



PROTECTING CRITICAL HABITAT

When building in most of Southern New Jersey, landowners and developers have to meet either Department of Environmental Protection (DEP) Coastal Zone Management rules or Pinelands Comprehensive Management Plan rules controlling new development. Both the DEP Coastal Zone rules and the Pinelands rules include protection of threatened and endangered species and their habitats. In recent months both state agencies have been the subject of much press coverage for the way they have handled sites with populations and critical habitat for the threatened Northern Pine Snake.

DEP received an application by Jaylin Holdings, LLC to build a Super Wal-Mart on a 43-acre parcel land that straddles the municipal border of Dover and Manchester Townships in Ocean County. The Pinelands Commission received a request from Stafford Township and The Walters group to develop the Stafford Business Park and cap the old municipal landfill located off Route 72 in Stafford Township, Ocean County. Both sites had critical habitat for local populations of Northern Pine Snakes. But the two state agencies have handled the development proposals very differently: DEP is applying its rules to protect the critical habitat in Manchester, while the Pinelands Commission approved development and complete destruction of the critical habitat at the Stafford Business Park, going so far as to authorize the relocation of more than 100 Pine Snakes to nearby artificial habitats.

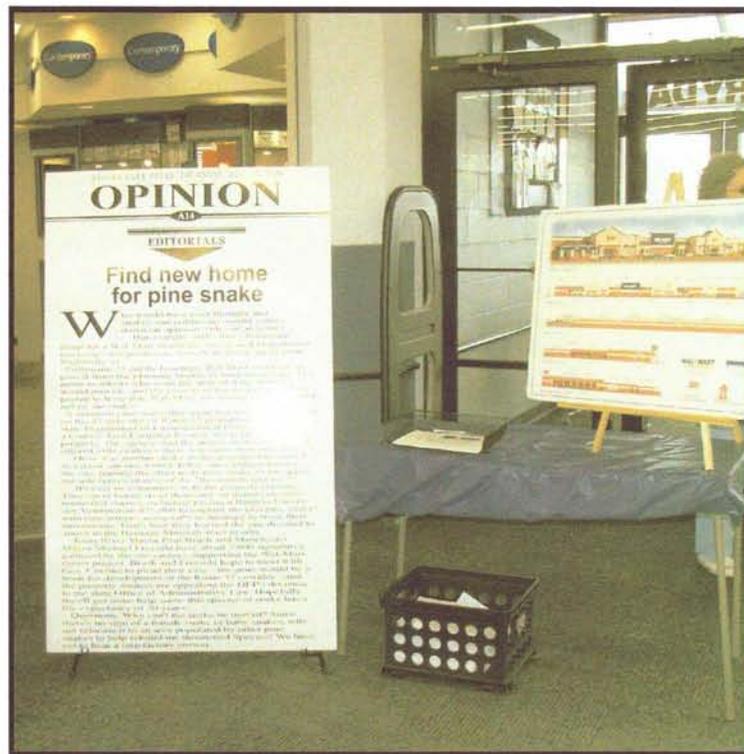
The application for the 203,091 square foot Wal-Mart store, 19,884 square foot garden center and associated parking lot did not meet eight of New Jersey's Coastal Area Facility Review Act (CAFRA) rules and regulations, with only one reason being highlighted by the press, by the Mayors of the two municipalities, Wal-Mart and the land owner Jaylin Holdings. This is the rule that protects the habitat of endangered and threatened wildlife species. The application also failed CAFRA regulations on wetlands buffers, critical wildlife habitats, impervious cover limits and vegetative cover percentages for a site, water quality, groundwater use, air quality, and traffic. DEP has refused to waive its environmental protections despite intense lob-

bying from Wal-Mart and local politicians.

In contrast, the Pinelands Commission did waive its threatened and endangered species protections for the massive Walters Group development at the Stafford Business Park site. The development will include 628,000 square feet of retail, 25,000 square feet of office space, 315 townhouses and 205 single family homes for the exchange of closing and capping the old municipal landfill on the site. By a vote of 9 to 4 the Pinelands Commission approved a "memorandum of agreement" that allows Walters Group to build on land that included habitat critical to the survival of a population of threatened Pine Snakes.

This memorandum of agreement also allowed the developer to capture and relocate over a hundred adult and newborn snakes found on the site to artificial enclosures on public land nearby. Not surprisingly, the results of that effort have not been good for the snakes, as many of the

Continued on page 2



Wal-Mart used an incorrect press editorial for its own corporate end in the display that was set up in the lobby of the Toms River, Ocean County store.

adults died before they went underground to hibernate for the winter (the fate of the newborn snakes is currently unknown.)

The Wal-Mart case is still very much alive, and local politicians in Manchester and Dover are pushing DEP hard to reverse its position, waive its regulations, and allow the snake habitat to be developed. Wal-Mart has urged its customers to call the Governor and ask him to intervene on its behalf.

After reviewing all the documents submitted to DEP for the Wal-Mart application, the Pinelands Preservation Alliance believes DEP has made the right decision in finding the project violates state coastal regulations. Those regulations state "the development of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated through an Endangered or Threatened Wildlife or Plant Species Impact Assessment that habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected." The endangered and threatened wildlife species on or adjacent to the Wal-Mart project are the endangered Corn Snake and the threatened Northern Pine snake.

Although Wal-Mart and Jaylin Holdings, LLC have stated over and over again that it "is just one snake," as shown in the picture of the Wal-Mart on the front page, this premise is wrong. Northern Pine snakes are elusive creatures, and surveyors never find all the snakes in any given area. Moreover, Wal-Mart has disclosed only some of the data its hired consultants collected. Wal-Mart consultants initially reported finding at least two snakes using the habitat and have not disclosed results of additional survey work it has had to do. According to a June letter from the DEP, Wal-Mart confirmed "pine snakes were found on the property," but "the applicant has chosen not to submit the results of the survey, in writing, to (DEP)." As of January 25, 2007, the applicant has not reported these new inventory findings.

