



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-14- 27

**TITLE:** Approving With Conditions an Application for a Public Development (Application Number 1982-3657.019)

Commissioner Braun moves and Commissioner Prickett seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

App. No. 1982-3657.019 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton  
Management Area: Agricultural Production Area  
Proposed Development: Construction of a 120 square foot airport electrical equipment building (Date of Report: July 16, 2014).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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; 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.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1982-3657.019 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton  
Management Area: Agricultural Production Area  
Proposed Development: Construction of a 120 square foot airport electrical equipment building (Date of Report: July 16, 2014).

**Record of Commission Votes**

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

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

Date: August 8, 2014  
Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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



Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

July 16, 2014

Jerry Barberio  
 Town of Hammonton  
 100 Central Avenue  
 Hammonton, NJ 08037

Re: Application # 1982-3657.019  
 Block 5702, Lot 14  
 Town of Hammonton

Dear Mr. Barberio:

The Commission staff has completed its review of this application for the construction of a 120 square foot building on the above referenced 87.62 acre lot. The Town of Hammonton Municipal Airport is located on the lot. The proposed building will contain controls and regulators for the airfield lighting equipment.

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 August 8, 2014 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. Horder, P.P.  
 Director of Regulatory Programs

Enc: Appeal Procedure  
 c: Secretary, Town of Hammonton Planning Board (via email)  
 Town of Hammonton Construction Code Official (via email)  
 Town of Hammonton Environmental Commission (via email)  
 Atlantic County Department of Regional Planning and Development (via email)  
 Ronald N. Morris





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

State of New Jersey  
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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)



Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

July 16, 2014

Jerry Barberio  
Town of Hammonton  
100 Central Avenue  
Hammonton, NJ 08037

Application No.: 1982-3657.019

Location: Block 5702, Lot 14  
Town of Hammonton

This application proposes the construction of a 120 square foot building on the above referenced 87.62 acre lot in the Town of Hammonton. The Town of Hammonton Municipal Airport is located on the lot. The proposed building will contain controls and regulators for the airfield lighting equipment.

### 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. 7:50-5.24(b)13)

The proposed development is located in a Pinelands Agricultural Production Area. The proposed development is a permitted land use in a Pinelands Agricultural Production Area.

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

The proposed development will be located over an existing maintained lawn area. 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.

## PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 3, 2014. The Commission’s public comment period closed on July 11, 2014. 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 23 sheets, prepared by L.R. Kimball, all sheets dated May 2014.
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.

## 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.



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Chris Christie  
Governor

Kim Guadagno  
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)

Mark S. Lohbauer  
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 the by 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 within eighteen days of the date of the Executive Director's determination 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. PC4-14- 28

**TITLE:** Approving With Conditions an Application for a Public Development (Application Number 2013-0030.001)

Commissioner Galletta moves and Commissioner Earlen seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

App. No. 2013-0030.001 Applicant: **WOODBINE BOROUGH**

**Municipality:** Woodbine Borough  
**Management Area:** Pinelands Town  
**Proposed Development:** Installation of stormwater piping and inlets within Clay Street, Franklin Street and Adams, Madison, Jefferson, Jackson & South Dehirsch Avenues rights-of-way (Date of Report: July 16, 2014).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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; 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.

**NOW, THEREFORE BE IT RESOLVED** that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

App. No. 2013-0030.001 Applicant: **WOODBINE BOROUGH**

**Municipality:** Woodbine Borough  
**Management Area:** Pinelands Town  
**Proposed Development:** Installation of stormwater piping and inlets within Clay Street, Franklin Street and Adams, Madison, Jefferson, Jackson & South Dehirsch Avenues rights-of-way (Date of Report: July 16, 2014).

### Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: August 8, 2014

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

July 16, 2014

William Pikolycky, Mayor  
 Woodbine Borough  
 501 Washington Avenue  
 Woodbine, NJ 08270


Re: Application # 2013-0030.001  
 Clay Street and Franklin Street and Adams, Madison, Jefferson, Jackson  
 & South Dehirsch Avenues  
 Borough of Woodbine

Dear Mayor Pikolycky:

The Commission staff has completed its review of this application for the installation of stormwater piping and inlets within the above referenced road rights-of-way. 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 August 8, 2014 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, Borough of Woodbine Planning Board (via email)  
 Borough of Woodbine Construction Code Official (via email)  
 Secretary, Cape May County Planning Board (via email)  
 Bruce Graham, P.E.





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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

July 16, 2014

William Pikolycky, Mayor  
Woodbine Borough  
501 Washington Avenue  
Woodbine, NJ 08270

Application No.: 2013-0030.001

Location: Clay Street, Franklin Street and Adams, Madison, Jefferson, Jackson  
& South Dehirsch Avenues  
Borough of Woodbine

This application proposes the installation of stormwater piping and inlets within the above referenced road rights-of-way in the Borough of Woodbine.

There are existing stormwater inlets and piping located within the project area. The applicant has indicated that the existing stormwater system is inadequate for managing stormwater runoff from the concerned roadways resulting in recurring road flooding. The applicant proposes to install 7,784 linear feet of stormwater piping and inlets to reduce roadway flooding.

### 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. 7:50-5.27(a))

The proposed development is located in the Pinelands Town of Woodbine. The proposed stormwater management system is a permitted land use in a Pinelands Town.

