



PINELANDS  
PRESERVATION  
ALLIANCE

May-June 2010  
Issue 55

# PINELANDS WATCH



## Upcoming PPA Event

PPA Evening Program  
at the Bishop  
Farmstead

*Sustainable Municipalities*

Come hear how towns  
in New Jersey are  
promoting sustainable  
practices and smart  
growth designs in their  
communities.

Thursday, June 17  
7 p.m.

Please contact  
Jaclyn Rhoads at:

[jaclyn@pinelandsalliance.org](mailto:jaclyn@pinelandsalliance.org) to  
RSVP.

17 Pemberton Road  
Southampton, NJ 08088  
T – 609.859.8860  
F – 609.859.8804

Email: [ppa@pinelandsalliance.org](mailto:ppa@pinelandsalliance.org)  
Web: [www.pinelandsalliance.org](http://www.pinelandsalliance.org)

## A Bad Habit Getting Worse: Pinelands Commission Uses Memoranda of Agreement to Circumvent Pinelands Rules

The Pinelands Preservation Alliance is deeply worried about the Pinelands Commission's growing use of "intergovernmental memorandums of agreement" or "MOAs" as a means of waiving environmental protections for favored development projects and to reduce its own workload. The Commission is currently considering several new MOAs that would result in a net harm to the Pinelands, while undermining the credibility of Pinelands environmental regulations.

The Pinelands Comprehensive Management Plan (CMP) allows the Pine-

lands Commission to modify its normal requirements for public development carried out by public agencies (federal, state and local) by entering into intergovernmental MOAs. The MOA regulations state they may only be used for public development by public agencies, and they set forth measures to ensure that the level of protection of the Pinelands resources is equivalent to that which would be provided through the strict application of the normal standards of the CMP. Unfortunately, the Pinelands Commission has strayed from these requirements

*continued on page 2*

by using MOAs to promote private development for private profit and, in other cases, revising existing MOAs to allow development of land that was supposed to be protected by the original MOA in order to meet the equivalent protection rule.

The Pinelands Commission has stated that it has an “obligation to exercise this discretionary authority very carefully, and under no circumstance can consider such an agreement unless the relief sought from CMP standards is offset by other measures that will provide at least an equivalent level of protection of the Pinelands.” PPA believes the Commission has not met this obligation.

Currently, the Pinelands Commission has 79 MOAs with local, state and federal government agencies. (Local agencies include counties, municipalities, and utility authorities.) Some MOAs were written to promote specific major developments that violate one or more CMP requirements. Examples include MOAs for the Stafford Business Park development, the Atlantic City Airport expansion, Richard Stockton College, and the Cape May Utilities Authority landfill.

Many MOAs are with municipalities and allow them to conduct road improvements and developments the Commission deems “minor” without having to complete a full application with the Commission. These MOAs state that the municipalities must comply with the provisions of the CMP and give advance notice to the Commission, but the Commission leaves it to the local governments to decide whether they are complying with the CMP.

Several state agencies have also entered into MOA’s with the Pinelands Commission. The New Jersey Department of Environmental Protection (DEP) has MOAs for issues like pesticide applications, forestry projects, and wetlands protection. The New Jersey Highway Authority has an MOA to apply herbicides under certain conditions within the right-of-way of the Garden State Parkway.

Each of these types of MOAs can be abused, resulting in the loss of important natural resources of the Pinelands. Here are some specific examples.

### Stafford Business Park – Waiving Rules for Private Development

In July 2006, the Pinelands Commission approved a MOA that waived key environmental protections for a massive private, for-profit development project on what had been public land. The MOA allowed the developer to build 628,000 square feet of retail, 25,000 square feet of office space, 315 townhouses, and 205 single family homes in exchange for the developer closing and capping the old municipal landfill on the site. The development violated the CMP’s protection of critical habitats of threatened and endangered species, so the MOA, effectively authorized the

destruction of three protected plant populations and habitat that was critical to the survival of a population of threatened Northern Pine Snakes.

The MOA is written as a contract between the Pinelands Commission and Stafford Township to make it appear as if the Pinelands Commission was still following the provisions of the CMP, but the real party to the MOA was the private developer which ended up owning the land and the development. The town just used the private development as a financing tool for capping the landfill (an obligation it should have fulfilled decades earlier). There was no sense in which the development was “public” or was “carried out by a public agency” as required by the CMP.

