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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

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

August 14, 2018

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



Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for July 13, 2018 for your information.

Sincerely,

Teri Melodick  
Principal Clerical Assistant

PC1  
Enclosure: Minutes

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

MINUTES

**July 13, 2018**

Commissioners present

Bob Barr, Giuseppe Chila, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun & Jordan P. Howell.

Commissioners Absent

Alan W. Avery Jr., Paul E. Galletta and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented minutes from the June 8, 2018 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The June 8, 2018 Commission meeting minutes were adopted by a vote of 10 to 0. Commissioner Chila abstained from the vote.

Committee Chairs' Reports

Chairman Earlen said there were no Committee meetings.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- A meeting with Jonathan Meade from the National Park Service (NPS) was cancelled. The Commission has been without a NPS appointee for over a year. The meeting will be rescheduled and, at that time, staff will brief Mr. Meade on past collaboration between the Commission and NPS and goals for the future.
- A joint site visit with the Federal Aviation Administration (FAA), the South Jersey Transportation Authority (SJTA), the New Jersey Department of Environmental Protection (NJDEP) and the Commission was rescheduled for August to view existing bird habitat adjacent to the runway at the Atlantic City Airport. SJTA will be attending a future Policy and Implementation Committee meeting to discuss its proposal to amend the existing Memorandum of Agreement.
- Internal budget meetings were held to prepare the FY 2019 Budget. Adoption of the final budget is expected to occur at the August Commission meeting.
- Construction in what used to be the tech center and reception area has begun. The next step is the installation of the actual exhibits.

ED Wittenberg introduced new Commission employee Matt Martin, who joined the Information Systems office in June.

Director Larry Liggett updated the Commission on the following matters:

- An existing Memorandum of Agreement (MOA) with the Buena Borough Municipal Utilities Authority and Buena Vista Township that required the installation of a membrane system at the wastewater treatment plant has produced very positive results over a two-year monitoring period. The plant can now expand to 600,000 gallons of flow per day.
- The New Jersey Department of Environmental Protection contacted Commission staff about existing Pinelands Infrastructure Trust funds remaining from a 1985 bond issue. The funds can only be allocated to projects in Regional Growth Areas. A call has been scheduled for next week to further discuss the parameters of the funds and the next steps in the process for identifying projects.

Director Chuck Horner provided information on the following Regulatory matters:

- On June 22<sup>nd</sup>, staff met with the Mayor of Pemberton Township to continue the discussion of extending sanitary sewer to two existing schools currently served by

an onsite treatment system. In order to run sanitary sewer to the schools, sewer lines would need to be constructed in an Agricultural Production Area. The schools themselves are located in a Rural Development Area. Both management areas do not permit sewer.

- Staff will be attending an Atlantic County Agriculture Development Board hearing on August 15, 2018 regarding a Right to Farm issue.
- Staff recently issued a Certificate of Filing for a residential development project in Evesham Township. The original project proposed 34 dwellings on the 138 acre parcel, but due to the presence of wetlands and threatened and endangered species, the number of dwellings was reduced to 17, with the remainder of the property protected as open space.

Director Horner said that during the June Commission meeting Commissioner Lohbauer questioned why the Evesham solar project panels were not being placed on the existing school roof. He said the applicant's engineer advised him that it was not economically feasible and placing the panels on the roof raised structural concerns.

DAG Velzy updated the Commission on the following litigation matters:

DAG Velzy said Shamong Township withdrew a complaint against the Pinelands Commission related to a cell tower application. Shamong Township had met with Commission staff to discuss a proposed cell tower project in a Rural Development Area (RDA). At that meeting, Commission staff advised Shamong Township that it would need to look for sites in the Regional Growth Area. Soon after that meeting, the cell tower provider met with Commission staff. Staff advised the provider that it needed to look at placing the tower in a Regional Growth Area. Two cell tower providers ultimately submitted Pinelands Development Applications to construct cell towers in a Regional Growth Area within Shamong Township. Certificates of Filing were issued. The cell tower providers submitted applications for site plan approval to the Shamong Township Planning Board, which were ultimately denied. One of the providers, Tower North, sued the Shamong Township Planning Board in Superior Court. The Planning Board subsequently filed a third-party complaint against the Commission. Shamong Township Planning Board has since decided to withdraw its third party complaint against the Commission.

DAG Velzy said the Appellate Division issued a decision related to soccer activities at Tuckahoe Turf Farms on Thursday, July 12, 2018. He said the issue stems back to 2013. He said the Commission issued no call up letters for the Town of Hammonton Planning Board and Waterford Township Planning Board approval that authorized soccer activities with limitations at the turf farm. Several organizations appealed these no call up letters. In 2016, the Legislature amended the Pinelands Protection Act to include soccer and soccer activities as low intensity recreational uses permitted in an Agricultural Production Area. The Appellate Division held that this legislation made moot any further litigation regarding the 2015 and 2016 approvals. The Appellate Division also found that the Executive Director properly determined that the review of the municipal approvals did not require a hearing before the Office of Administrative Law or the Commission. The Appellate Division also held that amendment of the Comprehensive Management Plan (CMP) was

not required, because the language used in the Legislation is very clear. Finally, the Appellate Division found that the State Agriculture Development Committee (SADC) deed restriction on a portion of the Tuckahoe Turf farm was a matter that needed to be addressed with SADC and was not ripe for review in the appeal.

Chairman Earlen asked DAG Velzy what organizations appealed the decisions.

DAG Velzy said the Pinelands Preservation Alliance and the New Jersey Conservation Foundation appealed the decision.

Ms. Stacey Roth added that the Appellate Division's decision affirmed that the Executive Director has the authority to settle a matter prior to a public hearing as long as there are no substantial issues remaining concerning the developments compliance with the requirements of the CMP.

Chief Planner Susan R. Grogan announced that for the first time ever, a project in Jackson Township will be using Pinelands Development Credits for residential development in the Regional Growth Area, under an ordinance the Commission approved a couple of months ago. She said the developer recently purchased 14 rights.

Communications Officer Paul Leakan updated the Commission on the following:

- Exhibit artifacts have been delivered to Minnesota. The designers will now incorporate the artifacts into the displays.
- The July 19<sup>th</sup> Summer Pinelands Short Course is still accepting registrations.
- On July 24<sup>th</sup>, the Commission will hold the Pinelands Orientation for Newly Elected Officials. The event is held in combination with the Pinelands Municipal Council meeting.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the construction of a traffic ramp from Amelia Earhart Blvd. to Tilton Rd. in Egg Harbor Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1984-0655.032) (See Resolution # PC4-18-19). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending approval for the construction of a 121,000 square foot elementary school in Pemberton Township and the demolition of the Alexander Denbo Elementary School.

Commissioner Prickett said he would be recusing from the vote and left the room.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1985-0726.010) (See Resolution # PC4-18-20). Commissioner Jannarone seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Commissioner Prickett returned to the dais.

ED Wittenberg said the Commission will need to defer action on the Bass River State Forest Fire Tower application, that proposes to clear 16.4 acres to restore visibility from the tower. She said the Commission received a third party appeal on the application. She said there is currently pending litigation related to third party appeals stemming from the New Jersey Natural Gas application, so the appeal was forwarded to the Attorney General's for review. She added that deferring the application does not have anything to do with the substance of the application.

DAG Velzy added that on July 10, 2018, Commissioner Lohbauer and Commissioner Prickett circulated an email, with a memo attached, that proposed changes to the Bass River Forest Fire Tower resolution. The email was sent to the Chairman, the Executive Director and Commissioners. He said in order to be in compliance with the Open Public Meetings Act, the email and memo will be attached to the minutes so there is a public record.

ED Wittenberg said she advised the New Jersey Department of Environmental Protection that its application would not be acted on today.

Chairman Earlen presented a resolution recommending approval for forestry activities on 64 acres in Brendan T. Byrne State Forest located in Pemberton Township.

Commissioner Prickett moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1996-1386.003) (See Resolution # PC4-18-21). Commissioner Barr seconded the motion.

Commissioner Prickett said the report mentions the use of herbicide to control invasive species. He asked what type of invasive species the NJDEP trying to control.

Director Horner said he did not know the specific invasive species, but normally it's the seed bank they are trying to control.

The Commission adopted the resolution by a vote of 11 to 0.

