



PHILIP D. MURPHY
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State of New Jersey
THE PINELANDS COMMISSION
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Pinelands Climate Committee

From: Susan R. Grogan 
Acting Executive Director

Date: September 21, 2022

Subject: Meeting materials

Enclosed please find the agenda for the Pinelands Climate Committee's upcoming meeting on Friday, September 30, 2022. We have also included the following documents:

- The minutes from the July 29, 2022 Committee meeting;
- A recent letter from Governor's Office of Climate Action and the Green Economy;
- A copy of the State's No Net Loss Compensatory Reforestation Act, which will be the subject of a staff presentation at the meeting; and
- A copy of Commissioner Lohbauer's July 28, 2022 suggested climate-related amendments to the Comprehensive Management Plan.

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public will be able to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

www.youtube.com/c/PinelandsCommission



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PINELANDS CLIMATE COMMITTEE MEETING

September 30, 2022

Immediately Following the 9:30 a.m. Policy & Implementation Committee Meeting

This meeting will be held in-person and virtually

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission's YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 815 0448 8031

Agenda

1. Call to Order
2. Adoption of the July 29, 2022 Committee meeting minutes
3. Update on state initiatives
 - Governor's new Office of Climate Action and the Green Economy
 - Interagency Council on Climate Resilience: agency preparation of "topic-specific" Resilience Action Plans
4. New Jersey's No Net Loss Compensatory Restoration Act
 - Staff presentation
 - Committee discussion of related Comprehensive Management Plan amendments
5. Discussion of Commissioner Lohbauer's July 28, 2022 suggested climate-related amendments to the Pinelands Comprehensive Management Plan
6. Public comment

PINELANDS CLIMATE COMMITTEE MEETING

This meeting was conducted in-person and available remotely.

The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/c/PinelandsCommission>

Zoom Meeting ID: 861 7042 1150

July 29, 2022

Immediately following the 9:30 a.m. Policy & Implementation Committee Meeting

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Alan W. Avery, Jr., and Jerome H. Irick and Laura E. Matos

MEMBERS ABSENT: Edward Lloyd

OTHER COMMISSIONERS PRESENT: Theresa Lettman

STAFF PRESENT: Susan R. Grogan, Stacey P. Roth, Ed Wengrowski, Steven Simone, Ernest Deman, Paul Leakan, and Dawn Holgersen.

1. Call to Order

Chairman Lohbauer called the meeting to order at 11:36 a.m.

2. Adoption of the May 27, 2022 Committee meeting minutes

Commission Chair Matos moved the adoption of the minutes of the May 27, 2022 Committee meeting. Commissioner Avery seconded the motion. All voted in favor.

3. Continued discussion and recommendations concerning the Local Government Energy Audit Reports

Chairman Lohbauer expressed his desire to make a recommendation to the full Commission for a response to the audit report.

Commission Chair Matos suggested the Committee should pull recommendations from the audit report to use for taking future action. She said that the next discussion topic may cover those recommendations.

In response to Ms. Grogan's question regarding the intent of the recommendation to the full Commission, Chairman Lohbauer said it is important for the Commission to have a response

from the Committee on the recommendations made in the report and how well or poorly it may fit in with the climate mission.

Ms. Grogan said the purpose of the audit report was to provide a baseline set of potential recommendations, as a beginning step. She said that a formal resolution would give the report more significance than necessary. She suggested that a presentation be made to the full Commission with the Committee's findings.

Ms. Grogan said that some of the topics in the audit report relate to matters more appropriate for the Personnel and Budget (P&B) Committee. She said that discussions of the recommendations will occur as a matter of course in making decisions for facility improvements.

Commissioner Irick said that there are points of interest in the report that should be discussed with the P&B Committee for feasibility and that a resolution was not necessary.

Commissioner Avery agreed and said, for example, when the HVAC system needs to be replaced, a geothermal heat pump could be considered. He suggested an evaluation be made for to the potential of solar power at the Commission.

