



PINELANDS  
PRESERVATION  
ALLIANCE

# STATE OF THE pinelands 2016

AN ANNUAL REPORT BY THE PINELANDS PRESERVATION ALLIANCE  
[WWW.PINELANDSALLIANCE.ORG](http://WWW.PINELANDSALLIANCE.ORG)

*10th Anniversary Issue*





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## About this Report

The Pinelands Preservation Alliance presents this annual report on the State of the Pinelands in order to sum up the health of the Pinelands preservation efforts by our state and local government agencies. We seek to provide the public and the agencies themselves, with a report card that we can all use to move forward and do better in protecting this unique natural treasure.

This year's *State of the Pinelands* report, our tenth, highlights the actions of individuals and agencies at all levels of government. This report is representative of the scope of environmental policy issues that affect the Pinelands and occupy the efforts of the Pinelands Preservation Alliance. It is not an audit, but a sampling of the most significant policy issues and conservation actions in 2016. It is our hope that the *State of the Pinelands* report raises public awareness and helps citizens become more active in protecting this special place for today and for future generations.

We applied six criteria in assessing each action evaluated here –namely, whether each action:

1. upholds the integrity of the Comprehensive Management Plan (CMP);
2. protects native habitats, for plants and wildlife;
3. safeguards the quality of Pinelands water in aquifers and surface waters;
4. insures the integrity of the water supply for both people and the ecosystem;
5. enhances the cultural and historic resources of the area; and
6. advances education about the Pinelands.

Where a government agency followed its rules and took appropriate action we gave the agency a *thumbs up*. In cases where the agency drifted from its regulatory mandate and took an action that, in our opinion, was detrimental we gave the agency a *thumbs down*.

The idea for an annual *State of the Pinelands* report arose from the growing frustration of well-respected Pine Barrens author and naturalist Howard Boyd. Howard, a PPA trustee, felt strongly that the public was getting an overly rosy picture of the activities of the Pinelands Commission, and that damaging actions taken by the Commission were going unnoticed. We are grateful to remember Howard's passion and care for the Pinelands each year when we release the *State of the Pinelands* report.

# Issues Spotlight

## Looking Back at 10 Years of Wrong Actions

PPA issued the first State of the Pinelands report in 2007. Reviewing this decade of reports, it becomes clear that many important policy problems have continued throughout these years without meaningful action by the Pinelands Commission, the Department of Environmental Protection (DEP) and other responsible agencies. In contrast, during this period we have seen several major developments with enormous long-term impacts advance quickly, with great determination shown by the Pinelands Commission, DEP and the governor's office to get them approved despite big legal and environmental problems. Government knows how to act when key players choose to do so. Unfortunately, we have not seen that kind of decisive action on the following fundamental challenges to the Pinelands.

### Stalled Policy Initiatives

**Statewide Water Supply Master Plan** – The DEP last released a statewide Water Supply Master Plan in 1996. DEP officials promised to release an updated plan in 2002, 2005, and several times since – but it is still missing in action, apparently moldering in the governor's office. This planning document is important, because it tells the public, water purveyors and government agencies at all levels whether the water supply in each part of the state is secure, is in trouble, or may get into trouble if trends continue. Studies by the US Geological Service and others show that the Kirkwood-Cohansey and Atlantic City 800-Foots Sands – South Jersey's principal water supplies – are being over-pumped in many areas. In 2016, DEP put every county in the state except for Atlantic, Cape May, and Cumberland under a drought watch for the fall of 2016. The events of this year signal an immediate need to release the Water Supply Master Plan and apply its findings to protecting our water supplies. Yet the public continues to wait.

**Water Allocation Rules** – For the last several years, the Pinelands Commission and DEP have recognized the need to reform their standards governing increased pumping of water from the Kirkwood-Cohansey and related aquifers. In addition to studies showing the aquifers are threatened with over-pumping, the multi-million dollar Kirkwood-Cohansey Aquifer Study, begun in 2001 and finally completed in 2012, showed how lowering the Kirkwood-Cohansey aquifer harms ecosystems that depend upon it. The agencies have discussed detailed proposals, but have taken no action whatsoever to reform their water allocation rules.

**Pinelands Protections for Water Quality** – A clean water supply is essential to residential and ecological communities, but Pinelands waters are contaminated in many areas. In 2006, the Pinelands Commission released a report, *White Paper on Preserving Ambient Water Quality - Policy Implications of Pinelands Commission Research Projects*, which recognized the threat of “non-point source” contamination that comes with all forms of development. The report gave examples of ways the Commission can reduce water quality impacts from development through regulatory changes and incentives. The Commission has never seriously debated, much less acted on those recommendations.

## Rapid Speed Development Projects

Meanwhile, here are three examples of major development projects that violate the CMP but have been pushed hard by the Pinelands Commission and/or its staff, DEP and, in some cases, the governor's office – showing these agencies can act decisively when they choose. All of these matters are still unresolved, but only because PPA, citizens and allied advocacy groups have filed successful legal challenges.

**Stafford Business Park** - This development project was presented as a compromise to protect water quality in exchange for houses. In reality it set new precedents for developing known rare species habitats by attempting to relocate threatened and endangered plants and wildlife from their established habitats, and using the public memorandum of agreement process to waive and manipulate Pinelands rules in order to foster very large private development. The developer's proposal to cap a landfill and move protected species in exchange for the construction of over 500 housing units and a big shopping center was introduced in late 2004 and approved in July 2006. It was a short turn around for a waiver of key environmental protections to accommodate a massive for-profit development project on what had been public land in Stafford Township.