Public Comment on Public Development Applications and Items where the record is open

Chairman Earlen said the list includes three public development applications and three Waivers of Strict Compliance.

Commissioner Lohbauer asked if staff could provide information on the lean-to proposed to be demolished at Batsto Village.

Mr. Ernest Deman of the Regulatory Programs office said the grist mill lean-to has deteriorated and become unsafe, requiring its removal. He said that the lean-to has been reconstructed twice over the last 65 years. He added that if it is determined that any portion of the lean-to is of historical significance, it will be preserved.

No members of the public spoke.

#### Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Barnegat Township Ordinance 2018-18
- Berlin Township Ordinance 2018-5
- Egg Harbor Township Ordinance 21-2018
- Lacey Township Ordinance 2018-16

No members of the Commission had questions.

#### Other Resolutions

Chairman Earlen presented a resolution recommending approval to allow the Commission to purchase items necessary for operation until the adoption of the Fiscal Year 2019 budget is adopted.

Commissioner Lloyd moved the adoption of a resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets. (See Resolution # PC4-18-22). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

#### Long Term Economic Monitoring Presentation

Resource Planner Gina Berg said the 2017 report uses data from 2015 and 2016. Many of the past core indicators and variables remain the same. She described the updates made to the 2017 report and proceeded to highlight each category of the report (See presentation slides for further details).

Link to 2017 Long Term Economic Report:

[https://www.nj.gov/pinelands/landuse/current/economic/LTEM%20%202017%20Report%20\(Complete\).pdf](https://www.nj.gov/pinelands/landuse/current/economic/LTEM%20%202017%20Report%20(Complete).pdf)

#### General Public Comment

Chairman Earlen reminded the public that the public comment for the Bass River State Forest Fire tower is closed.

Dr. Jonathan Peters said he thinks the data presented in the Long Term Economic Monitoring report is actually more positive than what currently exists because per capita income is down. He passed around a handout on outdoor recreation data from 2001 (see attached) He suggested that the Commission be thoughtful and slow when making policy changes to preserve the environment and maintain the economic vitality of the Pinelands.

Katie Smith of the Pinelands Preservation Alliance (PPA) raised concerns about not being able to comment on the Bass River Fire Tower application. She informed meeting attendees about upcoming events at PPA.

Ms. Roth said there is language contained in the CMP specifically for public development applications stating that no new information can be included in the record once the Executive Director's report has been issued.

Rose Sweeney of Bass River Township asked the Commission if there was any other opportunity to provide comment to the Commissioners about the Bass River State Forest Fire application.

Chairman Earlen advised Ms. Sweeney that the public comment for the application closed at 5:00 p.m. on June 8<sup>th</sup>.

Commissioner Chila he said he understands the public comment is closed but questioned why the Commission could not listen to the comment on the Bass River Township application.

Ms. Roth said no additional information can be provided to Commissioners between the period of when the record for an application closes until a vote on the matter takes place. She said any comment becomes part of the record and could have an effect on one's decision.

Ms. Roth said the process for public comment regarding public development applications was adjusted so that the public comment would be heard at the Commission meeting prior to the Commission meeting where the matter would be voted on.

A brief discussion between Commissioner Lloyd and Ms. Roth occurred concerning the Commission's ability to extend the public comment period for a public development application.

#### Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 10:49 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: July 30, 2018



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-18- 19

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1984-0655.032)

Commissioner Barr moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1984-0655.032	
Applicant:	South Jersey Transportation Authority
Municipality:	Egg Harbor Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	June 21, 2018
Proposed Development:	Construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-0655.032 for public development is hereby approved subject to the conditions recommended by the Executive Director.

NEW JERSEY STATE LIBRARY

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

\*A = Abstained \*R = Recused

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Executive Director

Date: July 13, 2018  
Sean W. Earlen  
Chairman



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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

SEAN W. EARLEN  
Chairman  
NANCY WITTENBERG  
Executive Director

June 21, 2018

Steve Mazur  
South Jersey Transportation Authority  
101 Atlantic City International Airport, Suite 106  
Egg Harbor Township, NJ 08234

Re: Application # 1984-0655.032  
Amelia Earhart Boulevard & Tilton Road  
Block 101, Lots 2 - 4  
Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)  
Egg Harbor Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Jennifer Steen, PE (via email)





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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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

SEAN W. EARLEN  
Chairman  
NANCY WITTENBERG  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Steve Mazur  
South Jersey Transportation Authority  
101 Atlantic City International Airport, Suite 106  
Egg Harbor Township, NJ 08234

Application No.: 1984-0655.032  
Amelia Earhart Boulevard & Tilton Road  
Block 101, Lots 2 - 4  
Egg Harbor Township

This application proposes construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road located within the above referenced rights-of-way and 19.3 acre parcel in Egg Harbor Township.

This proposed twenty foot wide traffic ramp will permit southbound traffic on Amelia Earhart Boulevard to access Tilton Road in a westbound direction.

### STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### Land Use (N.J.A.C. 7:50-5.28(a))

The project is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

#### Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. Approximately 800 linear feet of the proposed development will be located within 300 feet of wetlands.

The CMP permits road improvements (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland

buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing developed areas, maintained road shoulders and forested areas. Approximately one acre of oak-pine forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 28 sheets, prepared by WSP USA Inc. and dated as follows:  
     Sheets 1-11 & 13-28 – April 9, 2018  
     Sheet 12 – May 23, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

## State of New Jersey

### THE PINELANDS COMMISSION

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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Application Specific Information: [AppInfo@njpinelands.state.nj.us](mailto:AppInfo@njpinelands.state.nj.us)

### PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-18- 20

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1985-0726.010)

Commissioner Lohbauer moves and Commissioner Jannarone seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1985-0726.010

<b>Applicant:</b>	New Jersey Schools Development Authority
<b>Municipality:</b>	Pemberton Township
<b>Management Area:</b>	Pinelands Forest Area Pinelands-Regional Growth Area
<b>Date of Report:</b>	June 21, 2018
<b>Proposed Development:</b>	Demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1985-0726.010 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			Howell	X			Prickett			R
Avery		X		Jannarone	X			Quinn	X		
Barr	X			Lloyd	X			Rohan Green		X	
Chila	X			Lohbauer	X			Earlen	X		
Galletta		X		Pikolycky	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: July 10, 2018  
Sean W. Earlen  
Sean W. Earlen  
Chairman



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

SEAN W. EARLEN  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

June 21, 2018

Thomas Schrum  
 New Jersey Schools Development Authority  
 32 East Front Street  
 PO Box 991  
 Trenton, NJ 08625

Re: Application # 1985-0726.010  
 Block 848, Lot 10  
 Block 849, Lots 1.02, 2, 11.01, 14 & 15  
 Pemberton Township

Dear Mr. Schrum:

The Commission staff has completed its review of this application for demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
 Director of Regulatory Programs

- Enc: Appeal Procedure  
 c: Secretary, Pemberton Township Planning Board (via email)  
 Pemberton Township Construction Code Official (via email)  
 Pemberton Township Environmental Commission (via email)  
 Secretary, Burlington County Planning Board (via email)  
 Keith Smith





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SEAN W. EARLEN  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

June 21, 2018

Thomas Schrum  
New Jersey Schools Development Authority  
32 East Front Street  
PO Box 991  
Trenton, NJ 08625

Application No.: 1985-0726.010  
Block 848, Lot 10  
Block 849, Lots 1.02, 2, 11.01, 14 & 15  
Pemberton Township

This application proposes demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school located on the above referenced 55.74 acre parcel in Pemberton Township.

On July 14, 2017, the Commission approved the demolition of the Crichton Elementary School located on Block 849, Lot 2 and the temporary paving of 711 linear feet of the Rancocas Lane right-of-way (App. No. 1985-0726.009). The proposed 121,000 square foot elementary school will be located in the area previously occupied by the demolished Crichton Elementary School. The Alexander Denbo Elementary School will be demolished once the new elementary school has been constructed.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Land Use (N.J.A.C. 7:50-5.28)**

The parcel is located in a Pinelands Regional Growth Area and a Pinelands Forest Area. The proposed development will be located within the Pinelands Regional Growth portion of the parcel. The proposed elementary school is a permitted land use in a Pinelands Regional Growth Area.