Commission Chair Matos said that those matters will also apply on the next topic of discussion as they relate to incorporating them into the Commission's climate mission and making decisions for facility improvements when they are necessary.

Chairman Lohbauer said that his intent is to advise the full Commission to look at the audit from the climate perspective and take the recommendations into account when it is time to plan for replacement of items at the Commission. He also said that he agrees with Commissioner Avery's suggestion that an evaluation be made, by an industry professional, for the potential of solar energy generation at the Commission.

He said that the Committee should inform the Commission of the Committee's view of the audit and the P&B Committee should advise the Commission as to the feasibility of implementing recommended changes.

Ms. Grogan delivered a presentation on the Climate Committee's 2023 Fiscal Year (FY2023) Work Plan (*attached to these minutes*).

Ms. Grogan said the P&B Committee will meet in August. She suggested that a recommendation be made to establish a reserve account for climate-based projects and upgrades as part of the FY2023 budget. She noted that the Commission's lawnmower is broken, and it would be a good opportunity to consider a climate-friendly replacement. She said the special account would be a way of formalizing the Commission's commitment to climate awareness.

Chairman Lohbauer and Commissioners Irick and Avery all expressed agreement with Ms. Grogan's recommendation.

Ms. Grogan said that she is working with Jessica Lynch, the Commission's Business Services Manager, on a draft budget. She said Ms. Lynch is aware of the initiative and will work to identify funding that can be set aside to support it.

Commissioner Avery said the Governor's Office and the Legislature's thoughtful appropriation for the restoration of the exterior of Fenwick Manor will help to free other funds that could be used for climate-related purchases.

Chairman Lohbauer asked for a motion to forward the Committee's recommendation of a climate reserve account to the P&B Committee. Commissioner Irick made the motion. Commission Chair Matos seconded the motion. All voted in favor.

4. Continued discussion of CMP Amendments and the FY2023 Climate Committee work plan

Chairman Lohbauer identified a petition received from the Pinelands Preservation Alliance (PPA) urging the Committee to act on climate-related amendments to the CMP.

Ms. Grogan continued the presentation for the Committee's FY2023 Work Plan.

Ms. Grogan said the Committee should focus on making specific recommendations to the Policy & Implementation (P&I) Committee for CMP amendments that the Committee is interested in pursuing.

She said that an analysis of Pinelands management area boundaries was recommended in the PPA's climate change white paper. She said a comprehensive review had occurred many years ago using information provided by the Ecological Integrity Assessment. The amendment recommendation to change the management area for the Black Run watershed in Evesham came from that earlier review and is already on the P&I Committee's list of priorities. She said there may be other areas that should be in different management areas based on potential climate-related impacts.

Ms. Grogan said the New Jersey Department of Environmental Protection (NJDEP) and the State Planning Commission are doing a similar review in the Coastal Area Facility Review Act (CAFRA) area as municipalities seek to renew their coastal center designations.

In response to a question from Commissioner Avery, Ms. Grogan said that the Commission had adopted an amendment to change the management area in the Oyster Creek watershed from the Rural Development Area (RDA) to the Forest Area (FA). She said it was about a 4,000-acre area involved in the change. She said the Black Run area is a similar situation.

Ms. Grogan listed some potential CMP amendments regarding solar. She said one could be to exempt principal solar facilities on rooftops and parking lots. She said another amendment could be to expand siting areas for principal solar facilities in the RDA and Agricultural Production Area (APA), and at mines in the Preservation Area District (PAD) and FA.

She said another amendment could be to establish specific limitations on clearing and tree removal for principal solar facilities. She said that possible examples would be to require installation on existing impervious surfaces before allowing clearing and to require tree replacement on or off-site.

She said another amendment could be to require certain types of new development to incorporate solar energy facilities.

Ms. Grogan listed some other potential CMP amendments that are climate-related. She said that one could be to place limitations on tree removal for certain types of development. She said another could be to have requirements for tree planting and reforestation.

She said some of the listed CMP amendment suggestions came from questions that frequently arise during the Commission's review of public development applications. She said that the CMP does not currently contain specific standards for those matters.