Those supporting the "just move the snake" position may also not be taking account of the policy implications of this position. Experience, especially as we have seen with the Stafford Township and Walters Group development project, shows that rare species of plants and animals can be saved only if we protect them in the places they are living. The snakes are using these sites because they have the right soils, vegetation and food and water resources.

CALL or **WRITE** Governor Corzine at the address below

and support the position taken by DEP Commissioner Lisa Jackson!

Office of the Governor
PO Box 001
Trenton, New Jersey 08625
609-292-6000

Photo courtesy Robert Zappalorti, Herpetological Associates



Northern Pine Snake *Pituophis melanoleucus*
State Status : THREATENED
State Rank: S3 Global Rank G4T4
Length: 48-66 inches
Habitat: Dry pitch pine/oak areas.

PINELANDS COMMISSION

2007 MEETING SCHEDULE

- Friday, April 13, 2007 - 9:30 a.m.
- Friday, May 11, 2007 - 9:30 a.m.
- Friday, June 8, 2007 - 9:30 a.m.
- Friday, July 13, 2007 - 9:30 a.m.
- Friday, August 10, 2007 - 9:30 a.m.
- Friday, September 14, 2007 - 9:30 a.m.
- Friday, October 12, 2007 - 9:30 a.m.
- Friday, November 9, 2007 - 9:30 a.m.
- Friday, December 14, 2007 - 9:30 a.m.

Pinelands Commission Meetings are open to the public. For meeting location call the Commission at 609-894-7300.

Update on the Off-Road Vehicle Campaign

The popularity of off-road vehicle (ORV) recreation continues to increase conflicts between motorized recreation and low-impact recreation such as hiking, bird-watching and wildlife viewing. New Jersey leaders must act to help the public and local officials remedy these conflicts. The answer lies in off-road vehicle legislation and federal motorized trails funds availability to private entities.

Pinelands Preservation Alliance delivered a letter to Governor Corzine, DEP Commissioner Lisa Jackson and other state legislative leaders asking for their leadership in creating legislation this year. Over 60 mayors signed on to the letter requesting the establishment of a statewide plan requiring registration of all the vehicles, funding for stepped-up enforcement and public education. New Jersey's future statewide program needs to include the following six essential elements. The ORV registration fees should be calculated to accomplish these elements.

1. Require the registration and tagging of all vehicles in such a way as to readily identify the respective owners and adequate signs in appropriate areas expressing key aspects of the statewide policy, especially the prohibition of ORV traffic on any areas of state lands.

2. Better enable the use of the Federal Recreational Trails Grants program which specifically requires a mandatory 30% minimum for motorized trails and is approximately \$250,000 each year, so that strategically located ORV parks can be established (not multi-use trails throughout state land) to address the interests of the ORV recreation public. To help the off-road riding community find a place to ride, the federal motorized recreation trails money that is provided to New Jersey can be opened to private entities. A model already exists in Pennsylvania.

3. Require mandatory education for all applicants for such registration. Every sport has legal, social, and environmental contingencies, and we expect the state to apply this principle to ORV recreation.

4. Develop enforceable safety and noise standards for the vehicles.

5. Establish a fund sufficient to develop programs and hire staff to maintain strict enforcement of all laws pertaining to ORV traffic throughout the state.

6. Create a diversion program for first-time juvenile offenders, with emphasis on education.

The mayors signed on to this letter believe that the 6 elements of a state-wide plan implemented through state legislation are vital to protection of private property rights, resident safety and protection of natural resources. The state has the opportunity to take a leadership role in making this happen in 2007, and Pinelands Preservation Alliance and many New Jersey mayors look forward to working with the state.

If you are concerned about the illegal use of ORVs in your community, please contact Jaelyn Rhoads, Pinelands Preservation Alliance, at 609-859-8860 ext. 18 or jaelyn@pinelandsalliance.org.

Water Allocation Workshop

Groundwater Supply and Ecosystem Needs

Thursday, April 12, 2007

5:30 to 9:00 PM

Pinelands Preservation Alliance Office

Hosted by

Pinelands Preservation Alliance (PPA) &
Association of NJ Environmental Commissions
(ANJEC)

Presenter: Richard Bizub, Geologist &
Director for Water Programs,
Pinelands Preservation Alliance

This workshop will focus on the State's water allocation process, and how groundwater withdrawals for public water supplies and for golf courses can impact surface waters such as streams, rivers and wetlands.

A hands-on component will show workshop participants how to analyze the various NJDEP documents to determine loss of surface water flow and potential impacts to threatened and endangered species.

Who should attend: This workshop is geared toward members of watershed associations, land-trusts, environmental commissions, planning boards and interested citizens.

Registration Required: The cost is \$5 for ANJEC and/or PPA members, and \$15 for non-members. A light supper will be served from 5:45 to 6:15 PM.

To register, call PPA directly at 609-859-8860 ext. 16. For additional information contact: rich@pinelandsalliance.org. Please register early since seating is limited and printed materials will be prepared for registrants. Absolutely no walk-in registration permitted.

Location: Pinelands Preservation Alliance Office
17 Pemberton Road
Southampton, NJ 08088

We are located just off of Route 206 on Pemberton Road (right side), heading west toward Vincentown.

PLEASE SUPPORT OUR MISSION & BECOME A MEMBER

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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 Free *Pinelands Adventure*
 A PPA window sticker
 Discounts on PPA merchandise and events

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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**PROTECTING CRITICAL
HABITAT**



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