#### **Wetlands Standards (N.J.A.C. 7:50-6.14)**

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing disturbed and paved areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The existing school building lacks any potential for designation as a significant cultural resource. There is no evidence of other cultural activity on the parcel. Based upon these determinations, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 20, 2017. Newspaper public notice was completed on July 23, 2017. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 24 sheets, prepared by French & Parrello Associates and dated as follows:  
  
 Sheets 1-6, 9, 12-19 & 22-24 - May 18, 2018  
 Sheets 7, 8, 20 & 21 - May 18, 2018; last revised May 25, 2018  
 Sheets 10 & 11 - April 27, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



## State of New Jersey

THE PINELANDS COMMISSION

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Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 21

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1996-1386.003)

Commissioner Prickett moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

<b>1996-1386.003</b>	
<b>Applicant:</b>	NJDEP Parks and Forestry
<b>Municipality:</b>	Pemberton Township
<b>Management Area:</b>	Pinelands Preservation Area District
<b>Date of Report:</b>	June 21, 2018
<b>Proposed Development:</b>	Forestry on 64 acres in Brendan T. Byrne State Forest.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1996-1386.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg  
Executive Director

Date: July 8, 2018

Sean W. Earlen  
Chairman



State of New Jersey  
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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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

SEAN W. EARLEN  
Chairman  
NANCY WITTENBERG  
Executive Director

June 21, 2018

John Sacco  
NJDEP Parks and Forestry  
501 East State Street  
PO Box 420, Mail Code 501-04  
Trenton, NJ 08625-0404

Re: Application # 1996-1386.003  
Brendan T. Byrne State Forest  
Block 925, Lot 1  
Block 927, Lot 1  
Pemberton Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan T. Byrne State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure  
c: Secretary, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
William Zipse, Forester, State Lands Management (via email)



974-905 P750



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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

SEAN W. EARLEN  
Chairman  
NANCY WITTENBERG  
Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

June 21, 2018

John Sacco  
NJDEP Parks and Forestry  
501 East State Street  
PO Box 420, Mail Code 501-04  
Trenton, NJ 08625-0404

Application No.: 1996-1386.003  
Brendan T. Byrne State Forest  
Block 925, Lot 1  
Block 927, Lot 1  
Pemberton Township

This application proposes forestry on 64 acres in Brendan T. Byrne State Forest on the above referenced 305 acre parcel in Pemberton Township.

One site proposed for forestry is comprised of approximately 49 acres and fronts on Magnolia Road. The second site proposed for forestry is approximately 15 acres and fronts on Four Mile Road.

On June 13, 2008, the Commission approved forestry on 44 acres of the 49 acre site currently proposed for forestry (App. No. 1996-1386.002). In accordance with the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.45), that approval expired after 10 years, on June 13, 2018. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.002 was completed.

On November 8, 1996, the Commission approved forestry on 5.72 acres of the 15 acre site currently proposed for forestry (App. No. 1996-1386.001). In accordance with the CMP (N.J.A.C. 7:50-6.45), that approval expired after 10 years, on November 8, 2006. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.001 was completed.

**STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

NEW JERSEY STATE GOVERNMENT

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 64 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes 64 acres of forest thinning in uplands. The type of proposed thinning is known as a shelterwood harvest. The harvest is intended to: 1) create large openings in the forest canopy; 2) encourage the growth of young oak tree species and native Shortleaf pine; 3) reduce the risk of wildfire and southern pine beetle attack; 4) allow for natural regeneration; and 5) maintain an Oak-Pine dominated forest, a Pinelands native forest type.

There are currently approximately 225 trees per acre on the 64 acres subject of the proposed harvest. After the proposed thinning, there will be approximately 43 trees per acre on the 64 acres. The proposed thinning will remove a total of 562 cords of wood from the 64 acres.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and plowing/disking.

Spot spraying of herbicides is proposed, as necessary, to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), all herbicides must be expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 64 acres subject of forestry was completed on April 20, 2018. Newspaper public notice was completed on April 23, 2018. The application was designated as complete on the Commission's website on May 25, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated April 30, 2018. The 64 acres subject of the proposed forestry is depicted on an exhibit titled "Activity Description" identified as a portion of a USGS Quad: Browns Mills and dated March 14, 2018.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 64 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the July 13, 2018 date of Commission approval.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



## State of New Jersey

THE PINELANDS COMMISSION

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Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00PM on July 9, 2018 and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-18- 22

**TITLE:** To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets

Commissioner Uyey moves and Commissioner Lohbauer seconds the motion that:

**WHEREAS**, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, it is anticipated that the New Jersey Legislature will appropriate \$2,799,000 to support the Commission's operations during Fiscal Year 2019; 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 actions shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Director is authorized to continue to expend funds during Fiscal Year 2019 at the same level of expenditures as Fiscal Year 2018 until the Commission's adoption of the Fiscal Year 2019 Budgets.

**Record of Commission Votes**

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Howell	X			Prickett	X		
Avery		X		Jannarone	X			Quinn	X		
Barr	X			Lloyd	X			Rohan Green		X	
Chila	X			Lohbauer	X			Earlen	X		
Galletta		X		Pikolycky	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 18, 2018

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman

-----Original Message-----

From: Mark Lohbauer

Sent: Tuesday, July 10, 2018 9:20 PM

To: Sean Earlen; Candace Ashmun; Alan Avery; Bob Barr; Joe Chila; Paul Galletta; Jordan Howell; Jane Jannarone; Edward Lloyd; Gary Quinn; D'Arcy Rohan-Green; William Pikolycky

Cc: Rick Prickett; Wittenberg, Nancy

Subject: Recommended amendment to Application Number 1990-0868.029, NJ State Forest Fire Service, Bass River Township

Chairman Earlen and fellow Commissioners:

Commissioner Prickett and I looked at the office file on the Bass River Fire Tower application last week, and each of us concluded that inadequate consideration is being given by the applicant to potential alternatives to clearcutting in response to the Forest Service's ongoing problem with trees overgrowing and obstructing their fire tower post. While their plan has been dramatically modified from its original version in order to minimize damage to habitat of potential T/E species, it still poses unsatisfactory risks without taking care to demonstrate that clearcutting is their best alternative. Meanwhile, the public has turned out in response to this application in significant numbers, and they've provided evidence to demonstrate that other meaningful options are available to the Forest Fire Service.

We've drafted a memo, attached below, to propose a way to give those alternatives more deliberate consideration. See you all on Friday!

Mark Lohbauer

To: Sean Earlen, Chairman  
Pinelands Commissioners  
Nancy Wittenberg, Executive Director

From: Commissioner Lohbauer  
Commissioner Prickett

Re: Application Number 1990-0868.029/NJ State  
Forest Fire Service, Bass River Township,  
Preservation Area District, Clearing of 16.4 acres  
of trees to restore visibility from the Bass River  
State Forest fire tower.

Date: July 10, 2018

We have reviewed the full file for the above application at the Commission's office. Based upon that review, we make the following observations and recommendations to the Commission.

First, we fully support the diligent efforts of the New Jersey State Forest Fire Service to prevent forest fires. We also note that the Legislature recognized in enacting the Pinelands Protection Act that there is a "natural cycle of forest fires in this unique area . . . ." N.J.S.A. 13:18A-2.

The Legislature also found that

the pinelands area comprises pine-oak forests, cedar swamps, and extensive surface

and ground water resources of high quality which provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and contains many other significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources . . . .

Id.

We believe that the Commission can support the prevention of forest fires and protect Pinelands resources as well. These two goals are compatible and not mutually exclusive.

With these goals in mind, we are writing to share some additional information that was included in the application file. The file included copies of a resolution from 1995 in which the Service asked to clear-cut 4.1 acres to the North, East, and South of the Bass River Tower to restore visibility for fire prevention. In 1995, the public proposed alternatives to cutting trees including a video camera system. DEP rejected these alternatives stating that it had no funding for alternatives. DEP also stated that replacing the fire tower was too costly in 1995. The Commission approved the application in December, 1995. A member of the public, Bob Blumberg, appealed the decision to the Office of Administrative Law. A settlement was reached to reduce the clear-cutting to 2.7 acres,

which were apparently clear-cut. Today, 23 years later, the Service requests that we approve a nearly identical application. There is no indication in the application file that any alternatives were considered.