Chairman Lohbauer agreed that management areas may need to be modified in anticipation for climate impacts.

He said he had thirteen recommendations, split into four categories in his memo. He said the first section would be preamble language to establish climate mitigation as a basis for decision making. He said there is no language in the CMP that mentions climate. He said that while he didn't have specific language to recommend, he said that it should reference the New Jersey Global Warming Response Act.

He said the Pinelands Area and the Pinelands National Reserve are the largest forested areas in the State, which make them a critical carbon sink.

Chairman Lohbauer suggested adding climate-related definitions for reference when reviewing development applications. He also suggested adding policies for climate mitigation, carbon sequestration, energy, and stormwater management.

He said the Governor's Office is looking at a set of emergency regulations, beyond the newly enacted regulations stemming from new data regarding climate-related rainfall. He suggested the possibility of doing the same at the Commission level.

Chairman Lohbauer recommended an evaluation of operations at the Commission offices. He said his recommendation includes making modifications to reduce the use of energy. He also suggested moving away from the use of fossil fuels and toward clean, renewable energy.

He recommended the introduction of electric vehicles to the Commission fleet and to install a charging station onsite. He also recommended the installation of battery systems to sustain solar energy.

Chairman Lohbauer said that the recommendations in Ms. Grogan's presentation, combined with his suggestions, are a lot to consume at once. He recommended the Committee review the recommendations and be prepared to discuss them at the next meeting. He also suggested the information be made available to the public for comment. He said that he also welcomes feedback from the staff.

He said he would like to see these recommendations be reviewed and put into a set of items that the staff can use to craft amendments to the CMP.

Commissioner Irick suggested to submit information to the P&B Committee on the operation of the Commission facilities for them to evaluate and establish budgetary numbers and priorities on

what can be accomplished. He also recommended the combination of Chairman Lohbauer and Ms. Grogan's recommendations so the Committee could prioritize objectives at the next meeting.

Commissioner Avery questioned whether the Commission has regulatory authority for building construction requirements. He expressed concern with any potential legal conflicts that could arise. Ms. Grogan said that it would require research to establish the practicality of those requirements.

Commissioner Irick suggested that Ms. Roth evaluate to see what recommendations are feasible.

Ms. Grogan asked for clarification on Chairman Lohbauer's recommendation for establishing a preference or incentives for applications that conserve energy. Chairman Lohbauer said that he did not have specific recommendations but mentioned that an incentive could be something other than financial such as planning allowances.

Chairman Lohbauer expressed interest in hearing from Ms. Roth on the feasibility of implementing some of these recommendations. He suggested that incentives could be used where restrictions could not be made.

Commissioner Irick said that some recommendations can be seen as aggressive. He also recognized that some recommendations may not be accomplished. He suggested that a list of priorities be established to present to the full Commission.

Chairman Lohbauer said that his most controversial recommendation would be to restrict the expansion of commercial fossil fuel infrastructure. He said that while it may not be something the Committee agrees on, he would like to see it discussed publicly.

Commissioner Avery said that he is concerned with the recommendation of no net loss of trees. He said some amount of clearing may be necessary to accommodate permitted development. He questioned where trees could be planted.

Chairman Lohbauer said that he struggled with the idea as well. He said that a creative solution would be needed. He suggested that a mechanism be put in place for a developer to compensate for the loss of trees. He mentioned the possibility of requiring trees to be planted or an equivalent contribution to the Pinelands Conservation Fund (PCF).

Commissioner Avery complimented the idea of a contribution to the PCF. He said the Commission should focus on permanently preserving forested areas.

Chairman Lohbauer expressed interest in receiving public input on the matter. He also suggested further discussion at the next meeting.

5. Public comment

There was no public comment.

Chairman Lohbauer stated that public comments could be made by email if anyone was unable to do so during the meeting. He said they would be addressed at the next meeting.

There being no further discussion, Commissioner Avery moved to adjourn the meeting. Commissioner Irick seconded the motion. The meeting concluded at 12:26 p.m.

