

PINELANDS

FEBRUARY/MARCH 2006

A Report by the Pinelands Preservation Alliance

VOLUME 13, NUMBER 3

PINELANDS COMMISSION AND TOWNS MOVE TO PROTECT PINE BARRENS IN EVESHAM AND MEDFORD



Photo: PPA



Photo: PPA

Top: *The Sanctuary development, Evesham* **Bottom:** *Preserved land along Black Run by Carleton Montgomery*

It all started in 1997, when an endangered timber rattlesnake that found its way to the scout camp at Kettle Run Lake at the Evesham-Medford border. The snake was captured, a radio-transmitter was implanted in it, and a College of New Jersey biologist tracked the snake to its hibernation den along Kettle Run stream in the middle of what would become the "Sanctuary" development in Evesham. The conflict and controversy over the Sanctuary development which that discovery set in motion is still not wholly resolved. But that same con-

flict and controversy sent a message to the Pinelands Commission that this part of the Pinelands needed to be reexamined, because it holds important natural resources but was mostly designated for development under the Pinelands Comprehensive Management Plan (CMP).

While it may now be too late for the rattlesnakes struggling to survive at the Sanctuary, their cause has sparked a revamping of the Pinelands and municipal development rules that should save other Pine Barrens animal and plant populations in this ecologi-

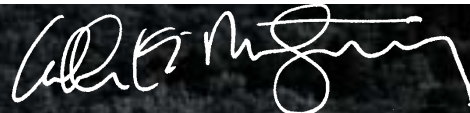
cally rich part of the Pinelands.

In order to avoid future conflicts between natural resource protections and the growth-oriented zoning of the area, the Pinelands Commission invited Medford and Evesham Townships and the state Department of Environmental Protection to reexamine the CMP and create a new Southern Medford/Evesham Sub-regional Resource Protection Plan. The plan covers an area of 14,500 acres. That plan is now in its final form and will be formally considered by the four agencies for adoption in the coming months. If adopted and implemented in its current form, the plan should give far greater protection to the area's waters, threatened and endangered species, and Pine Barrens habitats than the current CMP and local zoning rules.

The Pinelands Commission, Evesham and Medford Township officials, and DEP formed a Steering Committee to guide the review. The Steering Committee formed Technical and Policy Advisory Committees to advise them, and PPA staff played an active role on both committees. The draft plan has been shown at two public meetings and at meetings of both town councils.

The process started with an intensive study of the area's resources and development pattern. The Technical Advisory Committee gathered and studied data on the quality of the area's streams and ponds, on rare plants and

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Last year, a railroad company named J.P. Rail and a property owner in Mullica Township informed the township and the Pinelands Commission that they intended to build a facility, in the Pinelands Village of Elwood, for receiving, storing and loading solid waste for shipment to out-of-state landfills. The facility, however, would violate the Pinelands Comprehensive Management Plan (CMP), which does not permit the proposed waste transfer station in Pinelands Villages. Mullica Township and its residents also strongly opposed the creation of this facility in Elwood Village.

The company asserted that federal railroad laws preempted state laws like the Pinelands CMP, so it did not have to apply to the Commission for permission to build and did not have to meet Pinelands rules. This was a direct challenge to the authority of the Pinelands Commission and the CMP.

A federal district court judge has now ruled the proposed facility does not qualify for federal preemption, so the project can only be built if it gets Pinelands approvals. PPA participated in the case on the side of the Pinelands Commission as a "friend of the court."

This case is just one of several taking shape in New Jersey and elsewhere, as railroad companies try to diversify their business and income sources by building waste transfer

facilities. Such facilities present environmental and community aesthetics issues, because they typically will involve the temporary storage of large amounts of waste on the site. That's why railroad companies and their partners are trying to claim exemption from state and local land use laws under the federal Interstate Commerce Commission Termination Act. The key issue in deciding whether that Act protects one of these projects from state laws like the Pinelands CMP is whether the proposed facility is limited to bona fide "transportation by rail carriers", or instead involves activities that go beyond railroad transportation by a genuine rail carrier.

In the Mullica case, the court found that the proposed facility was really a waste storage facility to be run by a non-railroad company which would allow the railroad to take waste from the facility. The facility, therefore, would provide "transportation to a rail carrier" but not "transportation by a rail carrier", and so is not protected by the federal Act.

