



PINELANDS
PRESERVATION
ALLIANCE

Nov - Dec 2009
Issue 52

INSIDE:

Upcoming Pinelands
Commission meeting
dates 2

Commission concludes
Overlay area is not
Critical Habitat. . . . 3

Upcoming PPA Event

Sunday, December 6
Green Trading Post



Our Annual
Holiday Shopping
Bazaar at the
Bishop Farmstead
17 Pemberton Rd.
Southampton

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Southampton, NJ 08088
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PINELANDS WATCH



ORV use on private property in Ocean County

Stop them in their tracks – Off-Road Vehicle Bills are ready for a vote!

The illegal use of off-road vehicles (ORVs) is becoming part of nearly every discussion around environmental issues, from wetlands destruction to climate change adaptation for plants and animals. Irresponsible ORV riders cause widespread erosion, defoliation, water quality degradation, air pollution, and noise pollution; damage and destroy rare plant populations; and spread invasive species. The reality is that without the enforcement and tagging of these vehicles, all other environmental initiatives in New Jersey, from open space purchases to creating corridors for climate adaptation, will be hindered.

Two bills, A823/S2055, require mandatory registration and tagging of off-road vehicles, increase fines for riding

illegally on conservation lands, and set aside money for an off-road vehicle fund that will help to create and maintain designated parks for legal riding. The bills have been approved by the Assembly Transportation, Senate Environment, and Senate Budget and Appropriations Committees and are now ready for a final vote by the full Assembly and Senate in November.

The bills make sense fiscally and environmentally. The New Jersey Office of Legislative Services (OLS) conducted a fiscal impact analysis, which determined that “the State may expect an increase in revenue.” In addition, illegal riding on state land and private property should diminish due to increased enforcement. According

continued on page 2

to NJ DEP statistics from 2002, 343,000 acres of state parks and forests were negatively impacted by illegal off-road vehicle riding, which amounted to \$900,000 annually for state expenditures on restoration, maintenance and enforcement. For all these years, New Jersey taxpayers were paying for these costs. It is time that the users and abusers of this high-impact recreation pay such expenses.

A823/S2055 has been tied to another bill, A2796/S1059, which requires DEP to designate three sites on State-owned land where all-terrain vehicles, dirt bikes, and snowmobiles may be used. The preferred location will be on lands that are not State parks and forests, wildlife management areas, or reservoir lands. The commissioner of DEP must consider impacts to wildlife, biota, natural and forest resources, and water quality; the potential impacts to other authorized recreational activities that occur within State parks, forests, wildlife management areas, and reservoir lands; and public safety.

The Senate version of the ORV park bill (S1059) passed the Senate with an affirmative vote of 36 members to 2. Language attached to S1059 states that the law will only be enacted upon passage and enactment of the enforcement and tagging bill (S2055). This measure assures that no parks will be created until the enforcement of illegal riders can be accomplished.

PPA needs your help now more than ever. The Senate posted S2055 and S1059 in June right before the summer break, but the Assembly hesitated and, due to the fiscal impacts of the bill, an Assembly vote is needed first before a Senate vote. This is what we need you to do:

How you can help

1. Contact Assembly Majority Office Executive Director, William Caruso, (609) 292-7065 and Assembly Speaker Joseph J. Roberts Jr. (D) (856) 742-7600 or asm-roberts@njleg.org and ask them to post A823 as soon as possible.

2. Call your elected officials, especially your Assembly representatives and ask them to vote "yes" on the bill. You can find out the contact information for your elected official at <http://www.njleg.state.nj.us/members/leg-search.asp>.

3. Write a letter-to-the-editor on this issue.

For more information on this issue, please visit our redesigned website at www.pinelandsalliance.org and select "PPA at Work" then "Current Issues and Campaigns" or contact Jaclyn Rhoads at 609-859-8860 ext. 18 or jaclyn@pinelandsalliance.org.

Check out our NEW WEBSITE!

www.pinelandsalliance.org

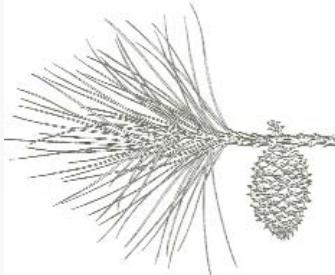
New features include:



Attractive new design / easy to navigate. Photo/information galleries of plants and animals. In-depth information on issues and campaigns. Pinelands Channel - stunning videos and photo slideshows. Things To Do - hiking, cycling, camping, canoeing, historic sites.

