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State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

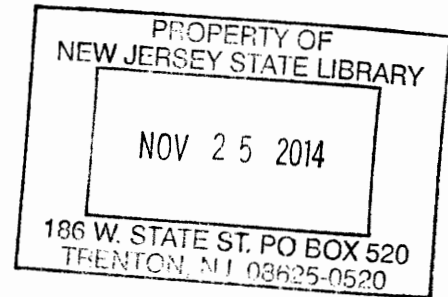
General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 17, 2014

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



Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for October 10, 2014 for your information.

Sincerely,

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes

PC2-78

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

October 10, 2014

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Joe DiBello, Sean Earlen, Ed Lloyd, Paul E. Galletta, Richard Prickett, Robert Jackson, Jane Jannarone, Ed McGlinchey, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Amy Herbold and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:35 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 14 Commissioners present.)

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

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

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Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the September 12, 2014 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Jackson seconded the motion.

The minutes of the September 12, 2014 Commission meeting were adopted by a vote of 10 to 0, with Commissioner Avery, Commissioner McGlinchey, Commissioner Quinn and Chairman Lohbauer abstaining.

Committee Assignments

Chairman Lohbauer announced the new Committee assignments:

Policy and Implementation Committee–

Mark Lohbauer (Chairman), Ashmun, Earlen, Galletta, Jackson, Lloyd & Prickett
Alternates: DiBello (1st Alternate), McGlinchey (2nd Alternate)

Personnel and Budget Committee–

Avery (Chairman), Brown, DiBello, McGlinchey, Quinn, Rohan Green & Witt
Alternates: Jannarone (1st Alternate), Prickett (2nd Alternate)

Committee Chairs' Reports

Personnel & Budget Committee

Acting Committee Chairperson Prickett said the September 30, 2014 Personnel and Budget (P&B) Committee meeting was canceled.

Plan Review

Commissioner Ashmun said copies of the Plan Review Report have been distributed. She said the report contains a lot of good information and she thanked staff for their hard work in producing it.

Ms. Wittenberg said staff will present the report later in the meeting.

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on the September 26, 2014 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the July 25, 2014 meeting

The Committee received the annual update on the Pinelands Permanent Land Protection programs. Both the presentation and a related map of preserved lands have been posted on the Commission's website.

The Committee received an update on the redesign of the Commission's website. New features will increase accessibility and expand the information available to the public. The

PC2-80

implementation schedule is dependent upon the NJ Office of Information Technology's schedule and workload.

The Committee discussed public hearing and comment procedures.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Pinelands Municipal Council met in Little Egg Harbor at the end of September. She said the Council continues to struggle to get a quorum.

Mr. Larry Liggett provided an update on the following:

- Staff continues to work on the next steps for the remaining efforts on the Kirkwood-Cohansey study.
- The New Jersey Department of Environmental Protection is considering new Water Quality Management Planning Rules.
- The Commission has been receiving a number of calls from Pinelands counties and municipalities, asking about the numbers provided to the Council on Affordable Housing (COAH). The Commission staff plans to hold a briefing session on the buildout numbers.

Mr. Chuck Horner provided an update on the following:

- A pre-application meeting was held with representatives from Joint Base McGuire-Dix-Lakehurst to discuss two solar facility proposals.
- Staff is reviewing an application for the demolition and reconstruction of a house dating back to the 1870's that was damaged by Superstorm Sandy in New Gretna.
- Staff recently reviewed two applications for wetlands mitigation.
- Staff is working with Egg Harbor City on a sidewalk project. The project has faced limitations because of stormwater regulations and wetland requirements.

Commissioner Avery asked if the solar project at the base would require Commission approval.

Mr. Horner said yes.

Commissioner Jackson asked if the military base was required to apply to the Commission for all development.

Mr. Horner said yes, however the CMP has a provision that states exceptions for national defense.

A discussion ensued about when and why the Joint Base uses this provision.

Commissioner Lloyd suggested that Ms. Roth contact the Department of Justice to further explore the issue.

PC2-81

Ms. Stacey Roth advised Commissioners that annual ethics training must be completed by mid-November.

Chairman Lohbauer added that Commissioner McGlinchey suggested the formation of an Agriculture Committee composed of Commission members only. Chairman Lohbauer said that the Tuckahoe Turf matter was a good example of something that could be reviewed by this Committee.

Commissioner Jackson suggested that farmers on the Commission should be on that Committee.

Chairman Lohbauer said he would speak with staff to discuss the possibility of the new Committee.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said there were no Public Development applications or Waivers of Strict Compliance on this month's agenda.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Ordinances Not Requiring Commission Action

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

- Woodland Township Ordinance 2014-4

No members of the Commission had questions.

Other Resolutions

Chairman Lohbauer presented a resolution To Approve the New Jersey Pinelands Commission's 2013 Annual Report. He said he was glad to see the report included a tribute to former Commissioner John Haas and Commissioner Richard Sullivan.

Commissioner Galletta moved the adoption of a resolution To Approve the New Jersey Pinelands Commission's 2013 Annual Report (See Resolution # PC4-14-35).
Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Other Agenda Items

PC2-82

Ms. Wittenberg said that Chairman Lohbauer directed staff to establish a Plan Review Committee. She said in June of 2012, work on the 4th Progress Report on Plan Implementation began. She said the report takes a snapshot beginning in July of 2001 and concludes at the end of June 2012. She said the report will be posted on the Website later today.

Link to the report:

<http://www.state.nj.us/pinelands/cmp/planreview/PR%20reports/PlanReviewReportFinalDraft.pdf>

Ms. Grogan reviewed the highlights of the Land Use and Planning chapter, which included charting the changes in acreage for each Pinelands Management Area and the multiple CMP Amendments that took effect during the plan review period. She also reported on the Permanent Land Protection efforts of the Commission between 2001 through June 30, 2013.

Mr. Horner reviewed the types and amounts of applications the Regulatory Programs office processed between 2001 and 2012.

Mr. Kim Laidig provided information on the Science office's main initiatives: the Long-term Environmental-monitoring Program, the Kirkwood-Cohansey Project and the Ecological Integrity Assessment.

Mr. Liggett briefed the Commission on the Memorandums of Agreement (MOA) that the Commission entered into from 2001-2012. He said the Commission entered into 12 streamlining MOA's and eight deviation MOA's. Mr. Liggett also discussed the Commission's Long -Term Economic Monitoring Program.

Mr. Paul Leakan described the efforts the Commission had undertaken in education and outreach.

Ms. Wittenberg said that although the report is complete, the work has just begun. She reviewed the recommendations portion of the report. (See presentation slides for further details (Attached)).

Chairman Lohbauer commended staff and Commissioners for the hard work that went into the Plan Review process.

Commissioner Ashmun congratulated staff for the years of work. She stated that she believed equal protection of the Pinelands had been achieved through the MOAs approved to date.

Commissioner Prickett said the report is proof that the CMP is working. He said the report is a great tool that can be used by people in the science and planning fields.

PC2-83

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

Brian Murphy, who spoke on behalf of the New Jersey Builders Association, said the staff at the Commission has always been a pleasure to work with and he hopes to continue the dialogue on the Pinelands Development Credit Program, stormwater management and the Kirkwood-Cohansey study. He said he was curious how the Commission accounts for the recharge of water from housing developments.

Marilyn Miller suggested a moratorium on building. She said she has participated in many plant surveys and said the work needs to continue.

Fran Brooks, a Tabernacle Township resident, said she appreciated the staff's efforts on the Plan Review report. She asked if violations stemming from MOA's are tracked and logged by Commission staff.

Mr. Horner said that all violations follow the same process.

Georgina Shanley of Ocean City recognized the work of both the Staff and the Commissioners on the Plan Review report. She said based on the figures in the report, there are still demands on the natural resources of the Pinelands.

Ms. Shanley asked for an update on the South Jersey Gas lawsuit.

Ms. Roth said the Court has not yet established a briefing schedule.

Ms. Shanley asked about the implications of the Van Drew Bill (**A3257**) in the assembly.

Chairman Lohbauer said there are no implications unless the bill is adopted and signed by the Governor. The Commission's counsel will advise us at that time.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss collective bargaining.

Commissioner Jackson moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote 14 of 0, beginning at 11:28 a.m.

Return to Open Session

Commissioner Galletta made a motion to return to open session. Commissioner Lloyd seconded the motion. The meeting resumed at 12:28 p.m.

PC2-84

Ms. Roth said that in closed session the Commission discussed the ongoing collective bargaining negotiations and the fact finder's report. She read the resolution that was discussed in closed session into the record.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Encourage to the Communications Workers of America, Local 1040 to Vote on the Fact Finder's Report and Recommendations (See Resolution # PC4-14-36).

Commissioner Witt seconded the motion.

Commissioner Earlen said he disagrees with the resolution. He said he feels it is in the best interest of the Commission and employees to take action on the fact finder's report today.

The Commission adopted the resolution by a vote of 9 to 4, with Commissioner Brown, Commissioner Earlen, Commissioner Jackson and Commissioner McGlinchey voting no. (Note: Commissioner Jannarone was not present for the vote.)

Adjournment

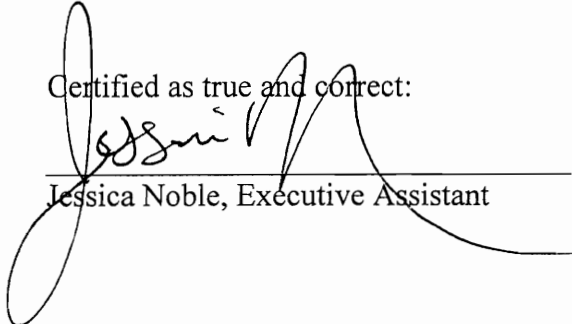
Commissioner Jackson said that despite the staffing constraints at the Commission and the lack of enforcement power, we are still able to accomplish great things.

Commissioner Lloyd said he was delighted to be a part of this. He thanked the Legislature and Governor Byrne for requiring the Plan to review both the past and the future.

Chairman Lohbauer closed by thanking the Plan Review Committee.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 12:37 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: 10/17/14



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 36

TITLE: To Authorize the Executive Director to Encourage to the Communications Workers of America, Local 1040 to Vote on the Fact Finder's Report and Recommendations.

Commissioner Avey moves and Commissioner Witt seconds the motion that:

WHEREAS, the prior Collective Bargaining Agreement between the Pinelands Commission and its three employee bargaining units (non-supervisory unit, professional unit and supervisory unit) expired on June 30, 2011; and

WHEREAS, the Commission's three bargaining units are represented by the Communications Workers of America (CWA), Local 1040; and

WHEREAS, negotiations for a new Collective Bargaining Agreement for the term from July 1, 2011 through June 30, 2015, commenced between the Pinelands Commission's Negotiating Team and the Employee Bargaining Unit Member Negotiating Team, which included employees from each of the Commission's three bargaining units and representatives of the CWA, Local 1040 (hereinafter referred to as the "CWA, Local 1040 Negotiating Team"); on November 11, 2011; and

WHEREAS, 11 negotiating sessions occurred between the Commission's Negotiating Team and the CWA, Local 1040 Negotiating Team from November 11, 2011 through January 16, 2013; and

WHEREAS, following the January 16, 2013 negotiating session, the negotiating parties had reached an impasse. As a result, the CWA, Local 1040 filed a Notice of Impasse with the Public Employee Relations Commission (PERC) on February 19, 2013; and

WHEREAS, following the filing of the Notice of Impasse, both the Commission's Negotiating Team and the CWA, Local 1040 Negotiating Team met with a PERC mediator on June 10, 2013 and again on July 8, 2013 to try and resolve the impasse; and

WHEREAS, because the Negotiating Parties were unable to resolve their impasse through mediation, they moved on to fact finding; and

WHEREAS, by letter dated October 13, 2013, PERC appointed Richard C. Gwin as the Fact Finder for the bargaining impasse between the Pinelands Commission and the three employee bargaining units represented by CWA, Local 1040; and

WHEREAS, following the Fact Finders' appointment, Mr. Gwin met with each party's negotiating team and attempted to resolve the impasse through mediation. These mediation sessions were conducted on January 14, 2014 and April 28, 2014; and

WHEREAS, because these mediation attempts were unsuccessful, a hearing was held before the Fact Finder on July 10, 2014; and

WHEREAS, during the Fact Finder's hearing, the Negotiating Parties availed themselves of the opportunity to examine and cross-examine witnesses, introduce exhibits and argued their positions; and

WHEREAS, on August 5, 2014, the Fact Finder issued his Report and Recommendations, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, it is the Commission's understanding that each member of its three employee bargaining units has been provided a copy of the Fact Finder's Report and Recommendations; and

WHEREAS, to date, the three employee bargaining units have not voted as to whether they will accept the recommendations of the Fact Finder; and

WHEREAS, it has been two months since the Fact Finder issued his Report and Recommendations and no further progress has been made toward resolving the pending Collective Bargaining Agreement negotiations; and

WHEREAS, the Fact-Finder's Report and Recommendations provide a means to resolve the bargaining impasse; and

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

NOW, THEREFORE BE IT RESOLVED that given the length of time that negotiations has been on-going, the Commission wants to hear from its three employee bargaining units before it acts on the Fact Finder Report and Recommendations and, therefore, encourages the three employee bargaining units to vote on the Fact Finder's Report and Recommendations within the next thirty (30) days so that the Commission may take an action at its next monthly meeting.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: Oct. 10, 2014

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Fact-finding

-between-

THE NEW JERSEY PINELANDS COMMISSION

(“Public Employer”)

-and-

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1040

(“Employee Representative”)

Docket Nos. FF-2014-014;
FF-2014-015; FF-2014-016

**REPORT AND
RECOMMENDATIONS**

APPEARANCES:

For the Communications Workers of America, AFL-CIO, Local 1040

WEITZMAN & MINTZ, LLC
by Rosmarie Cipparulo, Esq.

