



PINELANDS
PRESERVATION
ALLIANCE



STATE OF THE
pinelands

AN ANNUAL REPORT BY THE PINELANDS PRESERVATION ALLIANCE
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2014



*Thank you to our
members, volunteers
and partners! Your
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small send the message
that the Pinelands are
worthy of protection.*



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Cover Photo: Hiking the Batona Trail
in Brendan Byrne State Forest,
Burlington County. Credit: PPA



**PINELANDS
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ALLIANCE**

A Letter from the Executive Director

This year marks the 35th anniversary of the Pinelands Protection Act and the 25th anniversary of the founding of the Pinelands Preservation Alliance. The Pinelands Act and all who want to see the Pinelands' hundreds of thousands acres of forest, clean water, plants and wildlife habitat survive and thrive rely on two main institutions of government: the Pinelands Commission and the governor of the day.

The Pinelands Commission is essential because it has the power to implement, improve, ignore or weaken the Pinelands Comprehensive Management Plan (CMP) – and the CMP is our vision and blueprint for saving forests and farms from sprawling development. The governor is essential because he or she has the power to veto actions of the Commission, nominates seven of the Commission's fifteen members, and controls the Commission's budget.

The past year has shown just how vulnerable the Pinelands is to a lack of support and will on the part of these key players. We discuss the South Jersey Gas pipeline issue at length in this report because the way this issue has unfolded shows these vulnerabilities in a stark light.

The good news was that the Pinelands Commission did not approve the special deal that was presented to it, with the governor's support, to authorize the pipeline in direct violation of the Pinelands CMP. But the Commission vote was seven-to-seven, evenly split. That is a cause for profound concern, because this should have been an easy decision and an overwhelming vote to reject that deal. The CMP is not ambiguous in barring this kind of new infrastructure in the Pinelands Forest Area, and, even if one believes this pipeline is somehow essential, there are alternative routes that are perfectly consistent with the CMP.

The current governor has not made environmental protection a priority and has shown an unprecedented willingness to use the power of his office to override the statutory independence of the Pinelands Commission – again showing the vulnerability of the Pinelands protection effort to the unpredictable winds of state politics. After the Commission voted not to approve the pipeline deal, the governor quickly submitted two nominations to replace sitting members of the Pinelands Commission who had voted "no" to the deal. The nominations, which are still pending before the state Senate for confirmation, are an effort to pack the Commission with enough votes to get the pipeline approved when South Jersey Gas comes back for a second bite at the apple. One of the Commissioners the governor seeks to replace was a strong supporter whom the governor had put on the Commission two years earlier.

Since the release of our last State of the Pinelands report in October 2013, the Pinelands Commission has been prevented from taking positive actions to address some key long-term problems, such as over-pumping of the aquifer and abuse of conservation lands. The causes for this lack of action are the devotion of great time and energy to the pipeline issue and pressure from Trenton to refrain from any other actions that could be controversial. The Plan Review process, a key initiative of the Commission that started in July 2012, has only recently resulted in the release of a progress report on CMP implementation. Despite some excellent suggestions by Commission staff it is unclear when any action will be taken by the Commission. The Commission has never been shy in letting the public know what it has accomplished, typically releasing two newsletters per year highlighting its accomplishments. It has now been 18 months since the Commission produced a newsletter. In 2009, the Commission issued 21 press releases. These releases have steadily declined every year since then to just two for 2014.

South Jersey Gas has stated in multiple forums that it intends to get that pipeline built, which suggests it will come back to the Pinelands Commission for a second vote if the Commission is remade to support the deal. The past year has given us reason to hope the Commission will withstand this assault on the integrity of the Commission itself and the CMP. But it has also given us reason to fear it may not.

About this Report

The idea for an annual *State of the Pinelands* report was not spontaneous. It arose from the growing frustration of well-respected author and naturalist Howard Boyd. Howard, a PPA trustee, felt strongly that the public was getting an overly rosy picture of the activities of the Pinelands Commission, and that damaging actions taken by the Commission were going unnoticed. Howard's concerns were addressed by PPA in 2007 with the release of our first *State of the Pinelands* report.