Certified as true and correct:

A handwritten signature in black ink, appearing to read "Dawn Holgersen", with a long horizontal flourish extending to the right.

Dawn Holgersen
Office Assistant
September 20, 2022



1

Recommendation to
P&B Committee

- Establish special “Climate” reserve account as part of FY23 budget
 - Office equipment: new and replacement
 - Solar energy facility consultant
 - Electric vehicle charging station
 - New Commission vehicles
 - Long-term plan for replacement of HVAC, etc.

2

Recommendations to P&I Committee

- CMP Amendments
- Pinelands management area boundary analysis

3

CMP Amendments

- Exempt principal solar facilities on rooftops and parking lots
- Expand siting opportunities for principal solar facilities in the RDA and/or APA and/or at old mines in PAD and FA
- Establish specific limitations on clearing and tree removal for principal solar facilities
 - Require installation on existing impervious surfaces (rooftops and parking lots) before allowing clearing for ground-mounted facilities
 - Require tree replacement on- or off-site
- Require that certain types of new development incorporate solar energy facilities
 - Major residential, commercial, industrial, public, redevelopment

4

CMP Amendments

- Tree removal limitations for various types of development
- Tree replanting/reforestation requirements
- Management area boundaries (RGA, PV, PT)



August 19, 2022

Dear Authority Executive Staff:

Consistent with Executive Order No. 274, signed on November 10, 2021, it is the policy of New Jersey to reduce greenhouse gas emissions to 50% below 2006 levels by the year 2030 (“50x30”).

Climate change threatens our health, our economy, our infrastructure, and our livelihoods. As we experienced with Hurricane Ida, New Jersey’s communities and economy are uniquely vulnerable to the devastating impacts of climate change, and minority and low-income communities are disproportionately affected. The co-pollutants associated with fossil fuel combustion also impact our health and worsen our air quality, with the greatest burdens placed on our environmental justice communities.

New Jersey’s first Scientific Report on Climate Change described impacts of climate change that are already occurring in New Jersey, including more intense rainfalls and severe flooding, as well as anticipated impacts including sea level rise, increased air pollution, more severe droughts, and damage to agricultural and marine resources.

Our leadership and the actions we take this decade are critical. Reducing the severity of climate change impacts requires steep and immediate reductions in greenhouse gas emissions on an economy-wide basis, predominantly from the transportation, residential, commercial, and electric generation sectors.

During Governor Murphy’s first term, we took significant measures to reduce emissions, including implementing major new policies around electric vehicles and energy efficiency, tremendous steps forward on offshore wind, and regulatory reform to help reduce greenhouse gas and other climate pollutant emissions, while making our natural and built environments more resilient to the impacts of climate change that we cannot avoid.

We also engaged in several studies and planning processes to define the actions necessary for New Jersey to mitigate the worst effects of climate change and ensure an affordable, sustainable, just, and equitable transition to a clean energy economy. Through your engagement and support in crafting the 2019 Energy Master Plan (“EMP”) and 2020 Global Warming Response Act 80x50 Report (“80x50 Report”), many of the policies needed to achieve these climate ambitions have already been identified. As we look to the next four years of this administration, it will require a renewed focus and engagement to implement these policies, identify new opportunities, and take the meaningful actions necessary to drive immediate and sustained climate reductions throughout New Jersey.

Today, I ask for your continued partnership and engagement to use your departments, agencies, authorities, and commissions to help New Jersey take immediate and coordinated action to reduce greenhouse gas emissions and integrate these opportunities into your work. Specifically, I am requesting the following:

- All Executive Branch departments and agencies, individually and in coordination with each other, should take all actions necessary to facilitate the State’s achievement of the 80x50 greenhouse gas emission reduction target, with acceleration towards the 50x30 goal,

including but not limited to implementation of the strategies described in the EMP and 80x50 Report.