**South Jersey Gas and New Jersey Natural Gas** - These natural gas transmission lines are proposed to cut through the southern and northern parts of the Pinelands in the Forest Area and Preservation Area - management areas that can only allow large infrastructure projects that serve existing needs *within* those areas. Both these pipelines fail that standard, and both are entirely unnecessary. With pressure from the state's most powerful Republican and Democratic politicians and the help of the Pinelands Commission's executive director, both projects were moved rapidly through the Commission process. They have encountered unexpected problems when the full Commission declined to approve the South Jersey Gas project, and, after the government tried to simply circumvent Commission review, the Appellate Division of the Superior Court ruled those efforts to be unlawful. At this writing, the pipelines will require full Commission review and approval, after a public hearing, before they can advance. **See page 6 to take action on the South Jersey Gas Pipeline.**

**Wal-Mart in Toms River** – This Wal-Mart Superstore proposal to cram a huge store and shopping center onto a parcel that is too small and has threatened and endangered species is in the coastal portion of the Pinelands, where DEP has the primary permitting powers. DEP initially denied the application for all the right reasons, and then simply reversed itself when a new governor came into office. Since then the DEP has pressed to approve the development despite repeated legal setbacks, including an adverse Appellate Court ruling, and regulatory violations.

This overview of the past 10 years sheds light on how quickly government officials can act to approve projects that serve special interests instead of supporting projects and policy measures that improve our environment and the well-being of citizens in the state.



*The Pinelands Preservation Alliance depends on private donations from concerned citizens just like you. You make it possible for us to advocate for the Pinelands each and every day. Thank you for making our work and the 10th anniversary State of the Pinelands report possible!*

# Save the Source – Protecting Water for People and the Pines

We all need clean, abundant fresh water to drink and cook and wash. Farmers need clean water to grow their crops. Brewers need it to brew their beer. Kids need it to swim and play in. Pine Barrens Treefrogs need it to hatch and breed in. White-Fringed Orchids need it to grow in.

The Kirkwood-Cohansey aquifer is the fresh water that saturates the sands beneath our feet in the Pine Barrens. This aquifer is the lifeblood of South Jersey – and it's important to people far beyond South Jersey itself. It supplies the water in all our streams, lakes and wetlands. Every household and every business in South Jersey relies directly or indirectly on the Kirkwood-Cohansey aquifer. All of nature – people included – need the aquifer to be clean and plentiful for healthy lives and a healthy economy.

We absolutely depend on the aquifer, but it is under threat, and in some places is already in deep trouble. In many locations, we are polluting the aquifer with too much fertilizer, with toxic chemicals, and with things like medicines whose effects on the water supply we do not even understand. In many places, we are drawing so much water out of the aquifer for drinking, household use and irrigation of lawns and farms - that we are bleeding it dry. When that happens, wells fail, stream levels change, and ponds and wetlands dry up.

In New Jersey, fresh water belongs to the public. State government gives the water away to water suppliers, farmers and private well owners for free. With that power to give away the public's water supply comes a responsibility to make sure our water is clean and that we are using it sustainably. We rely on the State of New Jersey to make sure the Kirkwood-Cohansey aquifer is protected where it is healthy and is restored where we have damaged it.

That obligation lies with the New Jersey Department of Environmental Protection and the Pinelands Commission – and ultimately the governor of New Jersey. For years, these state agencies have known about the threats to the aquifer, but have done little more than talk about how to protect and restore it.

After years of scientific studies, we know what needs to be done. We know what regulations and processes need to be strengthened in order to protect this fragile resource, but so far we have lacked the political will to do it. The Pinelands Preservation Alliance needs the public's help in pushing the governor, the legislature, and state agencies to finally take decisive action before it is too late.

In 2017 we are launching a new initiative – Save the Source. Save the Source is an original collection of stories from real people in South Jersey whose lives and livelihoods depend on the Kirkwood-Cohansey aquifer for their drinking water, their jobs, their food and their fun.

You will hear from a new voice each month of year. People like Jason Chapman, owner and brewer at Pinelands Brewing Company, Jennifer LaMonaca at B & B Farms in Little Egg Harbor, and Dale Parsons, a shell fisherman in Tuckerton, will share their personal stories of connection to the aquifer.

So stay tuned! Make sure you check our website [www.pinelandsalliance.org](http://www.pinelandsalliance.org) to sign up on our email list and for information about these stories, calls to action and more. You can also follow these stories on our Facebook page at [www.facebook.com/pinelands](http://www.facebook.com/pinelands).

# Important: Your Action is Needed

## South Jersey Gas Pipeline Project Headed Back to Commission – AGAIN

In a small victory for the environment the Appellate Division of New Jersey Superior Court ruled in November 2016 that the full Pinelands Commission must vote **again** on whether or not the South Jersey Gas pipeline project meets the standards of the Pinelands Comprehensive Management Plan (CMP). (They voted on this same project in 2014 and failed to approve it.) The court also stated that there must be a public hearing before the Commission makes their decision on the application. The Court's decision stated that the Pinelands Commission and the Board of Public Utilities improperly approved the South Jersey Gas Pipeline project in 2015. The court stated that the Executive Director of the Pinelands Commission had no authority to approve the development according to the Pinelands Protection Act and CMP. This ruling was in response to appeals filed by the Pinelands Preservation Alliance against the Board of Public Utilities (Sierra Club of New Jersey and Environment New Jersey also filed appeals).