For the New Jersey Pinelands Commission

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
by James Patterson, Esq.

BEFORE: Richard C. Gwin, Fact-finder

INTRODUCTION

By letter dated October 25, 2013 from the Public Employment Relations Commission (“PERC”), the undersigned was appointed Fact-finder to a bargaining impasse between the New Jersey Pinelands Commission, (“Commission”) and three

negotiations units (professionals, supervisors, and non-supervisory employees) represented by CWA Local 1040 ("Union" or "CWA"). The CWA had filed a Notice of Impasse with PERC on February 19, 2013. After several meetings with a mediator, the parties narrowed the issues considerably, but were unable to resolve their impasse. The parties met twice with the Fact-finder in mediation, but the impasse persisted. A hearing was held on July 10, 2014 at which the parties examined and cross-examined witnesses, introduced exhibits, and argued their positions. The record was then closed.

THE PARTIES' POSITIONS

The hearing in this matter was originally scheduled for April 28, 2014. A few weeks before the hearing the parties mutually requested that the date be used for mediation. By letter dated April 16, 2014, the Union presented its position. (U-6) In addition to the issues tentatively resolved during negotiations, the CWA proposed wage increases of 2% across-the-board effective July first in 2011, 2012, 2013 and 2014; an increase in sick days from 10 to 15 annually; and a change in the parties' Layoff and Recall language. The Union argued that its wage proposal is consistent with the trend of New Jersey public sector settlements over the last three years. It argued that the proposed increases are considerably lower than those received by State employees, because the State settlement (0%, 0%, 1.0% and 1.75% across-the-board) was exclusive of increments. The Union maintained that consideration should be given to the fact that in 2009 and 2010, in order to save jobs, it met with the Commission mid-contract and agreed to waive, reduce and

delay previously negotiated salary increases. The Union also agreed to unpaid furlough days. (U-6)

At the hearing on July 10, 2014, the Union introduced an unsigned memorandum of agreement into the record. (U-8) The memo covers the term of July 1, 2011 through June 30, 2015. It includes all the issues tentatively agreed to during negotiations and the following proposals on the open issues:

1. Salary Provisions: All negotiations' unit members shall receive the following:

Effective July 1, 2011 - 0% increase.
Effective July 1, 2012 - 0% increase.
Effective July 1, 2013 - 1% across-the-board increase.
Effective July 1, 2014 - 1.75% across-the-board increase.
Effective July 1, 2014 - 2.25% one time payment to base salary. (Id.)

2. Sick Leave Provision: All negotiations' unit members will receive an additional three sick days for a total of 13 days paid sick leave each year. (Id.)
3. Personal Leave Bank: All negotiations' unit members will receive four Personal Leave Bank Days. (Id.)
4. Layoffs and Recall:
 - A. The Commission may institute layoff action for economy, efficiency and other related reasons.
 - B. When it is necessary to lay off employees, the Union shall be notified at once or as far in advance as possible. Affected and possibly affected employees shall be notified within 45 calendar days prior to the date of their release. Notice(s) shall be supplied to the Union with all relevant data concerning the layoff.

- C. Affected Employees shall be laid off based on their overall evaluation average for the last three years of service at the Commission within their job title. Where two employees maintain the same evaluation average within the same job title employees shall be laid off in the inverse order of their overall seniority within the Commission.
- D. An employee scheduled for release from a position may replace or “bump” an employee with less seniority in the position. An employee shall also have bumping rights to any other position to which they meet the necessary qualifications, skills, and abilities of the position. A reduction in salary shall be made only to the extent necessary to stay within the range of the position to which the employee is to be demoted where applicable.
- E. Employees shall be on a recall list for one year. If a position opens up and the employee is qualified in the sole estimation of the Commission, he or she shall be recalled. (Id., U-5)

5. Article XVI - Provisional Status:

Employees who are promoted or transferred to a new job title during the term of this Agreement shall serve a probationary period of three (3) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the discretion of the Program Director/Division Manager with approval of the Executive Director for two extensions of forty-five (45) days each.

The Commission's final position follows:

1. All issues tentatively agreed to.
2. Wages:
 - a. Across-the-board increases as follows:
 - Effective July 1, 2011 - 0%
 - Effective July 1, 2012 - 0%
 - Effective July 1, 2013 - 1%
 - Effective July 1, 2014 - 1.75%
 - b. No merit pay during the term of the contract; status of merit pay to be negotiated during the next round of bargaining.
 - c. Lump sum payments (not on base) to each employee of \$450 on or before August 1, 2014; and \$450 to each employee on or before July 1, 2015.
3. Furlough/Leave Bank - Employees shall receive four furlough (paid leave bank) days to be used by January 1, 2016. Days not used by January 1, 2016 will be lost.
4. Layoff and Recall - status quo.
5. Professional Status - Probationary period in new position of 6 months.
6. Sick Days - Increase to 12. (C-1)

The Commission argues that its proposal for across-the-board increases is consistent with the State CWA contract and CWA contracts with smaller government agencies and appointing authorities, such as the HMFA. The Commission contends that the two \$450 lump sum payments are comparable to

those received by HMFA employees, but should not be applied to base salary because HMFA employees agreed to eliminate salary guides at the expiration of their bargaining agreement; and because the Commission no longer seeks the elimination of merit pay from the contract. The Commission asserts that the Union's proposed Layoff and Recall language too severely limits its flexibility to manage its small workforce. The Commission argues that a 6-month probationary period is necessary to assess the performance of employees moving into a new position. (C-1)

DISCUSSION

The Union presented sixteen exhibits through the testimony of two witnesses: CWA National Rep Victor Waller; and Shop Steward Paul W. Tyshchenko. Mr. Waller has represented Pinelands Commission employees since they organized in 2006. Most of his testimony addressed comparability issues and the parties' bargaining history. He explained that the 2% increases sought by the Union were consistent with public sector salary settlements since 2011. As examples he cited CWA settlements in Pemberton (2%); Atlantic County (2%); and Morris County (2.25%, 2.2%). Mr. Waller testified that the Union's proposal of 2% across-the-board in each of four years was considerably less than the State settlement because State employees continued to receive step increases.

Mr. Waller also testified about the concessions negotiated by the parties during the term of their original 2007-2011 bargaining agreement. (U-1; J-1) On June 22, 2009 the parties executed a memorandum of agreement containing concessions to avoid a Commission plan to layoff seven employees. The parties agreed to eliminate a 3.5% across-the-board increase due July 1, 2009; and to a 1.5% increase in lieu of merit pay. (U-2) They also agreed that every employee would take (6) furlough days, for which they would receive 4 paid leave days. (Id.) The parties signed this memo just weeks after the State and the CWA had reached an agreement deferring a 3.5% increase for State employees, and establishing 10 furlough days to be taken over FY 2009 and FY 2010 in exchange for 7 paid leave days. (U-4)

On May 25, 2010 the parties executed a second memo containing concessions in exchange for an agreement to limit layoffs. (U-3) They agreed to eliminate merit increases, reduce an increase of 3.5% due July 1, 2010 to 1.75%, and to defer the increase until January 1, 2011. They also agreed that all employees would take 8 unpaid furlough days in FY 2011. There was no mention of paid leave days.

Mr. Waller explained that the Union prepared the unsigned memo introduced into the record as U-8 after the Commission had authorized its Executive Director to seek a one time 5% increase to settle the salary issue for the successor agreement. The increase was vetoed by the Governor, in part because it involved transferring funds from the Pinelands Conservation Fund ("PCF"). (U-14) Mr. Waller testified that the settlement proposed in U-8 more closely follows the pattern set in the HMFA settlement than the

Commission's position, because HMFA employees received two lump sum payments of \$500 which were added to base salary.

In support of its argument that the Commission can afford to fund the Union's salary proposal, it introduced the Pinelands Commission Operating Budget Notes for FY 2009 through FY 2013. (U-10, U-11, U-12, U-13, U-15, U-16) Mr. Tyshchenko, who has some familiarity with municipal government finance provided the related testimony. He compared budgeted to actual expenditures, and discussed the revenue sources available to fund a salary settlement for the Commission's reduced staff. According to Mr. Tyshchenko, the Commission has always funded employee salaries from the PCF.

Stacy Roth testified on behalf of the Commission about the creation and purpose of the PCF. The PCF was initially funded with \$13 million from a Commission Agreement with Connective. PCF monies are used on projects with a direct nexus to the protection of the Pinelands. An advisory committee developed protocols to distribute funds among three categories: land acquisition, community design, and research. PCF funds may be used for salaries and benefits, but only for employees working on PCF projects. PCF funds are not used to supplement the general salary account.

The entire record has been carefully reviewed and evaluated by applying traditional considerations involved in public sector negotiations in New Jersey, which include: the economic impact on the employer, the local tax payers, and employees; comparability

with similarly situated employers and employees; the parties' bargaining history; specific issues relevant to the employer and its employees; and the lawful authority of the employer.

Salaries— The most relevant comparables are the State settlement with CWA and how it has been applied to smaller appointing authorities. In this case the parties focused on the HMFA settlement in which employees received across-the-board increases of 0%, 0%, 1.0% and 1.75%; lump sum payments to base of \$500 in the first and second years; and an increment. Those parties also agreed to eliminate the salary guide at the expiration of their agreement.

Within the framework of the State pattern the Commission has offered two \$450 lump sum payments not on base to Commission employees, a freeze on merit pay for the duration of the contract, and a commitment to negotiate the issue of merit pay in the next round of bargaining. The Union proposed a lump sum payment of 2.25% in the fourth year of the State pattern.

I am recommending across-the-board increases consistent with the State settlement of 0% effective July 1, 2011; 0% effective July 1, 2012; 1.0% effective July 1, 2013; and 1.75% effective July 1, 2014. I am recommending a lump sum payment of \$500 not on base no later than September 1, 2014, and a lump sum payment of \$500 not on base no later than July 1, 2015. While it is true this results in smaller percentage increases to Commission employees' base salaries than those received by HMFA employees, they will

be better off in the long run by retaining some form of merit pay in their bargaining agreement.

Furlough days/Paid Leave— State employees took a total of ten furlough days for which they received 7 paid leave days. Commission employees agreed to take a total of 14 furlough days for which they have received 4 paid leave days, I recommend that each Commission employee receive an additional 7 paid leave days which must be used by January 1, 2016.

Sick Days— Commission employees currently enjoy 10 sick days each year. The Commission has offered to add two days and the Union proposed 3. I recommend that sick days be increased to 12.

Layoff and Recall language— The Union presented a comprehensive proposal to modify the parties' Layoff and Recall language. The emphasis in the parties' presentations at hearing was on economics. I do not have a sufficient basis to recommend a change in the current language, and suggest the parties revisit this issue in the next round of negotiations. I recommend status quo.

Provisional Status— The parties negotiated new language creating a probationary period for employees promoted or transferred to a new position. Their only disagreement is on the length of the probationary period. The Union's proposal is 3 months; the

Commission's is 6 months. I find that 6 months provides a more reasonable time period to assess an employees' performance in a new title.

Prior Agreements— All issues agreed to prior to and during impasse should be included in the new contract.

Based on a careful review of the entire record, consideration of the parties' positions and for the reasons discussed above, I make the following:

RECOMMENDED SETTLEMENT

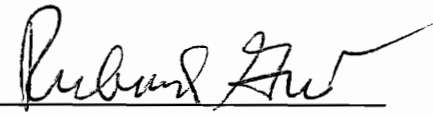
1. **Salary**: All employees shall receive the following:
 - a. Effective July 1, 2011 - 0% increase.
Effective July 1, 2012 - 0% increase.
Effective July 1, 2013 - 1% across-the-board increase.
Effective July 1, 2014 - 1.75% across-the-board increase.
Effective on or before September 1, 2014 - \$500 lump sum not on base.
Effective on or before June 30, 2015 - \$500 lump sum not on base.
 - b. Merit pay frozen for duration of agreement.
2. **Sick Leave Provision**: Effective July 1, 2014. All employees shall receive 2 additional sick days for a total of 12 days paid sick leave each year.
3. **Furlough Days/Paid Leave Bank**: All employees shall receive seven (7) Personal Leave Bank Days, which must be used by July 1, 2016.
4. **Layoffs and Recall**: Status quo.