Alternatives to clear-cutting forests have become even more effective in the years since 1995. On the west coast, where forest fires are much more frequent, expansive, and deadly, millions of acres are protected by a 24/7 video cam/software detection system called "Forest Watch." It is much more rapid and effective than human-eye detection, and more precise at determining event locations.

A draft letter to the applicant dated June 22, 2018 was also included in the application file. It included the following:

The tree clearing proposed in this application identifies the opportunity to the New Jersey Department of Environmental Protection (NJDEP) and [t]he Pinelands Commission to initiate discussions regarding the age of existing fire towers in the Pinelands Area, the possible future need to reconstruct[ion] those towers, the future tree clearing necessary to ensure visibility for fire towers, and the role of alternate technologies in detecting forest fires.

This language was not included in the materials furnished to the Commission in the Board packet.

In light of the foregoing, we recommend that the Commission add the following provision to the resolution before us.

“The Pinelands Commission staff will develop an ecologically friendly plan to avoid the need to clear-cut forests in the future. The staff will work with the New Jersey Forest Fire Service and the DEP to examine the age of existing fire towers in the Pinelands Area, the possible future need to reconstruct those towers, the future tree clearing necessary to ensure visibility for fire towers, and the role of alternate technologies including video cameras and an associated software detection system in detecting forest fires. The plan will include an analysis of currently available methods of early forest fire detection, and will recommend to the Commission, the New Jersey State Forest Service, and the NJDEP, how they may jointly implement the best method available to detect forest fires. The Pinelands Commission staff will submit the plan to the Commission for its consideration no later than February 1, 2019.”

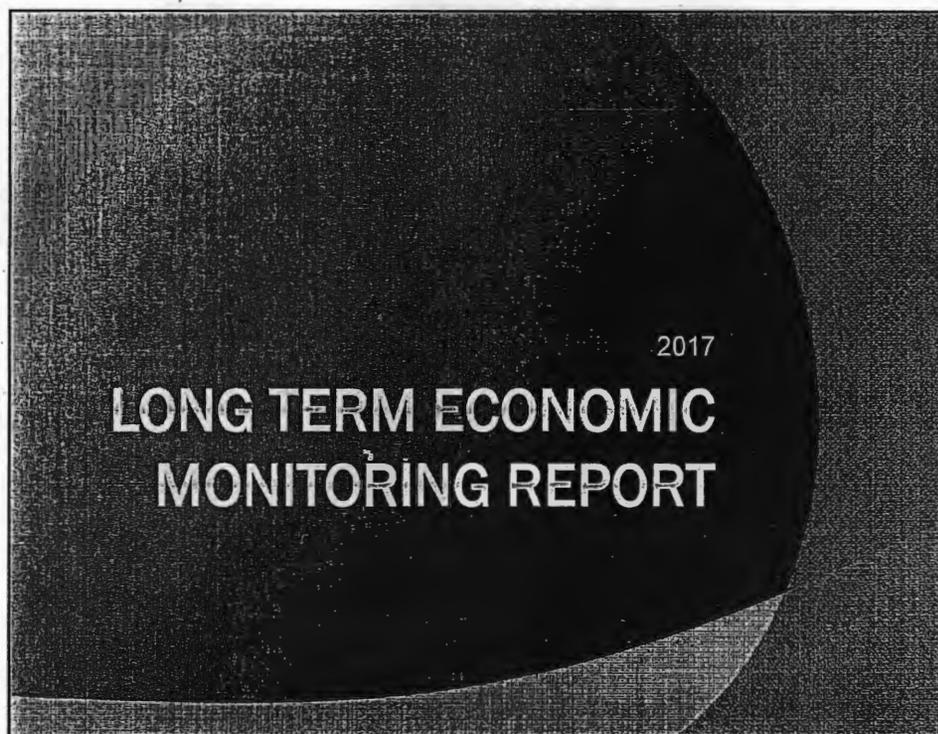
With the exception of the foregoing comments, the proposal has redeeming qualities that are not apparent in the application in the Board packet:

- 1) Careful thought has gone into the protection of T/E species, in this case snakes and bird species;
- 2) The use of herbicides has been eliminated from the applicant's request;
- 3) The 7 areas to be cut will be cut in stages over two years, with re-planting of native and CCC-introduced non-native species (except White Pine, which creates most of the obstruction);
- 4) The approach is intended to foster the creation of new habitats that would increase plant and animal diversity.

Based upon these observations, we recommend that the following language also be added to the resolution:

“In order to better protect the habitat of threatened and endangered species and to preserve forest landscapes, in future proposals to clear-cut trees to address visibility limitations at fire towers, the Commission will examine whether the new trees anticipated to be planted pursuant to this application have been established “(by virtue of reaching at least ten feet (10’) in height, or at least five (5) years of age). In the

event that new obstructions were to obscure the view from a fire tower and pose a threat to effective forest fire detection during that interim, the Commission will consider whether the use of video camera and computer technology or the topping any obstructing trees may be a preferred alternative to clear-cutting those trees.”



## Summary

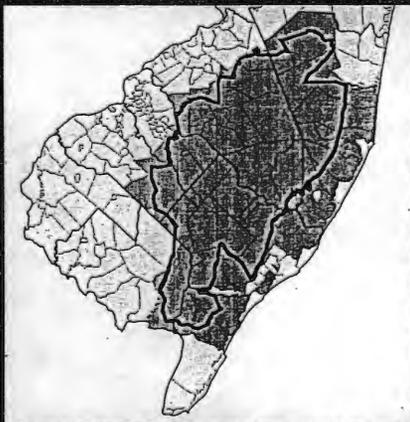
- Updated with data for two years: 2015 and 2016
- Core indicators same as previous years
- Most indicators have been updated
- Highlights of the Report
- Re-evaluation of Report format and variables

## Updates

- The 2017 Report updates 17 of 21 variables, plus one supplemental variable, in four categories of economic indicators (Population, Real Estate, Economy, and Municipal Finance)
- Changes to variables: new population age demographic - under 19 years of age and over 65 years of age instead of median age for each municipality
- Supplemental variable: reporting poverty rates for the second straight year

## Geographic Definitions

The Pinelands vs. The Non-Pinelands



Pinelands Municipalities

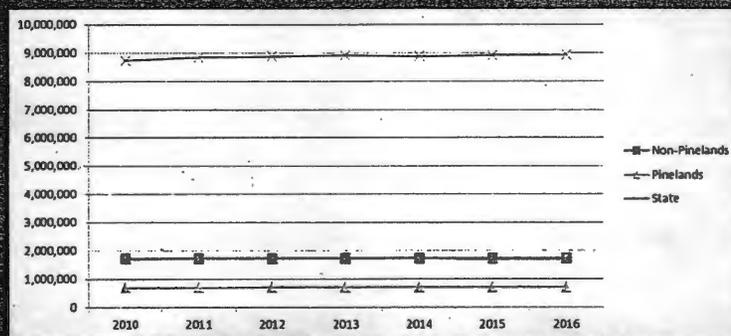


Non-Pinelands  
Municipalities

## Highlights - Population

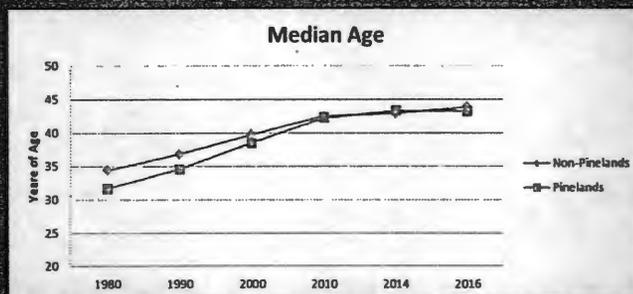
- ➔ ○ Slow decline in population in SNJ as a whole, slower decline for Pinelands municipalities from 2010 to 2016
- ➔ ○ Median age is climbing
- ➔ ○ Poverty rates increased since 2014 inside Pinelands

## Highlight – Population Estimates



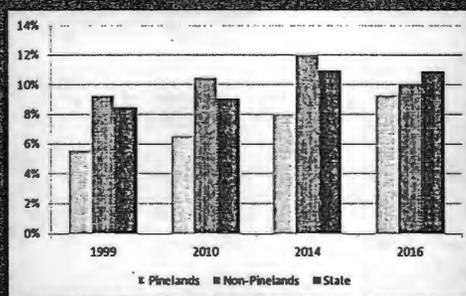
The population of the Pinelands hovers around 700,000 people. Estimates for 2016 gave us 703,189 people which was down by 1,482 since 2014. Pinelands population represents the total population of the 47 Pinelands municipalities.