**Action Needed:** Tell the Commission that you oppose the South Jersey Gas Pipeline Project because it violates the rules that protect the Pinelands. The Pinelands Commission will hold a public hearing on **January 24, 2017 at 9:30 am at the Ocean Acres Community Center located at 489 Nautilus Drive, Manahawkin, New Jersey 08050. The public comment period runs through January 24, 2017 at 5pm.** You can also submit comments by mail to New Jersey Pinelands Commission

P.O. Box 359, New Lisbon, NJ 08064 or email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us). To learn more visit the Take Action page on our website [www.pinelandsalliance.org](http://www.pinelandsalliance.org).

You can also sign up on our email list and we will keep you informed – email [tom@pinelandsalliance.org](mailto:tom@pinelandsalliance.org). Questions? Call us at 609-859-8860.

## Pinelands Commission Appointments

The 2014 vote of the full Pinelands Commission not to approve a waiver for the South Jersey Gas pipeline was a monumental action in defense of the Pinelands protection laws, but it also led to renewed interference in the Commission by Governor Christie and Senate President Sweeney to get the pipeline approved no matter the cost. In just two short months after that important vote, Governor Christie proposed new nominations to the Commission to replace individuals who voted in opposition to the pipeline waiver. Although the public and several legislative champions fought back, one nominee made it through after one Senator changed his vote under pressure from the Senate President. Robert Barr of Cape May County replaced Commissioner Bob Jackson. This change likely tilted the Commission favor toward the pipeline, since Mr. Barr was proposed for the Commission by Senator Van Drew, a vocal supporter of the pipeline.



Now the South Jersey Gas Pipeline application will return to the full Commission and the Commissioners who voted against the pipeline project (and who serve as a Governor's appointment) are vulnerable.

It is a critical time for Pinelands advocates to reach out to the Judiciary Committee members of the New Jersey Senate since the Senate must approve the Governor's appointments. It is unclear whether the Governor will seek more changes on the Commission in order to ensure the outcome he wants. The Senate Judiciary Committee is required to approve all gubernatorial nominations to the Pinelands Commission before a vote by the full Senate.

### ***How to Reach Out to the NJ Senate Judiciary Committee***

Please call the Senate Judiciary Committee members and remind them about how important it is to have individuals on the Commission that support the mission of the agency and the regulations that protect the integrity of the region.

## **Contact the Senate Judiciary Committee**

**Chair - Nicholas Scutari** - District 22  
(908) 587-0404  
senscutari@njleg.org

**Vice-Chair - Nia Gill \*** - District 34  
(973) 509-0388  
sengill@njleg.org

**Christopher Bateman \*** - District 16  
(908) 526-3600  
senbateman@njleg.org

**Gerald Cardinale** - District 39  
(201) 567-2324  
sencardinale@njleg.org

**Bob Smith \*** - District 17  
(732) 752-0770  
sensmith@njleg.org

**Paul Sarlo** - District 36  
(201) 804-8118  
sensarlo@njleg.org

**Loretta Weinberg \*** - District 31  
(201) 928-0100  
senweinberg@njleg.org

**Michael Doherty** - District 23  
(908) 835-0552  
sendoherty@njleg.org

**Joseph Kyrillos** - District 13  
(732) 671-3206  
senkyrillos@njleg.org

**Raymond Lesniak \*** - District 20  
(908) 624-0880  
senlesniak@njleg.org

**Kevin O'Toole** - District 40  
(973) 237-1360  
senotoole@njleg.org

**Nellie Pou** - District 35  
(973) 247-1555  
senpou@njleg.org

**Brian Stack** - District 33  
(201) 721-5263  
senstack@njleg.org

*\*Supportive of Pinelands protections in the past.*

## New Jersey Court System

**Expectations:** The judicial system is the branch of government responsible for interpretation and application of the law. This includes environmental laws and the Pinelands Protection Act as well. Laws are implemented through regulations. Environmental laws and regulations are routinely a source of controversy; the root causes typically being the interpretation of their necessity, fairness or cost. The long-term integrity of the Pinelands and its resources depends on the strict interpretation of its laws and regulations. The judiciary should uphold the spirit and the letter of the law.

### New Jersey Appellate Division of the Superior Court

The court ruled that the Board of Public Utilities improperly relied on the opinion of the Pinelands Commission's executive director, who had no authority to approve the development under the Pinelands Protection Act and Comprehensive Management Plan (CMP). According to the decision, the full Commission will need to vote again on the second application by South Jersey Gas before the project can proceed, and the Commission alone has the power to reject or approve the pipeline under the requirements of the CMP. The court's decision sets an important precedent that only the full Pinelands Commission can approve developments of this nature.

*PPA Executive Director Carleton Montgomery stands next to a statue of former Governor Brendan T. Byrne outside the Essex County Courthouse where PPA's lawyers presented oral arguments in the appeal regarding the South Jersey Gas pipeline on October 11, 2016.*





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## Pinelands Commission

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**Expectations:** *A Commission whose members, although of diverse viewpoints, have a shared commitment to the purposes of the Pinelands Comprehensive Management Plan (CMP), the courage to debate tough issues at meetings, and a respect for public process. This means being prepared to engage in discussion on agenda items, asking pointed and relevant questions of Commission staff, and always voting to protect the Pinelands' unique natural resources.*

By statute, the Pinelands Commission has fifteen commissioners who make up the governing body of the agency: seven appointed by the Governor; one appointed by each of the seven Pinelands counties; and one person appointed by the U.S. Secretary of the Interior. The gubernatorial appointees are subject to the review and consent of the New Jersey Senate. Members of the Commission serve staggered three-year terms. The commissioners have final say with regards to all activities regulated by the CMP and, through the Executive Director, guide a staff of approximately 40 people.