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

The proposed development will be located under existing pavement.



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 CMP stormwater management standards. There will be no increase in the volume and rate of stormwater runoff from the project area after development than occurred prior to the proposed development.

**PUBLIC COMMENT**

This applicant has provided the requisite public notices. Newspaper public notice was completed on August 21, 2013. The application was designated as complete on the Commission's website on July 1, 2014. The Commission's public comment period closed on July 11, 2014. 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 23 sheets, prepared by Van Note-Harvey Associates and dated as follows:  
  
Sheet 1 - undated  
Sheets 2, 3, 9, 11 & 13 - June 21, 2013; revised to May 9, 2014  
Sheets 4-8, 10, 12 & 14-18 - June 21, 2013; revised to April 18, 2014  
Sheets 19-23 - February 5, 2014; revised to April 18, 2014
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. If proposed, any 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.

**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.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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Mark S. Lohbauer  
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 the by 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 within eighteen days of the date of the Executive Director's determination 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. PC4-14- 201

**TITLE:** Approving With Conditions an Application for a Certificate of Appropriateness (Application Number 1990-0421.010)

Commissioner Prickett moves and Commissioner Brown seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Certificate of Appropriateness be approved with conditions:

App. No. 1990-0421.010 Applicant: ATLANTIC COUNTY DEPARTMENT OF REGIONAL PLANNING & DEVELOPMENT

Municipality: Hamilton Township  
Management Area: Regional Growth Area and Forest Area  
Proposed Development: Certain development and repairs to Lake Lenape Dam (Date of Report: July 16, 2014).

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

WHEREAS, the Pinelands commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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; and

WHEREAS, the Pinelands Commission hereby determines that the proposed development and repairs conform to the standards for approving an application for a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for a Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Executive Director:

App. No. 1990-0421.010 Applicant: ATLANTIC COUNTY DEPARTMENT OF REGIONAL PLANNING & DEVELOPMENT

Municipality: Hamilton Township  
Management Area: Regional Growth Area and Forest Area  
Proposed Development: Certain development and repairs to Lake Lenape Dam (Date of Report: July 16, 2014).

### Record of Commission Votes

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

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

Date: August 8, 2014  
Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

July 16, 2014

John Peterson, Planning Director  
Atlantic County Department of Regional Planning & Development  
PO Box 719  
Northfield, NJ 08225

Re: Application # 1990-0421.010  
Block 587, Lot 55  
Block 730, Lots 5.01, 5.02 & 8  
Hamilton Township

Dear Mr. Peterson:

The Commission staff has completed its review of this application for a Certificate of Appropriateness for certain development and repairs to the Lake Lenape Dam in Hamilton Township.

The existing dam is a contributing resource to the Mays Landing Historic District which is Pinelands Designated by virtue of its listing on the New Jersey and the National Registers of Historic Places. The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.156(a)2.) provides that because the proposed development and repairs involve a significant cultural resource, the Pinelands Commission must issue a Certificate of Appropriateness.

On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve this application for a Certificate of Appropriateness with conditions at its August 8, 2014 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.

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Hamilton Township Environmental Commission (via email)





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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

**CERTIFICATE OF APPROPRIATENESS**

July 16, 2014

John Peterson, Planning Director  
 Atlantic County Department of Regional Planning & Development  
 P.O. Box 719  
 Northfield, NJ 08225

Re: Application # 1990-0421.010  
 Block 587, Lot 55  
 Block 730, Lots 5.01, 5.02 & 8  
 Hamilton Township

**BACKGROUND**

Atlantic County proposes to install 1,500 square feet of new riprap on the existing Lake Lenape Dam located on the above referenced 5.69 acre parcel. The new riprap is proposed to be installed along a steel sheet pile retaining wall on the eastern embankment of the dam. The applicant also proposes the following repairs to the dam:

- A. The excavation of approximately 460 square feet of the earthen dam embankment;
- B. Removal of the damaged roller compacted concrete;
- C. Replacement of the earthen embankment with fill and the new roller compacted concrete similar to the original condition; and
- D. Replacement of approximately 1,500 square feet of existing riprap along a steel sheet pile retaining wall on the eastern embankment of the dam.

**FINDINGS OF FACT**

The proposed new riprap and repairs at the existing Lake Lenape Dam will occur within the Mays Landing Historic District, which is Pinelands Designated by virtue of its listing on the New Jersey and the National Registers of Historic Places (N.J.A.C. 7:50-6.156(a)). The proposed new riprap and repairs will affect an individual resource, the Lake Lenape Dam, which contributes to the district's historic significance. The proposed new riprap and repairs will have only a minor effect on the significant characteristics of the dam. The CMP (N.J.A.C. 7:50-6.156(a)2.) provides that because the existing dam is a contributing resource to the significance of the Mays Landing Historic District, the applicant must obtain a Certificate of Appropriateness. The CMP (N.J.A.C. 7:50-6.156(a)4.) further requires that, when development is proposed by a County and that development involves a significant cultural resource, the Pinelands Commission must issue the Certificate of Appropriateness.



A Certificate of Appropriateness identifies the required treatment of a significant cultural resource from three alternatives: preservation in place if possible; preservation at another location, if preservation in place is not possible; or recordation, if neither preservation in place nor at another location is possible.

