



STATE PROPOSES RIVER PROTECTIONS FOR TOMS RIVER AND OTHER SOUTH JERSEY WATERWAYS

On November 1, 2006, seven environmental groups - Pinelands Preservation Alliance, Sierra Club, Save Barnegat Bay, American Littoral Society, New Jersey Environmental Federation, NJ Audubon Society and Environment New Jersey officially petitioned the New Jersey Department of Environmental Protection (NJDEP) to grant the Toms River and its tributaries Category One (C1) protections. The petition, prepared by the Rutgers Environmental Law Clinic, highlighted the legal, scientific, and merit-based rationale for increasing protection of the Toms River in Ocean County. During April 2007, the NJDEP included most of what we requested as part of a larger statewide initiative to protect water quality of New Jersey's waterways. In addition to the Toms River, other South Jersey waters being considered by the NJDEP include portions of Oldmans Creek, Salem River, Maurice River, and Pompeston Creek.

***YOUR SUPPORT IS
NEEDED!***

The rule proposal announced by the NJDEP is the first step in designating the Toms River a Category One (C1) waterway. This designation is one of New Jersey's most protective classifications. Most streams, rivers and creeks in the area are designated as Category Two waters. Differences between the two designations are like night and day. Category Two (C2) allows water quality to be degraded. Category One (C1), however, offers much better protection since it prohibits any measurable change to existing water quality. The NJDEP has historically limited this designation to waters within state-owned properties such as wildlife management areas, parks and forests. It is also applied to some drinking water sources and trout production streams. Since South Jersey does not have any trout production streams, and since we rely primarily on groundwater instead of surface water for our drinking water supply, the NJDEP has been reluctant to give additional protection to waters in South Jersey using C1. As a result, C1 protection for Pine Barrens streams such as the Toms River is long overdue, and welcomed.

One of the key elements of C1 designation is the requirement for a 300-foot riparian buffer along designated waters. A buffer is simply a natural vegetated area adjacent to each side of the waterway that protects it from the activity of people, primarily housing construction. Buffers are important for a number of reasons since they remove pollutants from runoff, reduce soil erosion and sedimentation, reduce flooding, increase groundwater recharge, provide habitat for a wide variety of aquatic and terrestrial species, and moderate water temperatures criti-



Photo taken by R. Gogan, Jackson Twp

**Headwaters of the Dove Mill Branch in Jackson
Township, Ocean County**

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cal for the health of aquatic organisms, to name just a few benefits of buffers.

Even though PPA is pleased with the NJDEP proposal to give C1 designation to considerable portions of the Toms River, there are two segments of the river system that the environmental groups petitioned for and were not considered. These include the Union Branch in Manchester Township, and the headwaters of the Toms River in Jackson and Millstone Townships. These two waterbodies should also be given C1 designation.

The developers have launched an organized effort to oppose the new regulations since they would reduce the number of acres for their development projects. This in turn would likely reduce the number of homes that they could build. If these stronger protections are to be enacted, NJDEP needs to hear from you before July 20, 2007.

Important Facts

- If the proposed regulations are now enacted the 300 foot river buffer would limit the size of developments in significant areas of Jackson, Manchester, and Toms River (formerly Dover) Townships, and thereby help protect water quality.
- The Toms River system is the largest river draining into Barnegat Bay and supplies approximately 24 percent of the Bay's freshwater.
- The Toms River originates in Millstone Township, Monmouth County.
- The specific river and tributary segments being considered for C1 include:

Toms River (Jackson) - From Cassville Road (Route 571) south to the Pinelands boundary at the West Veterans Highway bridge (Route 528), including all tributaries entering the Toms River between these two points. This includes the tributaries associated with the Hovbilt development proposal.

Mirey Run (Jackson) - West of Pleasant Grove from the source south to the Pinelands boundary, including all tributaries. This is the area west of Cedar Swamp Road (Route 527) and north of West Veterans Highway (Route 528).

Dove Mill Branch (Jackson) - Source to Bunker Hill Lake, including all tributaries. In general, this includes all

waters that drain into Butterfly Bogs Wildlife Management Area, south to almost the Pinelands boundary. It also includes the tributary that starts in Johnson Park.

Wrangle Brook (Manchester) - Source to Green Branch and all tributaries not currently designated as C1 or PL (Pinelands).

