



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



Snow blanketed the grounds of the Commission's headquarters on several occasions in January

JANUARY 2022

1 EXECUTIVE OFFICE

1.1 ACTING EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget Committee:** The Committee did not meet in January.
- **Pinelands Climate Committee:** The Committee did not meet in January.
- **Policy & Implementation (P&I) Committee:** The Committee's January meeting was canceled.

1.1B RULEMAKING

- **Stormwater Management:** The Commission's adopted stormwater rules took effect upon publication in the New Jersey Register on January 18, 2022. Staff will now prepare model ordinances for all Pinelands municipalities. Staff will also be conducting a webinar on the new stormwater rules on February 10, 2022.

1.1C OPEN PUBLIC RECORDS ACT

- A total of six Open Public Records Act (OPRA) requests were received in January. Three were provided responsive material, one was advised that there was no responsive material and the remaining two will be responded to in February.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council met on January 26, 2022 in Bass River Township. Attendees were also provided the opportunity to participate via conference call. The Council adopted a resolution expressing its appreciation to Governor Murphy for the restoration of municipal PILOT (Payment In Lieu of Taxes) funding in FY22 and requesting the continuation of such funding in future fiscal years. The Council requested the Commission's support for the resolution. The Council also voted to change the time of its regular meetings from 7:30 p.m. to 7:00 p.m.

1.1E OTHER

- On January 21, 2022, Camden County named John Holroyd, Jr. as its new appointee to the Pinelands Commission. He will participate in the Commission's February 2022 meeting.
- On January 1, 2022, Gloucester County reappointed Daniel Christy to another 3-year term on the Commission.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A Legislation:

- **P.L. 2021, c. 313 - Authorizes municipalities to address certain unlawful operation of all-terrain vehicles and dirt bikes through seizure and, in some circumstances, destruction of vehicles** - Authorizes municipalities to adopt an ordinance declaring that an all-terrain vehicle (ATV) or dirt bike unlawfully operated on any public street, highway, or right-of way is an immediate threat to the public health, safety, and welfare and to designate the ATVs or dirt bikes as contraband subject to forfeiture. The Act also provides that an ATV or dirt bike that is forfeited is to be disposed of in accordance with State law on disposal of forfeited property or, at the discretion of the entity funding the prosecuting agency, destroyed.

1.3 HUMAN RESOURCES

- **Return to Office:** In accordance with the Pinelands Commission Return to the Office plan, all staff began reporting to work at the office on a full-time basis starting November 29, 2021. The Governor subsequently directed that all state agencies return to their hybrid remote work plans for the period between December 27, 2021 - January 28, 2022. Required weekly COVID-19 testing of unvaccinated employees continued throughout January, with funding provided by the State. The office remains closed to the public and all meetings continue to be conducted remotely.
- **Recruitment:** The Commission completed the recruitment process for five vacant positions. Offers were made and accepted by five well-qualified candidates, including two environmental specialists, two planning specialists and one planning assistant. Four of the new employees will start in mid-February and one will start in mid-March.
- **State Health Benefits Program:** All records were updated to reflect the changes in Health & Dental rates for 2022.
- **Leave Records:** All employee leave records were reviewed and adjusted as necessary.
- **FSA Renewal:** Flexible Spending Account renewal for 2022 was processed.
- **Medicare Reimbursements:** Fourth quarter Medicare Part B reimbursements were prepared and submitted to Business Services for payment. Updated information for 2022 was requested of all retirees.
- **Interim Evaluations:** The 2021-2022 Interim Evaluations were due to Human Resources by January 14, 2022.

2 INTERAGENCY COORDINATION

- **NJ Board of Public Utilities (BPU):** On December 29, 2021, the Commission received notification that its application to BPU for a Local Government Energy Audit had been approved. The Local Government Energy Audit program is open to local and state governments and non-profit organizations. The program provides reports on how facilities use energy, identifies energy conservation measures and guides applicants toward appropriate and available rebate and

incentive programs to fund implementation of recommended energy efficiency strategies. Staff responded to requests for additional information and hosted the BPU consultants for a site visit on January 19, 2022.

