Committees, as well as the full commission.

Chairman Lohbauer said that perhaps some lobbying with the Governor's office is necessary.

Ms. Wittenberg said that there is now a new Proposed Rules committee in the Governor's Office.

Chairman Lohbauer commended Commissioner Ashmun and the Plan Review Committee for their work in developing the proposed rule.

5. Public comment

Mr. Fred Akers said that he had attended last night's meeting of the Pinelands Municipal Council at

Which Pinelands staff provided their annual orientation for newly elected and appointed officials? He said that it was an excellent program and that there is a regular need to inform those who are new to the Pinelands process.

In addition, Mr. Akers noted that several years ago, based on the results of the Environmental Integrity Assessment (EIA), the Commission had identified a parcel of land in Egg Harbor Township's Regional Growth Area (RGA) near the Shore Mall as being better suited to a Forest Area (FA) designation due to the presence of wetlands. At the time, several development interests and the Township opposed such a management area change. However, since then, the landowner has become interested in selling the property for open space. He said that Green Acres is unable to find anyone to manage the property although he was looking into it. He said that the Commission staff had held firm on the wetland buffers and kept the development from going forward and was to be commended for doing so.

Ms. Theresa Lettman, with the Pinelands Preservation Alliance (PPA), said that the source of the \$350,000 money for the LPU program was the income from the Pinelands license plates. She said that there is a bill in the legislature to eliminate specialty plates and the Commission should be aware of the impact this would have on the LPU program with the loss of those funds. It is important that the specialty plates be retained to allow existing programs to continue.

Ms. Roth said that she was aware of the bill and was following it. Ms. Grogan said that the license plate funding can be used for other Pinelands acquisition projects, not just LPU.

In response to Commissioner Ashmun's question about the use of the Katie Fund for acquisition, Ms. Grogan said that those funds can be used for replanting and some grants were given to schools for arboretums in past years.

6. Other Items of Interest

There being no other items of interest, the meeting adjourned at 10:30 a.m. (moved by Commissioner Ashmun and seconded by Commissioner Ficcaglia).

Certified as true and correct:

Betsy Piner, Principal, Principal Planning Assistant

Date: June 7, 2013

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