The decision is not necessarily final. The railroad company and its partners could appeal the decision, or they could try to get around this preliminary ruling in some fashion. Or they could apply to build a waste transfer station in an area where it would be permitted under the CMP and local zoning. But the ruling probably will kill this particular proposal.

continued on page three

PINELANDS SHORT COURSE

**Saturday, March 4
Burlington County College**

New topics for 2006 include: Butterflies, Cedar Bridge, a tribute to Herbert Halpert, black bears, native Pinelands fish, an eco-art program and a in-class Pinelands field trip.

To register for this program see www.state.nj.us/pinelands, or call ext. 1382 at (609) 894-9311 or (856) 222-9311. Registration fees are \$30 per adult. The Pinelands Short Course is brought to you by the State of New Jersey Pinelands Commission and Burlington County College.

PINELANDS COMMISSION MEETINGS

Friday, February 13, 9:30am

Friday, March 12, 9:30am

OPEN TO THE PUBLIC

CALL (609) 894-7300 FOR DETAILS

PINELANDS WATCH

Get involved in our activist network and help make a difference! To receive the Pinelands Watch or alert us to an issue of concern in your community,

**call (609) 859-8860 x22 or e-mail
theresa@pinelandsalliance.org**

INSIDE THE PINELANDS

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PINELANDS PRESERVATION ALLIANCE*

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animals, and on the integrity of the area's surviving forests and wetlands. PPA contributed to the resource inventory, most notably by conducting a series of field investigations to identify threatened and endangered plant populations, which had been little studied in this area before. Our work with botanists Wayne Ferren and Bill Olson found many previously-unknown populations, showing both the botanical richness of this area and the need for further surveys.

The steering and advisory committees then studied ways to better protect key resources, such as high-quality streams and intact forest and wetland habitats, while giving private property owners reasonable uses of their land. The outcome is a plan that is creative and should be effective if implemented. The plan includes:

- Reducing the total amount of new development that can take place in the area by up to several hundred units.
 - Requiring that much of the potential new development that is permitted must be clustered or grouped into a portion of the developer's land, thereby protecting the rest of the land in perpetuity.
 - Creating transferable development rights which allow property owners in areas to be protected to sell their development rights to developers in designated growth areas. Again, this leads to permanent protection of the land from which development rights are sold.
 - Setting priorities for acquisition of land for conservation by the state, the towns, and nonprofit land trusts.
 - Conducting public outreach programs to promote environmentally friendly landscaping and to fight harmful, illegal off-road vehicle use.
- Complete copies of the draft plan can

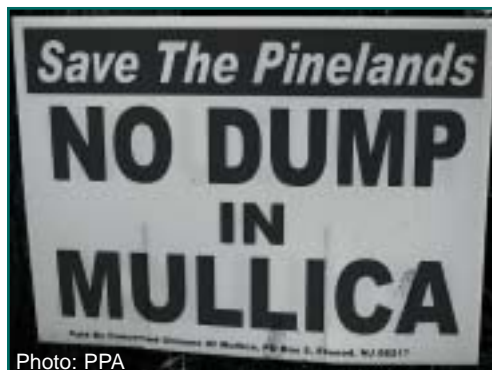
be downloaded from the Pinelands Commission website at www.state.nj.us/pinelands.

The proposed sub-regional plan for southern Medford and Evesham establishes an innovative and promising trend in the Pinelands. The level of collaboration between the Commission staff and the government at township, county, and state levels was probably unprecedented. The Commission, while accepting constant input from PPA and other NGO's, impressively managed this complicated and contentious project. We hope to see the Commission apply the same tools and thoroughness to its next sub-regional plan.

MULLICA "DUMP" VICTORY

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The case is important because it ensures that the Pinelands Plan will govern at least this project, and because the Attorney General and the Pinelands Commission vigorously defended the authority of the Pinelands laws over development in the Pinelands. It remains to be seen whether J.P Rail or other railroad companies will try again to override Pinelands protections in the future.



Local sentiment is strongly opposed to the prospect of a waste transfer station in Mullica

EMPTY INK JET CARTRIDGES WANTED!

PPA is accepting used/empty ink-jet cartridges. We are now members of the *Empties 4 Cash* program. We submit the cartridges for up to \$4/cartridge, to be put towards our various outreach and education programs. This is a great opportunity to recycle your cartridges and help PPA raise funds.

Please note: Empties 4Cash does not accept Epson, Laser Toners or Canon BCI cartridges.