The proposed new riprap and repairs are consistent with the standards for preservation in place, which is the preferred treatment option for significant cultural resources (N.J.A.C. 7:50-6.156(c)).

On August 8, 2011, the Commission entered into a Memorandum of Agreement (MOA) with Atlantic County to facilitate the review of certain classes of public development defined in the MOA. The proposed installation of 1,500 square feet of new riprap meets the requirements of Section V.H.1. of the MOA. The proposed installation of 1,500 square feet of new riprap will be consistent with all CMP standards and not require individual development approval from the Commission if this application for a Certificate of Appropriateness is approved. The proposed dam repairs do not require development approval from the Commission.

### PUBLIC COMMENT

The proposed new riprap is defined as "minor" development by the CMP. Public notice is not required by the CMP for "minor" public development applications. This application was designated as complete on the Commission's website on June 27, 2014. The Commission's public comment period closed on July 11, 2014. No public comments regarding this application were submitted to the Commission.

### CONDITIONS

1. Prior to the installation of approximately 1,500 square feet of new riprap, the applicant shall receive a written determination from the Commission staff that the proposed development is consistent with the provisions of the existing MOA between Atlantic County and the Pinelands Commission.
2. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
3. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Protection Act.
4. Prior to installing the new riprap or undertaking the repairs, Atlantic County must document the current condition of the dam in the area of the proposed work through photographic recordation that meets the Secretary of the Interior's Standards and Guidelines for Archeological and Historic Preservation and submit that documentation to the Commission.

### CONCLUSION

As the proposed dam repairs of a contributing resource to the significance of the Mays Landing Historic District conforms to the standards set forth in N.J.A.C. 7:50-6.156 (c), it is recommended that the Pinelands Commission **APPROVE** the Certificate of Appropriateness subject to the above conditions.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

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



Mark S. Lohbauer  
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 within eighteen days of the date of the Executive Director's determination 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. PC4-14- 30

**TITLE:** To Revise the Policies for the Use and Management of the Pinelands Conservation Fund

Commissioner Pickett moves and Commissioner Galletta seconds the motion that:

**WHEREAS**, the Pinelands Conservation Fund was established in 2004 pursuant to the Pinelands Commission's Memorandum of Agreement with the Board of Public Utilities; and

**WHEREAS**, on April 15, 2005, through its adoption of Resolution PC4-05-25, the Pinelands Commission established policies for the use and management of the Pinelands Conservation Fund;

**WHEREAS**, on August 14, 2009, the Pinelands Commission adopted revised Pinelands Conservation Fund policies to reflect the addition and distribution of monies from the Cape May County Municipal Utilities Authority pursuant to a 2006 amendment to the Comprehensive Management Plan that authorized expansion of the Cape May Landfill and from the New Jersey Turnpike Authority through a 2008 Memorandum of Agreement that authorized improvements to the Garden State Parkway; and

**WHEREAS**, the Executive Director has recommended that the policies for the use and management of the Pinelands Conservation Fund again be updated to reflect the receipt and distribution of funding from Stafford Township to complete a rapid assessment of landfills in the Pinelands Area, as well as a reallocation of a portion of the funds now dedicated for Community Planning and Design; and

**WHEREAS**, these recommendations are more particularly described in the attached plan, dated April 7, 2005 and revised on August 14, 2009 and August 8, 2014; and

**WHEREAS**, the recommendations include the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account to further the Commission's permanent land protection efforts; and

**WHEREAS**, the recommendations also include the establishment of a new Education and Outreach account and the funding of that account through a transfer of \$1,125,000 from the Community Planning and Design account; and

**WHEREAS**, the Pinelands Commission invited public input on the revised Pinelands Conservation Fund policies at a public meeting on July 9, 2014 and through the submission of written comments through July 11, 2014; and

**WHEREAS**, comments and suggestions were received from five individuals and organizations during the public comment period; and

**WHEREAS**, after discussing the public comments and suggestions, the Policy & Implementation Committee voted to recommend the revised Pinelands Conservation Fund policies, dated April 7, 2005 and revised on August 14, 2009 and August 8, 2014, to the Commission for adoption; and

**WHEREAS**, the Pinelands Commission has reviewed the revised policies and public comment; and

**WHEREAS**, the Pinelands Commission finds that the revised Pinelands Conservation Fund policies will enable projects and activities that further the Pinelands protection program set forth in the Pinelands Protection Act and the Comprehensive Management Plan, as adopted in 1980, and are fully consistent with the provisions of the 2004 Memorandum of Agreement between the Commission and the Board of Public Utilities; and

**WHEREAS**, the Pinelands Commission accepts the recommendations of the Executive Director; 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 the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

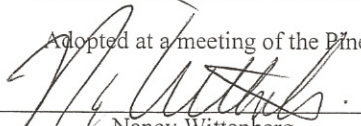
NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts revised policies for the use and management of the Pinelands Conservation Fund, dated April 7, 2005 and revised August 14, 2009 and August 8, 2014.