- **South Jersey Transportation Authority (SJTA):** Staff continues to work with SJTA regarding the creation of the new offsite Grassland Conservation Management Area (GCMA) and the frosted elfin butterfly enhancement project in the northeastern quadrant of the parcel on which the Atlantic City International Airport is located. The Commission received an update regarding the status of SJTA's implementation of its obligations under the 2019 Amended Memorandum of Agreement at its January 14, 2022 meeting. Additionally, at that meeting, the Commission authorized extensions of the deadlines by which SJTA is to complete the new GCMA, Atlantic County is to deed restrict the property upon which the new GCMA will be constructed and the frosted elfin butterfly habitat enhancement project is to be completed.

- **Rutgers Cooperative Extension:**

A project manager and landscape architect from the Rutgers Cooperative Extension Water Resources Program conducted a two-hour survey of the front and left side of the Commission's Richard J. Sullivan Center for Environmental Policy & Education on January 19, 2022 as part of the process to design and install a rain garden and bioswale onsite. The two Rutgers staff members used "total station" equipment to collect digital data on the location and elevation of objects at the proposed rain garden site. The data can be imported into design software, and it will help to create accurate drawings and determine drainage areas and project locations. The Commission entered into an agreement to work with Rutgers on the project in December 2021, and construction of the rain garden may occur in the spring.



Above: Two representatives from Rutgers Cooperative Extension surveyed the Commission's headquarters in January 2022 as part of a project to install a rain garden onsite.

- **Interagency Council on Climate Change (ICC):** The January 2022 meeting of the ICC Council was cancelled.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	3	3
Drafted or Introduced	4	4
Total ¹	4	4
Master Plans/Ordinances Reviewed		
Substantial Issue Finding ²	0	0
No Substantial Issue Finding	3	3
No Issue Finding	0	0
Total	3	3
Finding Letters Issued³	3	3

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	15	15
Surveys Required	0	0
Surveys Reviewed	1	1
Certificates of Appropriateness Required	1	1

¹The total accounts for unique master plans and ordinances received (i.e., it does not double count drafted, introduced, or adopted submissions for the same ordinance).

² Ordinances and Master Plans that are found to raise substantial issues with respect to the standards of the CMP require formal review and approval by the full Commission.

³ A single finding letter can pertain to multiple master plans/ordinances from the same municipality.

Notable Activity:

- **New Jersey Historic Trust (NJHT):** Staff is preparing a grant application for submission to the New Jersey Historic Trust in April 2022. The grant would provide funding for preparation of a Preservation Plan for Fenwick Manor.

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.75	0.75
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	0.25	0.25
Average Sales Price per PDC	\$100,000	\$100,000
Average Sales Price per right	\$25,000	\$25,000
PDCs Redeemed	0.25	0.25

Notable Activity:

- **PDC Allocations:** 0.75 PDCs (3 rights) were allocated to a 44.93-acre parcel located in the Preservation Area District in Tabernacle Township.
- **PDC Redemptions:** 0.25 PDCs were redeemed for the expansion of a commercial building in Berlin Township.

3.4 SPECIAL PROJECTS

- **Septic Pilot Program:** The Commission adopted a resolution at its November 12, 2021 meeting, authorizing the participation of four new advanced wastewater technologies in the Commission's Alternate Design Treatment Systems Pilot Program. Staff prepared the required notice for publication in the New Jersey Register and submitted it to the Office of Administrative Law on December 8, 2021. The notice was published in the January 3, 2022 issue of the New Jersey Register. Staff successfully worked with the New Jersey Department of Environmental Protection (NJDEP) to develop the requisite "Generic" Treatment Works Approval (TWA) issued by the Department. The updated TWA was issued by NJDEP on January 11, 2022, authorizing the

Pinelands Area health departments to approve the newly admitted pilot program technologies. Commission staff distributed the TWA to each of the Pinelands Area health departments and posted it on the Commission's website.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	7	7
Certificates of Filing	16	16
Public Development Reports	3	3
Forestry Certificates of Filing	0	0
PDC Letters of Interpretation	1	1
Non-PDC Letters of Interpretation	0	0
MOA Consistency Determinations	2	2
Review of Agency Determinations	47	47

4.2 NOTABLE APPLICATIONS

- Woodbine Solar Energy Facility and Landfill Capping, Borough of Woodbine (App. No. 1986-0257.002 & App. No.1986-0257.003)

On January 5, 2022, the Commission staff met with the applicant to discuss the information requested by the Commission staff in a letter dated December 17, 2021 to complete both applications. A second meeting was held on January 10, 2022 to further discuss the information required to complete the applications. Based upon those discussions, the Commission staff issued a Certificate of Filing for the proposed solar energy facility on January 27, 2022. The Certificate of Filing specifically noted that the proposed solar energy could not be developed prior to Commission approval of an application for the proposed landfill capping and the subsequent capping of the landfill.