What you can do:

1. Most of us have inkjet printers at home or work. Next time when you have an empty cartridge, don't throw it away.
2. Just put it in a Ziploc bag or the original cartridge box and bring it to our office or mail them attention Jaclyn Rhoads.

MIDDLE SCHOOL & HIGH SCHOOL

SCIENCE AND SOCIAL STUDIES

TEACHERS ARE INVITED TO

ATTEND...

The 7th Annual Pinelands Summer Teacher Institute

July 12-16, 2006

Call (609) 859-8860 x24 or email mikeh@pinelandsalliance.org for more information or to request a registration form.

LETTERS TO THE EDITOR

Please send your comments about articles in *Inside the Pinelands* to:

**PPA, 17 Pemberton Road,
Southampton, NJ 08088,**

Attn: Editor

or mikeh@pinelandsalliance.org



The Southern Pinelands Natural Heritage Trail officially received a scenic designation by the NJ Department of Transportation in September, 2005.

Often described as the last unbroken natural area in the northeastern megalopolis, the Pinelands presents an unparalleled experience and educational opportunity. The route is dotted with small farm fields, pastures, and river towns and punctuated by eccentric historical ruins, such as the paper mill built over the iron furnace at Weymouth (Hamilton Township). At night the lightly settled byway is a stargazer's paradise (Belleplain State Forest in Dennis Township is a favorite venue of the South Jersey Astronomy Club) and during the day it provides sights and points of interests for a wide variety of tastes. It is also easily accessible to a huge pool of potential vacationers and day-trippers, surrounded as it is on all sides by New York City and northern NJ suburbs, Philadelphia, Baltimore/Washington, and the heavily developed Jersey shore.

The route chosen for the Southern Pinelands Natural Heritage Trail avoids the roadside strip development that has occurred along some of the major thoroughfares of the region in favor of well maintained, but less traveled, roads that have been largely ignored in the twentieth century (see map below).

Along these roads the entire panorama of the southern Pines unfolds: the broad expanse of salt marshes south and west of Dennisville; the now largely abandoned poultry farms, villages and cemeteries of the Jews who had settled in Atlantic and Cape May

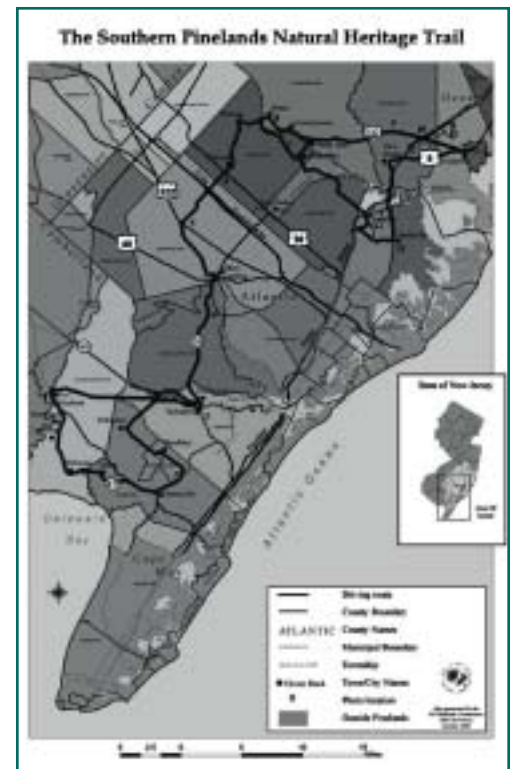


Photo: PPA

Weymouth Furnace

Counties by the turn of the century; the still thriving wineries of Atlantic County (including the New Jersey Register of Historic Places Renault Winery in Galloway Township); the echoes of New Jersey's nautical past in places like Tuckerton, Dennisville (Dennis Township), Port Elizabeth (Maurice River Township), Mays Landing (Hamilton Township) and Port Republic; the patches of cedar swamp found near the five major Pinelands drainages that the byway crosses — the Tuckahoe, the Great Egg Harbor, the Wading, the Batsto, and the Mullica Rivers; the wildlife management areas in Port Republic, at