## Highlight – Age Demographics



- New statistic – under 19 and over 65 years of age
- % of the Pinelands population over 65 years of age increased by 2% since 2010
- Census report changed the “Under 18” statistic to “Under 19” so trend is not available

## Highlight – Poverty Rates

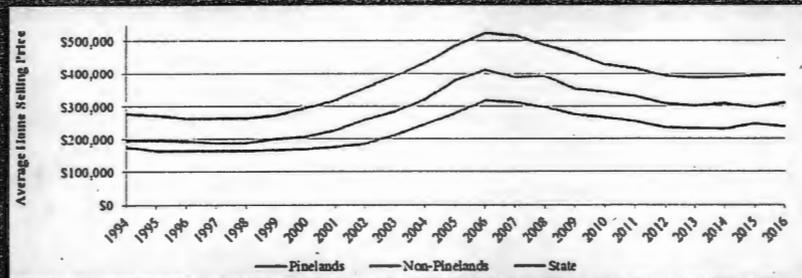


- This is a supplemental variable included in the 2015 and in the 2017 reports
- 2016: Pinelands 9%, Non-Pinelands 10%, State 11%
- State Poverty rates peaked in 2014

## Highlights – Real Estate

- All indicators showing growth over recession lows
  - Number of building permits
  - Number of residential transactions
  - Home sales prices
- Home sale prices increasing more slowly than growth in number of permits and transactions
- Trends are similar for Pinelands, non-Pinelands and State averages

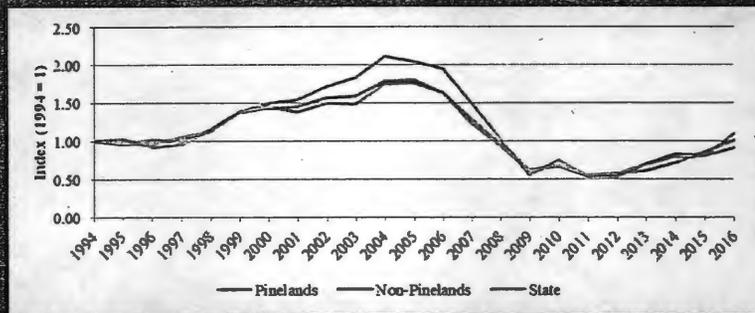
## Highlights – Residential Real Estate Sales Prices



Home prices climbed 4% since 2014 to an average of \$232,000

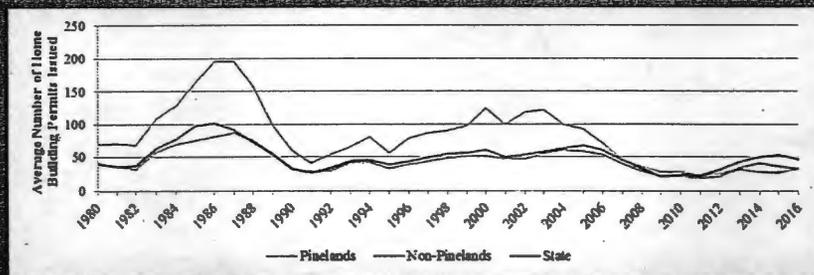
Inside the Pinelands, average price higher in 2015 than in 2016

## Highlights – Residential Real Estate Transactions



The number of transactions were on an increasing trend (32% more than 2014) for Pinelands municipalities

## Highlight – Real Estate Residential Building Permits



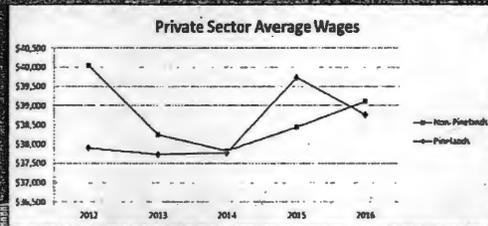
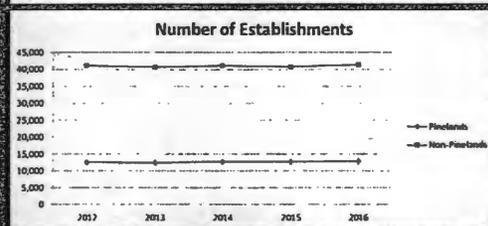
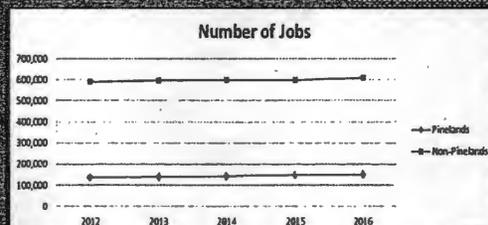
The average number of new residential units that were issued building permits went up 18% (a total of 1,553 units in Pinelands municipalities)

## Highlights - Economy

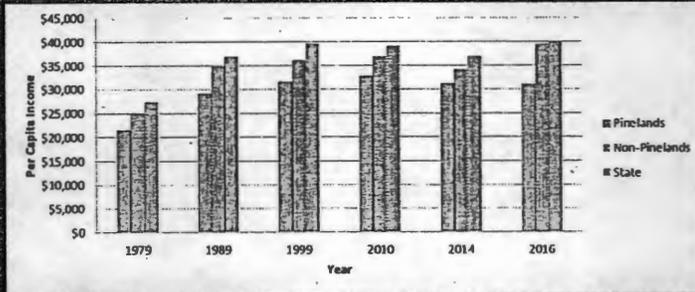
- Updated variables are
  - Employment
  - number of Establishments
  - Wages
  - Per Capita Income
  - Unemployment
  - Assessed Farmland acreage
  - Berry Production statistics
- Trends are mostly positive for these indicators

## Highlight – Employment, Establishments & Wages

- Jobs up 6% since 2014
- Establishments up 0.8%
- Wages up 2.6% over 2014



## Highlight – Per Capita Income



PCI for the Pinelands municipalities stayed relatively flat (-\$118)

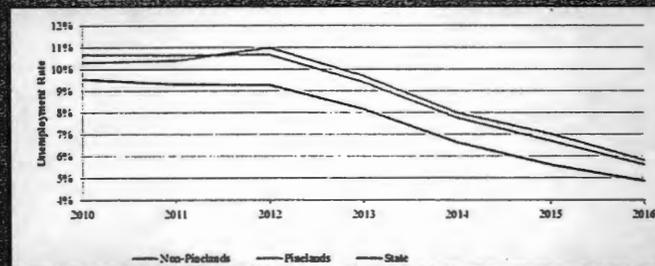


PCI for Non-Pinelands rose \$5,271



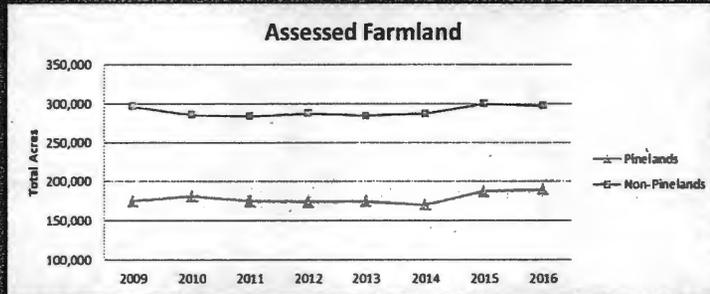
PCI across the State grew by \$2,982

## Highlight - Unemployment



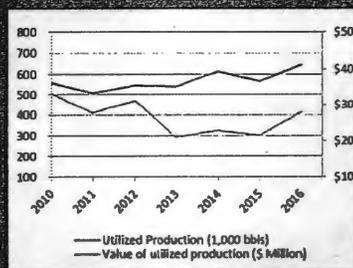
- Pinelands, Non-Pinelands, and State all saw decreasing unemployment rates since 2014
- For 2016, Pinelands municipalities averaged the highest rate at 5.8%, but trending along with State and Non-Pinelands

## Highlight – Economy – Assessed Farmland Acreage



- Acreage in Farmland Assessment grew in all regions between 2014 and 2016
- Pinelands up 19,092 acres (11%)

