

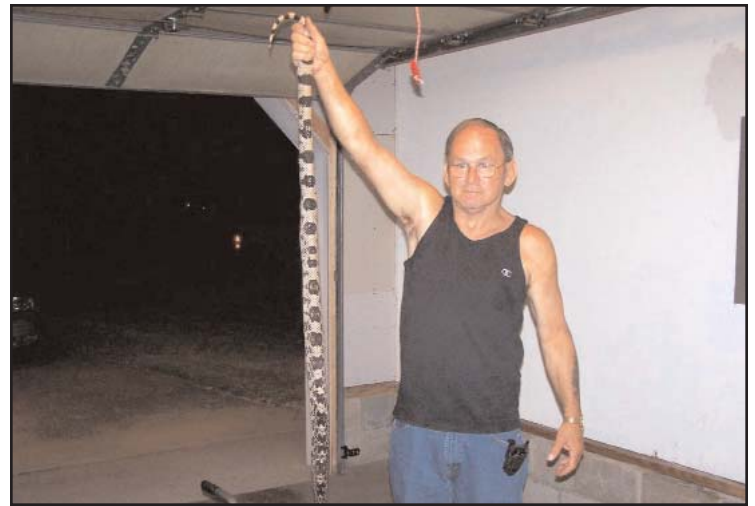


## JACKSON PLANNING BOARD DENIES APPLICATION: POSSIBLE NORTHERN PINE SNAKE HABITAT?

Last month the Jackson Township Planning Board denied the Grawtown Estates application for a preliminary major subdivision of 493 residential lots of a 300 acre piece of property on Grawtown Road, Jackson Township, Ocean County. The board denied the application by a vote of 8 to 1. Members gave two reasons for their denial: the first was road and traffic impacts surrounding the development and the second was uncertainty about the existence of threatened or endangered species on the site.

Residents along Bowman and Grawtown Roads have had three northern pine snake sightings over the last two years. These were brought to the attention of the planning board during the review of the application.

Under the Jackson Township Land Use Ordinance the planning board must make the determination whether or not the application meets section 109-71 C.(1), which



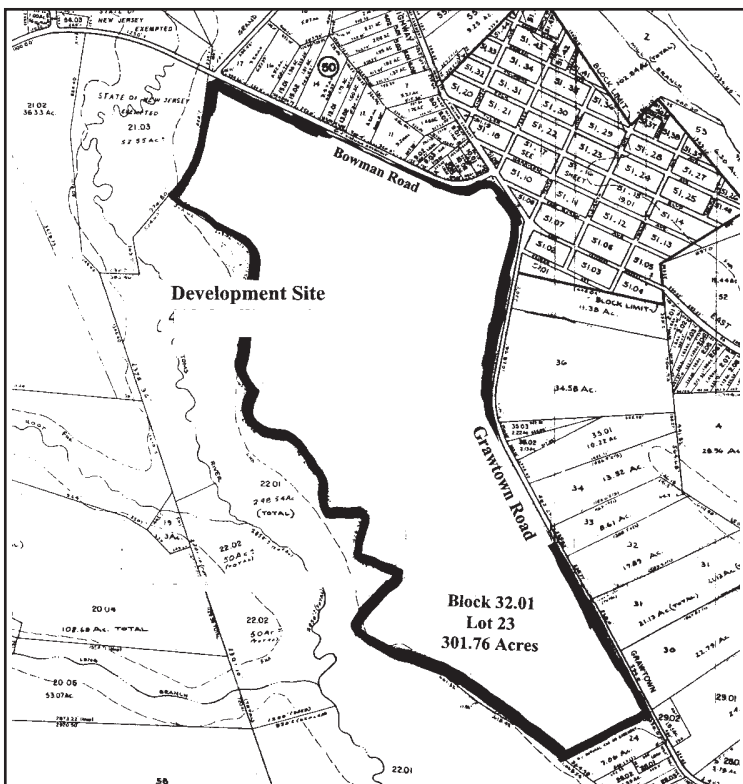
**John Yannariello, a Jackson resident, holds the northern pine snake found dead on Grawtown Road in October**

states "No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the DEP pursuant to NJSA 23:2A-1."

This provision, which is part of the Pinelands Commission's Comprehensive Management Plan (7:50-6.33), is in every municipal ordinance that covers any part of the Pinelands Area. Each municipality in the Pinelands is required to protect threatened or endangered wildlife habitat. If an applicant has not submitted studies showing the planning board members that a site does not contain critical habitat, the application should be denied.

The Grawtown Estates developer hired consultants to do threatened and endangered species surveys. The consultants reported that they did not encounter any northern pine snakes during the two years of spring and fall surveys they performed. The residents, however, have documented one live northern pine snake entering the Grawtown Estates property and two that were found dead along Grawtown Road. In each case the sightings were reported

*continued on page 2*



**The property is bordered by Grawtown Road on one side and the Toms River on the other**

to the state. The residents took photos and submitted them to the state with a completed New Jersey Division of Fish and Wildlife Threatened and Endangered Species Reporting form. (See below)

Raymond Shea, the attorney for the applicant, said the criterion is "does the property contain suitable habitat" and not whether someone has found a live or dead snake on the property. The presence of pine snakes at a Pinelands site, however, generally indicates the presence of suitable foraging, nesting or hibernation habitat there.

The Jackson Planning Board also sited road and traffic hazards in the area. Planning Board Chairman Ken Bressi indicated there have been a total of 322 accidents since 2004 on the 4 roadways surrounding the site. The

board felt the applicants proposed road improvements would not make the roadways safer.