### Stockton College of New Jersey – Ignoring Past Commitments

Richard Stockton College in Galloway Township, Atlantic County, is currently negotiating with the Pinelands Commission to revise the prior MOA between the college and the Pinelands Commission so it can expand its campus into environmentally sensitive areas that were protected under the prior agreement. When PPA quotes the provision of the prior MOA requiring the college and Commission to protect this land, the Commission staff, and even the Commissioners, simply remain stony silent. Apparently, this outright violation of their own commitments is too awkward for them to explain away.

In 1990, 500 acres of the Stockton College campus were changed from a Pinelands Rural Development Area (RDA), which permitted residential development on five acres as well as institutional uses, to a Regional Growth Area through an MOA. The Regional Growth designation allowed for greater sewer extension, a reduction in wetland buffers and a higher density of development.

In exchange for the additional allowances, Richard Stockton College agreed to deed restrict the remainder of the campus property. The Pinelands Commission’s Executive Director report dated March 23, 1990 states “It should be noted that the re-designation is part of an overall master plan for the entire 1,500 acre property which should afford a greater level of protection for the balance of the property than if the general land use standards of Rural Development Areas were followed.”

Under the MOA, Richard Stockton College agreed to pursue options to “permanently protect the 1,060 acres outside the Regional Growth area” by restricting its use to those specified in the Master Plan – uses that included teaching and excluded development. Now in 2010 they have come back to the Pinelands Commission for an expansion of the GI-Regional Growth area and permitted uses in the zone which would violate the terms of the existing MOA.



## Municipal MOAs – Forsaking Oversight Responsibilities

In an effort to reduce its workload, the Pinelands Commission is currently entering into new MOAs with municipalities allowing them to carry out a broad range of developments without Pinelands Commission review. These MOAs will allow a range of developments to proceed with no review even though recent experience shows they can cause important environmental harms. For example, PPA and residents have discovered a number of cases in which road work has destroyed or damaged rare plant populations, yet the new MOA will make it extremely difficult to prevent future breaches by eliminating Pinelands Commission review of such projects. Indeed, the MOA effectively gives blanket authorization to numerous development activities which, if conducted in the wrong places or without appropriate design measures, can harm or destroy rare plants, wildlife habitats, and water quality.

### What you can do:

- Come join PPA for a presentation on MOAs and other current issues in the Pinelands on Tuesday, July 13, 2010 at 7PM at PPA's Bishop Farmstead, 17 Pemberton Road, Southampton, NJ.
- Look for PPA announcements on MOA public hearings and attend these hearings, or send in written comments, to voice your concerns on these agreements.
- Send the enclosed letter to the editor to your local paper.



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](mailto:theresa@pinelandsalliance.org).

Prior issues are available at: [www.pinelandsalliance.org](http://www.pinelandsalliance.org)

*Printed on 30% post consumer recycled paper.*

# Get Involved!

## Attend a Pinelands Commission Meeting

Friday, May 14, 2010

Friday, June 11, 2010

Friday, July 9, 2010

Pinelands Commission meetings are held at 9:30 a.m. at the Richard J. Sullivan Center for Environmental Policy and Education, 15C Springfield Road, New Lisbon. Agendas are posted one week prior to the meeting date at [www.state.nj.us/pinelands/](http://www.state.nj.us/pinelands/)



## Check out our NEW WEBSITE!

[www.pinelandsalliance.org](http://www.pinelandsalliance.org)

### New features include:

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 us out on Facebook - become a fan!

[www.facebook.com/Pinelands](http://www.facebook.com/Pinelands)

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (Day): \_\_\_\_\_ (Evening): \_\_\_\_\_

E-Mail: \_\_\_\_\_ Referred by: \_\_\_\_\_

Check enclosed payable to PPA

Mastercard  Visa  Discover

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature of Card Holder: \_\_\_\_\_

**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 PPA window sticker  
Discounts on PPA merchandise and events and Pinelands Adventures

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



*Pinelands Preservation Alliance*

Bishop Farmstead  
17 Pemberton Road  
Southampton, NJ 08088

Address Service Requested

Nonprofit Organization  
U.S. Postage  
**PAID**  
Permit #12  
Vincentown, NJ 08088

**A Bad Habit Getting Worse:**

**Pinelands Commission Uses Memoranda of Agreement to Circumvent Pinelands Rules**



Please Recycle this newsletter! When finished give it to a friend or neighbor and encourage them to learn about PPA's mission and programs.