- In accordance with Executive Order No. 23 (2019), all Executive Branch departments and agencies should consider the impacts to overburdened communities, as described in Environmental Justice Law, N.J.S.A. 13:1D-158 and with guidance from DEP's Interagency Council on Environmental Justice, when evaluating climate change mitigation and adaptation priorities and actions.
- Executive branch departments will collaborate to integrate holistic state development and redevelopment planning that encourages climate resiliency and smart growth, reduces unnecessary vehicle miles traveled and encourages multi-modal transportation, enhances carbon sequestration, and supports management of stormwater and other climate impacts in the state planning process.

To facilitate climate change policymaking across state government and support Executive Branch departments and agencies in integrating these directives, the Governor's Office of Climate Action and the Green Economy ("OCAGE"), will coordinate the efforts of Executive Branch departments and agencies to further develop and implement the objectives and strategies detailed in the EMP and 80x50 Report or otherwise established to achieve our 50x30 carbon reduction goal. OCAGE will oversee development of consistent statewide policies and actions by Executive Branch departments and agencies that incorporate climate change impacts, and the state's Greenhouse Gas (GHG) emissions reduction goals into planning and policy-making decisions, including but not limited to rulemaking, procurement, contracts, capital improvement projects, grants, programs, or permitting.

Finally, OCAGE, in partnership with the Department of Environmental Protection, the Board of Public Utilities and the Economic Development Authority as co-chairs, will lead a steering committee to facilitate interagency efforts, track implementation of priority actions, and establish interagency working groups as necessary to recommend and implement greenhouse gas emissions reductions strategies on an accelerated timeline. Through the working groups, OCAGE may further call upon non-state government experts as necessary to inform decision making. Each working group will include a chair who will be responsible for organizing the group and ensuring progress toward goals. Initial working groups to be established include:

- **2022 EMP Update.** Pursuant to N.J.S.A. 52:27F-14, the Energy Master Plan must be updated every three years. BPU will lead an interagency effort to review and update the 2019 EMP in accordance with the latest science, new executive, legislative, or regulatory commitments or mandates, and our collective achievements thus far.
- **Transportation Electrification.** The existing Partnership to Plug-In interagency task force, currently consisting of DEP, BPU, EDA, Treasury, DOT, and NJ TRANSIT, will continue to consider how to encourage and facilitate the adoption of electric vehicles, reduce vehicle miles traveled, the build out of necessary supporting infrastructure, and other impacts of our transition to an electrified transportation sector, and identify opportunities for state and local government to lead the way in adoption of these technologies.
- **Clean Buildings.** The working group will create a roadmap through 2050 that identifies equitable, strategic, and economically beneficial paths to accelerate beneficial electrification of new and existing buildings. Taking into consideration national best practices, available and maturing technologies, affordability, equity, and stranded assets, the working group will create recommendations and timelines for the adoption of legislative, regulatory, and financial strategies to achieve building emissions reductions through improved energy efficiency, solar generation and storage, high-efficiency electrification and other mechanisms. The working group will also identify opportunities for the State to lead the way in adopting building decarbonization.

- **Social Cost of Carbon.** OCAGE will lead a collaborative process to develop a Social Cost of Carbon Guidance Document for New Jersey to evaluate the economic impact of greenhouse gas emissions and identify opportunities for incorporation in decision-making across state government.

All Best,

A handwritten signature in black ink, appearing to read "Jane Cohen". The signature is fluid and cursive, with the first name "Jane" and the last name "Cohen" clearly distinguishable.

Jane Cohen, Director
Governor's Office of Climate Action
and the Green Economy

No Net Loss Compensatory Reforestation Act

§ 13:1L-14.1. Definitions

As used in this act:

“Division” means the Division of Parks and Forestry in the Department of Environmental Protection.

“State entity” means a department, agency, or office of State government, including a State university or college, or an authority created by the State.

§ 13:1L-14.2. Plan for compensatory reforestation

a. Each State entity, by July 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation for all areas at least one-half acre in size that are owned or maintained by that State entity and are scheduled for deforestation. A reforestation plan required pursuant to this act shall establish a goal of no net loss of existing forested area based upon a reasonable and practical Tree Replacement Factor developed due to the act of deforestation and in accordance with this act. The plan shall be subject to approval of the division after review and comment by the Community Forestry Council established pursuant to section 5 of [P.L. 1996, c. 135](#) ([C. 13:1L-17.5](#)). No project that would deforest land at least one-half acre in size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the division.