Makepeace Lake (Hamilton Township), Hammonton Creek (Mullica Township), Great Egg Harbor (Weymouth Township), Gibson Creek (Estell Manor City), Tuckahoe (Estell Manor City, Corbin City, Upper Township), Heislerville (Maurice River Township), Delmont (Corson Wildlife Management Area in Maurice River Township) and Peaslee (Maurice River Township); the glorious Edwin B. Forsythe National Wildlife Refuge that juts into Great Bay (Galloway Township) and the Jacques Cousteau National Estuarine Research Reserve at the mouth of the Mullica River (Tuckerton Borough and Little Egg Harbor Townships); the archaeological remnants of the old glassworks and village at Estellville (Estell Manor City), located in a preserved natural area maintained by Atlantic County, at Port Elizabeth



(Maurice River Township) along the Manumuskin Creek and at Herman City (Washington Township), hard by the banks of the Mullica River; the Revolutionary War era iron furnace and nineteenth century settlement at Batsto (Washington Township); the vast blueberry fields along Atlantic County Route 559 (Hamilton Township); and the unbroken pine and oak forests that stretch north from Burlington County Route 563 (Washington Township).



Mansion at Batsto Village

The byway and its potential spur routes and loops reflect all these natural and cultural currents. Along the roughly 130-mile stretch of the byway trunk and its major offshoots, visitors will see some of the largest cranberry and blueberry operations in the world; small furnace complexes that made glass and smelted the unusual, renewable iron of the Pines; Revolutionary War sites; animals and plants found nowhere else; two federally designated Wild and Scenic rivers (the Maurice and the Great Egg Harbor Scenic and Recreational Rivers); a pristine, protected estuary at the mouth of the Mullica River; a variety

of destination points for the Pinelands National Reserve Interpretive Program and the New Jersey Coastal Heritage Trail; quaint and picturesque towns with unique shopping opportunities; thousands of acres of state forest land and federally protected natural areas; wildlife management areas at almost every turn; a federally administered marine preserve and research center; and vast tracts of pine and oak forest. All of this can be found within a half-hour's car ride from Jersey shore points and less than an hour from Philadelphia.

For more information, including maps and itineraries, contact the NJ Pinelands Commission at (609) 894-7300 or visit the website at www.dep.state.nj.us/pinelands

SPECIAL PINELANDS PLANTS 2006: PLANT FAMILIES OF THE PINELANDS

What: Three 2-day sessions (8-hour days) on Saturdays covering various plant families of the Pinelands: a late spring session, a summer session, and a fall session.

Topics: botanical structures and terminology, the use of keys, and taxonomy.

Where: PPA, plus some field work.

When: May 13, June 3, July 8, July 22, September 30, and October 14.

Cost: \$375 per person. Pre-registration is required with a \$100 deposit.

Contact Russell at x23 or russell@pinelandsalliance.org for details

Space is limited, register early!



Snow-covered hummocks

PPA FIELD GUIDE: NJ PINELANDS THREATENED & ENDANGERED SPECIES

PPA is making this excellent field guide available for a suggested \$15 donation. The book is a handy illustrated guide to threatened and endangered mammals, birds, butterflies, herptiles, and plants in the Pinelands. **To order a copy, call (609) 859-8860 x15 or e-mail mike@pinelandsalliance.org**

FAIRS & FESTIVALS

SUNDAY, FEBRUARY 4, 2006

CUMBERLAND COUNTY WINTER

EAGLE FESTIVAL

8 AM - 4 PM

MAURICETOWN FIREHALL

MAURICETOWN

Stop by the PPA exhibit and check out our broad selection of Pinelands resources and information!

by Traci Connaughton



We at Pinelands Preservation Alliance are extremely appreciative of all our donors have given us over the years. Your donations of time, money and property have sustained us and helped us to continue to advocate for one of New Jersey's most unique natural resources.

We are particularly appreciative of those members who have shown a special devotion to PPA by making a bequest in their will. By joining the Evergreen Society, these members have made a gift that will not only fund our present, but also ensure the future of PPA.

Annual gifts from PPA's friends help finance our current efforts. However, a bequest will help stabilize our funding by endowment, enabling the organization to advance its important mission for years to come.

A planned, or deferred, gift is a type of charitable gift that requires a bit of planning, usually with the assistance of a financial advisor and development officer. A donor may fund his or her gift with cash or other assets.

A gift through the Evergreen Society serves to extend the impact of a donor's lifetime philanthropy, as well as provide a more secure future for their loved ones. Careful estate planning preserves your wealth, lowers estate and income taxes, perpetuates your values and provides for your family and loved ones.