5. Provisional Status: Add the following new Provision:

Employees who are promoted or transferred to a new job title during the term of this Agreement shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the discretion of the Program Director/Division Manager with approval of the Executive Director for two extensions of forty-five (45) days each.

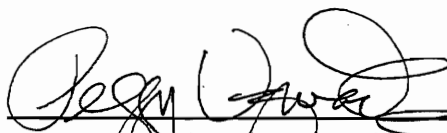
6. Prior Agreements: All issues agreed to prior to and during impasse shall be included in the new contract.

August 5, 2014


Richard C. Gwin, Fact-finder

State of New Jersey
County of Mercer

On this 5th day of August 2014, before me personally came and appeared RICHARD C. GWIN, to me known and known by me to be the individual described herein, and who executed the foregoing instrument and who acknowledged to me that he executed the same.


Peggy Uzmack, Notary Public

PEGGY L. UZMACK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAR. 29, 2016



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 35

TITLE: To Approve the New Jersey Pinelands Commission's 2013 Annual Report

Commissioner Galletta moves and Commissioner Uapl seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; and

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

NOW, THEREFORE BE IT RESOLVED that the attached 2013 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: Oct. 10, 2014

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



New Jersey Pinelands Commission

Annual Report 2013



Mission Statement of the New Jersey Pinelands Commission

The mission of the New Jersey Pinelands Commission is to preserve, protect and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

Cover photo: The 24th annual Pinelands Short Course featured 18 new programs, including a presentation with a live barred owl.

Photo by Paul Leakan

New Jersey Pinelands Commission

2013

Gubernatorial Appointees

Mark S. Lohbauer, Chairman

Candace M. Ashmun
D'Arcy Rohan Green
Richard H. Prickett

Robert Jackson
Edward Lloyd
Gary Quinn

U.S. Secretary of the Interior's Appointee

Joseph DiBello

County Appointees

Atlantic County
Paul E. Galletta

Burlington County
Sean W. Earlen

Camden County
Edward McGlinchey

Cape May County
William J. Brown

Cumberland County
Leslie M. Ficcaglia

Gloucester County
Francis A. Witt

Ocean County

John A. Haas, Vice Chairman (Jan. 2013 - Nov. 2013)

Alan W. Avery, Jr. (December 2013)

Executive Director

Nancy Wittenberg

New Jersey Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

Photo: (609) 894-7300

Fax: (609) 894-7330

E-mail: info@njpines.state.nj.us

Website: www.nj.gov/pinelands

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Pinelands loses two of its champions

The Pinelands lost two of its champions in 2013, as former Pinelands Commission Chairman Richard J. Sullivan and longtime Commissioner John A. Haas passed away on December 10th and November 30th, at ages 86 and 66, respectively.

Sullivan served as the Commission's Chairman from 1988 to 1998, and he is considered one of New Jersey's pioneers in environmental protection.

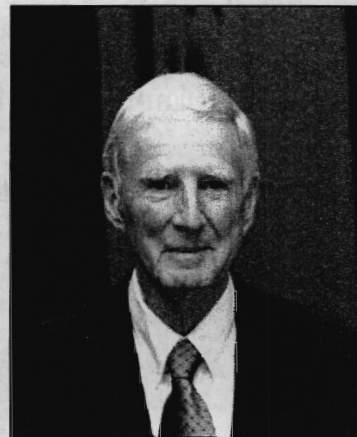
The Wall Township resident joined New Jersey state government in 1950 as a public health engineer. Sullivan was appointed as the Director of the newly-created Division of Clean Air and Water in 1967. Three years later, he was appointed as the first Commissioner of the New Jersey Department of Environmental Protection. Under his leadership at the DEP, New Jersey adopted sweeping protections of beaches, wetlands and the Meadowlands, expanded Green Acres land preservation efforts, and led efforts to pass clean air and water legislation that resulted in significant improvements in New Jersey's environment.

After his career in state government, Sullivan served on the faculties at Princeton University and the Stevens Institute, where he taught environmental studies. Following his university positions, he continued his strong advocacy of environmental causes. He co-founded New Jersey First, Inc., an environmental services firm.

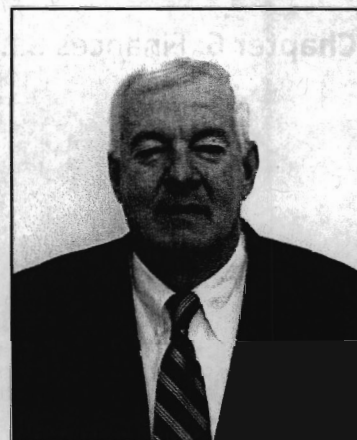
Sullivan was one of the chief architects of the Pinelands Comprehensive Management Plan. In 2001, the Commission recognized his contributions to the Pinelands by dedicating its headquarters in New Lisbon, NJ, in his name.

Haas served as Ocean County's representative on the Commission from 2005 until 2013. He served as Vice Chairman from 2010 until 2013.

A resident of Seaside Park, Haas brought his experience and insight as the longtime District Recycling Coordinator in Ocean County, and as a member of the Borough Council, Board of Education and Planning Board in Seaside Park to the Commission. He served on the Board of



Richard J. Sullivan



John A. Haas, Jr.

Directors of the Association of New Jersey Recyclers and taught courses at Rutgers University for municipal recycling coordinators.

During his tenure as a Commissioner, Haas served on the Audit Committee and was a member of the Commission's Permanent Land Protection, Personnel & Budget and Policy and Implementation committees.

Haas was a strong advocate for the permanent protection of land in the Pinelands, and the Commission permanently preserved 7,228 acres through the Pinelands Conservation Fund during his tenure.

Avery Rejoins Commission

The Commission saw a familiar face rejoin its ranks as the Ocean County Board of Chosen Freeholders appointed Alan W. Avery, Jr. to fill the county's seat on the Commission in December 2013.

Avery served as the county's representative on the Commission from 1983 to 2005, including 10 years as the Vice Chairman (1995-2005). Avery retired as the Ocean County Administrator, after many years of service as the county's Planning Director and Director of Solid Waste Management. Mr. Avery holds an undergraduate degree from Colgate University, as well as a master's degree of City and Regional Planning from Rutgers University. He currently serves as the Chairman of the Ocean County Natural Lands Trust Advisory Committee, and he is an alternate on the Ocean County Planning Board and a member of the New Jersey Local Finance Board.



Alan W. Avery, Jr.

Chapter 1: Land Use & Planning

Plan Review

Throughout 2013, the Commission continued its in-depth review of the Comprehensive Management Plan (CMP), the rules that govern land-use, development and the protection of natural and cultural resources in the Pinelands. The review began in 2012.

A Plan Review Committee composed of five Commission members met each month since June 2012.

In addition to continuing to gather information from the public, the Plan Review Committee identified a series of changes to the Plan that could improve the agency's efficiency. Several of these measures were incorporated in proposed amendments (please see the Pinelands Comprehensive Management Plan Amendments section below). Other changes are likely to be considered in future CMP amendments.

Meanwhile, Commission staff members made significant progress in drafting a report that will chart the agency's accomplishments and actions taken in support of the goals of the CMP since the last Plan Review. The report will also summarize the public process and the recommendations for CMP changes and other initiatives. Three such reports have been issued to date, and they are available on the Commission's website.

The Commission has implemented the CMP since it took effect in 1981. This is the Commission's fourth review of the Plan.

Pinelands Comprehensive Management Plan (CMP) Amendments



In 2013, the Commission proposed a series of amendments to the Pinelands Comprehensive Management Plan.

Photo/Paul Leakan

In December 2013, the Commission voted to propose several CMP amendments that are an outgrowth of the ongoing plan review process. (Please see the Plan Review section above).

More specifically, the amendments serve to codify current Commission practice, clarify existing standards and requirements, increase the efficiency of the Commission and its staff, eliminate unnecessary application requirements and correct typographical errors in the regulations. The amendments also provide an extended time period within

which the installation of certain alternate design wastewater treatment systems will be permitted, and remove from the Alternate Design Wastewater Treatment Systems Pilot Program a particular technology that has been unable to demonstrate compliance with CMP standards.

Among other things, the amendments would extend the duration of Letters of Interpretation (LOIs) from two years to five years. The Commission issues LOIs at the request of an applicant. Although an LOI may be requested for any standard set forth in the CMP, the vast majority of

LOI applications received by the Commission involve requests for an allocation of Pinelands Development Credits (PDC) to a particular parcel. The CMP currently provides that LOIs shall not be valid for a period longer than two years from the date of issuance by the Commission. With respect to LOIs involving PDC allocations, this means that a landowner to whom PDCs were allocated has two years to sever those PDCs from his or her property so that they may be sold, transferred or redeemed. After that two year time period, if the landowner wishes to sever the PDCs, he or she must once again apply to the Commission and “renew” the LOI. Renewals are largely a paperwork exercise that provides little benefit while creating more work for the Commission and property owners.

The amendments would also exempt the establishment of certain home occupations and certain changes of use from the need to file applications with the Commission. The change of one nonresidential use to another nonresidential use would no longer require application, provided the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

A full description of the amendments can be found on the Commission’s website. The direct address is <http://www.nj.gov/pinelands/cmp/amend/index.html>.

Long Term Comprehensive Wastewater Plan in Hammonton

In 2013, the Commission greatly advanced efforts to eliminate the discharge of treated wastewater from the Town of Hammonton’s wastewater treatment plant to Hammonton Creek.

In the early 1990s, the Town of Hammonton built a wastewater treatment plant to replace an old plant that did not comply with Pinelands regulations. The new facility was designed to improve effluent quality and to eliminate the preexisting wastewater discharge to Hammonton Creek. The new facility was designed to infiltrate a minimum of 1.6



In 2013, the Commission advanced efforts to end the discharge of treated wastewater to Hammonton Creek (above).

Photo/Ed Wengrowski

million gallons per day of treated wastewater in infiltration-percolation lagoons. However, the

infiltration facility has failed to function as it was designed. As a result, Hammonton has been unsuccessful in eliminating the discharge to Hammonton Creek, and is therefore in violation of the CMP's prohibition of discharging wastewater to Pinelands surface waters.

The Commission and the Town of Hammonton have sought to resolve the matter by retaining the U.S. Geological Survey (USGS) to study the wastewater facility. Additionally, Hammonton hired an engineering consultant to identify specific measures to optimize the infiltration of wastewater onsite.

In February 2011, as part of Hammonton's application for a public development approval for an increase in Kirkwood-Cohansey water allocation, the Pinelands Commission required the Town to develop, in consultation with Commission staff, a long term plan for the treatment and disposal of wastewater. The goal of the plan is to abate the long-standing CMP violation and permanently eliminate the discharge of wastewater effluent to Hammonton Creek.

The Commission reviewed several iterations of Hammonton's Long Term Comprehensive Wastewater Plan in 2013. The Plan calls for building wastewater-supplied surface drip irrigation systems at the existing wastewater treatment facility and subsurface drip irrigation systems at nearby recreational turf fields. The Plan also incorporates water conservation measures aimed at reducing flow to the plant. Additionally, the Town would identify and rehabilitate problematic components of its wastewater collection system that add extraneous flow to the plant through inflow and infiltration. (**Editor's Note:** The Commission approved the Town's Comprehensive Wastewater Treatment Plan in March 2014).

Assessment of Uncapped Landfills in the Pinelands Area

In 2013, the Commission made significant progress toward completing a project to evaluate the ecological and public health risks associated with uncapped landfills in the Pinelands Area.

The Commission launched the project in 2012, after entering into an agreement with the USGS. The Commission identified a total of 61 landfills to include in the analysis.

In 2013, the Commission and USGS worked to finalize the Excel spreadsheet-based "fate and transport" models and drafted a research article that describes the analysis.

Upon completion, the study will provide information about the "threat level" each landfill poses to nearby wetlands, surface water bodies, streams, ponds and drinking water wells. The screening-level analysis will provide information that will help the Commission review proposals for the closure and reuse of landfills.

The study expands a pilot project that Commission staff completed in 2010. Under that project, staff reviewed the New Jersey Department of Environmental Protection's (NJDEP) files on select, uncapped landfills in the Pinelands and compared leachate contaminant levels in landfill monitoring wells to various regulatory standards. The USGS work built upon this pilot study and included fate and transport modeling to determine likely leachate contaminant levels at nearby receptors.

Review of Municipal Ordinances

Amendments to certified county and municipal master plans and land use ordinances must be submitted to, and approved by, the Commission. During 2013, the Commission received and reviewed 135 ordinance and master plan amendments from 28 different municipalities.

Among other actions, the Commission certified eight ordinances that implement the CMP clustering provisions, which require the clustering of residential development in the Pinelands-designated Forest Areas and Rural Development Areas on one-acre lots.

The Commission also certified South Toms River Borough's Master Plan and Land Use Ordinances, thereby marking the first time since the Commission was established that all 53 Pinelands Area municipalities have adopted plans that comply with Pinelands rules.