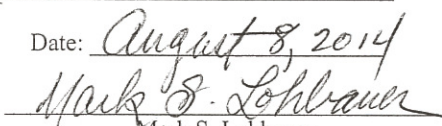
**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: August 8, 2014

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman

New Jersey Pinelands Commission  
**PINELANDS CONSERVATION FUND**  
April 7, 2005, Revised August 14, 2009 and August 8, 2014

**Introduction**

The Pinelands Conservation Fund (Fund) was initially established pursuant to a 2004 agreement (Agreement) between the Pinelands Commission (Commission) and the Board of Public Utilities. As specified in the Agreement, this Fund shall be used to “further the Pinelands protection program and ensure a greater level of protection of the unique resources of the Pinelands Area.” It was initially financed through a \$13 million payment to the Commission from Conectiv (now known as Atlantic Electric) and has since been supplemented as follows:

- \$5,393,150.78 from the Cape May Municipal Utilities Authority pursuant to a 2006 amendment to the Pinelands Comprehensive Management Plan that authorized a modest expansion of the Cape May County Municipal Utilities Authority landfill.
- \$915,000 from the New Jersey Turnpike Authority to partially address secondary impacts from the Garden State Parkway project pursuant to a 2008 agreement with the New Jersey Turnpike Authority that authorized improvements to the Garden State Parkway.
- \$75,000 for conservation planning and research pursuant to the 2005 Sanctuary settlement agreement.
- \$152,900 to complete an assessment of existing landfills in the Pinelands Area pursuant to a 2010 amendment to the agreement with Stafford Township and Ocean County that authorized closure of two landfills and redevelopment of the Stafford Business Park.

To ensure that the Fund supports the original goals of the 2004 Agreement between the Commission and the Board of Public Utilities, as well as subsequent contributions, the Commission has established the following policies to govern the use and management of the Fund.

**Fund Objectives**

Four principal objectives are established for the Fund. They are to:

1. Permanently protect important natural, cultural, historic and agricultural resources through the purchase of land or interests therein. \$6 million of the Fund’s initial proceeds were dedicated for this purpose. In 2008, \$915,000 from the New Jersey Turnpike was dedicated to the Land Acquisition account. In 2009, \$2,500,000 was dedicated to the Land Acquisition account from the funds received from the Cape May County Municipal Utilities Authority.

2. Support planning and research initiatives that directly benefit the conservation of Pinelands resources. \$3½ million of the Fund’s initial proceeds were dedicated for this purpose. Subsequently, \$75,000 was added from the 2005 Sanctuary settlement agreement. In 2009, \$2,314,520.63 was

dedicated to the Conservation Planning and Research account from the funds received from the Cape May County Municipal Utilities Authority. In 2010, an additional \$152,900 was added to the account for purposes of completing an assessment of landfills in the Pinelands Area.

3. Support community planning and design initiatives that help to create sustainable communities which serve as an essential component of the Pinelands protection program. \$3½ million of the Fund's initial proceeds were dedicated for this purpose. In 2009, \$578,630.16 was dedicated to the Community Planning and Design account from the funds received from the Cape May County Municipal Utilities Authority.

4. Support education and outreach initiatives that raise awareness and appreciation of the Pinelands and provide the public with access to information and tools that will result in greater stewardship, better decision-making and the long-term protection of the Pinelands.

Except as otherwise provided herein for administrative expenses, all Fund proceeds and income derived pursuant thereto shall be used exclusively for the objectives enumerated above.

#### **Investment Policies**

Funds dedicated for the acquisition of land and interests therein shall remain liquid so that they are available for use on an as-needed basis. These funds shall be deposited in the New Jersey Cash Management Fund and maintained as a separate cash account such that the interest income is credited to the account.

Separate New Jersey Cash Management Fund accounts shall also be maintained to support conservation planning and research initiatives and to support community planning and design initiatives. Interest income shall be credited to each such account.

The Executive Director is authorized to identify one or more secure, long term investment options with favorable terms for some or all of the conservation planning and research funds and for some or all of the community planning and design funds. In analyzing such options, the Executive Director shall consult with the New Jersey Department of the Treasury, Division of Investments. Upon approval by the Personnel and Budget Committee, the funds may be transferred from the appropriate Cash Management Fund account(s) to finance such long term investments. Investment income shall be credited, as appropriate, to each of the accounts.

#### **Program Policies**

##### Land Acquisition

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as may from time to time be needed to assist other

governmental and qualifying, tax exempt non-governmental organizations purchase fee or lesser interests in real property so as to permanently protect their important natural, agricultural, cultural or historic attributes. Funds in the Land Acquisition account may also be used for the monitoring of conservation easements in the Pinelands Area, maintenance of a permanent land protection database, and other programs that serve to further permanent land protection efforts in the Pinelands Area.

Pursuant to the 2006 Comprehensive Management Plan amendment regarding the Cape May landfill expansion, eight (8) percent of any portion of those funds that the Commission decided to dedicate for land acquisition were reserved and allocated for the purchase of land within Cape May County.

Pursuant to the 2008 agreement with the New Jersey Turnpike Authority, funds provided for the purchase of specific properties identified in the 2008 agreement were reserved for such purposes until June 30, 2014. The funds are now available for acquisition of other lands within the Pinelands Area.

Nothing herein shall be construed to prevent the Commission from recouping its program operating costs from this account or limit the Commission's authority to use a portion of these funds to contract with another party to administer this acquisition program on its behalf, provided that the Commission determines that such an arrangement is consistent with applicable contracting requirements, implements the objectives enumerated in the above paragraphs and is cost effective, taking into account the contractor's administrative expenses in comparison to the Commission's expenses if it administered the program.