The Commission today consists of the following fifteen members: **U.S. Secretary of the Interior's Appointee:** Joseph DiBello. **Gubernatorial Appointees:** Mark Lohbauer, Candace Ashmun, D'Arcy Rohan Green, Robert Barr, Edward Lloyd, Richard Prickett, and Gary Quinn. **County Appointees:** Paul Galletta (Atlantic), Edward McGlinchey (Camden), William Brown (Cape May), Jane Jannarone (Cumberland), Giuseppe (Joe) Chila (Gloucester), Alan Avery, Jr. (Ocean), and Sean Earlen (Chair, from Burlington). The Executive Director is Nancy Wittenberg who reports to the commissioners.

### New Jersey Natural Gas Pipeline

New Jersey Natural Gas is working to build an unnecessary gas transmission line from Chesterfield in Burlington County to Manchester in Ocean County. The route goes through the Pinelands Preservation Area in a section of Joint Base McGuire-Dix-Lakehurst and, in part because it is not being built for the military, violates the CMP. The Board of Public Utilities gave its approvals and the Pinelands Commission claimed it has no role to play. PPA, three of the townships through which the pipeline would travel, and our environmental partners have filed appeals which are scheduled for briefing through the end of 2016. After the decision on South Jersey Gas (above), this project will have to be reviewed and decided by the full Commission.

### Jackson Rezoning in Forest Area

In 2004 Jackson Township and the Pinelands Commission re-designated large portions of the township from Rural Development Area to Forest Area. A Forest Management Area designation is more restrictive and prohibits activities like new sand and gravel mining operations. This was done to better protect the ecological resources found along the Toms River Corridor. In 2012 Pinelands Commission staff rejected an application for a new resource extraction operation in the rezoned area since that type of activity was no longer permitted. The applicant appealed to the Office of Administrative Law (OAL) who decided in favor of the Commission. In 2016 the issue was put to rest when the Commission voted on a resolution to uphold the OAL decision which means that no new sanding and gravel mining will be permitted on the site.

## Roadside - Pinelands Commission 👍

In 2010, the Pinelands Commission entered into a memorandum of agreement with some Pinelands counties for a streamlined review process that included the use of Best Management Practices (BMPs) for county roadsides. The result was a greater awareness of our roadsides as suitable plant habitat, and certain stretches of roadsides were signed for specific mowing periods. Unfortunately since that time, there have been many examples of inappropriate management of our roadsides from cutting beyond eight feet from the roadway, cutting below six inch vegetation height, and mowing during the “no-mow” period on signed portions of roadways. This summer, the Pinelands Commission renewed their efforts to prioritize best management practices for roadsides by meeting with county officials and developing informational material. With Pinelands roadsides totaling over 11,000 acres, prioritizing these areas for the safety of motorists and as native plant habitat is an important undertaking for the Pinelands Commission.

## Pinelands Short Course 👍

On March 12, 2016, the Commission held its 27th annual Pinelands Short Course. Approximately 436 people attended the event at Stockton University in Galloway Township. This is still a reliable thumbs up for the Commission. Since its inception, the short course has provided a wonderful opportunity for people to learn more about the unique natural, historic and cultural aspects of the Pine Barrens. In addition, the Commission’s science staff continues to hold seminars where experts discuss their research on plants, animals, water quality and more. These seminars are open to the public.

## Pinelands Commission Meetings 👎

The Pinelands Commission has failed to hold sub-committee meetings on a regular basis. These meetings are critical to the function of the Pinelands Commission and its public forum discussion process. They have cancelled three policy and implementation committee meetings; they have cancelled three personnel and budget committee meetings and appear to have disbanded other sub-committees.

### Save the Source - Protecting Water for People and the Pines

*The New Jersey Pinelands are the pride of the Garden State and offers families a wilderness retreat in one of America’s most urban states. The Pinelands also protect the Kirkwood-Cohansey aquifer, a precious source of drinking water for millions of people that is increasingly under threat. In 2017 we will release an original collection of stories from real people whose lives depend on this water. Our Save the Source story project features people like Jason Chapman founder of Pinelands Brewing Company in Little Egg Harbor who shares his perspective on the necessity of clean water to the brewing process (pictured on the right).*



## Department of Environmental Protection

**Expectations:** *The DEP is responsible for protecting the state's environmental resources. It does this by developing and enforcing regulations that protect water quality, threatened and endangered species, and air quality; by overseeing state parks and wildlife management areas; by ensuring that there is enough water for both people and environmental needs; and by setting standards for contaminated site cleanup. Since there is significant overlap with Pinelands regulations, it is imperative that the DEP develops programs and enforces rules that are protective of the Pinelands.*

### Wal-Mart in Toms River

Like a bad nickel, this big development on threatened and endangered species habitat will not go away. In 2014, PPA and its partners persuaded the appeals court to invalidate the Coastal Area Facilities Review Act (CAFRA) permit issued for the construction of a Wal-Mart super-store in Toms River. In 2016, the landowner came back for another try with only very minor changes to the development plan. DEP gave the plan another CAFRA permit, once again sacrificing rare species (Pine Barrens treefrogs and Northern pine snakes) rather than require a development scaled to the land in question. PPA and Save Barnegat Bay have filed another appeal challenging this permit.