South Toms River Borough has a total land area of 1.2 square miles, of which 360 acres (47 percent) lie within the 938,000-acre Pinelands Area. Another 20 acres lie within the Pinelands National Reserve, outside the state-designated Pinelands Area. The CMP designates the entire Pinelands Area section of the Borough as a Regional Growth Area.

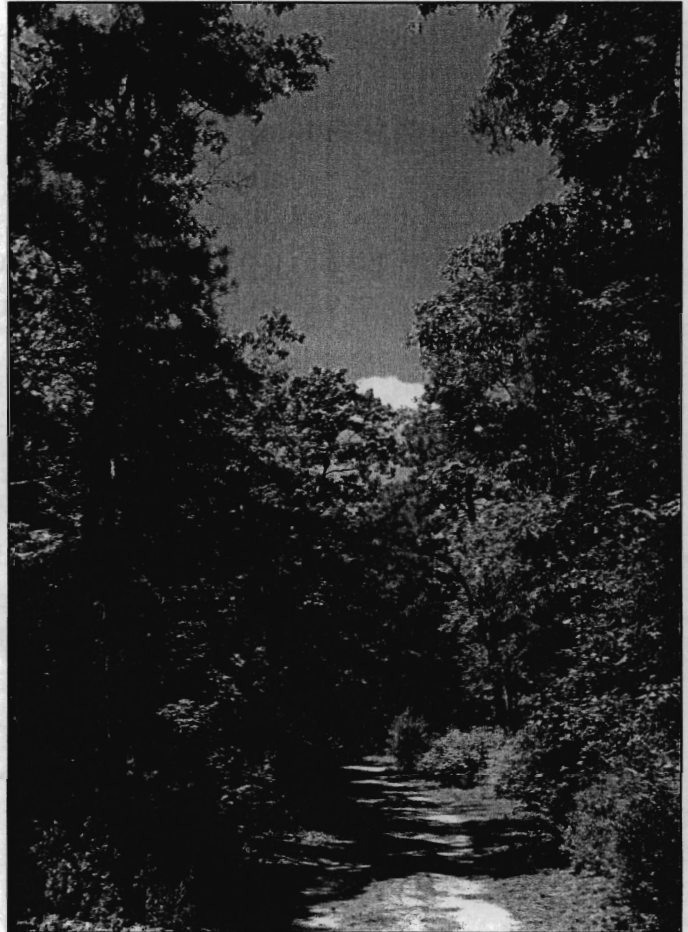
Although South Toms River Borough has been involved with the conformance process since 1981, significant progress was made only recently. In 2012, the Borough made a commitment to completing the certification process and subsequently adopted a revised Master Plan and Zoning Map, as well as other land use ordinance amendments necessary for consistency with the CMP.

Chapter 2: Permanent Land Protection

Pinelands Conservation Fund

Two ecologically-valuable properties in the Pinelands Area were permanently preserved in 2013 with funds administered by the Pinelands Commission. These properties included a 75-acre property in Jackson Township's Forest Area and an 11-acre property in Ocean Township's Forest Area.

The Commission provided \$160,000 toward the purchase of the two properties by Ocean County. The property in Jackson Township is located on Bowman Road, within the ecologically-sensitive Toms River Corridor. It is comprised of undeveloped forested lands bisected by the Maple Root Branch of the Toms River. The property in Ocean Township falls within the Forked River Mountains planning area and was acquired with funds provided by the New Jersey Turnpike Authority in association with an agreement with the Commission that authorized improvements to the Garden State Parkway.



In 2013, the Commission permanently preserved a 75-acre property (above) in Jackson Township.

Photo/Paul Leakan

From 2007 to 2013, the Commission approved the allocation of \$9.6 million to 33 projects in the Pinelands Area. Thirty of these projects have been completed, resulting in the permanent protection of 6,763 acres.

The Pinelands Conservation Fund was created in 2004 as part of an agreement with the New Jersey Board of Public Utilities to permit the construction and upgrade of an electric transmission line through eastern portions of the Pinelands. Under the agreement, the special fund was established to further the Pinelands protection program and ensure a greater level of protection of the unique resources of the Pinelands Area. The utility that built the transmission lines, Atlantic City Electric (formerly Conectiv), provided \$13 million to establish the Fund. An

additional \$3,415,000 was added to the Fund in 2009 as a result of an amendment to the Comprehensive Management Plan that authorized expansion of the Cape May landfill and through a 2008 Memorandum of Agreement with the New Jersey Turnpike Authority that authorized improvements to the Garden State Parkway.

The Fund is dedicated to three types of projects: permanent land protection; conservation planning and research projects and community planning and design initiatives.

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated to landowners in Pinelands-designated Preservation, Agricultural and Special Agricultural Production Areas, which are the sending areas. These credits can be purchased by property owners and developers who are interested in developing land in Pinelands-designated Regional Growth Areas, which serve as the receiving areas, and can be used to increase the densities at which they build. Once those credits are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and credits on the property can be sold. Credits are bought and sold in one-quarter credit units called “rights.”

The Pinelands Commission assumed responsibility for the operation and administration of the Pinelands Development Credit Bank in September 2011. Although the PDC Bank is now physically located at the Pinelands Commission office, it remains a separate entity.

During 2013, nine rights were severed, protecting 104 acres of land. A total of 5,992 rights were severed from 1982 to 2013, protecting 51,770 acres. In 2013, the mean sales price of PDCs was \$9,680 per right.

Chapter 3: Science and Research Activities

Long-Term Environmental Monitoring Program

In 2013, Commission scientists continued to carry out parts of its long-term environmental monitoring program.

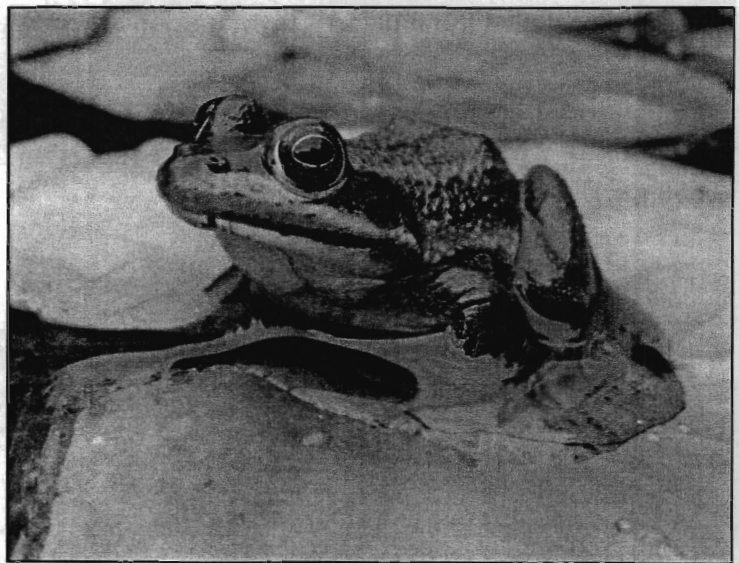
Since the 1990s, the Commission has conducted surveys at hundreds of sites in the Pinelands in an effort to characterize the effect of existing land-use patterns on aquatic and wetland resources and to monitor long-term changes in these resources. Commission scientists sampled water quality, vegetation and fish in streams and impoundments, and frogs and toads in impoundments in the Mullica River, Rancocas Creek, Great Egg Harbor River, and Barnegat Bay watersheds. Staff has completed two rounds of surveys in each of the four watersheds.

Since 2005, Commission scientists have measured water quality at 47 sites on a monthly or bimonthly basis. In 2013, sampling for various nutrients was completed at these 47 sites and nutrient analyses were performed by Rutgers University Division of Pinelands Research staff. Each month, scientists record water levels at 35 forest plots and 34 ponds, and maintain continuous water-level recording devices installed in seven other ponds. The Commission has monitored calling frogs and toads at 20 ponds since 1996.

Pond-vulnerability Study

In 2013, Commission scientists made progress on a study that characterizes the vulnerability of Pinelands ponds to surrounding land uses. Scientists began the first phase of the project by using aerial photography to compile an inventory of approximately 3,000 natural Pinelands ponds. One-hundred of these ponds were selected for the study.

These ponds are typically called “intermittent” because they are not usually connected to streams and occasionally dry out, creating fishless environments that serve as important



Ponds in the Pinelands provide breeding habitat for species such as the carpenter frog, which is one of two frog species restricted primarily to the Pinelands in New Jersey.

Photo/John Bunnell

breeding grounds for frogs and toads such as the rare Pine Barrens treefrog. Intermittent ponds also provide habitat for many rare plants.

During the course of the 4.5 year research project, Commission scientists will document off-road vehicle activity, monitor water quality and hydrology, survey plant and animal assemblages and quantify the impact of land use on these ponds.

The Commission will identify and prioritize ponds that need enhanced protection and may evaluate potential planning and regulatory measures to better protect these ponds.

The study is being funded, in part, by a \$350,524 grant from the U.S. Environmental Protection Agency (EPA). The Commission is supplementing the EPA grant funding by contributing \$116,841 from its Pinelands Conservation Fund (please see pages 7-8 for more information about the Fund).

Created-wetland Study

Like natural wetlands, created wetlands can provide the habitat necessary for wetland-dependent plants and animals, especially in human-dominated landscapes where natural wetlands may have been degraded or eliminated. As part of another study, Commission scientists mapped the location of two types of created wetlands commonly found in the Pinelands, shallow excavations that intercept the groundwater



This large, shallow excavated pond supports a diverse array of native Pinelands plants and animals.

Photo/John Bunnell

(excavated ponds) and excavations designed to receive stormwater (stormwater basins). About 2,000 excavated ponds and 1,700 stormwater basins have been mapped. Scientists will monitor water quality and hydrology and survey plant and animal assemblages, and compare these

attributes between both types of created wetlands and the natural ponds from the Pond-vulnerability Study described above. In collaboration with the U.S. Geological Survey and Montclair University, a subset of each type of wetland will be sampled for current-use pesticides and emerging-amphibian pathogens.

The study is being funded by a \$361,317 grant from the U.S. EPA and a \$120,439 match by the Commission through the Pinelands Conservation Fund (please see pages 7-8 for additional information about the Fund.)

Pinelands Research Series

The Pinelands Research Series was initiated in 2012 to provide a regular forum for scientists to present and discuss Pinelands-related research. This is a free event that is open to the public and hosted by the Commission.

In 2013, the Commission hosted 10 presentations that covered a wide range of research topics, including plant taxonomy, aquatic invertebrates, amphibian disease and pesticides, fish assemblages, Pine Barrens treefrog genetics, soil microfauna, groundwater-modeling, forest fungi and pollution, mercury and leaf fungi, and bat populations.

A full listing of previous and upcoming presentations can be found on the Commission's website at: <http://www.nj.gov/pinelands/science/pinesseries/>.

Chapter 4: Regulatory Activities

Permitting

The Commission's staff reviews municipal and county permitting decisions and development approvals to determine potential impacts on Pinelands natural resources. In 2013, the Commission's Project Review Office received 470 new applications (including public and private applications).

During the year, actions were taken on 1,742 applications. A total of 24 actions were taken on applications through the Local Review Officer Program, which expedites the approval process by having municipal officers review certain applications, without the need for the Commission's review first.

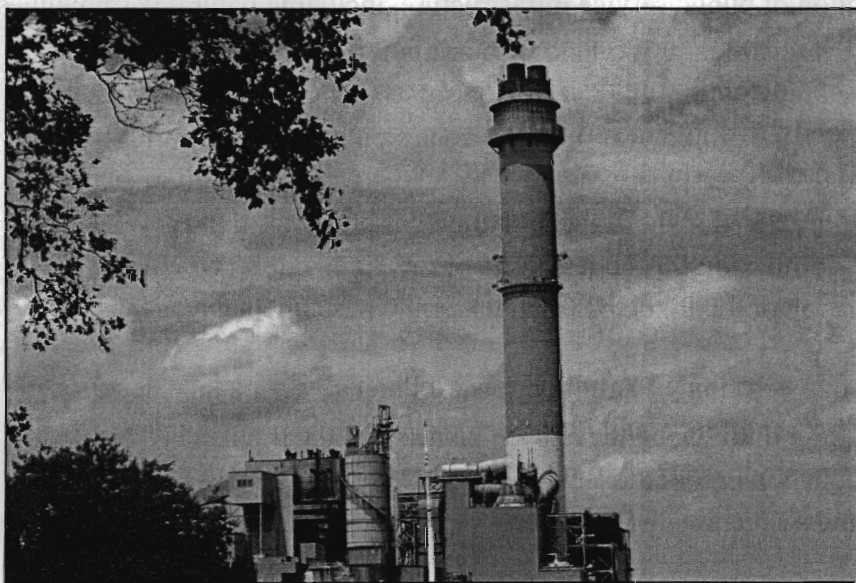
The Pinelands Commission approved 44 public development applications in 2013. Among other noteworthy applications, the Commission approved the expansion of a partial interchange to a full interchange at the intersection of the Garden State Parkway and Pomona Road and the

widening of Pomona Road in Galloway Township. As part of the approval, Atlantic County has agreed to “memorialize” the current municipal zoning on designated lots located within 1.5 miles of the interchange project to address the potential for secondary impacts.