Bookmark our new website and share with friends!

And check out PPA on Facebook - become a fan!



Upcoming Pinelands Commission Meetings

Friday, November 13, 2009

Friday, December 11, 2009

Friday, January 15, 2010

Pinelands Commission meetings are open to the public. Agendas are posted one week prior to the meeting date at

www.nj.gov/pinelands

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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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Pinelands Commission concludes Ocean Acres Overlay area is not Critical Habitat

In October, the Pinelands Commission staff accepted the developers survey report and ruled that 135 lots, consisting of 38 acres within the Ocean Acres subdivision of Barnegat Township, Ocean County no longer constituted critical habitat for Northern Pine Snakes and is therefore developable. The July-August 2009 edition of the *Pinelands Watch* detailed the Walters Group's request to remove these 135 lots from the Residential Conservation (RC) zone to the Residential High (RH) Zone, allowing the development of single family homes on the lots. The Pinelands Commission had originally determined the area was critical habitat because at least two Pine Snakes had denned there in 2003.

The conservation zone was created at the direction of the Pinelands Commission in order to protect wetland and wetland buffer areas, as well as areas which constituted habitat critical to the survival of populations of threatened and endangered species. But when Barnegat Township passed Ordinance #2004-23 in 2004 to implement this plan, the Walters Group objected and somehow persuaded the Pinelands Commission and Barnegat Township to enter into a three-party agreement allowing Walters Group to complete an additional two-year study of the 135 lot area aimed at showing it is not critical habitat. The study was completed by EcolScience, Inc. and submitted to the Pinelands Commission in November of 2007.

In August of 2009, the Pinelands Commission staff issued a preliminary recommendation that the applicant demonstrated that the 135 lot area did not constitute critical habitat for Northern Pine Snakes and invited public comments on the developer's survey report.

The Pinelands Preservation Alliance found the developer's report seriously flawed and submitted an analysis to the Pinelands Commission prepared by Dr. Joanna Burger, Professor, Division of Life Sciences, Ecology, Evolution and Natural Resources, Rutgers University, and Dr. Emile DeVito, Director of Science and Conservation, New Jersey Conservation Foundation. PPA's submission is available for review on our website at <http://www.pinelandsalliance.org/protection/work/currentissues/oceanacres/>.

The Pinelands Commission staff rejected Drs.

Burger and DeVito's critique and accepted the conclusions of the developer's consultant. The question now is whether Barnegat Township will amend the ordinance to designate the 135 lots for development.

Barnegat Township's Ordinance #2004-23 was not just about protecting critical threatened and endangered species habitat. It was also to set up a zoning concept that would assure both the lots inside and the lots outside of the conservation zone area would retain value in fairness to all land owners in the area. It was a way to save the ecological resources and the value of all the lots in Ocean Acres. The environmental community that has been watching the Pinelands Commission believes that the Commission has failed to protect important Pinelands species habitat. We believe they have also mismanaged and undermined the zoning concept that was put in place in 2004.

It is now up to the Barnegat Township governing body to take or not take the next step to change the zoning by ordinance of the 135 lot area. PPA hopes they will do all they can to protect the zoning concept and the remaining threatened and endangered species habitat in Barnegat Township.

What can you do?

- If the governing body is going to pass an ordinance, it needs a first and second reading at a Township Committee meeting. They meet the first and third Mondays of each month, at the municipal building at 900 West Bay Ave at 6:30 pm. Please attend and voice your concerns.
- A new ordinance would need a recommendation from the Barnegat Township Planning Board. They meet the 4th Tuesday of the month at 7:30 pm at the municipal building at 900 West Bay Avenue.
- If you can't attend the meetings, write a letter to the Mayor and Township Committee at 900 West Bay Avenue, Barnegat, NJ 08005.



The Pinelands needs your help...and so do we!
Please support our mission & become a member

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Sponsor \$100

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ALL MEMBERS RECEIVE:

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A PPA window sticker

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A Sponsor will receive an *Exploring the Pine Barrens of New Jersey* map

A Patron will receive a copy of *The Pine Barrens: Up Close & Natural DVD*

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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**Stop them in their tracks – Off-Road
Vehicle Bills are ready for a vote!**



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