## Highlight – Berry Agriculture

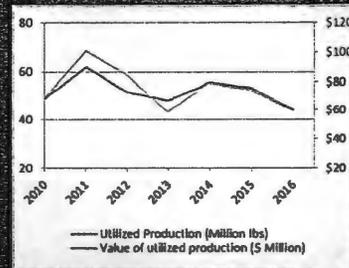


Cranberry Production & Values

Value of Cranberry crop climbed faster than production up 21% & 5% respectively

Production of Cranberries rose to 646,000 barrels (646,000 lbs barrel)

Cranberry prices ended 2016 up at \$6.93/lb



Blueberry Production & Values

Value of the blueberry crop fell 25% and production fell by 21% since 2011

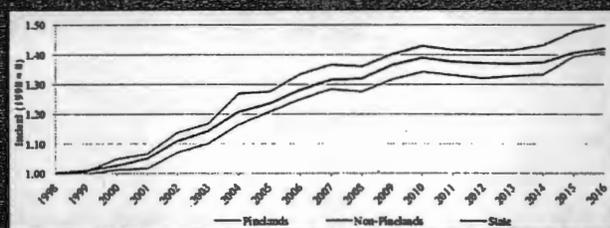
Blueberry acreage yielded about 4 million pounds in 2016

Blueberry prices ended 2016 down at \$1.35/lb

## Highlights – Municipal Finance

- Five variables:
  - Avg. Residential Taxes
  - Municipal Equalized Valuation
  - Effective Tax Rates
  - Assessment Class Proportions
  - Revenue & State Aid
- All were updated
- Upward trends for municipal finance variables with the exception of state aid

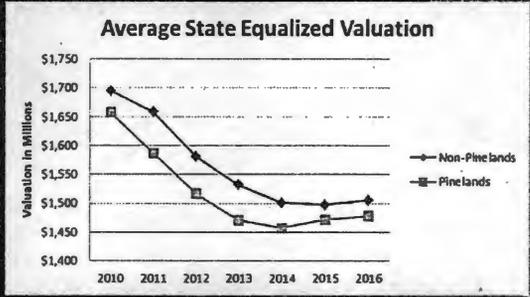
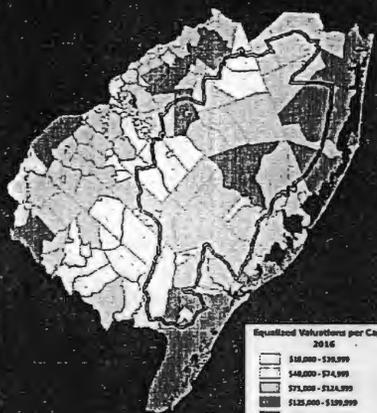
## Highlight – Average Residential Tax Bill



Average tax bill indexed to 1998

- Average tax bill across Pinelands municipalities was \$5,425; Non-Pinelands was \$6,429
- Highest average continued to be in Medford Township (\$10,127); lowest average occurred in Woodbine Borough (\$1,783)

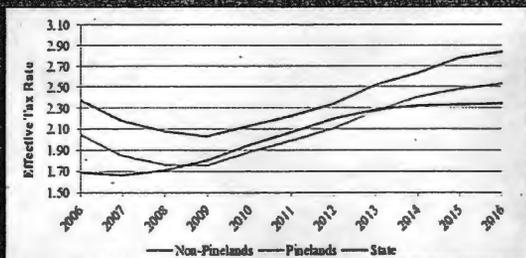
## Highlight – Municipal Equalized Valuation



- The “average” Pinlands municipality had a property valuation of \$1.48 Bil in 2016
- The “average” Non-Pinlands municipality (including shore towns) had a valuation of \$1.51 Bil in 2016
- Trending upwards

## Highlight – Effective Tax Rate

- Highest effective tax rate inside Pinlands was found in Egg Harbor City (4.34c/ \$100 assessed value)
- Lowest rate in Pinlands was in Dennis Township (1.52/100)
- “... effective rate above 3.00 is unsustainable.” =Henry Coleman of Rutgers, 2002

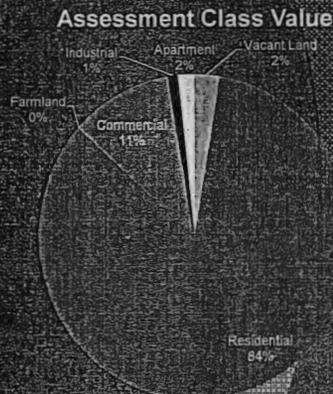


Towns with rate over 3.0

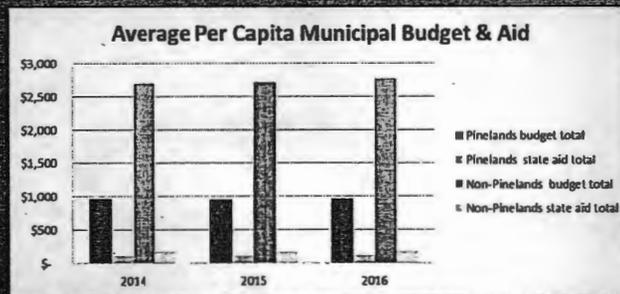
Franklin Township	3.046
Berlin Borough	3.078
Buena Borough	3.098
Winslow Township	3.327
Chesilhurst Borough	4.368
Monroe Township	4.636
Berlin Township	3.542
Waterford Township	3.657
Egg Harbor City	4.34

## Highlight – Assessment Class Proportions in Valuations

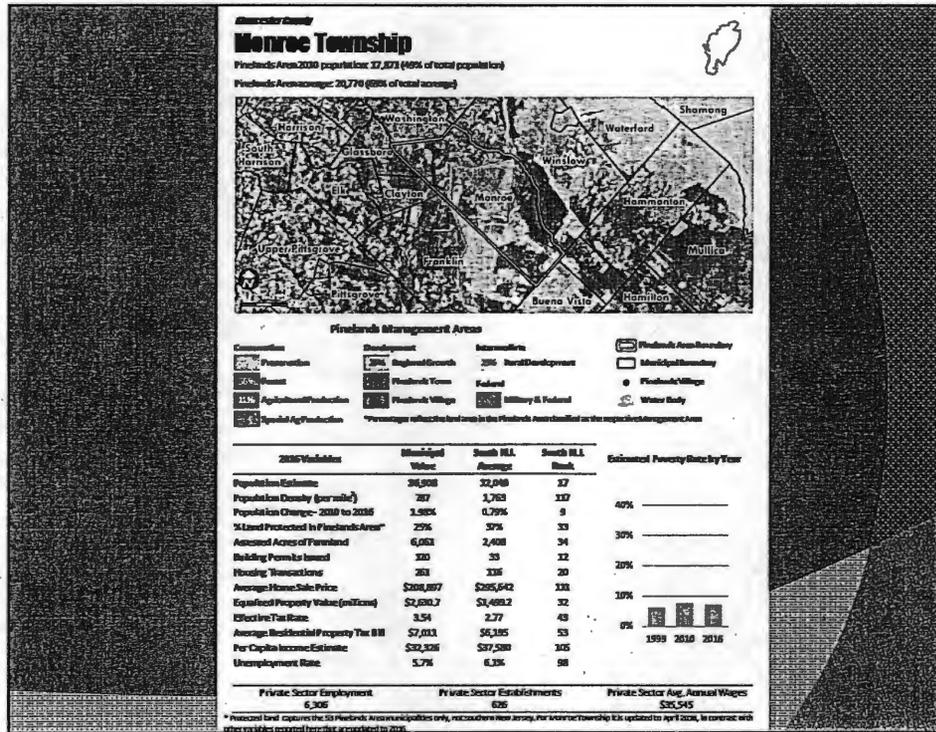
- Assessment class proportions stay about the same
- Commercial proportion grew the most since 2014, but only by 0.33%
- Non-Pinelands saw greatest increase in residential over the two years, but only 1.8%



## Highlight – Revenues & State Aid



- State aid represents 12% of the total budget for average Pinelands municipality in 2016; 6% of Non-Pinelands muni budget
- State aid has been consistently around 12% 2014-2016 in Pinelands
- State aid dropped from about 7% to near 6% for the period in Non-Pinelands towns