Other notable public applications include forestry activities at The Richard Stockton College of New Jersey, the construction of a full interchange connecting the Atlantic City Expressway to Amelia Earhart Boulevard and other associated road improvements, improvements to three intersections along U.S. Route 322 and the construction of an overland recharge system for treated wastewater in Hammonton.

The Commission also has the authority to issue Freshwater Wetland General Permits in the Pinelands Area on behalf of the New Jersey Department of Environmental Protection. The Commission issued eight such permits in 2013.

Proposed South Jersey Gas Pipeline



A proposed MOA with the Board of Public Utilities sought to permit the construction of a natural gas pipeline that would have provided the gas needed to repower the B.L. England Electrical Generation Power Plant (above).

Photo/Paul Leakan

Throughout much of 2013, the Commission held numerous meetings and gathered hundreds of public comments on a proposed agreement that called for the construction of approximately 15 miles of a 22-mile natural gas pipeline in the Pinelands Area.

(Editor’s note: The Pinelands Commission considered the proposed agreement in January 2014.

The agreement failed to receive the required minimum of eight affirmative votes for adoption by the

Commission).

The Memorandum of Agreement (MOA) between the Commission and the New Jersey Board of Public Utilities (BPU) sought to permit South Jersey Gas to build a high-pressure, 24-inch

natural gas transmission line beneath existing paved portions or disturbed rights-of-way in Maurice River Township to Beesley's Point in Upper Township.

The pipeline would have provided the gas needed to repower the B.L. England Electrical Generation Plant, as well as providing supply feeder redundancy to the entire southernmost portion of South Jersey Gas' (SJG's) service territory, which is currently served by a single feed supply.

Approximately 10.2 miles of the pipeline would have been located within a Pinelands Forest Area, along with 2 miles in a Rural Development Area and 2.8 miles in a Pinelands Village. The project was consistent with all of the development standards in the Pinelands Comprehensive Management Plan. Commission staff reviewed all application materials (such as wetlands and wetlands buffer delineations, threatened and endangered plant and animal species habitat, cultural resources and stormwater management) and determined that the project would not impact the environmental resources of the Pinelands.

The CMP allows the construction of public service infrastructure, including natural gas pipelines, in a Pinelands Forest Area if the infrastructure is intended to primarily serve only the needs of the Pinelands. Since the proposed pipeline would have helped serve customers located both inside and outside of the Pinelands, the project was not fully consistent with the permitted use standards for a Forest Area. The CMP permits use of an MOA where a specific project is not fully consistent with the CMP, provided that the agreement includes measures that afford, at a minimum, an equivalent level of protection for the resources of the Pinelands as would be provided through a strict application of the Pinelands land use and environmental standards.

SJG would have been required to contribute \$8 million toward Pinelands Area land acquisition and education. Of that total, \$7.25 million would have been placed into the Pinelands Conservation Fund – Land Acquisition account to fund the acquisition of land that is located adjacent to the site of the pipeline project in a Forest Area.

Additionally, SJG would have been required to deed restrict that portion of the pipeline within the Forest Area to prohibit any service connections and thereby avoid increased development (secondary impacts). The remaining \$750,000 would have been used to fund and support education, outreach and research projects. A total of \$250,000 would have been used to complete the federally-supported conversion of the Commission's headquarters into a Pinelands Visitor Center, and the remaining \$500,000 would have been used to fund a series of projects that would raise awareness about the Pinelands.

Memorandum of Understanding with Woodbine Borough and the Cape May Municipal Utilities Authority

In December, the Commission voted to authorize its Executive Director to enter into a Memorandum of Understanding (MOU) with Woodbine Borough and the Cape May County Municipal Utilities Authority (CMCMUA) to assist and participate in a comprehensive, regional wastewater planning study.

The CMCMUA is conducting a study to evaluate the feasibility of constructing sewerage infrastructure to convey landfill leachate from the Authority's Cape May County Municipal Utilities Landfill to the CMCMUA's Seven Mile Beach/Middle Regional Wastewater Treatment Facility.

The Borough of Woodbine has expressed an interest in eliminating existing and future septic systems that serve residential and commercial development in the Borough's Pinelands Town Management Area by connecting that development to the CMCMUA's facility.

The New Jersey Department of Human Services may also wish to decommission its aging onsite wastewater treatment facility that currently serves the Woodbine Developmental Center, located on 250 acres in the Borough of Woodbine's Pinelands Town Management Area, and convey its wastewater to the CMCMUA's treatment facility.

The United States Department of Agriculture (USDA) is providing a \$90,000 grant to CMCMUA to help finance the design of wastewater conveyance infrastructure to convey landfill leachate and possibly residential, commercial and institutional wastewater to the CMCMUA's regional wastewater treatment facility, subject to a required \$30,000 local funding match from the project participants.

Under the MOU, the Commission agreed to provide \$20,000 from the Pinelands Conservation Fund, as well in-kind wastewater planning services, on behalf of Woodbine Borough to ensure that existing and future sewer service needs are adequately addressed in the study. The CMCMUA agreed to contribute a \$10,000 local cash match in addition to substantial in-kind professional engineering and wastewater planning services.

Violations

The Pinelands Commission continues its efforts to provide assistance to municipalities in pursuing and resolving violations of the local land use ordinances and Pinelands regulations. A total of 70 violations were reported to the Commission in 2013.

Chapter 5: Public Information, Participation & Education

Outreach and Education

The Commission's Communications and Public Programs Office staff handled 155 press inquiries and responded to 3,625 public inquiries regarding the Pinelands in 2013.

Staff organized and carried out its seventh annual, Pinelands-themed World Water Monitoring Day event. Held at the historic Batsto Village, the event attracted more than 345 students and teachers who gauged Pinelands water quality and learned about the importance of protecting the region's unique natural and historic resources. The students measured the levels of pH or acidity in water, as well as water clarity, temperature and dissolved oxygen. Water in



Students used nets to survey for native Pinelands fish during the seventh annual Pinelands-themed World Water Monitoring Day event, which was held at Batsto Lake in October 2013. Photo/Paul Leakan

the Pinelands is generally undisturbed, has a low pH and low dissolved solids, enabling it to support uniquely adapted Pinelands plants and animals. The students' findings were posted on the World Water Monitoring Day Web site, where test results can be compared over time. In addition to assisting with the water tests, staff from the Pinelands Commission used nets to catch native Pinelands fish and demonstrated how the Commission protects wetlands and habitat for rare plants and animals.

Commission staff members educated approximately 2,465 students during in-class education programs and field trips in 2013.

Pinelands Short Course

The 24th annual Pinelands Short Course, which was held at Burlington County College (BCC) on March 23, 2013, drew more than 500 people. The event featured a total of 33 educational presentations, including 18 new programs.

The new courses included a presentation with live hawks, owls and falcons, as well as programs on container gardening with carnivorous plants, the Pinelands and its role in the Revolutionary War, roadsides and rare plants, conservation issues in the Pinelands, preserving land to protect bog turtles, Barnegat Bay shellfish, cranberries, the Invasive Species Strike Team, estuaries and the Pine Barrens, pathogens in New Jersey amphibians, Eastern fence lizards, Island Beach State Park, an ecotour of the Great Bay Boulevard Peninsula, the wetlands environment, orienteering, capturing the beauty of the Pinelands through photography and a hike of the Dot and Brooks Evert Trail in the Franklin Parker Preserve.

The event also featured popular courses from previous years, including a discussion about New Jersey's biodiversity and presentations on Pinelands frogs, toads and fish, current research on the Northern Pine Snake, the secret world of plants and pollinators, forest modeling, a pictorial journey of the Pine Barrens, early advocates of the Pinelands, wilderness survival, Double Trouble State Park and Whitesbog Village Living History.

The Pinelands Short Course is sponsored by the Commission, the Pinelands Institute for Environmental Studies (or P.I.N.E.S.) and Burlington County College, which has hosted the event at its Pemberton Township campus since 2004. The event is registered with the New Jersey Department of Education, and professional development credits are available to New Jersey teachers who attend.

Chapter 6: Finances

Fiscal & Budget

The Commission's Operating Budget for Fiscal Year 2014 totaled \$4,172,800. Of this, \$3,702,800 or 89 percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$316,000 in federal grants, a \$2.469 million State appropriation, \$687,000 in State grants and other State funding, \$425,000 in application fees and \$198,120 from the Commission's fund balance and reserves.

The 2014 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$75,000. The budget for the Pinelands Conservation Fund was \$2,395,653.

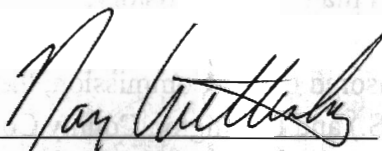
Once it is completed, the Commission's Audit Report for Fiscal Year 2013, which ended June 30, 2013, will be posted on the State Auditors web site. The website address is: http://www.njleg.state.nj.us/legislativepub/auditreports_department.asp. The report also will be available on the Pinelands Commission's web site: www.nj.gov/pinelands.

Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2013, application fee revenues totaled \$489,092 (\$16,831 less than Fiscal Year 2012).

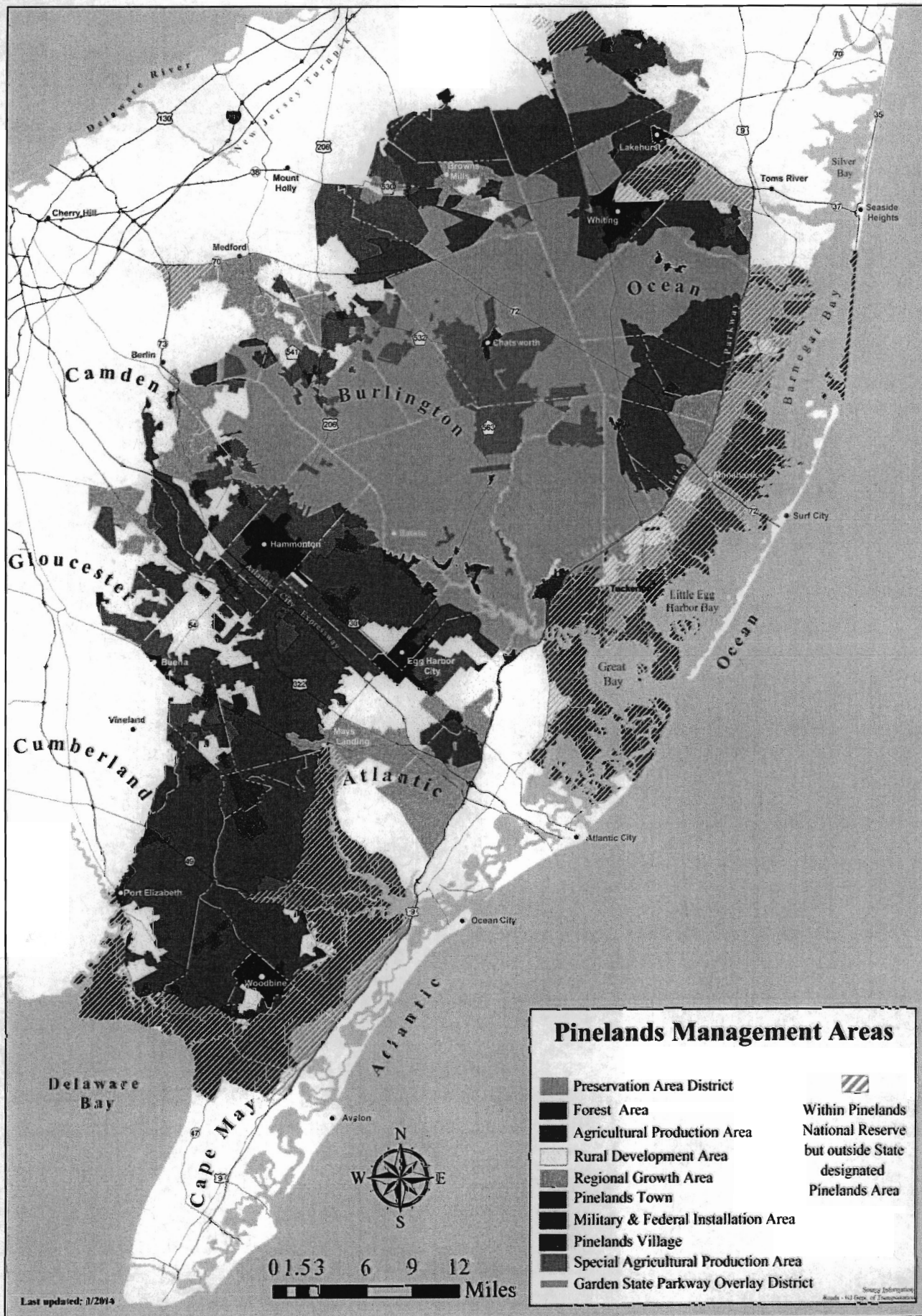
Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2013 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