If you love the outdoors, if you cherish the joys of nature and want to save New Jersey's wilderness for oth-

ers, a planned gift to PPA is one of the most effective ways to carry out your wishes.

There are many ways to make a planned gift to PPA, but the most popular are:

Your Will or Estate Plan. A bequest is one of the easiest and cost effective ways of ensuring that your family and friends are provided for while helping PPA and other favorite charities serve for generations to come. If you wish to remember PPA in your will, a simple codicil is all that is needed.

Stock. "Long term" appreciated securities (stock you have owned at least a year and a day) are among the most advantageous ways of donating to your favorite charity. With gifts of stock, you can avoid capital gains taxes, garner substantial income tax savings . . . and may avoid estate taxes as well.

Your planned gift allows you to make a commitment to our community that will benefit generations to come. Please consider using your will to leave a long-lasting legacy, and notify us when you do. To discuss joining the Evergreen Society, contact us at (609) 859-8860.

**IN THE NEXT ISSUE OF
INSIDE THE PINELANDS:
The 3rd installment of our
series on the Comprehensive
Management Plan:
SO, WHAT'S THE PLAN? PART 3:
ARGICULTURAL AREAS**

The Bishop Farmstead, dressed up for the holiday season, after a recent snowfall...



Photo: PPA



Photo: PPA



Photo: PPA



Photo: PPA

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PINELANDS CALENDAR OF EVENTS

February & March 2006

NOTE: Names, addresses, and phone numbers are provided here for frequently mentioned event sponsors. Please contact the sponsor of the event for full information and details of the event.

Burlington County College-Pinelands Institute for Natural & Environmental Studies (PINES), (609)893-1765 .

Outdoor Club of South Jersey (OCSJ). Call leaders to confirm trip. www.ocsj.org

Pinelands Preservation Alliance (PPA). 17 Pemberton Rd., Southampton. (609) 859-8860. www.pinelandsalliance.org. 10% discount on Pinelands Adventures programs to PPA members. Pre-registration required for all PPA programs.

Wells Mills County Park (WMCP). Route 532, Waretown, (609) 971-3085.

Whitesbog (W). All events meet at the Whitesbog General Store. Historic Whitesbog, mile marker 13, Rt. 530, Pemberton Township. (609) 893-4646, www.whitesbog.org.

Tuesday, February 7

Tundra Swan Tour

10am-12noon; \$7/person. An indoor & outdoor presentation featuring: migration, nesting, breeding, feeding, bird features, and a drive to swan habitat. Burlington County College-Pinelands Institute for Natural & Environmental Studies. Pre-register. 609-893-1765. **PINES.**

Friday, February 10

Jersey Devil Hunt

Wharton State Forest, 7-10 p.m. We search the woods for the most infamous denizen of the Pine Barrens, gather 'round a campfire (bring hot dogs & marshmallows), and enjoy old-time music. Reservation required. \$10/person. Call (609) 859-8860, for information. **PPA.**

Saturday, February 11 and Sunday, February 12

Moonlight Walk

Snow Moon. 5:00 pm. \$5 per person. Reservations required. (609) 893-4646. **W.**

Saturday, February 18

Navigating the Pinelands

Practicing both orienteering and dead reckoning, we will traipse through some distinctive Pine Barrens habitats: upland pine/oak forests, intriguing lowlands, mysterious bogs, and magnificent old cedar swamps. After completing this course, you'll be capable of navigat-

ing anywhere in the Pine Barrens. Nature lore along the way makes the event memorable. \$35. Call (609) 859-8860 to register. **PPA.**

Monday, February 20

Lenape Experience

10am-12noon; \$8/person- Construct a wigwam, grind flour, prepare a winter snack, make topical medicine from local plants, play traditional games & music. Burlington County College- Pinelands Institute for Natural & Environmental Studies. Must pre-register (609) 893-1765. **PINES.**

Sunday, February 26

Eno's Pond County Park Nature Walk

Come and explore the diverse habitats of this tucked-away county park. Location: Parking Lot, Eno's Pond County Park, Forked River. 9:00 am - Noon. \$4/person Age: 9 years-adult. (609) 971-3085. **WMCP.**

Saturday, March 4

Volunteer Work Day at Whitesbog Village

10am to 3pm. Free and lunch is provided. (609) 893-4646. **W.**

Monday, March 6

Timberdoodle Stalk

This can be one of the most memorable birding experiences of a lifetime. We will visit the Woodcock's "dancing grounds" in Barnegat and Stafford Townships. The courtship of the male is composed of several different calls followed by flight behavior that is truly amazing. Pick-up: Parking Lot, Wells Mills County Park, Waretown. 7:30-9:30 pm. \$4/person Age: 9 years- adult. **WMCP.**

Friday, March 10

Jersey Devil Hunt

See February 10 for details.