- Five Lot Subdivision and Residential Development, South Toms River Borough (App. No. 2005-0232.006 & App. No. 2005-0232.007)

On January 13, 2022, the Commission issued a letter to the Borough addressing the information that must be submitted to complete an application for a five-lot subdivision. The letter indicated that the existing uncapped landfill on the parcel constituted a violation of the Pinelands

Comprehensive Management Plan. The letter further indicated that App. No 2005-0232.007 for 30 affordable housing units on one of the five lots proposed in App. No 2005-0232.006 could not be developed prior to Commission approval of an application to cap the landfill and the construction of the landfill cap. On January 18, 2022, the Commission staff met with representatives of the applicant, the Borough and the Fair Share Housing Center. Those three organizations discussed with the Commission staff the prospects for the 30 affordable housing units being developed prior to Commission approval of an application to cap the landfill and the construction of the landfill cap. By letter dated January 21, 2022, the Commission staff advised of the information necessary to complete the application for the 30 affordable housing units. That letter also indicated that the Commission staff was further reviewing the information that the applicant must submit regarding the existing landfill for the Acting Executive Director to allow any approvals or permits for the 30 affordable dwelling units to take effect.

- Recreational Vehicle Use, City of Estell Manor (App. No 1981-1947.001)

This matter concerns the use of recreational vehicles on a privately owned, 51-acre parcel. By letter dated November 29, 2021, the Commission staff outlined the regulations of the Estell Manor land use ordinance and the CMP applicable to the use of recreational vehicles on a parcel. The letter also requested permission to site inspect the parcel by December 17, 2021. By letter dated December 13, 2021, the property owner's attorney denied the Commission staff permission to site inspect the parcel until a future agreed upon date. By letter dated January 5, 2022, the Commission staff requested to site inspect the parcel by January 31, 2022. By letter dated January 8, 2022, the Estell Manor solicitor advised the Commission that that the city has inspected the parcel on numerous occasions and reached the conclusion that no activity is being conducted on the parcel that violates the Code of Estell Manor. The City's letter further indicated that absent a change in circumstances, the city does not contemplate taking any further action regarding the parcel. By letter dated January 13, 2022, the attorney for the property owner advised the Commission staff that from the property owner's perspective, the recreational vehicle riding question had previously been addressed and that the property owner would not consent to a site inspection.

- Solar Energy Facility and Landfill Capping, Berkeley Township (App. No 1986-0127.015 & App. No 1986-0127.001)

On December 13, 2021, the Commission received an application proposing the capping of an approximately 35-acre Township landfill and the installation of an approximately 60-acre ground mounted solar energy facility. By letter dated January 27, 2022, the Commission staff advised of the information necessary to complete both applications. The Commission staff letter noted that multiple existing violations on the parcel must be addressed as part of completing the applications for the capping of the landfill and the solar energy facility. On January 3, 2022, the Commission staff met with the applicant and the applicant's representatives to discuss the information requested in the staff's January 27, 2022 letter.

- Day Care Facility, Town of Hammonton (App, No 2021-0249.001)

This application, received on December 27, 2021, proposes the establishment of a commercial day care use within an existing single-family dwelling. Available information indicates that the concerned parcel is located in Hammonton's R-3 zoning district. Commercial day care uses are not permitted in the R-3 zoning district.

By letter dated January 19, 2022, the Commission staff advised that the New Jersey Municipal Land Use Law (N.J.A.C. 40:55D-66.5b) provides that the use of a private residence for family day care is a permitted use in all residential districts of a municipality and that the requirements for family day care homes are the same as for single-family dwelling units located within such residential districts. The Commission staff's letter indicated that the applicant may wish to discuss this matter further with their attorney or an appropriate municipal official.

The January 19, 2022 letter also provided the options available to the applicant for completing the application if it is determined that the New Jersey Municipal Land Use Law provision is not applicable to the proposed day care.