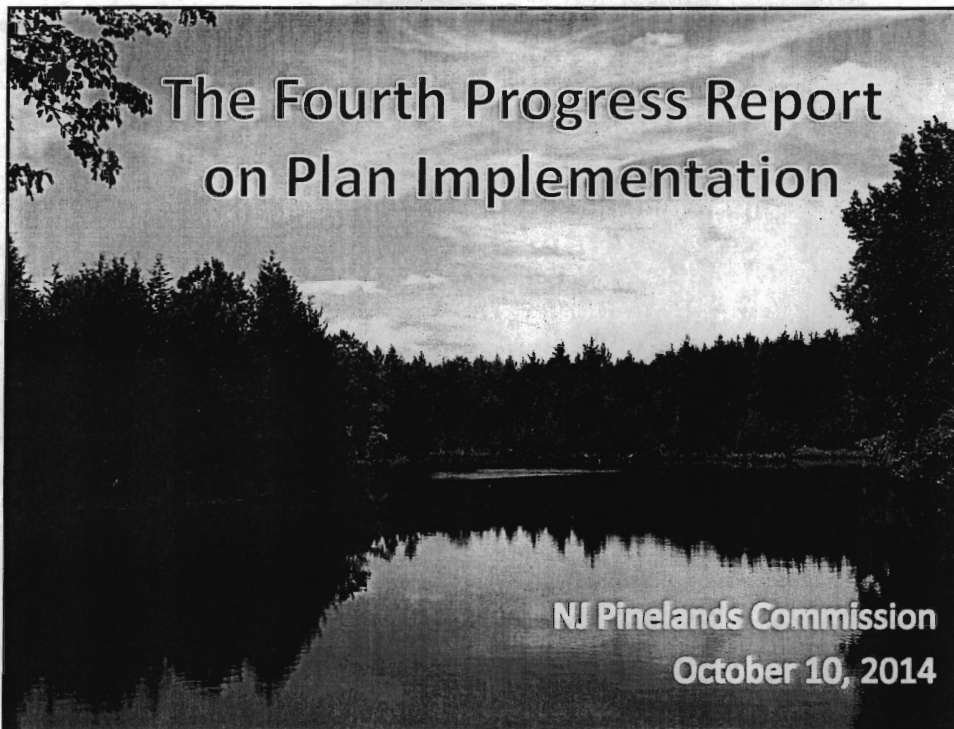
Nancy Wittenberg
Executive Director

Pinelands Land Capability Map



Last updated: 1/2014

Source: Information Roads - NJ Dept. of Transportation



Plan Review Report: At a glance

New Jersey Pinelands Commission

Comprehensive Management Plan



The Fourth Progress Report on Plan Implementation

September 2014

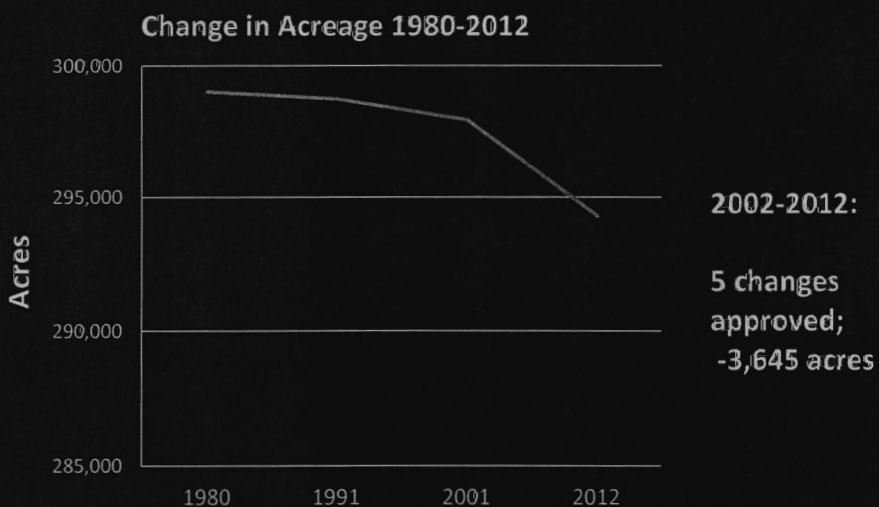
Nancy Wittenberg, Executive Director

- Describes the Commission's actions from July 1, 2001 to June 30, 2012, the period since the last report was issued.
- Features chapters on Land Use and Planning, Regulatory Programs, Permanent Land Protection, Memorandums of Agreement, Public Information and Outreach, Economic Monitoring, Science and Recommendations.

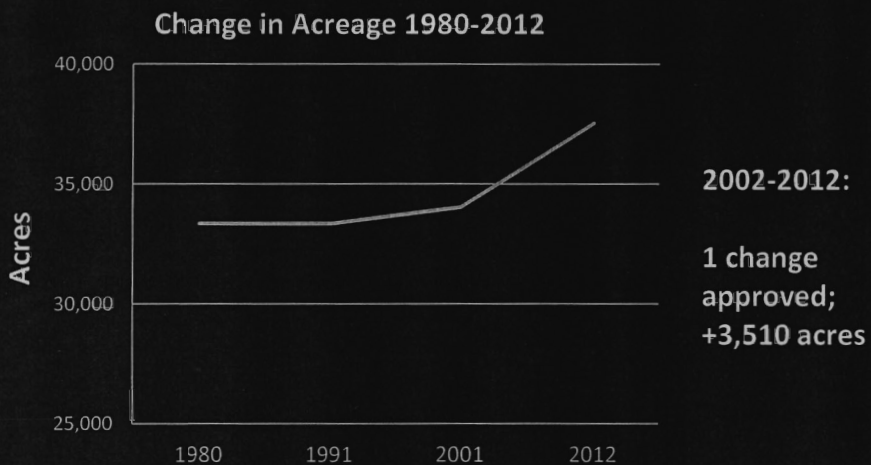
Land Use & Planning Highlights Pinelands Management Areas (2001-2012)

- 21 municipalities adopted boundary changes
- 32 changes in boundaries were approved
- 53% affected less than 100 acres
- Largest increase: Forest Area (+8,000 acres)
- Largest decrease: Rural Development Area (-7,000 acres)

Preservation Area District



Special Agricultural Production Area

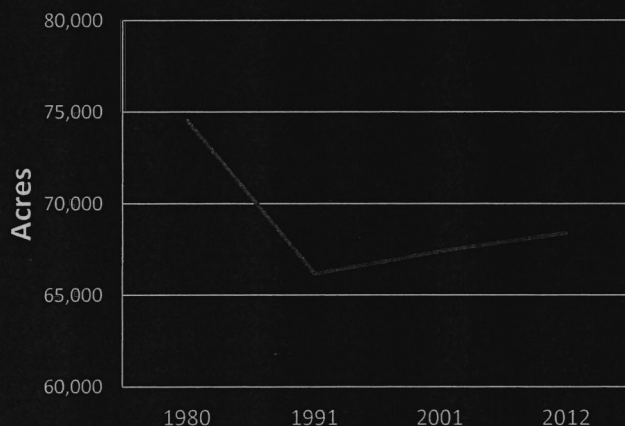


Forest Area



Agricultural Production Area

Change in Acreage 1980-2012

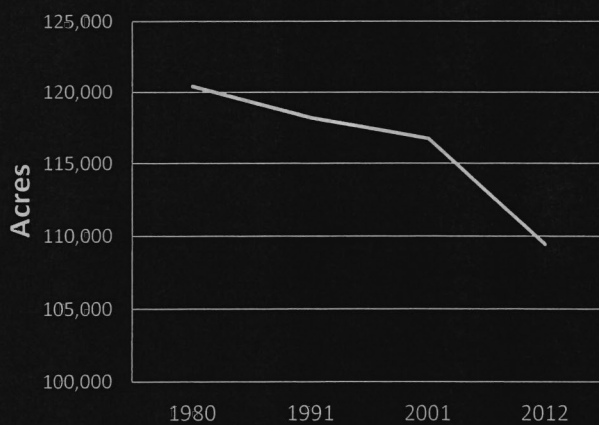


2002-2012:

11 approved changes;
+1,000 acres

Rural Development Area

Change in Acreage 1980-2012



2002-2012:

14 towns;
-7,300 acres

Regional Growth Area

Change in Acreage 1980-2012

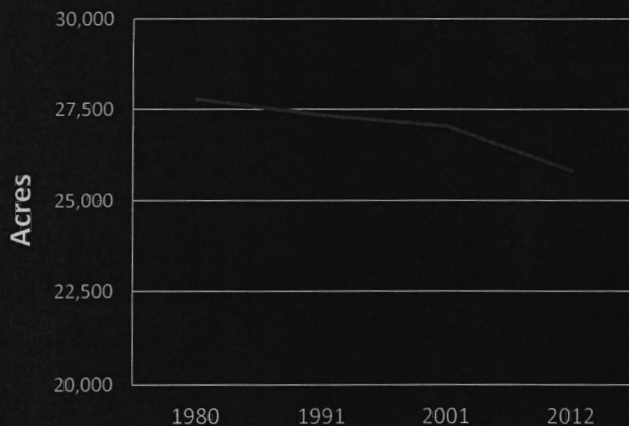


2002-2012:

6 approved changes;
-242 acres

Pinelands Villages

Change in Acreage 1980-2012



2002-2012:

10 villages;
-1,218 acres

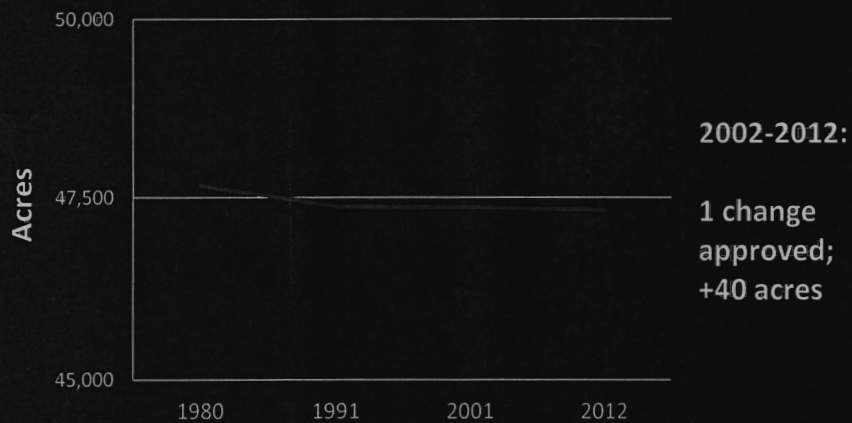
Pinelands Towns

Change in Acreage 1980-2012

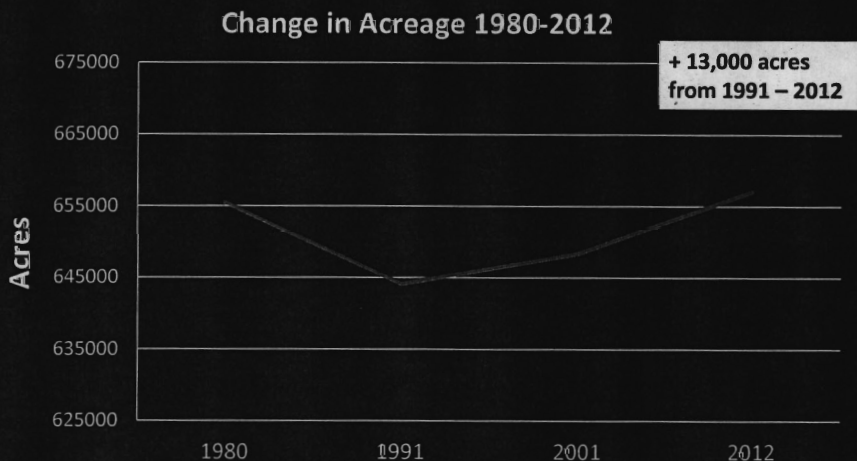


Military/Federal Installation Area

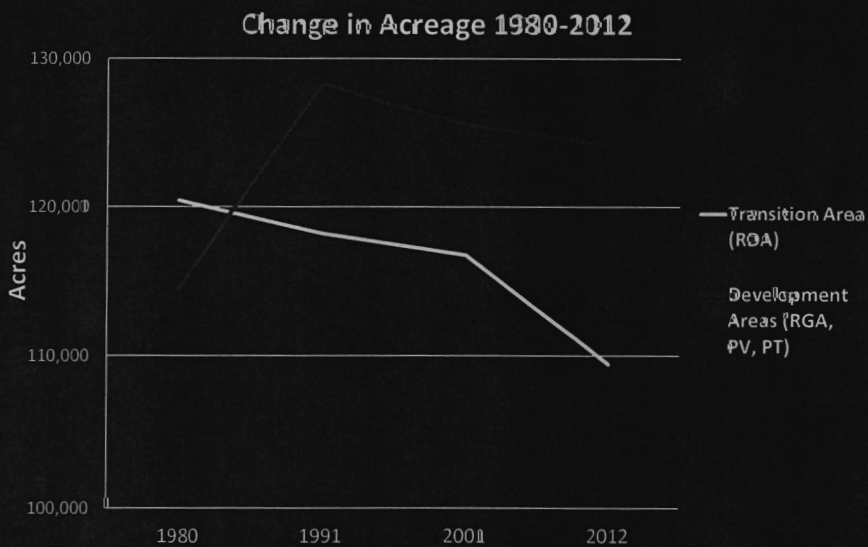
Change in Acreage 1980-2012



Summary of Conservation-Oriented Management Areas (PAD, SAPA, FA, APA)