### ORV Damage in Wharton State Forest and Other Public Lands

It has been over a year since the DEP pulled the plug on the Wharton Motorized Access Plan and they have yet to define what a road is in the context of our state lands. In spite of increased enforcement and signage efforts, off road vehicle activity is still occurring off of “roadways” and into sensitive habitat in our state forests. With the exception of gates installed at Jemima Mount, efforts to use volunteers to identify and protect critical habitat off of “roads” has been largely ignored by DEP officials. State Park Police are doing everything they can to prevent the damage, but the DEP has refused to provide them with a map that clearly designates motorized and non-motorized routes. Without enforceable routes, sensitive areas will continue to be degraded by unlawful motorized abuse. We are now calling on the Pinelands Commission to step in where the DEP has fallen so woefully short.

*ORV driving is causing erosion along the banks of rivers that flow through Wharton State Forest and damaging anything found in their path.*





## Beach Fencing Project

In 2016, in partnership with the NJ DEP and parks personnel, over 13 miles of beach in Island Beach, North Brigantine, Corson's Inlet and Cape May were protected. PPA and Dr. Jay Kelly from Raritan Valley Community College worked with state park superintendents to protect dune habitat on our state beaches by placing informational signage and marker posts along the back beach. The superintendents also revised beach management to allow fore-dune areas to remain un-raked. When plants naturally re-vegetate and accumulate sediments in these back beach areas, new dunes begin to form. These areas become critical habitat for beach plants and nesting birds and in time will form the dunes that help protect shoreline communities from storm damage.

## Federal Government

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**Expectations:** *In 1978 Congress created the Pinelands National Reserve, the country's first Reserve. As provided in the federal law, Governor Brendan T. Byrne established the Pinelands Commission, and a Comprehensive Management Plan (CMP) was prepared and approved by U.S. Secretary of the Interior Cecil D. Andrus on January 16, 1981. The federal government's primary roles in the Pinelands protection effort are to provide a representative on the Commission, to finance public land acquisition and to monitor the implementation of the CMP. At a minimum the federal government should enforce federal environmental laws, vote responsibly on actions before the Commission, support the CMP, and provide the necessary funding for land acquisition through the Land and Water Conservation Fund (LWCF).*

## United State Senate

### Delaware River Basin Conservation Act

The Delaware River Basin Conservation Act is proposed federal legislation that would create a Delaware River Basin Restoration Program in the U.S. Fish and Wildlife Service. The proposed program will provide a coordinated approach to identify, prioritize, and implement restoration and protection activities across the Basin and provide competitive, matching grant and technical assistance funding to support and leverage on-the-ground projects by state and local governments, non-profit organizations, and universities. The portion of the Pinelands within the Delaware River Watershed is 17%. The Act will help provide additional resources to the protections already existing under the federal and state acts. The Delaware River Basin Conservation Act (DRBCA) was passed in the U.S. Senate as part of a larger water resources bill known as the Water Resources Development Act (WRDA) in October 2016. The House of Representatives passed its own version of WRDA that significantly differed from the Senate's and did not include the DRBCA. In the New Year, the two versions of the bill will need to be reconciled through a conference committee process in which members of the House and Senate negotiate to form a single bill (known as a conference report) that will then be passed by Congress.

## State Legislature

**Expectations:** *The principle function of the State Legislature is to enact laws for the benefit and protection of New Jersey. At a minimum, legislators should not sponsor bills that undermine the intent of the CMP, and at best will sponsor legislation that actually protects and enhances environmental richness and diversity in New Jersey and the Pinelands.*

### Flood Hazard Area Regulation Changes

The Christie Administration proposed a number of rollbacks to environmental protections this year including the Flood Hazard Area Protection Rules. The rollbacks included an increase in the allowable construction in our stream buffers putting more people and property at risk, a decrease in buffer protections to our waterways, allowing more pollution to flow into our streams, rivers, and other drinking sources, and weakened oversight on the permitting process in environmentally sensitive areas. Fortunately, the New Jersey Legislature opposed these measures and passed an override to the proposed rules. After negotiations with the environmental community, the legislature, and DEP, changes were made that greatly improved the rules. Thanks go out to the Senate and Assembly for pushing back.

### Preserve New Jersey Act

In 2014, a majority of New Jerseyans (65%) voted to constitutionally dedicate money to preservation projects. After the ballot measure approval, the New Jersey Legislature needed to pass an implementation act to further define the funding allocations to each program - historic preservation, green acres, blue acres, and farmland preservation. Governor Christie did not support an implementation act and vetoed the bill twice! It took the growing pressure from voters throughout New Jersey and the legislature over a year to finalize a bill that was signed into law in June 2016. The Preserve New Jersey Act had overwhelming support from both sides of the aisle and is the culmination of the countless hours dedicated to protecting open space. Because of the leadership of our conservation champions in the state legislature, vital land preservation can proceed, and families across the Garden State will benefit for years to come.

#### PINELANDS ADVENTURES

Pinelands Adventures was launched by the Pinelands Preservation Alliance in 2015 with the goal of connecting more people with the amazing beauty of the Pinelands. Pinelands Adventures is located at the former site of Adams Canoe Rental on 1005 Atsion Road in Shamong, NJ. Rent a canoe or kayak on the Batsto or Mullica River or take a guided tour on water or land.

Learn more [www.pinelandsadventures.org](http://www.pinelandsadventures.org).