#### Conservation Planning and Research

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as may from time to time be needed to support qualifying conservation planning or research projects. Such projects may be undertaken by the Commission or by another governmental organization and may include all reasonable expenses associated with the project or its implementation.

Qualifying projects shall consist of (1) the preparation of an ecologically based electric transmission right-of-way maintenance plan as provided for in the Agreement, (2) the natural resource assessment project initiated pursuant to Commission Resolution PC4-05-20, (3) other regional or sub-regional conservation planning projects that are duly authorized by the Commission, or (4) applied research or conservation planning projects that will directly benefit Pinelands resource protection, as duly authorized by the Commission.

When other governmental projects are considered, priority shall be given to those which supplement Fund proceeds with other state, federal, local or private funding.

## Community Planning and Design

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as is needed to sustain a community planning and design technical assistance program<sup>1</sup> and support other qualifying projects. The community planning and design technical assistance program and other qualifying projects may include all reasonable expenses associated with the project or its implementation. Capital expenditures may be included only in association with the establishment of the grant program described below.

Other qualifying projects shall consist of (1) the timed growth assessment authorized pursuant to Commission Resolution PC4-05-20, (2) administration of the Pinelands Development Credit program, (3) contracts with or grants to other governmental agencies to undertake specific community planning or design projects, provided such projects further the Pinelands protection program and are duly authorized by the Commission, (4) administration of the Pilot Program for Alternate Design Wastewater Treatments Systems and long-term septic management, and (5) other community planning and design projects undertaken by the Commission.

When contracts with or grants to other governmental agencies are considered, priority shall be given to those which supplement Fund proceeds with other state, federal, local or private funding. Establishment of a grant program with specific criteria for allocation of Pinelands Conservation Fund monies should be considered, particularly if funding for capital expenditures is involved.

## Education and Outreach

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as may from time to time be needed to support qualifying education and outreach initiatives and projects. Such initiatives and projects may be undertaken by the Commission or by another governmental or non-profit organization and may include all reasonable expenses associated with the project or its implementation, including capital expenditures necessary for establishment of a Pinelands Visitors Center.

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<sup>1</sup> One of the original purposes of the community planning and design technical assistance program was to build upon the Dodge Foundation-supported Pinelands Excellence Program by institutionalizing within the Commission's staff the capability to provide community planning and design assistance to Pinelands municipalities on an ongoing basis. The Executive Director was authorized to present to the Commission for its approval an annual budget for this technical assistance program that finances one community planning/design position and associated expenses. Since 2005, however, the Commission has been unable to fill the anticipated community planning/design position. As a result, establishment of the technical assistance program envisioned when the Pinelands Conservation Fund was created has not been possible. In recognition of that fact, the Commission will continue to focus its efforts on the other qualifying projects identified above and funds will be shifted from Community Planning and Design to other Pinelands Conservation Fund accounts.

Qualifying projects may include (1) conversion of the Richard J. Sullivan Center for Environmental Policy and Education into a Pinelands Visitors Center, (2) redesign of the Commission's website, (3) updating and enhancement of the Pinelands curriculum guides, (4) reprinting of the Pinelands National Reserve brochure, and (5) other education and outreach initiatives undertaken by the Commission.

When contracts with or grants to other governmental agencies or non-profit organizations are considered, priority shall be given to those which supplement Fund proceeds with other state, federal, local or private funding. Establishment of a grant program with specific criteria for allocation of Pinelands Conservation Fund monies should be considered.

### **Administrative Policies**

The Executive Director shall be responsible for managing Fund proceeds in accordance with applicable Commission policies and procedures. To ensure appropriate management, administration and oversight of the Fund and the programs it supports, a portion of the Fund's income shall be allocated for administrative purposes in accordance with the following policies.

- An annual assessment of \$20,000 shall be made against each of the four Cash Management Fund accounts to finance indirect costs associated with the management of the investments, accounting services, contracting and purchasing services and other centralized support services.
- All interest accrued in the Cash Management Fund account for land acquisition shall be reserved in that account to pay for the above specified indirect cost assessment and any direct administrative expenses of the land acquisition program. Should any portion of this reserve remain after the principal has been expended, the Commission shall determine whether the remaining amount is sufficient to finance additional acquisitions or, if not sufficient, should be transferred to either or both of the conservation planning/research or community planning/design accounts.

## **Implementation**

### Fund Status as of June 30, 2014

The reserve fund balance in the Land Acquisition account approximated \$900,000.

The reserve fund balance in the Conservation Planning and Research account approximated \$4,500,000.

The reserve fund balance in the Community Planning and Design account approximated \$3,600,000.

### 2014 Reallocation of Funds

As of the effective date of this amended financial plan, \$500,000 from the Community Planning and Design account shall be transferred to the Land Acquisition account. An additional \$1,250,000 from the Community Planning and Design account shall be transferred to the Education and Outreach account.