A reforestation plan shall provide that, if tree planting adjacent to the deforested area is not feasible, it shall be conducted in the following order: within the municipality in which the deforestation occurred, within five miles of the site of deforestation, or off-site.

b. A reforestation plan developed pursuant to this section shall include appropriate and approved methods for the planting, protection, care and management of trees and other related natural resources. With the advice and assistance of the Community Forestry Council, the division shall develop and make available to State entities a list of guideline elements that shall be required in a reforestation plan. These guidelines shall establish but not limit the basic framework of an approved reforestation plan.

A reforestation plan developed pursuant to this section shall provide that:

(1) if the division determines that it is not feasible to conduct the tree planting efforts on-site, then the tree planting shall be conducted first on State property within the municipality in which the deforestation occurred or municipal property within the municipality in which the deforestation occurred. Municipal property may include property owned or maintained by that community including but not limited to parks, streets, schools, municipal facilities, and open space and recreation areas;

(2) if the division determines that it is not feasible to conduct the tree planting efforts on-site or within that municipality, then the tree planting shall be conducted within five miles of the site of the deforestation. Sites within five miles of the site of deforestation may include property owned or maintained by the State, county or other municipal entity;

(3) if the division determines that it is not practicable to conduct the tree planting efforts on-site, within the municipality or five miles of the site, then the tree planting shall be conducted off-site by the State entity. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto;

(4) the State entity shall use native species when practicable;

(5) the shape or configuration of the reforested area may be substantially similar to the shape or configuration of the deforested area;

(6) the replacement of trees shall be determined by the Tree Replacement Factor and shall be based upon accepted forestry research and practices which show the average tree density within urban areas to be 204 trees per acre of tree cover;

(7) in using the Tree Replacement Factor (TRF) for sites that are deforested the following number of stems shall be calculated for seeding, caliper and whip/container trees:

TRF = 204 (2" — 2 ½") caliper trees per acre

= 408 whip/container (4' — 6') trees per acre

= 1210 tree seedlings per acre;

(8) the seedlings shall be planted from six to 10 feet apart, or at a distance mutually agreed to by the division and the State entity, and that the seedlings are obtainable from a tree nursery owned and operated by the State. Subject to availability from a State tree nursery, the seedlings used in reforestation by a State entity pursuant to this act shall be those that are the most suitable for the site; and

(9) the species of caliper nursery grown trees measured at two and one half inches and whips at one and one half inches shall be planted based upon the approved planting plan and subject to the standards established by the American Association of Nurserymen. Trees to be planted shall be selected from those recommended in the publication entitled "Trees for New

Jersey Streets” published by the New Jersey Shade Tree Federation and in accordance with the recommended planting specifications. Diversity in species composition shall be required to reduce the risk of widespread loss of trees to single insect and disease infestation and, therefore, similar species shall not exceed 30 percent of the total planting.

c. The State entity shall enter into a memorandum of agreement with the division that guarantees the division reimbursement for actual labor hours attributable to the review and implementation of that State entity’s reforestation plan pursuant to this act. If the compensatory reforestation as required by this act cannot be accomplished on the site of the project by the State entity, the division and the State entity may mutually agree within the memorandum of agreement that the State entity responsible for the deforestation shall pay an amount equal to the value of the number of trees required as determined by the Tree Replacement Factor and in accordance with an approved plan. This payment shall be deposited in the “Shade Tree and Community Forest Preservation License Plate Fund,” established pursuant to section 12 of [P.L. 1996, c. 135 \(C.39:3-27.81\)](#), and shall be expended for reforestation by the division with the advice of the Community Forestry Council and the approval of the director of the division. The memorandum of agreement shall be part of the State entity’s plan for compensatory reforestation.