Accordingly, PPA annually holds a lens to specific actions of government agencies that have either helped or harmed the Pinelands during the previous year. Since the fate of the Pinelands ultimately rests with the decisions of elected officials and government agencies, the greater purpose of this critique is to increase the transparency of government decision-making and foster public involvement in protecting the Pinelands. The report is therefore non-political. The report also provides an opportunity to acknowledge those individuals and organizations that have contributed extra effort to help maintain the special qualities of the New Jersey Pine Barrens.

This year's *State of the Pinelands* report, our eighth, highlights the actions of individuals and agencies at all levels of government. These include the Pinelands Commission, New Jersey Department of Environmental Protection (DEP), New Jersey State Legislature, Governor, New Jersey Court System, United States Department of Justice and local governing bodies and other federal agencies.

Six criteria were used to guide our assessment, specifically whether an action:

1. upholds the integrity of the Comprehensive Management Plan (CMP);
2. protects native habitats, for plants and wildlife;
3. safeguards the quality of Pinelands water in aquifers and surface waters;
4. insures the integrity of the water supply for both people and the ecosystem;
5. enhances the cultural and historic resources of the area; and
6. advances education about the Pinelands.



Pinelands Preservation Alliance Offices, Southampton NJ
Credit: Ernest Cozens

Where a government agency followed their rules and took appropriate action we gave the agency a *thumbs up*. In cases where the agency drifted from their regulatory mandate and took an action that in our opinion was detrimental we gave the agency a *thumbs down*. There are situations in which it is too early to tell what will happen on an important issue. We note those in the section Important: Your Action is Needed. **These are the issues where your voice is needed to bring about a positive outcome.**

This report is representative of the scope of environmental policy issues that affect the Pinelands and occupy the efforts of the Pinelands Preservation Alliance. It is not an audit but a sampling of policy issues. It is our hope that our yearly *State of the Pinelands Report* will raise public awareness and help citizens to become more active in protecting this special place today and for future generations.

Issues Spotlight

South Jersey Gas Pipeline

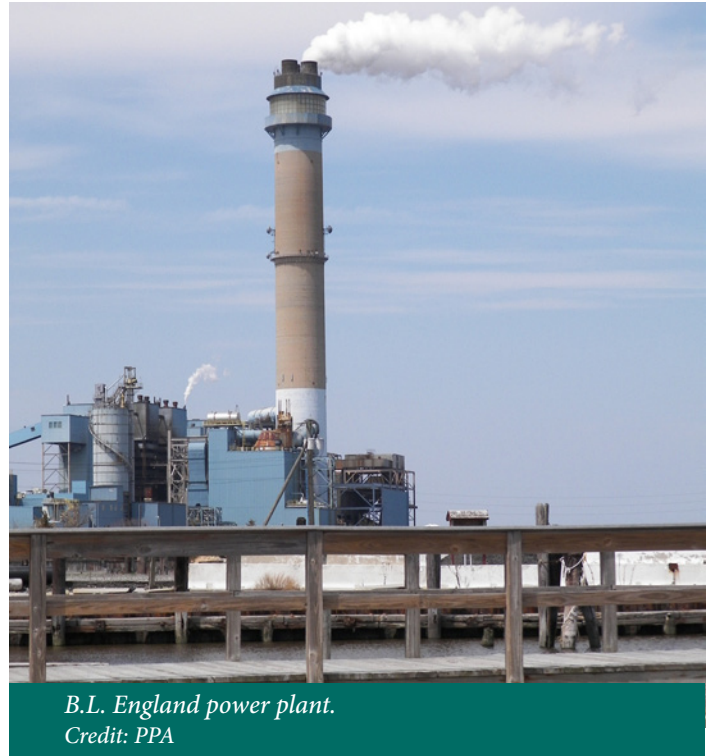
“... staff determined that the proposed pipeline development was not consistent with the Forest Area land use standards (Subchapter 5) of the Pinelands CMP.”