- Proposed Recreational Trails, Pemberton Township (App. No. 1982-3181.008)

On November 10, 2021, the Commission staff met with representatives of the Pinelands Preservation Alliance to discuss the surfacing of proposed trails through wetlands and wetlands buffer. The Pinelands Preservation Alliance is assisting Pemberton Township in its proposal to create trails at Lake Pemberton located along Magnolia Road in the Township. The CMP prohibits most development in wetlands and wetlands buffers. Trails are permitted in wetlands and wetlands buffers if they meet several CMP-specified conditions. It is very challenging to demonstrate that the surfacing of trails with pavement or other comparable materials that will be located in wetlands will meet those CMP-specified conditions. On January 14, 2022, a member of the Commission staff conducted a site inspection with representatives of Pemberton Township and the Pinelands Preservation Alliance. The purpose of the site inspection was to determine the extent of wetlands and the required buffer to wetlands in the area on the parcel where the trails are proposed. Based upon that site inspection, it was determined that almost all of the proposed trails are located in the required buffer to wetlands and some of the proposed trails are located in wetlands. By email dated January 26, 2022, the applicant requested that the Commission advise whether boardwalks and specific types of stone surfaced trails would be permitted in wetlands and the required buffer to wetlands. The Commission staff is reviewing that request.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** Due to frozen conditions in January, water levels were not measured at forest plots and ponds in the Commission network of long-term monitoring sites. Staff posted all the 2021 water-level data collected from forest plots and ponds on the Commission web site.
- **Pinelands-wide Water Quality Monitoring:** Staff proofed the 2021 pH and specific conductance data collected during April, June, August, and October at the 47 stream sites.

5.2 LONG TERM STUDIES

- **Microorganism Study:** This study, which is funded by the Environmental Protection Agency (EPA), is an extension of the previous EPA-funded study of plants, fish, and frogs and toads conducted in 99 natural ponds, 52 excavated ponds, and 46 stormwater basins in the Pinelands. For the current Microorganism Study, Commission and USGS staff sampled pH, specific conductance, nutrients, metals, pesticides and tiny and microscopic plants and animals (diatoms, phytoplankton, zooplankton, and aquatic invertebrates) at 20 natural ponds, 20 excavated ponds, and 20 stormwater basins selected from the larger pool of sites in the previous study. The goal of the Microorganism Study is to assess differences in surrounding land use and the various water-quality and plant and animal attributes to compare the functional equivalency of natural and created wetlands. All field work for this current study has been completed and the various types of organisms collected have been identified by outside contractors. Although the pandemic caused significant delays in getting some data back from outside contractors, in January, staff continued to analyze data and work on a draft final report. A no-cost extension request has been submitted to the EPA to extend the study until the end of March 2022.
- **Kingsnake Study, Joint Corn Snake Study, and Rare Snake Monitoring:** In January, staff continued to periodically check on some of the radio tracked snakes to collect data on late-season movements. One corn snake moved over 255 feet during a warm spell between December 26, 2021 and January 2, 2022. No other reptiles that staff checked moved in January. Staff entered the data for the 523 snakes of nine different species captured and processed during 2021 (see Table below). Staff is waiting for the New Jersey Department of Environmental Protection (NJDEP) personnel to review and approve the building of corrals around dens found in 2021. Staff continues to prepare and finalize data to submit to the NJDEP Endangered and Nongame Species Program to satisfy the annual scientific collecting permit requirements. Data preparation for NJDEP permits takes an enormous amount of staff time.

All snakes found and processed in 2021. New snakes had never been found before, tagged snakes have been found previously and were already tagged or microchipped, and lab hatched were baby snakes hatched in the lab from eggs collected from wild snakes. A total of 30 corn snakes, 4 pine snakes, and 2 king snakes were captured more than once in 2021.

Snake	New Snakes	Tagged Snakes	Lab Hatched	Total
Northern scarlet snake	1	-	-	1
Rough green snake	1	-	-	1
Timber rattlesnake	1	-	-	1
Eastern garter snake	6	-	-	6
Eastern hognose	16	-	-	16
Black racer	35	5	-	40
Eastern king snake	22	19	16	57
Northern pine snake	47	28	49	124
Corn snake	63	118	96	277
Total	192	170	161	523

- **Eastern Box Turtle Study:** Staff checked on a few box turtles in January and none had moved since December. Staff continues to work with the NJDEP ENSP staff to obtain funding for future box turtle research.

