



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



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

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **LAND USE, CLIMATE IMPACTS AND SUSTAINABILITY COMMITTEE MEETING**

October 30, 2020  
Immediately following the Policy & Implementation Committee Meeting

Pinelands Commission YouTube link:  
<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

### **Agenda**

1. Call to Order
2. Adoption of the October 7, 2020 Committee meeting minutes
3. Continued discussion of revised draft resolution establishing the Pinelands Commission's objectives relative to climate change in the Pinelands Area and the responsibilities of the Land Use, Climate Impacts and Sustainability Committee
4. Discussion of future schedule, priorities, staff responsibilities and budget implications
5. Public comment

## Land Use, Climate Impacts & Sustainability Committee Meeting

This meeting was conducted remotely  
All participants were present via Zoom conference

Pinelands Commission YouTube link:  
<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

### Minutes October 7, 2020

**MEMBERS IN ATTENDANCE:** Chairman Mark Lohbauer, Sean Earlen, Rick Prickett, Edward Lloyd, and Alan Avery

**STAFF PRESENT:** Executive Director, Nancy Wittenberg; Susan Grogan, Stacey Roth. Also present was Vincent Mazzei, Assistant Commissioner, NJDEP Watershed & Land Use Management

1. **Call to Order** - meeting called to order by Chairman Lohbauer and Commissioners participating in the meeting were identified.
2. **Presentation** by Vincent Mazzei, Assistant Commissioner, NJDEP Watershed & Land Use Management, on NJDEP's PACT (Protecting Against Climate Threats) Initiative.
  - Presentation on how sea level rise and increased precipitation will impact or greatly increase the frequency and severity of flooding across the state and in particular in the Pinelands region.
  - Standards still being written, looking for collaboration from public agencies and local governing authorities.
  - Powerpoint being forwarded to Pinelands Commission to be put on Website to Allow the public to view.
  - Commissioners expressed their thanks for the presentation and asked questions regarding the presentation.
3. **Discussion** - Draft Resolution establishing the Pinelands Commission Objectives written by Susan Grogan and staff. Resolution allowing the Commission to set guidance for the LUCIS Committee and state what the Commission's goals are for the LUCIS Committee. Revisions were proposed by Committee members. A revised resolution will be presented to the Committee for review at the next meeting. Looking to present resolution to full Commission at November meeting.
4. **Public Comment**

Rhyan Grech, Pinelands Preservation Alliance – commented to thank Assistant Commissioner Mazzei for his presentation, hopes Commission will work with DEP moving forward with writing standards, appreciated discussion and draft resolution put forward.

Fred Akers, Great Egg Harbor Watershed Assoc. – commented on coastal vs. marine flooding, in response to presentation.

Next meeting Oct. 30, 2020 after the P&I meeting.

Commissioner Earlen moved the adjournment of the meeting and Commissioner Lloyd seconded the motion and all agreed.

Minutes submitted as true and correct:

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Carol A. Ebersberger  
Business Specialist

Date: October 13, 2020



## ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-20-\_\_\_\_\_**

**TITLE:** To Establish the Objectives of the Pinelands Commission Relative to Climate Change in the Pinelands Area and the Responsibilities of the Commission's Land Use, Climate Impacts and Sustainability Committee

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, the Pinelands Protection Act of 1979 recognized the Pinelands Area as an area comprised of significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources, among them pine-oak forests, cedar swamps and extensive surface and ground water resources of high quality that provide unique habitat for a wide diversity of rare plant and animal species; and

**WHEREAS**, to ensure protection of the Pinelands Area from the threat posed by development pressure, the Pinelands Protection Act directed the Pinelands Commission to adopt a comprehensive management plan designed to protect, preserve and enhance the significant values of the resources of the Pinelands Area; and

**WHEREAS**, since its adoption by the Commission in 1981, the Pinelands Comprehensive Management Plan (CMP) has encouraged appropriate patterns of growth as a means of protecting the overall Pinelands environment from the individual and cumulative impacts of scattered and piecemeal development; and