--- Pinelands Commission Executive Director

This statement comes from the Pinelands Commission Executive Director’s report of January 3, 2014, acknowledging that the proposed natural gas pipeline would violate the Commission’s own rules because the intended pipeline route runs through the Forest Management Area. Nevertheless, the report recommended the Commission approve the pipeline along that route through a special waiver mechanism called an “intergovernmental memorandum of agreement” or “MOA.” That recommendation forced the Pinelands Commissioners to choose between the integrity of the Pinelands Comprehensive Management Plan (CMP) and the ambitions of South Jersey Gas to build the pipeline along a route clearly forbidden by the CMP. In an evenly-split vote, the Commission opted to defend the integrity of the CMP and protect the Pinelands.

The struggle over this pipeline has become one of the most high-profile conflicts to arise in the Pinelands over the last decade – and it is still very much alive today. Because this controversy is so important to the future of the Pinelands, because maneuvers are afoot to override the Commission’s January 2014 vote, and because South Jersey Gas says it will come back sometime soon to get the pipeline built, we think the issue calls for a detailed discussion in this report.

South Jersey Gas, a private for-profit corporation, seeks to build a natural gas pipeline to the B.L. England power plant on the shores of Great Egg Harbor in northern Cape May County. The plant is built to burn coal and oil, and had been ordered to shut down if it did not convert to natural gas. For reasons that are still very murky, South Jersey Gas and the senior staff of the Pinelands Commission



*B.L. England power plant.
Credit: PPA*

agreed to ask the Commission to disregard the CMP’s prohibition on using the Forest Area as a transit route for such a pipeline, rather than build the pipeline along a route that raised no such legal obstacles. In doing so, they challenged the integrity of the Pinelands CMP and tested the will of the Pinelands Commission to implement its long-standing rules.

Fortunately, the public spoke out strongly and the Pinelands Commission rose to the challenge, defeating the proposal by an evenly-split seven to seven vote, with one forced abstention.

There were at least three specific issues raised, debated and cited by Commissioners to explain their various votes for and against the deal. South Jersey Gas sought special dispensation from the CMP through an intergovernmental memorandum of agreement (MOA). The MOA is a process built into the CMP for “public development” by which the Commission can allow public agencies (like school districts or the state of New Jersey) to “carry out” development that does not meet the strict requirements of the CMP, so long as the project as a whole provides “equivalent protection” of Pinelands resources as compared with following the rules – a standard so malleable it has become entirely meaningless.

One only has to describe this MOA process to make clear how nebulous and open to abuse it is in practice. But in one respect it is not nebulous at all: It is only available for public development carried out by a public agency. So the first basic issue was the fact that this pipeline would be built, owned and operated by a private corporation for private profit. Several Commissioners pointed out that it was simply not the kind of development for which the Commission can give a waiver through an intergovernmental MOA.

South Jersey Gas conceded it can get gas to the power plant by routes that do not violate the CMP, so there was also discussion of whether the waiver was even needed, much less justified. The company argued that its proposed Forest Area route would bring additional benefits beyond the power plant connection by providing a second, redundant gas transmission line for its Cape May County customers, in addition to an existing line. But the company never explained how alternative routes could not also provide such redundancy, which a look at the regional gas transmission line network appears to show it can provide (both the Forest Area route and the alternative routes would come out of the same preexisting transmission line). Some Commissioners did not believe the waiver was needed to serve the key stated purpose of the line – to bring gas to the power plant – or for any other stated purpose.

Finally, some Commissioners pointed out that their legal duty is to implement the CMP, not to help South Jersey Gas meet its objectives in disregard of the CMP. The rule protecting the Forest Area has been in existence for 34 years. It was well-known to South Jersey Gas, since the company had once before attempted – unsuccessfully – to build a pipeline in violation of these exact same protections. It is reasonable, therefore, to place responsibility for planning its pipelines in conformity with the CMP squarely on the shoulders of South Jersey Gas.

There are many pieces to the pipeline proposal process as it has unfolded. Some key pieces are:

Pinelands Commission Vote

The request by South Jersey Gas to deviate from fundamental requirements of the CMP through an intergovernmental

MOA fell short of the necessary eight affirmative votes for approval. As the Commissioners who voted against the proposal rightly pointed out, their first and only obligation as members of the Pinelands Commission is to maintain the integrity of the CMP. *The Commission vote was 7 to 7.*

Voting for: Avery, Brown, Earlen, Galletta, McGlinchey, Quinn, Witt. **Voting Against:** Ashmun, DiBello, Ficaglia, Jackson, Prickett, Rohan Green, Lohbauer.