5.3 OTHER ITEMS OF INTEREST

- **Ground Skink eDNA Study:** In 2020, the Commission, Herpetological Associates, and Howard Reinert from The College of New Jersey began to collaborate with Dr. Julie Lockwood and Kathleen Kyle of Rutgers University. Dr. Lockwood and Ms. Kyle were interested in sampling the wood and metal cover placed along the drift fence array to determine whether they could detect environmental DNA of a small common lizard called the ground skink. Environmental DNA (eDNA) is DNA shed by organisms into their surroundings as they move, grow, breed, and decompose. The use of eDNA has the potential to revolutionize traditional labor-intensive survey and monitoring programs that rely on visual detection by an observer, especially for secretive or rare species, such as many species of reptiles.



Above: The ground skink is a small lizard commonly found in the Pinelands.

In late-2020 and early 2021, Ms. Kyle sampled the underside of the wood and metal cover we placed along the drift fence array and the soil beneath the artificial cover and analyzed her samples for ground skink eDNA. The results indicated that detection probabilities were 4 – 16

times greater than visual detection alone. Ground skink eDNA was detected under cover objects up to two weeks after the last visual detection and at some cover objects where skinks had not been visually observed in prior months. These results suggest that combining eDNA with traditional cover object surveys can greatly increase the power of detecting reptiles during surveys. Staff and collaborators are working to find funding to study the possibility of detecting rare snakes, such as corn snakes, using the same methods.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Website:** The Pinelands Commission's website was viewed 14,807 times in January 2022. Staff also finalized a new Climate Change webpage that will be launched in early February.
- **Inquiries/Correspondence:** The Communications Office received and responded to 51 inquiries from the public in January, including phone calls, e-mails, and media inquiries.
- **Press Releases:** On January 12th, the Commission issued a press release to promote the 33rd annual Pinelands Short Course. On January 14th, the Commission issued a press release to promote the swearing in of three new gubernatorial appointees.
- **Annual Report:** Staff spent much of January gathering data and preparing the 2021 Annual Report.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series Webinars:** Staff hosted a webinar presentation entitled, "Winter Breeding in Birds of Prey" on January 20th. The webinar was delivered by Rachel Ndeto of the Woodford Cedar Run Wildlife Refuge. A member of the Commission's staff will deliver a webinar presentation on the Commission's new stormwater management rules on February 10th.



- **Pinelands Short Course:** Registration for the 33rd annual Pinelands Short Course opened in January. The event will be held at Stockton University's main campus in Galloway Township on March 12, 2022. The event will feature 31 educational presentations, including 15 new programs. Staff spent much of January promoting and planning the event.

- **Social Media Enhancements:** Staff continued to enhance the Commission's social media pages in January 2022. Staff posted 23 photos/posts on the Commission's Instagram site and shared nine tweets on the agency's Twitter account.



Above: Staff shared 23 photos on Instagram in January 2022, including this collage of images to promote the upcoming Pinelands Short Course.

- **School Education Programs:** On January 11, 2022, a member of Communications Office delivered a virtual Pinelands overview presentation for a group of home school families.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided desktop support, implemented enhancements and bug fixes to streamline operations and facilitate remote work. Specific upgrades focused on the way work items are delegated and managed in Regulatory Programs. New functionality and reports allow for better visibility into current work items to guarantee timely responses. Staff also continued work on digitizing legacy documents.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world, especially due to the added complexities of supporting employees working from home. The Information Systems coordinated with representatives from NJCCIC regarding the Log4J vulnerability and the Pinelands Commission's GIS server.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff is continuing development of data editing and maintenance screens for the Planning Office. New reports are also being created under the direction of Planning staff, including new enhancements to the Preservation by

Program report.

- **Annual Report:** Staff members are always available to assist with data analysis and reporting needs of the Pinelands Commission. Staff assisted in the creating of several tables and charts for the 2021 Annual Report.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff worked with OIT to make necessary configuration changes to the Pinelands network. The newly purchased workstations and Chromebooks were configured to support hybrid meeting spaces at the Pinelands Commission. Steps were taken to prepare for onboarding of new employees, such as creating new accounts and drafting training materials. In addition, preliminary testing of the new Windows 11 operating system was begun to prepare for eventual upgrades from Windows 10.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** January 2022, Net Total: \$172,650.54; Fiscal Year to Date Total: \$625,352.62 (125% of the budgeted projection for FY2022).

8.2 FACILITIES MANAGEMENT

- The Energy Audit walk-through was conducted and a room-by-room analysis was performed by a BPU contracted consultant.