The development is not necessarily dead. The developer may challenge the Planning Board action in court, may redesign the development to try to answer the Board's objections, or may simply do nothing for the immediate future.



## ***How Can You Help Protect Threatened & Endangered Species Habitat?***

Our state government has an official process whereby citizens may report the presence of Threatened and Endangered species. The process begins when a citizen recognizes a protected plant or animal by sight or, in the case of birds or frogs, by hearing a call distinctive of the species. It's also possible, in many cases, to recognize the presence of an animal species by finding clear evidence in the way of "sign," such as tracks.

The NJ Pinelands Comprehensive Management Plan protects a specific list of 54 plants, and in addition, all state-listed endangered plants that occur within the Pinelands National Reserve. The number of state-listed endangered plants that occur within the PNR is approximately 150. Perhaps a third of them are easily recognizable. The rest can be recognized after a little study and with the help of some reference material.

Approximately thirty-six Threatened or Endangered animal species may be encountered in the Pinelands: at least twenty-one birds, three snakes, two frogs, two turtles, two salamanders, one fish, one mammal, and four butterflies. Most of these creatures are either immediately recognizable or can be learned with a little study and field experience.

Once a citizen has recognized a protected species, he or she may fill out a Rare Species Reporting form and send it to the NJ Natural Heritage Program (NHP), or a Threatened and

Endangered Species Report form, and send it to the NJ Division of Fish and Wildlife Endangered and Nongame Species Program (ENSP). All reports of plants should go to the NHP, where Heritage staff review each report and determine its validity. Reports of animals may go to either agency, but in this case ENSP biologists make determinations.

The report forms are available from the websites of the two agencies. For the NHP form, call 609-984-0097 or go to: <http://www.state.nj.us/dep/park-sandforests/natural/heritage/repform.html>. For the ENSP report form, call 609-292-9400 or go to: [www.state.nj.us/dep/fgw/ensp/rprtform.htm](http://www.state.nj.us/dep/fgw/ensp/rprtform.htm).

Within the Pinelands Protection area a copy of the completed form can be sent to the NJ Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064.

A citizen report of a protected species should be supported by plenty of detail, photographs, if possible, and a map showing exactly where to find the site. State biologists may need to visit the site to verify the report.

Not all reports of protected species are accepted. In the case of most birds, for example, state biologists are primarily concerned with nesting habitat. But, in any case, citizen participation in documenting protected species sightings can often make the difference between new inappropriate development and a protected wildlife community.

# *Pinelands Commission Sub-Committee Meetings*

The Pinelands Protection Act is the foundation of Pinelands Preservation. The act charges the Pinelands Commission with writing and enforcing the Comprehensive Management Plan (CMP) that will control development so that the Pinelands ecosystem is preserved. The plan was first adopted in 1981. Since adoption, the 15 members that make up the New Jersey Pinelands Commission meet once a month to review municipal ordinances, development plans and other government policies for consistency to the CMP. The Commission also considers changes to the plan and studies how well the plan is working.

Additionally, like many legislative bodies, the Commission is divided into various committees, which also meet monthly. Members of the Commission typically serve on two committees. These committees meet between the regularly scheduled monthly meetings. The five committees are the Comprehensive Management Plan (CMP) Policy and Implementation, Permanent Land Protection, Personnel and Budget, Public and Governmental Programs, and Science. You can go to the Commission's web site at <http://www.state.nj.us/pinelands/about/mtnng/> to view the dates, times and minutes of these meetings.

The Public and Government Programs is the only committee that meets in the evening, which is generally the fourth Monday of the month. The Committee considers actions by federal, state and local governments that may affect the objectives and/or implementation of the Pinelands Comprehensive Management Plan (CMP).

The Committee considers memoranda of agreements (MOA), tracks and evaluates legislation that might impact the Pinelands and works on a variety of other legislative matters including development of legislation. The Committee also provides guidance on the Commission's public communications, outreach, education and interpretation functions and oversees the activities of the Pinelands Education Advisory Council.

At the October 2007 Public and Government meeting the committee discussed the MOA's that they would be considering over the next 12 months. They were: (1) Winslow Township, Inter-Basin Transfer of Wastewater, (2) Garden State Parkway Widening project, (3) Robert J. Miller Airpark expansion in Lacey and Berkeley Townships, (4) Stockton College expansion and (5) an amendment to the existing Evesham Township Arrowhaven MOA.

The one that raises the most concerns is the plan of Ocean County to enter into a Memorandum of Agreement to put a cross winds runway through threatened and endangered species habitat at Robert J. Miller Airpark. The Airpark is located in the Preservation and Forest area of Lacey and Berkeley Townships. The threatened and endangered species that have been documented on or in the immediate vicinity of the expansion project are the sickle-leaf golden aster, pine barrens tree frog, northern pine snake and the redheaded woodpecker.

The Public and Government Committee will be discussing the Robert J. Miller proposed MOA and others over the next several months. When the committee has an agreement that they would like to proceed with a public hearing is scheduled before any MOA goes to the full Pinelands Commission for a vote. Residents who wish to learn more about these projects should begin attending meetings. The schedule is below, and the rest of the 2008 schedule will be posted on the Pinelands Commission's website before the first of the year.

## Pinelands Commission Public and Government Committee Meetings

at 6:00 pm

**Monday, November 26, 2007**

**Wednesday, January 2, 2008**

Meetings are held at the  
Richard J. Sullivan Center for  
Environmental Policy and  
Education, 15C Springfield  
Road, New Lisbon, NJ

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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