## 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)



Chris Christie  
Governor

Kim Guadagno  
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)

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

### Revisions to Pinelands Conservation Fund Policies Public Comments Received by the July 11, 2014 deadline July 15, 2014

- 1) July 9, 2014 letter from Melanie Reding, Education Coordinator, Jacques Cousteau National Estuarine Research Reserve
- 2) July 9, 2014 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance, and Michele Byers, Executive Director, New Jersey Conservation Foundation
- 3) July 10, 2014 letter from Martha Sapp, Acting Administrator, Green Acres Program, New Jersey Department of Environmental Protection
- 4) July 11, 2014 email from Fran Brooks
- 5) July 11, 2014 email from Georgina Shanley, representing the Don't Gas the Pinelands Coalition



July 9, 2014

New Jersey Pinelands Commission Members  
Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Dear Commissioners:

My name is Melanie Reding and I am writing to submit public comment on the proposed plan to amend the policies that guide the use of the Pinelands Conservation Fund to include two main amendments: the establishment of a new Education and Outreach component and an increase in funding for Land Acquisition.

I strongly support both amendments but as someone who is directly involved in environmental education and has dedicated her life, both personally and professionally to the protection of our environment, I would like to focus my comments on the establishment of the Education and Outreach component. I currently serve as the Education Coordinator for the Jacques Cousteau National Estuarine Research Reserve and serve as a member of the Pinelands Educational Advisory Council (PEAC).

As the 19<sup>th</sup> century biologist and philosopher Herbert Spencer said, "The great aim of education is not knowledge but action". For those involved in natural resource management and protection, these words convey clearly the vital role education plays in the protection of important ecosystems such as the Pine Barrens. Education is recognized as an important component in most management and protection plans. For the National Park Service, education has been a core function since its inception, playing a critical role in promoting stewardship of the national parks.

In the MOA between the Commission and the BPU in Section III. A. 10 it states that these funds should "further the Pinelands protection program and ensure a greater level of protection for the unique resources of the Pinelands Area". In Section III. B. 6. It states "the contribution will provide a source of funds that would be used by the Pinelands Commission for activities that advance the protection of the Pinelands Area and that have a direct nexus to the preservation of the resources of the area". Long term preservation of the Pine Barrens is in large part dependent on minimizing human impacts both short term and long term. I would strongly argue that education is a direct and vital nexus to advancing the protection and preservation of the Pine Barrens. To ignore the importance of education would be a failure in recognizing a key component for ensuring a greater level of protection for the Pinelands Area.

I urge the Commission to establish the Education and Outreach component to ensure the long term protection of the Pine Barrens for both current and future generations.

Respectfully,

  
Melanie Reding



**New Jersey Conservation**  
F O U N D A T I O N



PINELANDS  
PRESERVATION  
ALLIANCE

July 9, 2014

Mr. Mark Lohbauer, Chairman  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Re: Amend Policies that guide use of Pinelands Conservation Fund

Dear Chairman Lohbauer:

The Pinelands Preservation Alliance and New Jersey Conservation Foundation have reviewed the proposed changes for the use of the Pinelands Conservation Fund and we do not support the use of the funds being diverted for the Education and Outreach component. We do not believe it is the best use of the funds which was specifically earmarked for activities that have a direct connection to the protection of the resources of the Pinelands.

In the Memorandum of Agreement (MOA) approved in 2004, the Pinelands Commission agreed to use the thirteen (\$13,000,000) million dollar contribution to "further the Pineland protection program and ensure a greater level of protection for the unique resource of the Pinelands Area. Specifically, the contribution will provide a source of funds that would be used by the Pinelands Commission for activities that advance the protection of the Pinelands Area and that have a direct nexus to the preservation of the resources of the Area." The language states that the use of the funds would ensure a greater level of protection and activities that have a direct connection to preservation of the Pineland resources.

The April 2005 resolution passed by the Pinelands Commission outlined three principal objectives which are 1) permanently protect important natural, cultural, historic and agricultural resources; 2) support planning and research initiative that directly benefit the conservation of Pinelands resources; 3) support community planning and design initiatives that help to create sustainable communities. These three principals set out initiatives that permanently or directly benefit the Pinelands and its resources.

Redesigning the Commission web site, converting the Pinelands Commission office into a visitor center and new lessons plans are not an equivalent off sets for the regulatory deviations that were permitted when the Pinelands Commission entered into the MOA with the BPU and Atlantic Electric.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

Green Acres Program  
Mail Code 501-01  
P.O. Box 420  
Trenton, New Jersey 08625  
Tel: 609-984-0500  
Fax: 609-984-0608

BOB MARTIN  
Commissioner

July  
June 10, 2014

Ms. Nancy Wittenberg, Executive Director  
The Pinelands Commission  
P.O. Box 359  
New Lisbon, N.J. 08064

SUBJECT: Pinelands Conservation Fund  
Public Comment on PCF Policies  
Comment Deadline July 11, 2014

Dear Ms. Wittenberg:

The New Jersey Department of Environmental Protection, Green Acres Program appreciates the opportunity to comment on the proposed plan to amend the policies that guide the use of the Pinelands Conservation Fund.

As you know, Green Acres has been successfully acquiring land for recreation and conservation purposes throughout New Jersey, as well as providing funding to local governments and nonprofit organizations to do the same. We are proud of the preservation impact we have had in such places as the New Jersey Pinelands, and with such partners as the Pinelands Commission.

In the past, the Pinelands Conservation Fund was not made available directly to the Green Acres Program, only to nonprofits and local governments. We respectfully request that Green Acres be given access to the Pinelands Conservation Fund to complete land acquisitions that meet the goals of the Pinelands Commission.