Forced to Abstain: Lloyd.

Four Governors Support the Pinelands CMP

In an unprecedented show of bipartisan concern for the Pinelands, former governors Brendan Byrne, Tom Kean, Jim Florio and Christie Whitman submitted a joint letter to the Commission opposing the proposed intergovernmental MOA because, “The current proposal would compromise the integrity of the Pinelands Plan and serve to encourage future development contrary to the vision the Plan sets out for growth and conservation in the Pinelands.”

Citizens Made the Difference

The Commission vote would not have gone the way it did if not for so many members of the public learning about the issue and expressing their support for the Pinelands. More than 20,000 people spoke out against the pipeline proposal at meetings, through letters and emails, and in petitions. In addition, editorials and letters to the editor opposing the pipeline deal appeared in numerous newspapers, raising



Citizens protest pipeline project outside Pinelands Commission offices. Credit: PPA

awareness and strengthening the case against the MOA. Many environmental groups devoted great efforts to getting the word out, thereby helping citizens make their voices heard. As a result, the story was covered all over the country.

Important: Your Action is Needed

Pinelands Commission Appointments

As noted previously, Governor Christie is seeking to replace two of the Pinelands Commissioners, Robert Jackson and D'Arcy Rohan Green, who voted to defend the integrity of the Pinelands by voting against the South Jersey Gas pipeline MOA. If these Commissioners are replaced, South Jersey Gas may have the votes needed to approve a pipeline deal. On October 16th, the Senate Judiciary Committee interviewed Dennis Roohr of Burlington County and Robert S. Barr of Cape May County but adjourned without taking any action. As of the publication of this report we are uncertain if they will be approved by the Committee and confirmed by the full State Senate.

Action Needed: The public can make a difference and stop these nominees from becoming Pinelands Commissioners. Tell your Senator that we expect them to defend the integrity of the Pinelands Commission by blocking the nominations of Dennis Roohr and Robert Barr. Tell your Senator to only support candidates that will protect the Pinelands.

Contact information for your Senator can be found at - www.njleg.state.nj.us/members/legsearch.asp and updates on the appointment process are available at www.pinelandsalliance.org.

Governor

Expectations: Ideally, the governor will lead by example, supporting and proposing statewide initiatives that have a positive impact on the Pinelands and its environs. It is imperative that the governor appoint people to the Pinelands Commission who believe in the bedrock environmental mission of the Pinelands. The governor should not use his authority and power to bypass Pinelands protections or make exceptions for special interests.



Veto of Commission Minutes

In an unprecedented move, the governor vetoed the minutes of the March 2014 Pinelands Commission meeting, thereby nullifying any action taken at that meeting. No governor had done this before. In this case, the governor vetoed the minutes because Commissioners approved setting aside funds for a 5% raise for the staff of the Commission, because the staff had not received meaningful raises in several years and had fallen far behind their counterparts at other state agencies. We believe the veto was also motivated by a desire to punish the Commission after its vote on the pipeline MOA – but that is speculation!



Open Space Funding

Despite a campaign commitment to institute stable funding for open space, the governor has chosen to not take any positive action on this absolutely vital issue. He has failed to propose or endorse any plan to revive open space funding.

Pinelands Commission

Expectations: A Commission whose members, although of diverse viewpoints, have a shared commitment to the purposes of the Pinelands Comprehensive Management Plan (CMP), the courage to debate tough issues at meetings, and a respect for public process. This means being prepared to engage in discussion on agenda items, asking pointed and relevant questions of Commission staff, and always voting to protect the Pinelands' unique natural resources.

By statute, the Pinelands Commission has fifteen commissioners who make up the governing body of the agency: seven appointed by the Governor; one appointed by each of the seven Pinelands counties; and one person appointed by the U.S. Secretary of the Interior. The gubernatorial appointees are subject to the review and consent of the New Jersey Senate. Members of the Commission serve staggered three-year terms.