§ 13:1L-14.3. Nonapplicability of act

The requirements of [P.L. 1993, c. 106 \(C.13:1L-14.1 et seq.\)](#) shall not apply to activities:

- a. that are deemed by the division to constitute standard forestry, wildlife management, or arboricultural practices, or to actively managed existing utility easements; or
- b. conducted, or that are caused to be conducted, by the Department of Military and Veterans’ Affairs at the Brigadier General William C. Doyle Veterans’ Memorial Cemetery.

§ 13:1L-14.4. Public forum to present plan for deforestation, reforestation by State entities

Whenever a State entity owns or maintains land on which an area of at least one acre in size is scheduled for deforestation, at least 180 days prior to the deforestation of the area the State entity shall hold at least one public forum within the municipality in which the deforestation is scheduled, or, if the forested area scheduled for deforestation spans more than one municipality, in any one of the municipalities in which deforestation is scheduled, to present its plan for deforestation and its plan for reforestation. The public shall be permitted to present oral and written comments to the State entity within a comment period of 60

days from the date of the forum. No more than 60 days after the comment period has closed, the State entity shall provide written responses to the comments presented.

Whenever a public process is already required by any other State or federal law, or any rule or regulation adopted pursuant thereto, for a project that includes forested land scheduled for deforestation, the State entity shall not be required to conduct a separate public forum to comply with the provisions of this section, provided that the public forum requirements established herein are also met at the public forum or hearing conducted pursuant to any other State or federal law. The State entity shall clearly advise the public in its agenda for the public forum that a reforestation plan will be presented. Copies of written responses to the public comments shall be provided by the State entity to the division at the close of the comment period.

AN OUTLINE FOR DEVELOPMENT OF CLIMATE-RELATED AMENDMENTS TO THE NJ PINELANDS COMPREHENSIVE MANAGEMENT PLAN

TO: Susan Grogan, Acting Executive Director, NJ Pinelands Commission
Laura Matos, Chairperson, NJ Pinelands Commission

FROM: Mark Lohbauer, Chairman, NJ Pinelands Climate Committee

Date: July 28, 2022

The Climate Committee's agenda for tomorrow includes a discussion of amendments to the C.M.P. As we have no amendments proposed at this time, I would like to introduce the outline below to the Climate Committee for their consideration as a framework for such amendments. The outline does not include actual amendment language, but rather goals for such amendments. This outline should stimulate a discussion among the Committee members, staff, and interested members of the public and will hopefully result in a direction from the Committee to the staff to draft amendment language for each of the items in the outline that the Committee may agree to support.

Preamble language, establishing climate mitigation as a basis for decision making.

Amending CMP Section 7:50-1.3 General purpose and intent

1. Establishing climate mitigation as a standard that must be observed by the NJ Pinelands Commission in evaluating all development applications, crafting policy, and implementing its own operations. This amendment should refer to the NJ Global Warming Response Act (P.L. 2007 c.112; P.L. 2018 c.197) and note that the current climate crisis requires mitigation of ever-increasing levels of carbon dioxide and other greenhouse gases in the atmosphere, and that the NJ Pinelands Area and National Reserve are the largest forested areas in New Jersey, which makes it a critical carbon sink.

Amending CMP Section 7:50-2.11 Definitions

2. Inserting all necessary definitions within Section 7:50-2.11 to clarify terms used in these proposed amendments, including "battery storage system," "carbon sequestration," "climate change," "climate mitigation," "geothermal HVAC system," "no net loss of trees," and "renewable energy"

Development policy

Amending CMP Section 7:50-4.1 et seq. Development Review

AN OUTLINE FOR DEVELOPMENT OF CLIMATE-RELATED AMENDMENTS TO THE NJ PINELANDS COMPREHENSIVE MANAGEMENT PLAN

3. Requiring private and public development applicants to address climate mitigation as an element of their application, indicating the net effect of their proposed development on climate and proposing mitigating features to compensate for them.
4. Requiring all new development projects that include creation of new paved surfaces for driveways and parking areas to utilize pervious materials for these surfaces.