Saturday, March 11

Wells Mills Jaunt

3 miles. Flat, some sugar sand. Location: Parking Lot, Wells Mills County Park, Waretown. 9:00 am - Noon \$6.00 / children \$2.00 ages 9-14 years . Age: 9 years- adult. (609) 971-3085. **WMCP.**

Saturday, March 11

The Life and Times of Elizabeth Coleman White

1PM: lecture, followed by Suningive house tour and garden tour. \$10.00/person. Reservations required, (609) 893-4646. **W.**

Sunday, March 12

Waterfowl of Barnegat Bay to Brigantine

Begin by heading to Manahawkin Wildlife Management Area to look at Puddle Ducks, then to Barnegat Light to see Harlequin Ducks, Long-tailed Duck, and Eiders. Brigantine's Forsythe National Wildlife Refuge should provide thousands of Pintail, Wigeon and Teal to view. Pack your lunch, binoculars. Pick-up: Parking Lot, Wells Mills County Park, Waretown. 7:00 am - 4:00 pm. \$14.00 per person Age: 9 years - adult. (609) 971-3085. **WMCP.**

Saturday, March 18

Jake's Branch County Park Nature Walk

Come and get acquainted with Ocean County's newest park - opening in 2007. Pick-up: Parking Lot, Wells Mills County Park, Waretown - traveling to Beachwood. 9:00 am -12:00 noon. \$4.00/person Age: 9 years-adult. (609) 971-3085. **WMCP.**

Saturday, March 25

Fairy Shrimp Tour

Join Russ Juelg in his quest for elusive fairy shrimp of the Pine Barrens. Along the way, enjoy the early summer evening and learn about Pine Barrens ecology. Specific tour locations will be determined by Russell in light of the latest information on fairy shrimp sightings. \$25. Call (609) 859-8860 to pre-register. **PPA.**

Sunday, April 2

Paddle the Oswego River

It's Daylight Savings and a perfect "time" to enjoy the beauty and wildness of the Oswego River, the "jewel of the Pinelands". 10am. We'll be paddling 7 miles from Lake Oswego, down the river, ending at Harrisville Lake. Meet at Lake Oswego, Lake Oswego Rd. No rentals. Please contact leaders to confirm your trip participation. Leaders: George & Leona F. 609-259-3734 or email flflock@pineypaddlers.com. **OCSJ.**

Ongoing

April 7 through January 7, 2007

The Fires Burn On: 200 Years of Glassmaking in Millville
A Major Exhibition at the Wheaton Village-Museum of American Glass, in Millville. (800) 998-4552.

If your organization is having an activity you would like to see listed, contact *Inside the Pinelands*, 17 Pemberton Road, Southampton, NJ 08088; ph: (609) 859-8860; e-mail mikeh@pinelandsalliance.org. Next deadline: March 3, 2006.

Name: _____

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Phone (Day): _____ (Evening): _____

E-Mail: _____

Check enclosed payable to PPA

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Visa

Discover

Card Number: _____ Exp. Date: _____

Signature of Card Holder: _____

Membership Categories

- Basic \$35
- Family \$60
- Sponsor \$100
- Patron \$250
- Benefactor \$500
- Chairman's Circle \$1,000
- Other _____

All members receive:
A PPA membership card
A year's subscription to *Inside the Pinelands*
A PPA window sticker
Discounts on PPA merchandise and events

**SEE PAGE 2 FOR
DETAILS ABOUT THE
PINELANDS SHORT COURSE**

A Sponsor will receive an *Exploring the Pine Barrens of New Jersey* map
A Patron will receive a copy of *Exploring the Pine Barrens of New Jersey* book
A Benefactor will receive a Pinelands Botanical Print by Robin Jess
A member of the Chairman's Circle will receive a personalized tour of the Pinelands



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**RESOURCE PROTECTION PLAN FOR MEDFORD & EVESHAM/
LEGAL VICTORY FOR PINELANDS OVER "MULLICA DUMP"**