



PINELANDS PRESERVATION ALLIANCE

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Pinelands Commission Meeting August 13, 2010

PPA Testimony Provided by Russell Juelg—Comment on Agenda Items

1. **NJ Juvenile Justice Commission**, Preservation Area, 443 square foot enclosure to contain a fire pump and water cistern and four storage sheds; App. No. 1982-4123.006.

The Commission is addressing a violation and authorizing new minor development. In your letter to the Juvenile Justice Commission, you say,

If the condition listed below is imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the Pinelands Comprehensive Management Plan (CMP).

Condition of Approval: All development shall be consistent with the standards of the CMP.

That's just a tautology, isn't it? How is the function of the Pinelands Commission being carried out in this transaction? This is like a cop stopping a speeder, letting him off without a citation, then sending him on his way, saying, "As you continue your journey, you will be in compliance with the traffic regulations, if you comply with the traffic regulations."

2. **Atlantic Cape Community College**, Regional Growth Area, construction of a science and technology building, an educational building and three solar panel fields at the Atlantic Cape Community College; Application #: 1983-5250.012.

According to your letter,

The construction of the 44,000 square foot building will result in the disturbance of approximately 30,000 square feet of sparsely wooded areas.

Based upon the existing conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and animals was not required.

The problem is that there is no logical justification for failing to require a survey for T&E species. You don't know what's there, and you don't know what the impact will be. It's a purely arbitrary decision that boils down to one simple fact. The Commission is authorizing development without determining whether it conforms to the regulations.

Also, you have approved the development "with conditions," but you have no mechanism to observe whether any such conditions will actually be met, and you have no practical recourse should the applicant fail to meet the conditions, so it's an empty gesture.

3. Pemberton Township Municipal Utilities Authority, Regional Growth Areas, Rural Development Area, Agriculture Production Areas and Pinelands Village of New Lisbon, vegetation removal within existing sanitary sewer easements on certain lots, etc; Application #: 1995-1302.003

Again, vegetation clearing without checking to see what might be there. No justification.

5. Township of Egg Harbor, Regional Growth Area, road intersection improvements to West Jersey Avenue and Spruce Avenue. Application #: 2010-0035.001

This yet another example of the runaway expansion of the road system in the Pinelands. Will it ever end? Everybody wants more roads, wider roads, new turning lanes. Are you going to continue to approve these things without evaluating the cumulative impact?

Also, there is no mention whatsoever concerning the possibility of T&E plant populations on the affected road shoulders. The fact that the road shoulders in question are currently maintained has absolutely no bearing on whether or not T&E species may be present. Some of the best T&E plant populations in the Pinelands are tiny populations, a mere hundred or few hundred square feet, located on maintained road shoulders—one of the precise reasons that PPA and the Commission teamed up to figure out how implement new roadside maintenance standards. You can't rationally conclude that this kind of development complies with your regulations when nobody has physically checked to see what's there.