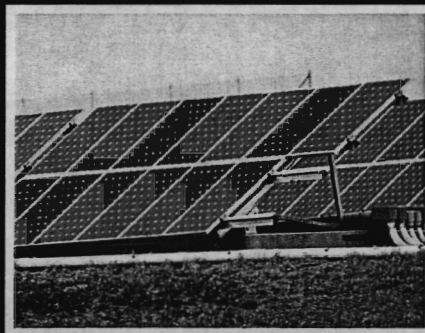


Summary of Transition and Development-Oriented Management Areas



CMP Amendments (2002-2012)

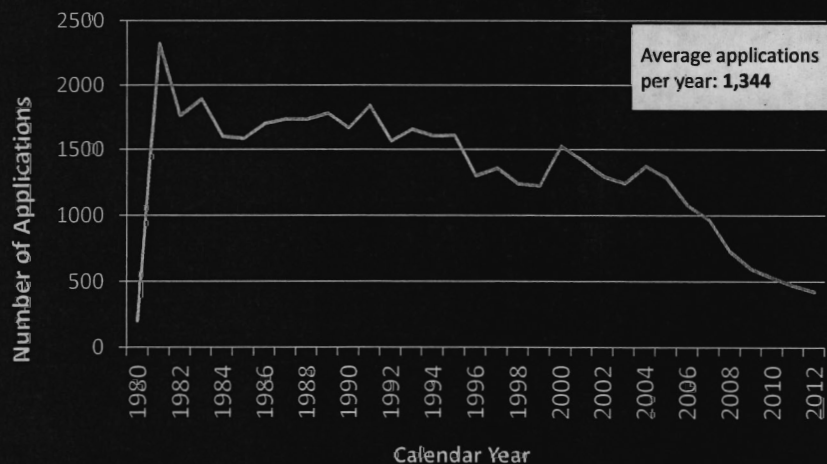
- Application fees and escrows
- Garden State Parkway Overlay District
- Nonconforming uses
- Cluster development
- Solar energy facilities
- Stormwater management
- Forestry
- Cape May Landfill expansion



Total CMP amendments during the Plan Review Period: 19

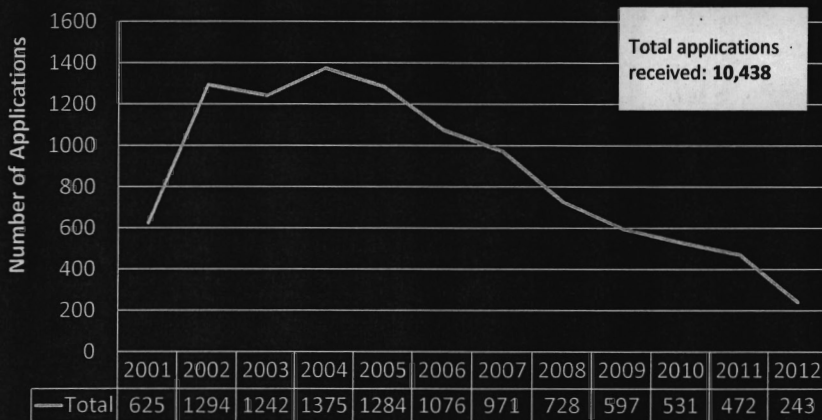
Regulatory Programs Highlights: Applications Received

January 1, 1980 – December 31, 2012



Regulatory Programs Highlights: Applications Received

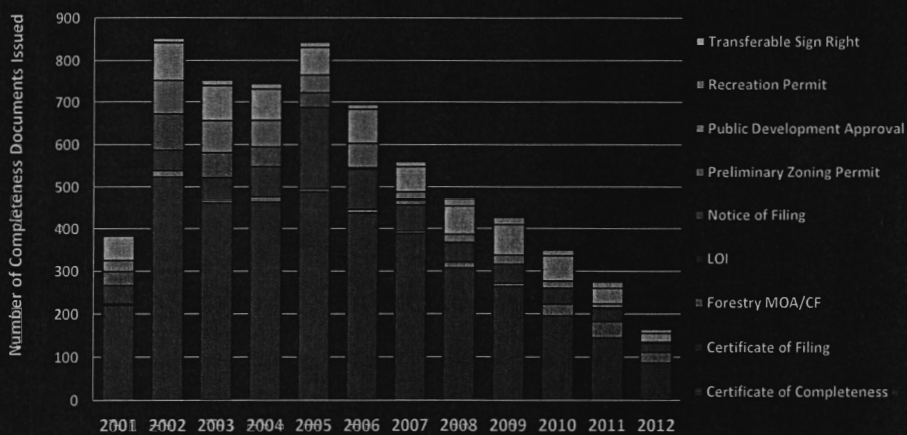
July 1, 2001 – June 30, 2012



Calendar Year and Total of Received Applications

Regulatory Programs Highlights: Applications Completed

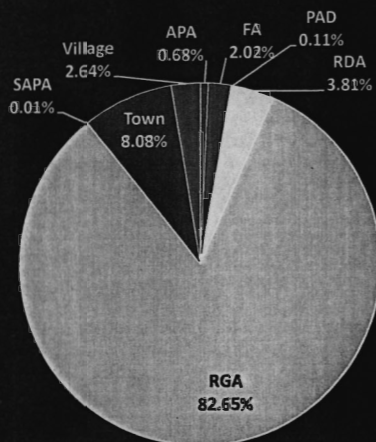
July 1, 2001 – June 30, 2012



Calendar Year

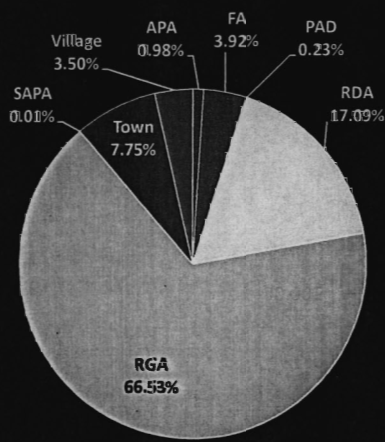
Approved Residential Units

July 1, 2001 – June 30, 2012



Total approved residential units: 16,522

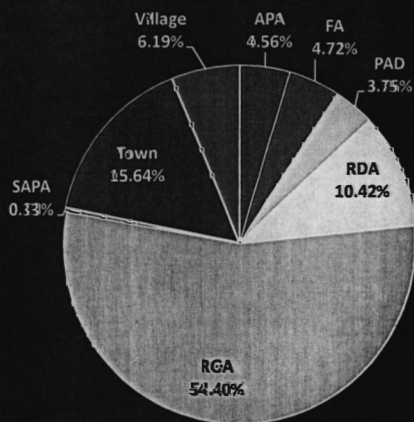
Sept. 23, 1980 – June 30, 2012



Total approved residential units: 56,016

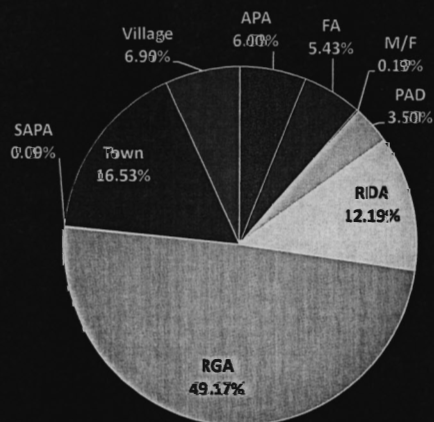
Approved Commercial Development

July 1, 2001 – June 30, 2012



Total commercial approvals: 614

Sept. 23, 1980 – June 30, 2012

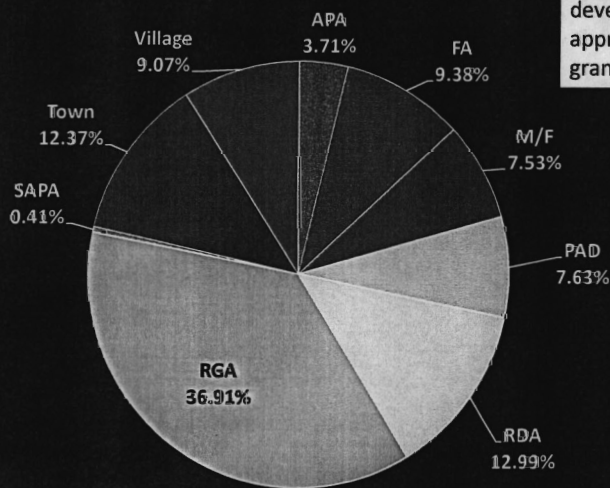


Total commercial approvals: 2,117

Public Development Approvals

July 1, 2001 – June 30, 2012

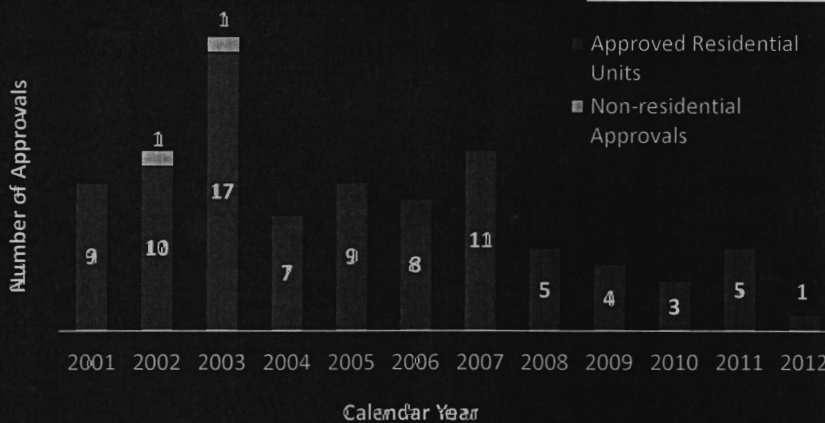
Total Public development approvals granted: 725



Waivers of Strict Compliance

July 1, 2001 – June 30, 2012

Total waivers approved: 91



Permanent Land Protection Highlights



Above: Land preserved with PCF funds

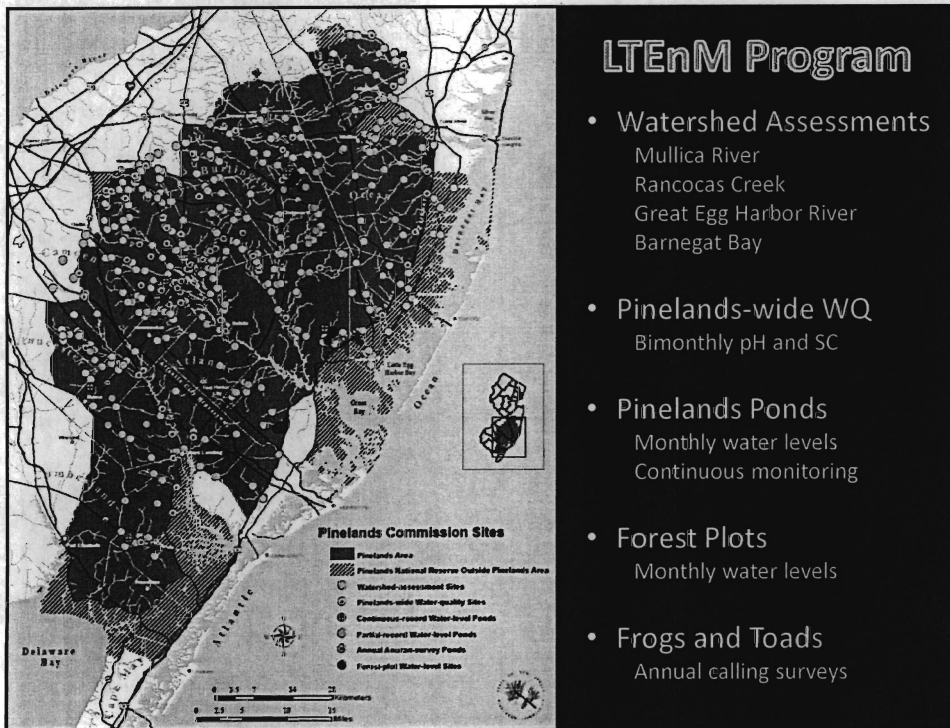
- Between 2007 and June 30, 2013, the Commission approved the allocation of \$9.6 million from the Pinelands Conservation Fund (PCF) to 34 projects in the Pinelands Area.
- Of the 34, 31 have proceeded to closing within the Plan Review time period, resulting in the permanent protection of 6,763 acres.

Permanent Land Protection Highlights

- Nearly 24,000 acres in the Preservation Area District, Agricultural Production Area and Special Agricultural Production Area were permanently protected through the PDC program between July 2001 and June 2013.
- As of June 30, 2013, nearly half of the Pinelands Area (446,000 acres) has been permanently protected.
- Programs administered or funded by the Pinelands Commission have protected approximately 84,000 acres through June 2013.



