

April 20, 2012

Nancy Wittenberg  
N.J. Pinelands Commission  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Dear Ms. Wittenberg:

We oppose the proposed MOA between the Pinelands Commission and Ocean County regarding the Robert J. Miller Airpark, because:

**1. The proposed MOA would misuse Open Space Trust Funds as mitigation for development.**

*Because the airport expansion violates Pinelands rules, the Pinelands Commission has said Ocean County must preserve 485 additional acres of new open space to compensate for the loss of natural resources and waiving of environmental protections. The Ocean County Freeholders should raise the money to do that or make the airport users fund the required off-set. But instead of making the airport pay its own way, the Freeholders want the Pinelands Commission to count as compensation any land the Ocean County Natural Lands Trust buys for preservation in the area using the county's existing public Open Space funding - funding that voters intended would be used to promote additional recreation and open space needs, not mitigate for development projects.*

*Open Space Trust Funds aren't supposed to fund development. Ocean County voters approved their Open Space funding to increase preservation, not to finance the costs of developments that need waivers from Pinelands environmental protections. Using Open Space Trust funds as a mitigation bank for development is bad policy and a violation of the laws that authorize the Ocean County Open Space fund. If Ocean County is allowed to use Open Space funds in this case as a mitigation bank for development, then it will set a precedent, and encourage the use of public Open Space funds as mitigation for development permits around the state. Any open space trust fund could be used to subsidize development by paying for required mitigation.*

**2. The proposed MOA expands development in the Preservation Area.**

*The Preservation Area is the part of the Pinelands that is supposed to be most protected from development, setting a bad precedent that will facilitate more development in the future. This would be the first time the Pinelands Commission has used an MOA agreement with a local government to expand development in the Preservation Area. If they go forward, it will set a precedent to justify more development of the Preservation Area in the future. The Agreement violates the Pinelands Protection Act. The statute*

*protecting the Pinelands says that in the Preservation Area, the Pinelands Commission must "prohibit any construction or development which is incompatible with the preservation of this unique area ...," and it specifies that the only development to be permitted in the Preservation Area is to be "compatible agricultural, horticultural and recreational uses, including hunting, fishing and trapping ..." - not airport or runway expansions in excess of the limited amount that was grandfathered at the time the Pinelands Protection Act was passed.*

***3. The draft MOA does nothing to ensure that this is the last expansion of the airpark and its associated facilities.***

*Ocean County has received State Green Acres approval to remove the land it owns around the airport from the Green Acres Recreation and Open Space Inventory (ROSI)! This suggests that Ocean County will be back in the future, seeking further expansion of the airpark which will result in greater losses of natural resources within the preservation Area of the Pinelands.*

*We urge the Pinelands Commission to ensure that mitigation for lost natural resources, lost critical habitat, and other environmental damages associated with this airport expansion are NOT paid for by the misuse of an Open Space Trust Fund – a fund dedicated to the enhancement of natural resources and advancing public open space and recreational needs.*

*Sincerely,*

*Irene Lorenzon, President, Friends of the Wetlands  
Ocean City, NJ; [laura@njconservation.org](mailto:laura@njconservation.org)*

*David Epstein, President, The Land Conservancy of New Jersey  
19 Boonton Avenue, Boonton, NJ 07005  
Phone (973) 541-1010 x17*

*Tim Dillingham, American Littoral Society  
18 Hartshorne Drive, Suite 1, Highlands, N.J. 07732  
Phone (732)291-0055*

*Barbara R. Jones, Administrative Coordinator  
Rancocas Conservancy  
P.O. Box 2188, Vincentown, N.J. 08088  
Phone (609)859-8860 ext. 17*

*Jeffrey Jotz, Board President  
Rahway River Association  
P.O. Box 1101, Rahway, N.J. 07065*

*Sally Rubin, Executive Director  
Great Swamp Watershed Association  
P.O. Box 300, New Vernon, N.J. 07976*

*Cindy Ehrenclou, Executive Director  
Raritan Head Waters Association  
P.O. Box 273, Gladstone, N.J. 07934*

*Ella Filippone, PhD, Executive Director  
Passaic River Coalition  
330 Speedwell Ave, Morristown, N.J. 07960*

*Sally Batty, Executive Director  
A.N.J.E.C.  
P.O. Box 157, Mendham, N.J. 07945*

*Lillian B. Armstrong, Executive Director  
Citizens United to Protect the Maurice River and its Tributaries, Inc.  
PO Box 474, Millville, NJ 08332*

*Christine Nolan, Executive Director  
South Jersey Land and Water Trust  
PO Box 233, Glassboro, NJ 08028  
Phone (856) 881-2269*

*Margaret O’Gorman, Executive Director  
Conserve Wildlife Foundation  
PO Box 420, Trenton, N.J. 08625*