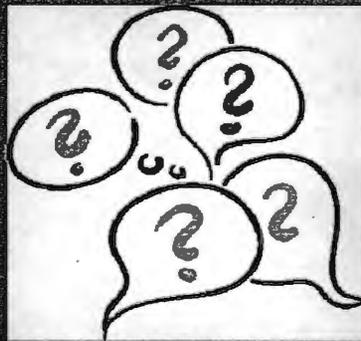


## LTEM Report Distribution

- Available to local officials at Pinelands Orientation
- Sent to participants of the two re-evaluation work sessions
- Libraries at Stockton, Rowan, county colleges
- Others

## Next Report

- Staff considering variables to add or remove based upon re-evaluation work sessions and Rutgers report
- New format to be developed with more web-based presence
- Rolling updates when data available
- Annual Summary



Line		2012	2013	2014	2015	2016
1	<b>Total Outdoor Recreation</b>	601,003	624,366	644,122	653,225	673,165
2	<b>Total Core Outdoor Recreation</b>	335,144	357,257	372,305	378,888	395,877
3	<b>Conventional Outdoor Recreation</b>	211,202	222,298	234,681	234,289	247,202
4	Bicycling	2,992	2,854	3,123	2,998	3,313
5	Boating/Fishing	30,943	32,440	34,122	36,734	38,200
6	Canoeing/Kayaking	590	552	624	658	682
7	Sailing	1,852	1,938	2,101	2,170	2,396
8	Other Boating/Fishing	28,501	29,950	31,397	33,906	35,122
9	Camping/Climbing/Hiking	6,545	6,807	7,131	7,615	7,927
10	Equestrian	9,971	10,646	11,972	11,818	12,674
11	Hunting/Shooting/Trapping	9,927	12,221	12,500	13,751	15,394
12	Hunting	6,300	7,626	7,724	8,434	9,292
13	Other Shooting/Trapping	3,627	4,595	4,776	5,317	6,101
14	Motorized Vehicles	58,229	60,221	62,145	57,837	59,378
15	Motorcycles	11,245	11,679	11,976	11,304	11,314
16	RVs	25,489	27,467	29,592	29,231	29,972
17	Other Motorized Vehicles	21,495	21,075	20,577	17,303	18,092
18	Recreational Flying	6,310	6,236	6,784	7,120	5,487
19	Skiing	2,696	2,731	2,927	3,133	3,310
20	Snowboarding	2,369	2,442	2,583	2,768	2,960
21	Other Conventional Outdoor Recreation Activities <sup>1</sup>	9,991	8,868	9,666	9,727	11,957
22	Multi-use Apparel and Accessories (Conventional) <sup>2</sup>	71,228	76,833	81,728	80,788	86,601
23	<b>Other Outdoor Recreation</b>	123,942	134,958	137,624	144,598	148,675
24	Amusement Parks/Water Parks	14,805	15,625	16,552	18,066	19,227
25	Festivals/Sporting Events/Concerts	22,122	23,058	24,235	25,697	26,481
26	Field Sports	6,123	6,520	6,810	7,211	7,729
27	Game Areas (including Golf and Tennis)	31,414	31,747	31,170	33,300	36,227
28	Guided Tours/Outfitted Travel	26,359	27,248	28,634	28,173	26,489
29	Productive Activities	2,338	9,417	8,374	8,548	8,648
30	Other Outdoor Recreation Activities <sup>3</sup>	15,451	15,966	16,540	18,444	17,845
31	Multi-use Apparel and Accessories (Other) <sup>2</sup>	5,330	5,376	5,309	5,159	6,029
32	<b>Supporting Outdoor Recreation</b>	265,859	267,109	271,817	274,338	277,288
33	Construction	10,533	10,276	10,836	11,972	12,697

<b>Supporting Outdoor Recreation</b>	265,859	267,109	271,817	274,338	277,288
Construction	10,533	10,276	10,836	11,972	12,697
Trips and Travel <sup>4</sup>	224,295	225,395	228,657	229,107	230,492
Government Expenditures	31,031	31,437	32,324	33,259	34,100

New Jersey Outdoor Recreation in 2017 - Some Insights

Dr. Jonathan Peters - The City University of New York - College of Staten Island & CUNY Graduate School

9-Jul-18

NJ Underperforming - 5%

NJ Overperforming +5%

	2001	2001	2001	2001	2001	2001	2001	2001	2001
New Jersey Outdoor Recreation Based on 2001 National Survey on Recreation and the Environment - H. Ken Cordell et al	NJ	NJ-NY-PA	Difference NJ - Region	Land Based	Water Based	Snow Based	Total USA	Difference NJ - USA	
Activity	New Jersey	Mid Atlantic		USA	USA	USA	USA	NJ-USA	
Walking for pleasure	85.9	85.4	0.5	83.0			83.0	2.9	
Gardening / Landscaping for Pleasure	71.3	72.0	-0.7	72.6			72.6	-1.3	
Family Gathering	69.2	71.8	-2.6	73.5			73.5	-4.3	
Viewing / Photographing natural scenery	59.8	58.4	1.4	60.3			60.3	-0.5	
Visiting Nature Centers	55.0	55.7	-0.7	57.1			57.1	-2.1	
Picnicking	51.1	54.1	-3.0	54.5			54.5	-3.4	
Sightseeing	50.3	50.3	0.0	51.8			51.8	-1.5	
Driving for pleasure	47.8	49.0	-1.2	51.2			51.2	-3.4	
Visiting Historic Sights	52.1	48.5	3.6	46.2			46.2	5.9	
Attending Outdoor Sports events	59.1	45.0	14.1	49.9			49.9	9.2	
Swimming in an outdoor Pool	49.6	44.5	5.1		41.0		41.0	8.6	
Swimming in lakes, streams	49.8	43.7	6.1		41.7		41.7	8.1	
Viewing / photographing wildflowers, trees	40.8	43.4	-2.6	44.9			44.9	-4.1	
Attending Outdoor concerts, plays	42.9	43.3	-0.4	39.8			39.8	3.1	
Visiting a Beach	50.2	43.1	7.1		40.6		40.6	9.6	
Viewing / Photographing other wildlife	40.7	41.8	-1.1	44.7			44.7	-4.0	
Bicycling	42.7	40.6	2.1	39.5			39.5	3.2	
Yard games (e.g. horseshoes)	41.7	38.0	3.7	39.4			39.4	2.3	
Viewing / Photographing birds	32.1	32.4	-0.3	32.4			32.4	-0.3	
Running or Jogging	35.3	31.7	3.6	34.5			34.5	0.8	
Day Hiking	31.8	29.1	2.7	33.3			33.3	-1.5	
Visiting a farm or agricultural setting	26.4	28.2	-1.8	27.9			27.9	-1.5	
Visiting a wilderness or primitive area	24.1	26.6	-2.5	32.7			32.7	-8.6	
Gathering mushrooms, berries	21.8	25.6	-3.8	28.5			28.5	-6.7	
Visiting other waterside (besides beach)	23.2	24.6	-1.4		26.0		26.0	-2.8	
Viewing /photographing fish	23.0	22.4	0.6		24.8		24.8	-1.8	
Inline skating or rollerblading	13.3	22.2	-8.9	22.1			22.1	-8.8	
Mountain Biking	20.0	21.4	-1.4	21.4			21.4	-1.4	
Boat tours or excursions	21.5	21.3	0.2		18.7		18.7	2.8	
Developed Camping	18.0	20.9	-2.9	26.4			26.4	-8.4	
Motor boating	18.7	18.9	-0.2		24.4		24.4	-5.7	
Visiting Prehistoric / archeological sites	16.2	18.3	-2.1	20.9			20.9	-4.7	
Skiing	19.3	17.8	1.5			14.7	14.7	4.6	
Warmwater Fishing	14.5	15.4	-0.9		22.6		22.6	-8.1	