Climate mitigation policy

Create new Part XVI under Sub-chapter Six Management Programs and Minimum Standards CMP Section 7:50-6.159 et seq. entitled “Climate Mitigation Policy” to include the following new policy sections:

A. Carbon sequestration policy

5. Establishing policies that will mitigate climate impacts in the Pinelands Area by reducing or restricting fossil fuel use and enhancing measures that sequester airborne carbon. Among other things, this section should note the importance of cover crops in agricultural areas as carbon sinks and our encouragement of their use.
6. Expanding carbon sequestration capacity through no net loss of trees policy and through favoring development applications that provide a net gain of carbon sequestration capacity. This policy would acknowledge that while tree removal is permitted by the CMP, a system of replacement would require either planting of trees of comparable carbon sequestration value, or payment into the Pinelands Conservation Fund for the purpose of preserving equivalent forested area in the Pinelands. The system would require identification of the carbon sequestration value of the trees to be removed so that trees of comparable sequestration value would be used as replacement.
7. This policy should also indicate the Commission’s preference for development to occur on lands already disturbed, rather than on forested areas that would require tree clearance.

B. Climate-related energy policy

8. Requiring renewable energy (solar or wind as practicable) installations on all new residential (of at least four or more dwelling units), commercial, institutional or industrial development projects unless the applicant may show that site conditions make renewable energy installations impractical on the site.

AN OUTLINE FOR DEVELOPMENT OF CLIMATE-RELATED AMENDMENTS TO THE NJ PINELANDS COMPREHENSIVE MANAGEMENT PLAN

9. Expressing a preference (or providing incentives, if possible) for project applications that conserve energy use for heating/cooling/lighting and/or implement geothermal systems for heating and cooling.
10. Expressing a preference (or providing incentives, if possible) for project applications that utilize energy storage systems, such as battery-storage systems, in lieu of fossil fuel-based emergency power generation systems.
11. Restricting expansion of commercial fossil fuel-related infrastructure in the Pinelands including, but not limited to gasoline filling stations; pipelines that carry crude oil, natural gas or other petroleum products, and petroleum-based fuel storage tanks.

C. Climate-related stormwater management policy

12. Requiring all development projects to include flood planning and stormwater management systems that recognize the increased frequency and intensity of rainfall in the Pinelands related to climate change. [Staff is directed to craft a standard that incorporates the increased rainfall levels expressed in the D.E.P.'s climate-impacted rainfall projections for the Pinelands.]

D. Operations of the Pinelands Commission

13. Requiring the Pinelands Commission to reduce and ultimately eliminate its fossil fuel-based energy consumption inherent in its own operations through the following measures, to be implemented as promptly and as practically possible:
 - a) Replace all incandescent or fluorescent lighting fixtures with light emitting diode (L.E.D.) fixtures as practicable.
 - b) Replace natural gas fueled water heating systems with electric water heating.
 - c) Replace fossil fuel-based space heating systems with electric space heating systems, and/or with geo-thermal HVAC systems.
 - d) Apply state-of-the-art insulating materials, insulated window glazing, and such other insulating practices designed to minimize the amount of energy needed to heat or cool Commission buildings.
 - e) Install a solar energy power generation system sufficient to supply all power needs of the Commission.
 - f) Install a battery storage system designed to work with the solar energy power generation system sufficient to provide all necessary power to the Commission when solar power is not being generated.
 - g) Replace the existing combustion-engine-powered motor vehicles in the Commission's fleet with appropriate electric vehicles (that support the

AN OUTLINE FOR DEVELOPMENT OF CLIMATE-RELATED AMENDMENTS TO THE
NJ PINELANDS COMPREHENSIVE MANAGEMENT PLAN

Commission's usage requirements) as each such combustion-engine vehicle requires replacement.

- h) Install sufficient Level 2 or higher electric vehicle charging equipment in the Commission's parking lot to allow for charging of the Commission's fleet, as well as access to the public so that they may charge their electric vehicles while visiting the Pinelands Commission offices.