Toms River (Toms River) - Main stem of Toms River east to the Garden State Parkway.

Oldmans Creek (Harrisonville) - Harrisonville Lake Wildlife Management Area to Kings Highway by Porches Mill including all tributaries.

Maurice River (Willow Grove) - Willow Grove Road to confluence with Green Branch.

Pompeston Creek (Riverton) - Route 130 to Broad Street Bridge, including all tributaries.

Salem River (Upper Pittsgrove and Sharptown) - Source to Slabtown Road, including all tributaries. Nichomus Run to Major Run, including both Nichomus Run, Major Run, and their tributaries.

WHAT YOU CAN DO?

Write to the NJDEP and express your support for the proposal. Let them know that you support stronger protections of our waterways. Also ask that they include the Union Branch in Manchester Township and the headwaters of the Toms River in Millstone and Jackson Townships. Be sure to send your comments to the address below before July 20, 2007. It is important that you reference the NJDEP docket number on your correspondence. The complete rule proposal can be viewed or downloaded from the NJDEP web page at <http://www.nj.gov/dep/rules/notices.html>.

Gary J Brower, Esq.
Attn. DEP Docket Number 11-07-04/557
Office of Legal Affairs
NJ Department of Environmental Protection
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Trenton, NJ 08625-0404

ATTENTION: *Off-Road Vehicle Legislation Introduced*

Assemblyman Reed Gusciora has introduced ORV legislation, **Bill A4172**, that would allow municipalities to issue higher fines and penalties for illegal off-road vehicle riding and would establish a tagging and registration program for these vehicles.

The Assembly **Bill 4172** will help New Jersey municipalities:

1. increase fines and penalties that will act as a deterrent to illegal riders;
2. catch illegal riders through the identification of their vehicle tag; and
3. fund, through registration fees, the enforcement efforts of conservation officers and local police and possibly fund natural damage restoration.

The Bill has been referred to the Assembly Transportation and Public Works Committee, but has not been placed on their committee agenda.

Supporters of this legislation need to contact the members of the committee listed below, especially Assemblyman John Wisniewski, Chair of Transportation and Public Works Committee, and ask them to

1. Place it on the agenda for their next committee meeting, and
2. Support this bill.

You can find your legislator information and send an email at <http://www.njleg.state.nj.us/members/leg-search.asp>.

For more information about this issue, please visit Pinelands Preservation Alliance website at www.pinelandsalliance.org and view other Pinelands Watch articles for off-road vehicles or contact Jaclyn Rhoads at 609-859-8860 ext. 18 or jaclyn@pinelandsalliance.org.

Members of the Assembly Transportation and Public Works Committee:

- Assemblyman John Wisniewski, Chair (Dist 19)
Phone 732-316-1885
- Assemblywoman Stender, Vice-Chair (Dist 22)
Phone 908-668-1900
- Assemblywoman Jennifer Beck (Dist 12)
Phone 732-772-1571
- Assemblyman Thomas P. Giblin (Dist 34)
Phone 973-779-3125
- Assemblyman Gordon Johnson (Dist 37)
Phone 201-541-1118
- Assemblyman Sean T. Kean (Dist 11)
Phone 732-974-0400
- Assemblyman David Mayer (Dist 18)
Phone 856-227-5900
- Assemblyman Kevin O'Toole (Dist 40)
Phone 973-696-2323
- Assemblyman Michael J. Panter (Dist 12)
Phone 732-544-2116
- Assemblyman Vincent Prieto (Dist 32)
Phone 201-770-1303
- Assemblyman Brian Rumpf (Dist 9)
Phone 609-693-6700
- Assemblyman Brian Stack (Dist 33)
Phone 201-330-3233



First Annual

State of the Pinelands Report

*This year PPA will unveil its first annual **State of the Pinelands Report**. The report will detail how the specific actions of government agencies and appointed & elected officials either helped or harmed the Pinelands during 2006. This will include, but not be limited to, the Pinelands Commission, New Jersey Department of Environmental Protection, New Jersey State Legislature, Governor, mayors, township committees, federal representatives and actions by the courts.*

The report will be released each year during the last week in June to coincide with the signing of the Pinelands Protection Act on June 28, 1979.

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- 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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