## Local Government

**Expectations:** *There are 56 municipalities that are entirely or partly within the Pinelands National Reserve. The Pinelands Protection Act envisioned that local governments would be primarily responsible for implementing the CMP. While some things are mandatory such as density requirements, municipalities were given flexibility with implementation of resource management goals of the CMP as they revise their land use regulations. PPA therefore expects municipalities to propose ordinances and master plans consistent with the conservation goals of the CMP.*

### Manchester Residents and Mayor Turn Back Massive Heritage Minerals Development Expansion

Manchester Township residents rose up against a massive increase in the size of the proposed Heritage Minerals development after they learned from PPA about the plan. The developer and township officials agreed to try to undo a 2004 settlement that set the size and land area of development while providing for conservation of 6,000 acres of Pine Barrens habitats. After secret negotiations with the developer, the township council approved an ordinance to undo the prior limits, give up \$5million in open space funding the developer agreed to pay the town as part of the earlier settlement, triple the number of housing units, and add one million square feet of commercial space. When they learned of all this, residents came out in force against the give-away of the hard-won 2004 limits. After council approved the ordinance, however, the mayor acknowledged his constituents' outrage and vetoed the ordinance.



*Above Left: Manchester residents packed the meeting room for the Town Council meeting to provide testimony about the Heritage Minerals redevelopment project.*

*Above Right: PPA's lawyer Paul Leodori addresses the Manchester Township planning board during their May 23 special meeting about the Heritage minerals redevelopment project.*



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## Non Governmental Organizations

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### New Jersey Conservation Foundation Preserves more Pine Barrens Forest

In 2016 the New Jersey Conservation Foundation acquired 811 acres of critical habitat along the northern boundary of Brendan T. Byrne State Forest. This new preserve houses nearly two miles of the Mount Misery Brook, a Rancocas Creek headwater tributary in the Delaware River watershed. Nearby a sawmill village was originally settled by French Huguenots and named Mount Miséricorde, meaning “mercy or forgiveness.” The anglicized name of Mount Misery has altered the pathos of this historic place; now the village is long abandoned. Since colonial industries retreated, wild species have flourished. Over 50 rare, threatened and endangered species, including barred owl, Pine Barrens tree frog, broad-winged hawk, red-headed woodpecker, northern pine snake, timber rattlesnake, and black-banded sunfish abound.

Upwelling groundwater near Mt. Miséricorde was an important water resource for Native Americans. Unique “blue hole” geology exists; the pristine springs run strong and cold even during times of severe drought. Hidden beneath cathedrals of tall Atlantic white cedar are unusual blue-green algal springs with a high diversity of orchids, sphagnum mosses and carnivorous sundews, bladderworts, and pitcher plants.

The New Jersey Conservation Foundation worked tirelessly with the landowner for over two decades to complete this transaction which also included a 1,610-acre addition to the Franklin Parker Preserve in Chatsworth.

### Friends of the Black Run Preserve

The group, Friends of the Black Run Preserve (FBRP), continues to build partnerships, inspire volunteers, and garner grants to support enhanced multi-use trails and educational programs. The Black Run Preserve is an island of pristine Pine Barrens in southern Evesham Township. FBRP’s Citizen Science Programs, such as its Nest Watch Program, and educational outreach through the DeMasi Middle School Ambassadors Program enhance FBRP’s efforts to help people enjoy this very special Preserve. A DEP Recreational Trails Grant is helping to expand the trail system, another in a series of REI Inc. Community grants will build a bridge, and a grant from the NJ Conservation Foundation is supporting a wetland restoration project scheduled for April 2017. Visit [www.blackrun.org](http://www.blackrun.org) for more information or to get involved.

### Natural Lands Trust - Bennett Bogs

In 2015, The Nature Conservancy donated a portion of the Bennett Bogs Preserve in Lower Township to the New Jersey Natural Lands Trust. This botanically rich site has had over 250 plant species documented within the bogs, including over 30 rare plant species. Recently, a lack of natural disturbance and a change in the hydrology has allowed more woody plant species to establish. This past fall, the New Jersey Natural Lands Trust and the Partnerships for New Jersey Plant Conservation were able to remove woody vegetation from a portion of the site owned by the Natural Lands Trust to recreate the open conditions that many of the site’s rare plant species need in order to thrive. With continued efforts to manage this small 25 acre preserve, Bennett Bogs can continue to be a refuge for some of our state’s rarest species.

## Individuals Who Make a Difference

### Former Governors File *Friend of the Court Brief* to Overturn South Jersey Gas Pipeline Approvals 👍

Adding their voices to the appeals against the South Jersey Gas pipeline approvals, the bi-partisan team of former governors Brendan Byrne, Jim Florio and Christine Todd Whitman filed a friend of the court brief in the appeals filed by PPA and its partners. The former governors focused on the importance of the Pinelands Protection Act, the need to ensure the Pinelands Commission implements Pinelands rules for developments like major pipelines, and the unacceptability of the Pinelands Commission executive director's attempt to prevent the Commission from reviewing the pipeline for conformance with the Pinelands Act and regulations.

### Citizens and Towns Step Up To Protect Their Communities from Unnecessary Pipelines 👍

The citizens and government leaders of Chesterfield, Bordentown, North Hanover and Plumsted took strong action against the proposed New Jersey Natural Gas "Southern Reliability Link" (SRL) pipeline and the associated interconnection station (the "Garden State Expansion Project"), because they view these projects as unnecessary to serve the public, dangerous to their residents, too close to many people's homes, and a threat to natural resources. Chesterfield, Bordentown and North Hanover challenged the pipeline before the Board of Public Utilities, submitted comments to the Department of Environmental Protection, and filed a range of legal actions alongside PPA and other private-sector advocates. The citizens of these towns have done an incredible job of organizing, educating themselves and their representatives, and advocating for their communities and the Pinelands.