In addition, we strongly support your proposal to establish an easement monitoring program. We, too, know that careful monitoring of easements is a critical part of proper stewardship and maintaining the public's trust in the preservation community.

Thank you for this opportunity to comment on the Commission's plan to amend the policies that guide the use of its Pinelands Conservation Fund. Should you have any questions, or wish to discuss our comments, please contact Terry Caruso at 609-984-0614.

Sincerely,

*Martha Sapp*  
Martha Sapp, Acting Administrator  
Green Acres Program

**From:** Fran Brooks <brks627@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 7/11/2014 9:57 PM  
**Subject:** Proposal to amend policies governing use of PCF.

Dear Chairman Lohbauer:

I am writing to express my concern that the proposed changes to the PCF will serve to weaken the protection and preservation of the resources of the Pinelands. The proposal to divert funds to develop a visitor center, design and produce educational materials and re-design the Pinelands Commission website is not a good use of the PCF at this time. It is critical that PCF monies continue to be dedicated to permanent land acquisition, conservation and community planning and research.

In addition, I also understand that clarification is needed regarding the Cape May County Municipal Utilities Authority land acquisition fund. Apparently, there is discussion that these funds may be used for purposes other than land acquisition. However, according to Section 7:50-6.75, (i) 8 i-ii, the funds "...shall be used solely for the acquisition of conservation and recreation lands throughout the Pinelands National Reserve..." (CMP, pp. 196-197).

Thank you for your consideration.

Sincerely,

Fran Brooks

**From:** Georgina Shanley <shanleyg2001@yahoo.com>  
**To:** "info@njpines.state.nj.us" <info@njpines.state.nj.us>  
**Date:** 7/11/2014 11:49 PM  
**Subject:** Public Comment re: Conservation Funds.

I am  
opposed to the Pinelands Commission using funds set aside for  
Conservation for Education and Outreach. The purpose of this designated  
fund is not for education and outreach; it is for Conservation of our  
ever diminishing Pinelands. Please don't permit it.

georgina shanley  
Don't Gas the Pinelands Coalition  
2117 Bay Avenue  
Ocean City NJ 08226  
609 398 1934

**Summary and Response to Public Comment**  
**Revisions to Pinelands Conservation Fund Policies**  
**July 15, 2014**

Land Acquisition

The revised PCF policies call for the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account, where the funds could then be used for permanent land protection, the monitoring of conservation easements, maintenance of the Commission's permanent land protection database and other programs.

Support for this change was expressed by two commenters, including the New Jersey Department of Environmental Protection (NJDEP). The NJDEP strongly supported the establishment of an easement monitoring program. The joint letter submitted by the Pinelands Preservation Alliance and the New Jersey Conservation Foundation stated no objection to the use of funds for easement monitoring but made clear that land acquisition was preferred. Finally, the NJDEP requested that it have direct access to the PCF for Green Acres acquisition projects, rather than relying on a non-profit conservation organization or county to obtain and distribute the PCF funding.

*Response:* The majority of funding in the Land Acquisition account has always been reserved for the purchase and protection of land. This is not expected to change. However, funds are needed for other new and ongoing land protection programs as well, including easement monitoring, data management and continued administration of the Limited Practical Use program. If the Commission proceeds with approval of the revised PCF policies, the Policy & Implementation Committee would then need to establish guidelines for a new round of land acquisition. The exact amount of money to be made available, as well as the possibility of allocating PCF funding directly to the NJDEP for its acquisition projects, would be discussed at that time.

Education and Outreach

The revised PCF policies call for the establishment of an Education and Outreach component, to which \$1,250,000 would be transferred from the Community Planning and Design account. These funds could then be used for such projects as the conversion of the Richard J. Sullivan Center into a Pinelands Visitor's Center, redesign of the Commission's website and updating and enhancing the Pinelands curriculum guides. Other projects could include updating and modernizing the Commission's Pinelands Orientation video (produced in the 1980s) and funding the equipment needed to record and/or live-stream meetings, as well as presentations delivered during the Pinelands Short Course and Pinelands Research Series.

The Commission received comments in support of and in opposition to the establishment of the Education and Outreach component. For the most part, the commenters agreed that the projects described in the revised PCF policies are worthy endeavors. However, there was disagreement as to whether these education and outreach projects are consistent with the intended purpose of the \$13 million received from the Board of Public Utilities pursuant to the 2004 Memorandum of Agreement that led to the creation of the PCF. According to that MOA, the Commission was to use the \$13 million "to further the Pinelands protection program" by funding "activities that advance the protection of the Pinelands Area and that have a direct nexus to the preservation of the resources of the Area." Several commenters are of the opinion that education and outreach activities and projects, such as the redesign of the Commission's website and conversion of the Richard J. Sullivan Center into a Pinelands Visitors

Center, do not qualify. Two commenters went so far as to say that the PCF should be used only for conservation of Pinelands resources. Finally, the Pinelands Preservation Alliance and New Jersey Conservation Foundation noted a concern that some of the education and outreach projects cited in the revised PCF policies would require ongoing management.

*Response:* The Pinelands protection program is a comprehensive effort that involves far more than land acquisition and resource conservation. Scientific research, land use planning, the review of development applications and coordination with other levels of government are all crucial. Likewise, public involvement and education have long been recognized as critical elements to the success of the Pinelands protection effort. Increased awareness is often cited as the first step in enhancing the public's commitment to Pinelands protection.

