



State of New Jersey

THE PINELANDS COMMISSION

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CHRIS CHRISTIE  
Governor

JOHN C. STOKES  
Executive Director

May 13, 2010

Carleton Montgomery  
Pinelands Preservation Alliance  
Bishop Farmstead  
17 Pemberton Road  
Southampton, NJ 08088

Dear Carleton:

I want to touch base with you regarding the Pinelands Preservation Alliance's recent comments on the CMP's vegetation requirements. These comments were delivered by Russell Juelg, and a written copy was provided, at the April 9, 2010 Commission meeting.

As you know, we have been working with the Pinelands Preservation Alliance (PPA) on roadside maintenance practices for the past year and with both the Pinelands Preservation Alliance and the Department of Environmental Protection (DEP) on rare plants for many years. We look forward to completing the roadside maintenance initiative soon and will continue to seek, with your help, the rare plant data we need from DEP to broaden our list of protected plants. As you know from past discussions, our attorneys have consistently advised against incorporating the DEP's list of "plant species of concern" into the CMP because the process and the list (as well as changes thereto) are not governed by a formal public review and adoption process.

With regard to the CMP's clearing and revegetation standards, please allow me to offer several observations.

First, the CMP standard for clearing allows for clearing necessary to accommodate a permitted use or structure. This involves the use of judgment to determine how much clearing is actually necessary. In cases where no application to the Commission is required, our staff must defer to the responsible party unless a violation is clearly obvious. We have cited many responsible parties for unwarranted clearing violations over the years and will continue to do so when the circumstances warrant. We certainly understand that differences of opinion regarding implementation of the standard may occasionally arise.

Second, CMP revegetation standards apply to most public development applications. They also apply to private applications in which a landscaping plan is required. These plans are

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

E-mail: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

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reviewed by our staff and also involve the exercise of judgment. Again, we recognize that differences of opinion may occasionally arise.

Third, our staff does not ignore any CMP regulation, although it is clear that PPA is now interpreting some CMP standards differently than we do. As our staffing resources become more limited, we also have to decide what standards should receive the highest level of scrutiny.

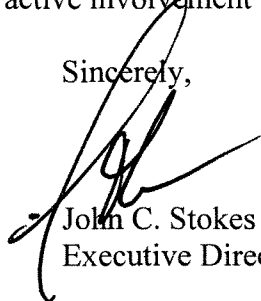
Fourth, the terms “lawn” and “turf” areas were intended to cover manicured and intensively managed grass areas. They were not intended to prohibit the use of grass to revegetate areas devoid of shrubs and trees where soil stabilization practices might be needed.

Fifth, the seven grasses listed in the CMP are, as PPA indicated, examples and are not binding. They were identified because they are tolerant of droughty, nutrient poor conditions and necessitate less water and fertilization than many other grasses. Since we know that not all of these grasses are native, we have investigated the availability of alternative grasses and seed mixes that are native. Even with the help of experts, we have not been successful in identifying readily available alternatives. However, I’m more optimistic that our recent efforts with the Soil Conservation Service will bear more fruit.

Sixth, I expect that the Commission will begin its next comprehensive review of the Pinelands protection program within the year. As part of the review, the Commission will be able to establish specific review priorities in light of their importance and our resources to investigate them.

In the meantime, we will continue to work to improve “landscaping” practices through the initiatives I’ve already mentioned as well as the backyard habitat program. We look forward to the Pinelands Preservation Alliance’s active involvement in those efforts.

Sincerely,



John C. Stokes  
Executive Director

kw/P19

c: Mr. Liggett  
Ms. Grogan  
Mr. Horner  
Ms. Young  
Mr. Kutner