



PINELANDS
PRESERVATION
ALLIANCE

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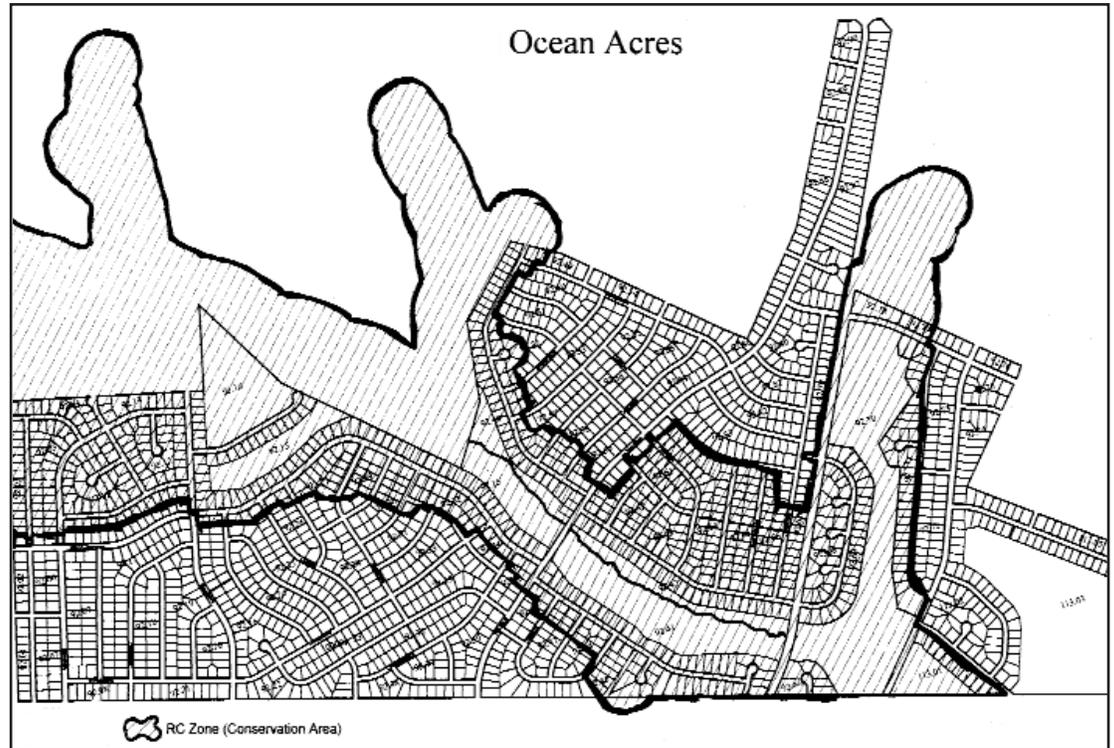
3rd Annual State of the Pinelands Report

The report details how the specific actions of government agencies and appointed & elected officials either helped or harmed the Pinelands during the previous year, including the Pinelands Commission, NJDEP, NJ State Legislature, Governor, mayors, township councils, federal representatives and action by the courts.

View report at:
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PINELANDS WATCH



Ocean Acres Conservation Zone is the area shaded with the hatch marks on the above map which was produced by the Pinelands Commission in 2004.

Developer Requests Reduction of Conservation Area

In June of 2004, Barnegat Township adopted an ordinance that created a 350 acre Residential Conservation (RC) Zone within the existing Regional Growth portion of the Ocean Acres sub-division. This conservation zone was created at the direction of the Pinelands Commission in order to protect a local population of Northern pine snakes, a protected threatened species in the Pinelands.

This new RC zone comprised approximately 730 existing subdivided undersized lots. The boundaries of the RC Zone were drawn to encompass both wetlands and wetlands buffer areas, as well as areas which constituted habitat critical to the survival of populations of threatened and endangered species.

Within the conservation zone is an area of 135 lots, consisting of 38 acres, bordered by Nautius Drive, Avalon Avenue, Mutineer

Area and Viking Drive, which the major land owner, Walters Group, is contending is not critical habitat for any local populations of threatened and endangered species. They have done a new two year study which they believe supports their position that this area should be removed from the RC zone so that it can be developed.

The Ocean Acres sub-division in Barnegat Township consists of 2,000 lots that were subdivided prior to the enactment the Pinelands Protection Act of 1979. Many of these lots are less than a 1/4 acre in size. In 2004, Ocean Acres was divided into the conservation zone (RC) and the development zone was labeled Residential High (RH). The Residential High (RH) zone has approximately 1,237 lots. Owners in the RH zone are permitted to build a single family dwelling on vacant lots of 9,000-10,000

continued on page 2

square feet, but under the 2004 ordinance they can develop lots which are less than 9,000 square feet if the owner purchases two of the RC lots and deed restricts them for open space.

When Barnegat Township passed the Ordinance for the RC and RH zoning in 2004, Walters Group objected and entered into a three-party agreement with Barnegat Township and the Pinelands Commission to allow for an additional two-year study of the 135 lot portion of the conservation zone that they believed should be made developable. This study was recently completed by EcolScience, Inc. and submitted to the Pinelands Commission. Walters Group believes the 38 acre portion should be rezoned to the RH zone.

The Pinelands Commission staff has issued a preliminary recommendation that the applicant has demonstrated that the concerned 38 acres does not constitute critical habitat for northern pine snakes and is accepting public comments on the survey conducted by the applicant. Comments can be sent until August 10, 2009 to **Jean Montgomerie, Pinelands Commission, 15 Springfield Road, P.O. Box 7, New Lisbon, NJ 08064.**

The Pinelands Preservation Alliance is opposed to any rezoning or reduction in RC lots within the Ocean Acres subdivision in Barnegat Township. Watch for updates in future issues and at our web site at www.pinelandsalliance.org.