**WHEREAS**, through its implementation of the CMP, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

**WHEREAS**, collaborative efforts among the Commission, state, local, county and nonprofit organizations have preserved more than 50 percent (479,000 acres) of the land in the Pinelands Area to date; and

**WHEREAS**, these measures have not only protected the Pinelands ecosystem but have significantly benefited air and water quality, while protecting agricultural lands and vast wildfire-prone forests that serve to sequester carbon in the entire region when properly managed; and

**WHEREAS**, wetlands comprise approximately one-third of the Pinelands, and they play a critical role in filtering sediments, pollutants and nutrients from water, while also capturing and storing carbon, providing a buffer against sea level rise, and reducing the impacts of flooding and droughts; and

**WHEREAS**, the Pinelands Commission acknowledges there is ample scientific evidence documenting that climate change poses a new and severe threat to the Pinelands environment; and

**WHEREAS**, the Pinelands Commission endeavors to serve as an example for others as to how homeowners, businesses and local governments in the Pinelands Area should operate in order to mitigate and adapt to the significant challenges posed by climate change; and

**WHEREAS**, the Pinelands Commission is committed to building on the success of the CMP and the Pinelands protection program by refining the CMP so that climate change considerations may be incorporated in the Commission's future planning and permitting decisions; and

**WHEREAS**, to that end, the Chairman of the Commission established the Land Use, Climate Impacts and Sustainability (LUCIS) Committee in December 2018; and

**WHEREAS**, on October 9, 2019, New Jersey Governor Murphy signed Executive Order 89 which stated, in part: "WHEREAS, the severity of future impacts of climate change on our State will directly depend on the willingness and ability of communities, businesses, industries and *government entities* [emphasis added] to integrate climate change considerations into planning and decision-making, and to become more resilient and adapt to the effects of climate change"; and

**WHEREAS**, on January 27, 2020, New Jersey Governor Murphy signed Executive Order 100 which stated, in part: “WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources”; and

**WHEREAS**, in order to ensure that the policies, practices, regulations and actions of the Pinelands Commission serve to mitigate, not exacerbate, the impacts of climate change, it is now appropriate to detail the responsibilities and objectives of the LUCIS Committee and the Commission as a whole; 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

1. The Pinelands Commission acknowledges the scientific consensus that human influence on the climate system is clear, recent anthropogenic emissions of greenhouse gases are the highest in history and recent climate changes have had widespread adverse impacts on human and natural systems.
2. The Pinelands Commission acknowledges the scientific consensus that the continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible adverse impacts on people and ecosystems, including the Pinelands.
3. The Pinelands Commission further acknowledges that substantial and sustained reductions in greenhouse gas emissions are required, together with adaptation measures, to limit the risks of climate change.

**BE IT FURTHER RESOLVED** that

4. The Executive Director, in consultation with the Commission’s Personnel & Budget Committee, shall examine all of the Commission’s facilities, day-to-day operations and management practices. The Chair of the Personnel & Budget Committee shall update the LUCIS Committee on the results of said examination and shall present to the Commission for its consideration recommended changes that would mitigate greenhouse gas emissions to the greatest extent feasible.
5. The LUCIS Committee shall coordinate with the New Jersey Department of Environmental Protection, the Board of Public Utilities and other state agencies and departments on their efforts to mitigate the impacts of climate change in New Jersey.
6. The LUCIS Committee shall examine all Commission policies, including but not limited to those governing use of the Pinelands Conservation Fund, to determine those that may have an effect on climate change, those that serve to mitigate climate change and those that may be strengthened or otherwise amended to have such a mitigating effect, and shall recommend such changes to the Commission for its consideration.
7. The LUCIS Committee shall identify existing CMP standards that may be strengthened and new CMP standards that may be adopted to mitigate the effects of climate change on the Pinelands environment and shall recommend such standards to the Pinelands Commission for consideration as proposed amendments to the CMP. Such amendments may include the incorporation of language into the CMP that emphasizes the importance of mitigating the effects of climate change on Pinelands resources, in keeping with the goals set forth in the Pinelands Protection Act. The LUCIS Committee may also take such other actions and make such other recommendations to the Commission consistent with this mandate, the Pinelands Protection Act and the CMP as the Committee may deem appropriate.
8. The Pinelands Commission shall evaluate all proposed CMP amendments in terms of their potential impacts on greenhouse gas emissions and shall seek to include measures that will mitigate adverse impacts on the Pinelands environment.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery					Irick					Pikolycky				
Christy					Jannarone					Quinn				
Earlen					Lloyd					Rohan Green				
Howell					Lohbauer					Prickett				