Above: Land preserved by severing PDCs

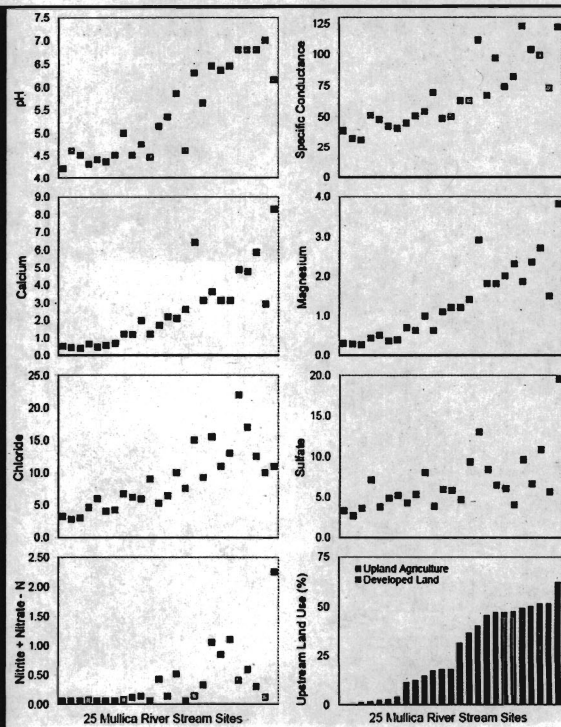


LTEnM Program

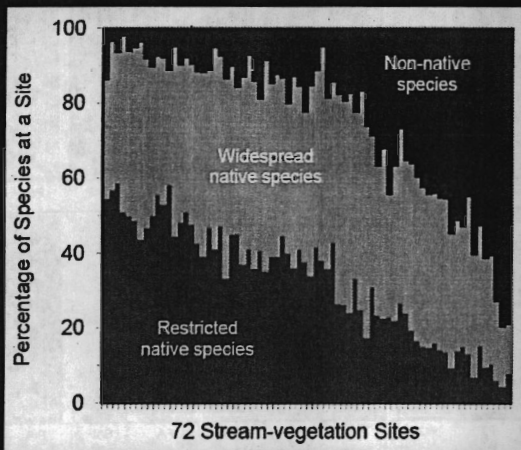
- **Watershed Assessments**
Mullica River
Rancocas Creek
Great Egg Harbor River
Barnegat Bay
- **Pinelands-wide WQ**
Bimonthly pH and SC
- **Pinelands Ponds**
Monthly water levels
Continuous monitoring
- **Forest Plots**
Monthly water levels
- **Frogs and Toads**
Annual calling surveys

Land Use and Water Quality

- Example of disturbance gradient
- Upstream developed land and upland agriculture
- Elevated pH and SC
- Increased ion concentrations
- Nutrient enrichment
- 10% threshold used in Medford-Evesham Plan



Water Quality Influences Plant and Animal Assemblages



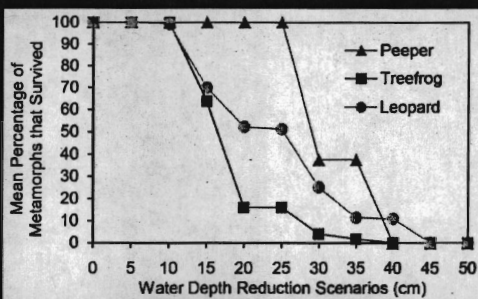
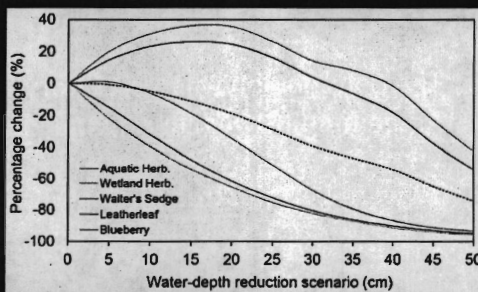
- 72 Mullica River sites
- Ordered by plants present
- Native species at high-quality sites
- Non-native species dominate at degraded sites
- Similar results for fish and frogs and toads
- Using multiple indicators is best

Kirkwood-Cohansey Project

Five Commission studies

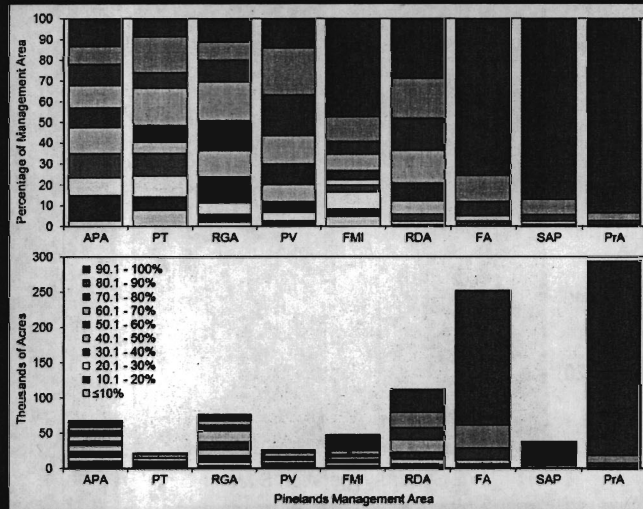
- Stream habitat
- Swamp pink
- Forest Vegetation
- Pond vegetation
- Frog development

Results can be used to inform water-supply policy



Ecological Integrity Assessment

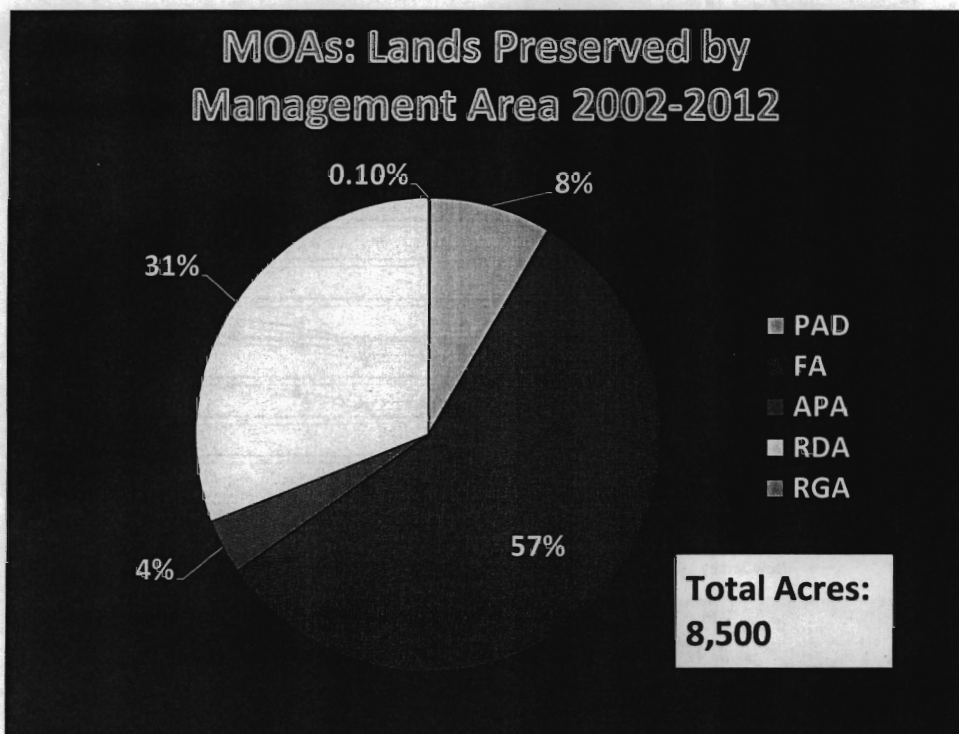
- Landscape, watershed, and wetland integrity assessment
- Pinelands habitat = 82%
- Non-habitat = 18%
- 51% of the Pinelands Area fell within the highest integrity class
- Most rare plant and animal sites fell within highest integrity classes
- Evaluate current management areas, acquisition, etc.



Memorandums of Agreement and Understanding

- The Commission was a signatory to 20 Memorandums of Agreement (MOAs) during the Plan Review period.
- 12 were Permit Streamlining MOAs:
 - There were 245 streamlined public development approvals
- 8 were “deviation” MOAs:
 - Seven of the eight dealt with **existing public facilities** that helped ensure their long-term viability;
 - The eighth was for a new electrical power line to serve South Jersey; and
 - Offsetting measures were required, resulting in the permanent protection of 8,500 acres in the Pinelands Area.

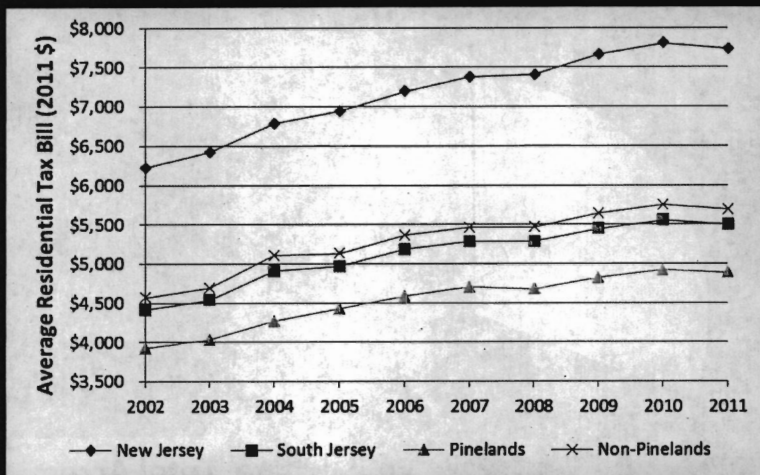
10/14/14



Economic Monitoring

- The Commission continued to monitor the economy in the Pinelands through its annual Long-Term Economic Monitoring Program.
- Overall, the Pinelands economy either mirrored, or in some cases outperformed, the non-Pinelands portions of southern New Jersey in several economic indicators.

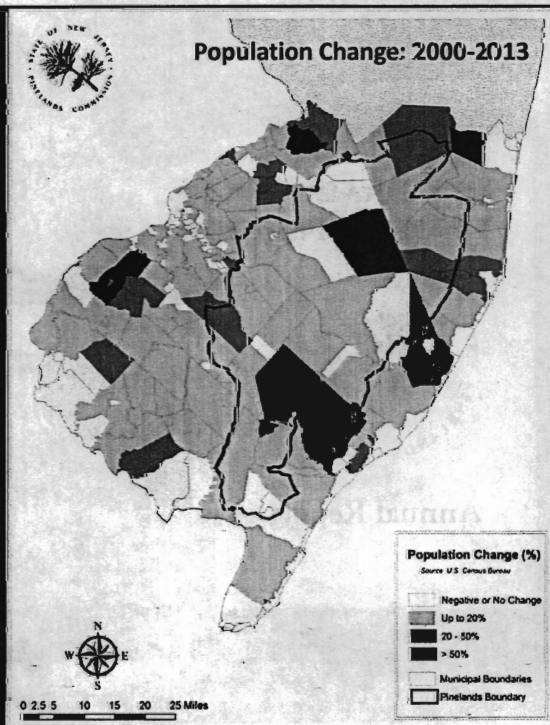
Economic Monitoring



The average residential property tax bill in the Pinelands continued to be lower than the state and the non-Pinelands portions of southern NJ.

Economic Monitoring

- The population in the Pinelands is growing faster than the non-Pinelands portions of southern NJ.



ALICE/ALICE

Public Information & Outreach

- The Commission educated thousands during in-class programs and other events.
- Attendance at the Pinelands Short Course soared to more than 800 as the Commission expanded presentations and field trips.
- The Commission redesigned its website to make it more user-friendly, while adding new content such as the online CMP.
- The Commission completed projects that resulted in the creation of a new Pinelands National Reserve brochure and the installation of Pinelands road signs in 22 locations.



Above: Pinelands-themed World Water Monitoring Day

Public Process

- The Commission formed a Plan Review Committee that met regularly and provided a forum to discuss ways to improve the CMP.
- The Commission gathered comments from 109 groups and individuals during two public hearings and a 2½-month public comment period.
- Commission staff delivered numerous presentations to highlight and expand on the report's findings.

10/14/2014

Recommendations

- Dozens of action items are listed in the recommendations chapter.
- Commission staff will use the list of recommendations to guide its work program for the next five years.
- Eight recommendations are described in greater detail. They are as follows ...

Recommendations

- Implement additional efficiency measures.
- Improve water management standards as a result of the Kirkwood-Cohansey Aquifer study.
- Enhance the Pinelands Development Credit Program.
- Bolster the protection of native Pinelands vegetation.

Recommendations

- Improve the process for Memorandums of Agreement.
- Codify application standards for organized off-road vehicle events and discuss ways to address deviations from approved routes.
- Increase protection for the Black Run headwaters area of southern Evesham.
- Develop standards to address digital sign technology.