Division of Fish and Wildlife reviewed the Ocean Acres Study

The New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program reviewed the Ecolsciences Study and stated in a letter to the Pinelands Commission the following: "The thoroughness of the two-year study aside, it seems that Walter's Homes, Inc. is hoping to benefit from the detrimental effects that their development may have had on the suitability of habitats adjacent to their development. In 2004, the Conservation Area was determined to contain an active pine snake den. If, as Ecolsciences has suggested, the construction of Nautilus Drive and the residential development directly contributed to the failure of this pine snake den it should be considered a violation of the Comprehensive Management Plan and the Endangered and Nongame Species Act and should not result in future benefits to this applicant."

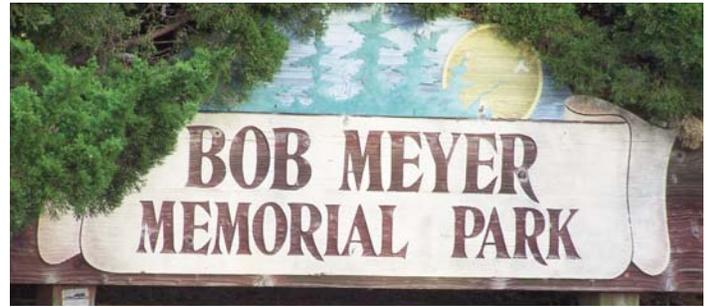
Editor: Theresa Lettman

Distributed to members of the Pinelands Watch Network and other members of the public. If you would like to receive these alerts, please contact Theresa Lettman at (609) 859-8860 Ext. 22 or theresa@pinelandsalliance.org.

Prior issues are available at: www.pinelandsalliance.org

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Medford Township diverts open space parkland



Medford Township, Burlington County has violated its agreement with the New Jersey State Green Acres program by accepting taxpayer monies for open space and allowing a private contracting business to establish a construction yard on the site.

In 2007, the Medford Township governing body leased out a portion of the Bob Meyer Memorial Park, land encumbered by Green Acres, to Mount Construction of Berlin, apparently in exchange for that business performing various projects throughout the municipality.

This use of parkland as a construction storage site is a violation of State Green Acres rules, and is considered a "diversion" of parkland.

We urge NJ Green Acres and Medford Township to resolve this issue as quickly as possible. **The public has been denied use of its public open space for two years!**



Construction site on Gravelly Hollow Road

Ethanol Plant in the Pinelands

Ethanol Plant proposed for Borough of Woodbine

There is an application pending with the Pinelands Commission for the construction of a 25 million gallon per year ethanol production facility at the site of the former municipal landfill located off of Fidler Hill Road in Woodbine. The proposal calls for excavating 12 to 15 acres of landfill in order to provide a stable area on which to build the industrial ethanol facility. This waste would be moved to another portion of the site that contains existing landfill material. The entire 47 acre landfill would then be capped.

The applicant, Garden State Ethanol, Inc., of Bordentown, NJ, estimates that the project will cost \$81.3 million. However, it is not clear whether this is just to get the ethanol plant operating, or whether this cost also includes closing the landfill.

Ethanol is a type of alcohol that is becoming more popular as an automotive fuel additive. Commercial ethanol is produced primarily from corn, but can be produced from other raw materials as well, such as algae. If corn is used, it is estimated that the facility will require a few million bushels of corn yearly. It should come as no surprise, therefore, that this site was chosen because of its access to a railroad line.

One of the challenges with industrial ethanol plants such as the one being proposed is the large volume of water needed to produce ethanol, and the wastewater that is generated from the distillation process. Our preliminary research indicates that for every gallon of ethanol manufactured, there are 10 gallons of wastewater produced. This water contains sugars, proteins, enzymes, dead yeast cells and some remaining alcohol. So this 25 million gallon per year ethanol facility could generate around 250 million gallons of wastewater. Two questions that need to be asked are: where will this 250 million gallons of water come from, and where will the 250 million gallons of wastewater be disposed of? Neither of these questions are answered in the pending application information.

Another challenge that all ethanol plants face is purely economic. The ethanol industry is very susceptible to economic conditions. Conditions for a successful ethanol operation today could be disastrous for a sustainable ethanol operation six months from now. The economic volatility of such an operation needs to be consid-

ered. For example, if the Woodbine plant were to go defunct, would the Borough get stuck with a financial liability, along with an abandoned industrial facility? In addition, it will take considerable capital to get this project just from the planning stage to actual construction. It is for this reason that Garden State Ethanol is looking for outside investors, and is active in attempting to secure state and federal grants. For example, during 2002 the NJ Department of Agriculture awarded Garden State Ethanol \$219,000 to site a plant in South Jersey. And an article in a trade magazine during 2005 indicated that they had secured both a \$1 million federal grant and a \$1.5 million low-interest loan from the state.

Garden State Ethanol is actively working the political angle as well. During 2008 they hired a Washington, DC lobbying firm to lobby both the U.S. House of Representatives and the U.S. Senate. In addition, the mayor of Woodbine has requested assistance from Congressman LoBiondo.

According to the Pinelands Commission, it appears that the proposed ethanol plant will be constructed partially within an R-1 (residential) zoning district and partially in the LIM (light industry-mining) zoning district. It also appears that the R-1 district does not allow industrial uses, such as an ethanol plant. In addition, the Commission has some concerns regarding threatened and endangered species.

At this point, PPA is still gathering information, and has not taken a position, since it is very early in the application process. As we learn more on the proposed project, we will keep you updated through the Pinelands Watch.



A typical ethanol plant

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Inside:

***Developer Requests Reduction
of Conservation Area***



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