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman

## Land Use, Climate Impacts & Sustainability Committee Meeting

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### Minutes October 30, 2020

**MEMBERS IN ATTENDANCE:** Chairman Mark Lohbauer, Jordan Howell, Sean Earlen, Richard Prickett, Edward Lloyd and Alan W. Avery

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Susan Grogan, Jessica Lynch, Stacey Roth and Paul Leaken

1. **Call to Order** - 10:03 am meeting called to order by Chairman Lohbauer
2. **Adoption of October 7, 2020 Committee meeting minutes**  
Commissioner Prickett moved the adoption of the minutes of the October 7, 2020 Committee meeting. Commissioner Howell seconded the motion and the minutes were adopted with all voting in favor.
3. **Continued Discussion of revised draft resolution establishing the Pinelands Commission's objectives relative to climate change in the Pinelands Area and the responsibilities of the Land Use, Climate Impacts and Sustainability Committee.**
  - Susan Grogan highlighted the changes made to the draft resolution based on the feedback from the Committee at the October 7, 2020 meeting.
  - Chairman Lohbauer said he was supportive of the new language, particularly that reflecting that the Chairman of the Personnel and Budget Committee will update the LUCIS Committee on climate related matters regarding facilities management.
  - Commissioner Avery said he was supportive of these changes as long as it is clear that this is the *intent* of the Commission and that it is not adopting standards or review criteria at this time, but working toward it.
  - Chairman Lohbauer spoke of a new document published by the NJDEP called the "80 x 50", a new standard the NJDEP intends to follow for reduction of 80% greenhouse gas emissions in New Jersey by the year 2050, written in response to the NJ Legislature NJ Global Warming Response Act, 2007. Chairman Lohbauer recommended including reference to the document in the "Whereas" section of the resolution. After committee discussion, the recommendation was withdrawn by Chairman Lohbauer.
  - Commissioner Earlen moved the recommendation that the Resolution be brought to the full Commission for adoption. Commissioner Howell seconded the motion and the motion was approved with all voting in favor.

#### **4. Discussion of future schedule, priorities, staff responsibilities and budget implications**

- Director Wittenberg said the assignment of staff to committees is based on the employee's field of expertise. She stated she doesn't feel the need for a formal staff committee focused on climate issues.
- Commissioner Earlen said the Committee should be trying to tackle the "lower hanging fruit" sooner rather than later, such as solar energy facilities. Commissioner Earlen stated he will send some topics/ideas to the Executive Director for discussion at the next meeting.
- Commissioner Irick said he agrees with Commissioner Earlen. The Committee should be proactive in those matters it feels it should/can address. His primary interests are forestry issues and redevelopment.
- Commissioner Prickett said if the Commission approves the resolution, he feels it gives the Committee the authority to move forward.
- Chairman Lohbauer stated he is open for any agenda suggestions put forward by Committee members. He stated he has been focused on the resolution as the first order of business.
- Commissioner Lloyd stated he feels it would be useful to have a portion of each monthly Management Report designated to climate change.
- Commissioner Avery said the Commission needed to consider the conflicts that will arise such as community solar projects requiring the clearcutting of acres of forest, allowing electric utility lines to run through the Preservation Area District or relieving height restrictions for the installation of a windmill for an individual house. As an example, the Commission could consider requiring the orientation of a house to accommodate rooftop solar but such orientation might require encroachment into wetlands buffers. The Commission should discuss where it stands on such issues.
- Chairman Lohbauer said the Committee must establish objective policies and then apply them to these types of conflict determinations. He said he felt carbon sequestration must be the first priority of good climate policy.
- Commissioner Avery said with more than 50% of the Pinelands preserved, he wasn't sure how effective the Commission can be in reducing emissions since most development is small scale, thus not a huge source of greenhouse gas.
- Commissioner Prickett suggested the Commission create a menu of items, a rubric, that an applicant would use in determining how a project could best offset climate change.
- Ms. Grogan said that any rules that make their way into the CMP require that the 53 municipalities incorporate them into their ordinances. She said the municipalities play a key role in the process. She said perhaps they should be involved in some of these discussions.
- In response to Commissioner Prickett's question if the Commission should require forest management of the open space in clustered developments, Ms. Grogan said most cluster development to date has resulted in relatively small areas of open space. In many cases, the open space is not administered by a homeowners association but is incorporated into an individual lot owned by one of the homeowners.