Tennis outdoors	20.7	15.3	5.4	11.5		11.5	9.2
Driving off-road	11.5	14.1	-2.6	17.5		17.5	-6.0
Basketball outdoors	13.6	13.3	0.3	14.7		14.7	-1.1
Golfing	12.9	13.2	-0.3	16.9		16.9	-4.0
Coldwater Fishing	11.0	12.3	-1.3		13.6	13.6	-2.6
Saltwater Fishing	18.4	11.1	7.3		10.4	10.4	8.0
Primitive Camping	7.0	10.9	-3.9	16.0		16.0	-9.0
Handball or racquetball outdoors	9.3	10.1	-0.8	7.1		7.1	2.2
Soccer outdoors	13.0	9.7	3.3	8.1		8.1	4.9
Canoeing	9.1	9.5	-0.4		9.7	9.7	-0.6
Softball	5.8	9.4	-3.6	10.5		10.5	-4.7
Backpacking	7.8	9.3	-1.5	10.7		10.7	-2.9
Downhill skiing	9.5	9.2	0.3		8.5	8.5	1.0
Volleyball outdoors	8.0	8.9	-0.9	10.6		10.6	-2.6
Ice-skating outdoors	11.7	8.4	3.3		6.9	6.9	4.8
Baseball	6.1	8.1	-2.0	6.8		6.8	-0.7
Rafting	7.6	7.9	-0.3		9.5	9.5	-1.9
Horseback Riding (general)	6.0	7.6	-1.6	9.7		9.7	-3.7
Football	7.9	7.2	0.7	8.1		8.1	-0.2
Jetskiing	7.0	6.9	0.1		9.5	9.5	-2.5
Big Game Hunting	2.7	6.6	-3.9	8.4		8.4	-5.7
Sailing	6.5	6.2	0.3		5.1	5.1	1.4
Horseback Riding on trails	5.3	6.1	-0.8	7.8		7.8	-2.5
Snorkeling	7.5	6.0	1.5		6.7	6.7	0.8
Snowmobiling	3.2	5.6	-2.4		5.5	5.5	-2.3
Rowing	5.5	5.5	0.0		4.4	4.4	1.1
Rock Climbing	4.2	5.2	-1.0	4.3		4.3	-0.1
Small game hunting	3.4	5.2	-1.8	7.2		7.2	-3.8
Snowboarding	4.5	4.9	-0.4		4.9	4.9	-0.4
Waterskiing	2.9	4.6	-1.7		8.1	8.1	-5.2
Anadromous fishing	4.8	4.2	0.6		4.4	4.4	0.4
Mountain Climbing	3.4	4.1	-0.7	6.0		6.0	-2.6
Cross-country Skiing	1.7	3.6	-1.9		3.8	3.8	-2.1
Kayaking	3.5	3.2	0.3		3.5	3.5	0.0
Caving	2.2	2.7	-0.5	4.3		4.3	-2.1
Orienteering	0.3	2.4	-2.1	2.0		2.0	-1.7
Scuba Diving	2.1	1.8	0.3		1.9	1.9	0.2
Ice Fishing	1.1	1.5	-0.4		2.9	2.9	-1.8
Snowshoeing	1.6	1.1	0.5		1.8	1.8	-0.2
Surfing	2	1.1	0.9		1.7	1.7	0.3
Migratory bird hunting	1.2	1.0	0.2	2.4		2.4	-1.2
Windsurfing	1.1	0.9	0.2		0.8	0.8	0.3



Bureau of Economic Analysis  
U.S. DEPARTMENT OF COMMERCE

# Outdoor Recreation

**\$374** billion of U.S. GDP in 2016  
or **2%** of the economy



\$59.4

*RVs/Motorcycles/  
Other Motorized Vehicles*



\$23.7

*Boating/Fishing*



\$12.8

*Hunting/Shooting/Trapping*

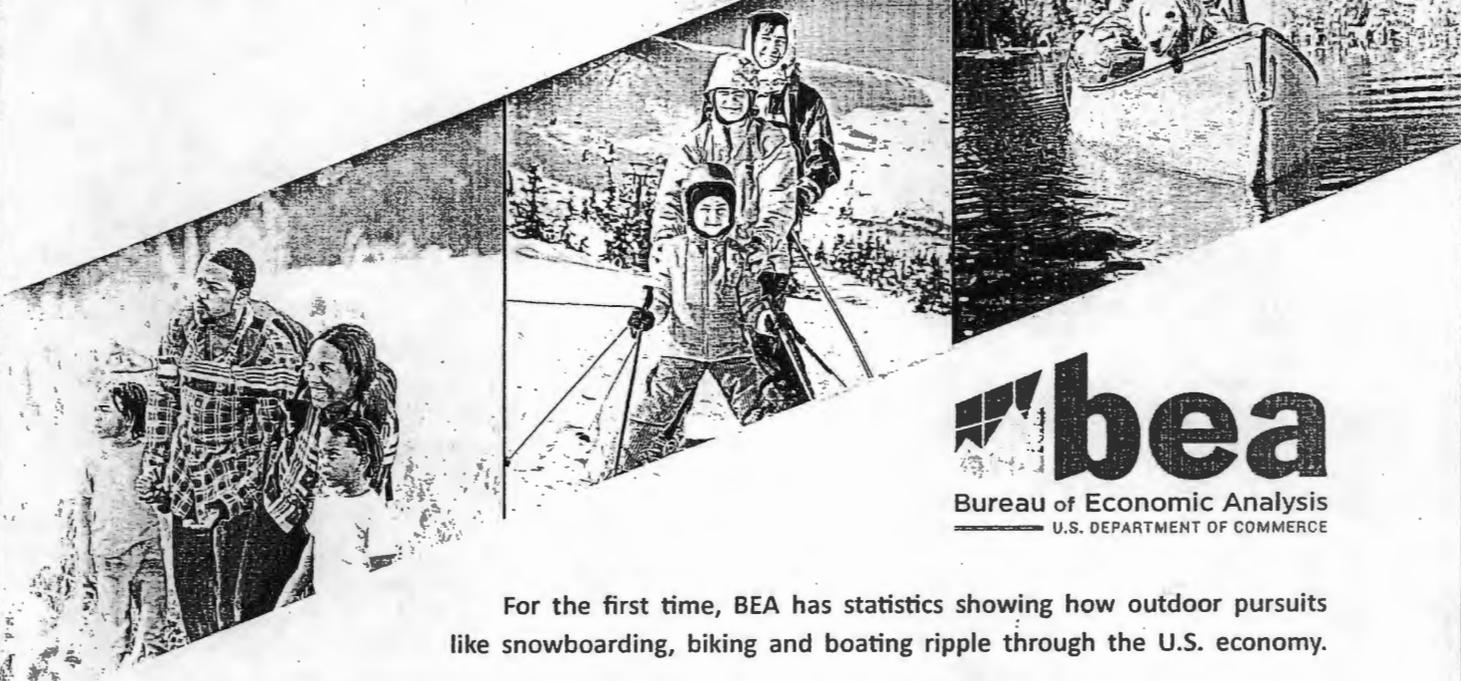
- Outdoor recreation GDP measures the value of production within the United States.
- Activities are measured by gross output, essentially sales or receipts.

[www.bea.gov/outdoor-recreation](http://www.bea.gov/outdoor-recreation)

February 2018 prototype statistics.  
Look for final report in fall 2018.

For more information about any of our innovations or about BEA in general:  
[www.bea.gov](http://www.bea.gov) // [CustomerService@bea.gov](mailto:CustomerService@bea.gov) // (301) 278-9004

# Recreation



For the first time, BEA has statistics showing how outdoor pursuits like snowboarding, biking and boating ripple through the U.S. economy.

BEA estimates that outdoor recreation accounted for 2 percent of gross domestic product in 2016, or \$374 billion, and grew faster than the economy overall. We also have data by type of outdoor activity, such as hunting or RVing, and statistics showing how much industries like manufacturing or retail trade produce for outdoor recreation.

These first prototype statistics mark a milestone in the development of BEA's new Outdoor Recreation Satellite Account. Feedback about these experimental statistics released in February 2018 will help us finalize the definitions and methodology for the new account.

Of course, U.S. economic activity related to outdoor recreation – like a factory making fishing lures, a family traveling to hike in a national park, or a ski instructor giving lessons – is already woven invisibly into BEA's broad national statistics, such as GDP. The new account pulls these threads of data together in one place, with expanded detail, to reveal a previously unseen picture of the outdoor recreation economy. This will better inform the public and aid businesspeople, policymakers and managers of public lands and waters.

The new dataset will deepen public understanding of outdoor recreation's role in the economy and provide useful information to policymakers, businesspeople, and managers of public lands and waters.

Visit <https://www.bea.gov/outdoor-recreation> for the latest updates on the Outdoor Recreation Satellite Account. Share your comments or ask questions at [OutdoorRecreation@bea.gov](mailto:OutdoorRecreation@bea.gov).

— Over —

For more information about any of our innovations or about BEA in general:  
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