*Left: Residents hold signs outside the Pinelands Commission's offices protesting the South Jersey Gas Pipeline project.*

*Right: Sunrise in Franklin Parker Preserve. Photo by Ernie Cozens.*

## Dan Rappoport Creator of the Tour de Pines

The Tour de Pines is a five day bicycle tour of the Pinelands National Reserve that PPA and volunteers launched in 2005 when avid cyclist Dan Rappoport contacted us with the idea of an annual ride to promote the Pinelands. PPA worked with Dan to advertise and organize five days of bike riding during October that year, which is also Pinelands Month. During the Tour cyclists met at different locations in the Pinelands and rode loops of about 50 miles. That first year 15 people rode – some for all five days! Thanks to Dan's dedication, this event continued to grow. In 2012, a committee was formed, and in 2016 the Tour had its highest number of registered riders yet at 218 people. Thank you to the entire *Tour de Pines planning committee*: Wayne Cahilly, Mickey Coen, Bob Cummings, Helen Dudar, Dick Gould, Kevin Kristian, Chris Monchinski, Dan Rappoport, Mike Thompson, Susan Soesbe and Jay Stephens. The Tour would not be possible without their help. Since 2005 over 2,159 riders have covered over 107,645 miles in the Pinelands!

## Maureen Heenan, Evesham Township Middle School Teacher

Attending PPA's 2009 Summer Teacher's Institute propelled Maureen Heenan into acting locally. The week-long Institute took place in the Black Run Preserve (BRP) in Evesham Township. Connecting Pine Barrens ecology to a local site such as the Black Run Preserve inspired Maureen to bring real-life relevance to her classroom. The BRP's open space had long been a dumping ground for trash and subject to off-road vehicle abuse. Working with PPA and the Friends of the Black Run Preserve (FBRP), Maureen has made the BRP the centerpiece of a variety of middle school service learning projects, such as trail work and clean-ups, in one case removing over 450 tires. In addition to leading numerous educational field trips, Maureen worked with Pinelands Adventures in 2016 to start an Ambassadors Program, in which students were trained in Pine Barrens ecology and lead public hikes for the FBRP. Maureen is one teacher among many using the Pine Barrens to motivate to students and give them a deeper understanding of the ecosystems wherever they live.



### PINELANDS WATCH NETWORK

Pinelands Watch is an activist network run by PPA. The goal is to help those who are concerned about conservation issues in the Pinelands to get involved and make a difference. Through this program citizens keep up to date on important issues and learn how to advocate for Pinelands protections.

To receive the activist newsletter and other updates contact Tom at [Tom@Pinelandsalliance.org](mailto:Tom@Pinelandsalliance.org).



# The New Jersey Pinelands

The New Jersey Pinelands is home to the most extensive surviving forest on the Eastern Seaboard between Maine and Florida. The Pinelands is a region of 1.1 million acres defined by federal and state legislation enacted to protect the unique ecological values of the Pine Barrens ecosystem by controlling development on a regional basis. The Pinelands landscape consists of generally flat, sandy and acidic soils deposited over millions of years of rising and falling sea levels. Early European settlers gave this region the derogatory name of “Pine Barrens” not because the region is barren of life, but simply because its acidic, sandy soils are an unfriendly medium for crops like wheat and vegetables. Indeed, the New Jersey Pine Barrens is a lush ecosystem that provides a haven for a growing number of rare species adapted to its unusual conditions. At least half of the Pinelands are privately owned – that is, not protected as state and local nature preserves.

In 1979 New Jersey adopted the Pinelands Protection Act. This Act implemented the federal statute, created the Pinelands Commission, and directed the Commission to adopt a Comprehensive Management Plan (CMP) to manage development throughout the region.