- Commissioner Lloyd said the Committee needs to start a discussion of a particular policy and invite the municipalities to participate.
- Ms. Wittenberg said that due to the pandemic and the loss of funding from the Payment in Lieu of Taxes (PILOT) program, the Commission needs to be sensitive to how much the municipalities are suffering. She said she would share the resolution recently adopted by the Pinelands Municipal Council requesting restoration of the funding.
- Commissioner Irick said he felt the Commission should reach out to the Pinelands municipalities and ask for their input on climate change.
- Ms. Grogan said she was supportive of that idea, particularly if the municipalities were to be provided with a specific list of projects the Commission was considering, such as solar facilities.
- Commissioner Avery said that rulemaking should be done in groups to minimize the cost (advertising, notices, codification, etc.) to municipalities of adopting the implementing ordinances.
- In response to Commissioner Avery's question, Ms. Grogan said all CMP amendments are transmitted to the Department of the Interior but in recent rounds, no response has been received. Ms. Roth added that absent a response, CMP amendments automatically take effect after 60 days.
- Chairman Lohbauer suggested that Leslie Sauer be invited to speak at an upcoming Committee meeting. Ms. Sauer is a New Jersey forester. Director Wittenberg will follow up on this request.

## **5. Public Comment**

- Rhyann Grech, Pinelands Preservation Alliance, stated the PPA is glad to see the Commission is addressing climate change. She stated that PPA and others are concerned about the state forestry plan. She encouraged the Commission to move forward and emphasize preservation of threatened resources.

Branwen Ellis from the Commission's Regulatory Programs staff stated she attends quarterly Department of Defense (DOD) conference calls, at which the DOD installations have expressed concerns with forestry and the potential for wildfires. The military bases have Readiness and Environmental Protection Integration (REPI) Challenge Grants. The Commission may have an opportunity to apply for these Challenge grants, thereby enabling cost-sharing partnerships. Ruth Foster, NJDEP, Climate Change and Resiliency Program, would be a good contact person for the Committee to reach out to. Ms. Ellis stated she also attends bi-weekly NJDEP meetings with respect to offshore wind proposals in the Pinelands National Reserve. Ms. Ellis stated she will also be attending today's meeting on the draft State Forest Action Plan.

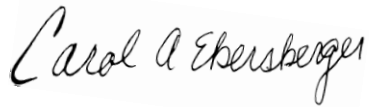
Commissioner Prickett stated the state's climate change and resiliency strategy, to be released sometime this month, includes five items:

- Reduce the risk to the health of New Jersey residents
- Support sustainable and resilient economic development
- Identify funding mechanisms, strategies and opportunities to support climate resilience

- Promote long-term energy and water resource security
- Reduce the risk of wildfires

Commissioner Avery moved the adjournment of the meeting. Commissioner Howell seconded the motion and all agreed. The meeting adjourned at 11:16 AM.

Minutes submitted as true and correct.



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Carol A. Ebersberger  
Business Specialist

Date: November 6, 2020



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