The Pinelands Protection Act itself required that the Comprehensive Management Plan (CMP) contain (1) a public use component that includes a detailed program to inform the public of appropriate uses of the Pinelands Area and (2) a program to provide for the maximum feasible local government and public participation in the management of the Pinelands Area. (N.J.S.A. 13:18A-8.f and h) The Commission responded to this directive by incorporating a discussion of public participation, information, involvement and educational strategies in the CMP when it was adopted in 1980. At that time, the Commission recognized that implementation of the CMP would need to be "a combined effort on the part of various levels of government, the private sector and the general public. Protection of the Pinelands Area's sensitive land and water resources will require the active involvement of all affected parties". In order to accomplish these objectives, which are required by both the federal and state legislation, the CMP specified that: "The public has to be kept informed of the Commission's activities and the purpose of the Comprehensive Management Plan. Public information efforts must reach as wide and diverse an audience as possible. Educational materials have to be provided, emphasizing the sensitive nature of the Pinelands' resources and detailing critical issues related to their protection. Points at which public involvement is most meaningful have to be highlighted, with a range of opportunities provided for both active and passive involvement. The overall program must be visible, continuous and responsive."

In addition, in 1988, Congress amended the National Parks and Recreation Act (Section 1 of Public Law 100-486) to direct the National Park Service to develop an interpretive and educational program for the purpose of "enhancing public understanding, awareness, and appreciation" of the natural and cultural resources of the Pinelands. In response, the National Park Service formed a partnership with the Pinelands Commission and the New Jersey Department of Environmental Protection to create and administer the Pinelands Interpretive Plan. The partners have made major strides in implementing numerous projects that were identified in the Plan, including the creation and installation of 170 Pinelands-themed wayside panels and kiosks at six New Jersey parks, the fabrication and installation of Pinelands National Reserve road signs in 22 locations and the design and distribution of the first-ever unigrid, National Park Service brochure for the Pinelands National Reserve. One major piece of the Plan remains unrealized: the establishment of a designated Pinelands Visitor Center in the Pinelands National Reserve. Recognizing the need, the Commission worked with the National Park Service to design Pinelands exhibits that would transform the Richard J. Sullivan Center into a visitor center.

Protection of the Pinelands Area and preservation of its resources, as called for in the Commission's 2004 Memorandum of Agreement with the Board of Public Utilities, requires a multitude of strategies, not merely the acquisition and deed restriction of land. The Commission has funding available, through the PCF, to support activities that will significantly improve public participation and involvement in the Pinelands protection effort and complete implementation of the Interpretive Plan called for by Congress

in 1988. Use of PCF monies to fund education and outreach activities unquestionably furthers the Pinelands protection program envisioned by the Pinelands Protection Act and original CMP.

The commenters are correct that several of the potential projects cited in the revised PCF policies will require ongoing, perhaps even long-term, management by the Commission and its staff. This was taken into consideration in determining an appropriate amount of funding to transfer from the Community Planning and Design account to the new Education and Outreach account.

#### Funding Sources and Restrictions

One commenter stated that clarification is needed because the funds received by the Commission from the Cape May County Municipal Utilities Authority (CMCMUA) may only be used for land acquisition pursuant to N.J.A.C. 7:50-6.75(i)8i and ii of the CMP.

*Response:* The commenter has misinterpreted the CMP. It was the original CMCMUA fund, established under a 1999 agreement between the Commission and the CMCMUA, that was restricted to land acquisition (see N.J.A.C. 7:50-6.75(i)7i and 8i). Under that agreement, the CMCMUA pledged \$2.25 million to fund up to 50 percent of the fair market value of land acquisitions in the Pinelands National Reserve. Eight percent of the fund (\$180,000) was set aside for land acquisition in Cape May County. In June 1999, the Commission entered into a 10-year agreement with The Nature Conservancy to administer this fund. All of the 1999 CMCMUA acquisition fund has been expended, with the final acquisition occurring in 2009. A total of \$2.25 million was used to facilitate the permanent protection of approximately 3,000 acres in the Pinelands.

In 2006, the Commission amended the CMP to allow for the expansion of the Cape May Landfill. That amendment required CMCMUA to make a contribution of approximately \$5.4 million to the Commission (see N.J.A.C. 7:50-6.75(i)7ii). These funds were not restricted to land acquisition. Rather, the CMP amendment specified that if the Commission chose to use any portion of the funds for land acquisition, 8% of the amount selected must be devoted to the purchase of lands in Cape May County. Upon receipt of the CMCMUA funds, the Commission decided to deposit them in the PCF and allocate them to the three existing accounts as follows: \$2.5 million for Land Acquisition (8% of which was restricted to projects in Cape May County); \$2.31 million for Conservation Planning and Research; and \$579,000 for Community Planning and Design. The PCF policies were amended in 2009 to reflect the distribution of these funds.

The entire \$2.5 million allocated to Land Acquisition has since been spent, resulting in the permanent protection of 2,075 acres (269 of which are located in Cape May County). The \$579,000 allocated to Community Planning and Design has not been spent, and is a part of what is now being transferred to the new Education and Outreach component. It is worth noting that the 2006 CMCMUA funds are not tied in any way to the requirements of the 2004 MOA between the Commission and BPU.