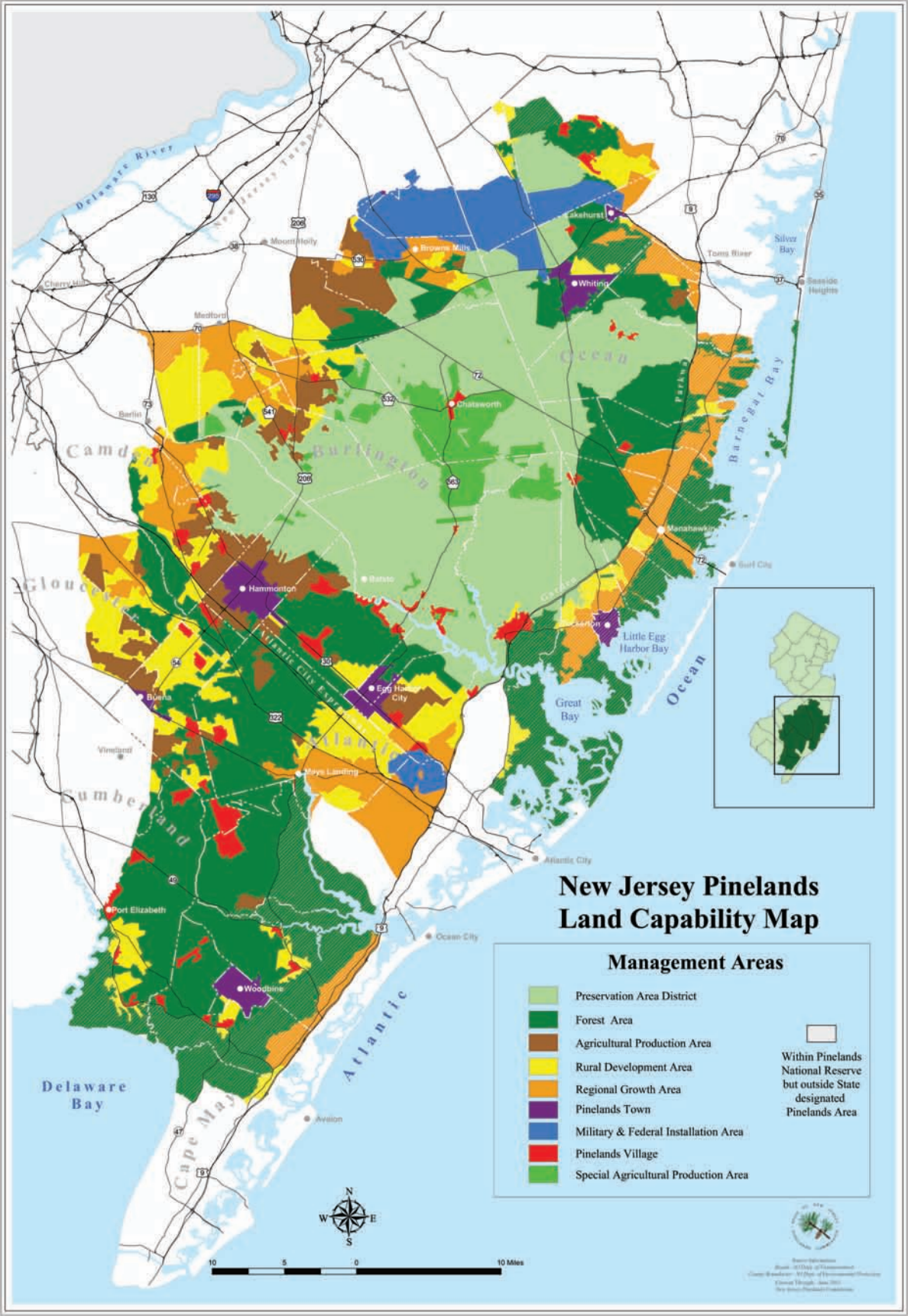
The Comprehensive Management Plan covers the 1.1 million acres of the Pinelands National Reserve. In addition to writing and amending the CMP, the Pinelands Commission applies the CMP by reviewing all development applications in 936,000 acres of the National Reserve. The New Jersey Department of Environmental Protection (DEP) implements the CMP in most of the balance of the Pinelands National Reserve through New Jersey’s coastal zone management rules (Coastal Area Facilities Review Act or CAFRA).

Even in the Pinelands, many residents do not know that all new development here is controlled – and in most areas severely limited – by the nation’s most innovative regional land use plan. The CMP is designed to preserve the pristine conditions found within the core of the Pinelands while accommodating increased human use and a regulated amount of growth around the region’s periphery. The Pinelands Commission’s staff of approximately 40 professionals is directed by 15 Commissioners, individuals appointed as follows: seven by the Governor with approval of the state Senate, seven by the counties in the Pinelands, and one by the U.S. Secretary of the Interior.

DEP also plays key roles in protecting the Pinelands environment. In addition to its job of implementing the CMP in the coastal zone, the DEP regulates the distribution of fresh water from the aquifers that lie beneath the Pinelands, and it is the state agency that also controls the filling or dredging of wetlands here as elsewhere in the state.

The Pineland Commission and DEP’s accomplishments in the Pinelands are numerous and remarkable. However, government agencies and their appointees are susceptible to changing political currents with short time horizons, when long- term vision is necessary to hold on to protection efforts. There is no guarantee that the Pinelands Commissioners’ decisions will always enforce the CMP and achieve its statutory mandate “to preserve, protect, and enhance” the Pinelands. There is no guarantee that DEP will consistently protect the water and other resources under its controls. It is up to the citizens of the state to monitor, engage, criticize and support these agencies as they do their work. ***Ultimately, only the demands of the public will guarantee the survival of the Pine Barrens.***

# New Jersey Pinelands Land Capability Map





PINELANDS  
PRESERVATION  
ALLIANCE

Bishop Farmstead  
17 Pemberton Road  
Southampton, NJ 08088



Non-Profit  
Organization  
U.S. Postage  
**PAID**  
Philadelphia, PA  
Permit #164



The 2016 *State of the Pinelands Report* was released to our members and the public in January 2017.

Address Service Requested

## The Pinelands Preservation Alliance

Founded in 1989, the Pinelands Preservation Alliance (PPA) is a nonprofit environmental organization dedicated to preservation of the New Jersey Pinelands. PPA's principle objectives are three-fold:

**Issues:** PPA monitors issues coming before the Pineland Commission, the Department of Environmental Protection, county and local governments, courts, and the state's lawmaking bodies when legislation affecting the Pinelands is introduced. PPA supports the Comprehensive Management Plan (CMP) and acts to insure that the CMP is observed, enforced and improved.

**Grassroots Support:** PPA builds grassroots support for conservation and works with citizens to help them add their voices to the debates over conservation and preservation.

**Education:** Our staff and volunteers travel throughout New Jersey and neighboring states providing education on the Pinelands through presentations, workshops and panel discussions. PPA provides numerous field trips for the public and school groups through our paddling and outdoor recreation service – Pinelands Adventures. At Pinelands Adventures you can rent a canoe or kayak, take a guided trip or join us on a land-based expedition.

When you can't be there to speak for the Pinelands, we will. Become a member today and you will help us preserve, protect and enhance our state's greatest natural resource. PPA members receive a yearly subscription to our newsletter, discounts on Pinelands Adventures field trips, rentals and merchandise, and invitations to members' only events. To join call us at 609-859-8860 or visit us on the web at [www.pinelandsalliance.org](http://www.pinelandsalliance.org). To learn more about Pinelands Adventures visit [www.pinelandsadventures.org](http://www.pinelandsadventures.org) or call 609-268-0189.