The commissioners have final say with regards to all activities regulated by the (CMP) and, through the Executive Director, guide a staff of approximately 40 people.

The Commission today consists of the following fifteen members: **U.S. Secretary of the Interior's Appointee:** Joseph DiBello. **Gubernatorial Appointees:** Mark Lohbauer (Chair), Candace Ashmun, D'Arcy Rohan Green, Robert Jackson, Edward Lloyd, Richard Prickett, and Gary Quinn. **County Appointees:** Paul Galletta (Atlantic), Edward McGlinchey (Camden), William Brown (Cape May), Jane Jannarone (Cumberland), Francis Witt (Gloucester), Alan Avery, Jr. (Ocean), and Sean Earlen (Burlington).



Plug Pulled on Electronic Billboards

Monroe's governing body passed new land use regulations that would have allowed electronic billboards to be placed in Regional Growth, Rural Development and Forest Management Areas of this Gloucester County township. Faced for the first time with the prospect of large electronic billboards in the more environmentally sensitive management areas of the Pinelands, the Commission conditionally certified Monroe Township's new ordinance requiring them to remove the Rural Development and Forest Areas. This conditional certification permits electronic signs to be placed only in the Regional Growth Area.



Education Programs

This is still a reliable thumbs-up for the Pinelands Commission. Since its inception, the Pinelands Short Course has provided a wonderful opportunity for people to learn more about the unique natural, historic and cultural aspects of the Pine Barrens. The 2014 short course held at Richard Stockton College in Atlantic College featured 18 new presentations and it remains a great way to learn more about the Pinelands. In addition, the Commission's science staff continues to hold seminars where experts from Dartmouth College, Hofstra University, U.S. Geologic Survey, Drexel University, and Rutgers University have discussed their research on rare plants and animals, water quality issues, ecological processes and more. These seminars are open to the public.

New Jersey Department of Environmental Protection

Expectations: *The DEP is responsible for protecting the state's environmental resources. It does this by developing and enforcing regulations that protect water quality, threatened and endangered species, and air quality; by overseeing state parks and wildlife management areas; by ensuring that there is enough water for both people and environmental needs; and by setting standards for contaminated site cleanup. Since there is significant overlap with Pinelands regulations, it is imperative that the DEP develops programs and enforces rules that are protective of the Pinelands.*



Water Supply Plan in Limbo

With some of the state's largest drinking water treatment plants damaged by Super Storm Sandy, the Administration continues to block the release of an updated Statewide Water Supply Plan. The "current" Plan is eighteen years old, although five-year updates are mandated by law. Without a plan there is no focus to the \$8 billion the U.S. Environmental Protection Agency has estimated is needed over the next 20 years for drinking water improvements. The purpose of the Plan is to improve water supply capacity, investigate the status of major aquifers, and plan for future water supply needs. The draft plan was completed by the DEP years ago, but is being held up for political – not scientific – reasons.

Thank You

The Pinelands Preservation Alliance does not accept government or taxpayer funding of any kind to advocate for protecting the Pinelands. PPA's work is funded entirely by foundations and private donations from concerned citizens just like you. Thank You!



Crackdown on Illegal Dumping

The DEP, with the support of the State Police and Attorney General's Office, has launched a crackdown on illegal dumping in state parks and natural lands. Nearly all of the state's more than 170 publicly owned parks, forests, wildlife management areas, natural lands and preserves have been impacted by illegal dumping. These lands account for 813,000 acres throughout the state, with the largest tracts being in the Pinelands.



An example of dumping in the Pinelands.
Credit: PPA



No Help for Barnegat Bay

The DEP has shown little will to take on the real problems causing Barnegat Bay's steep ecological decline – namely continued conversion of forests into housing subdivisions, big box developments and strip malls in the Bay's watershed. The state has taken no action to formally recognize and address the excessive nutrients at the core of the Bay's problems or to institute a Special Area Management Plan (SAMP) for the watershed, as promised in the governor's 2010 10-Point Barnegat Bay Restoration agenda.

New Jersey Court System

Expectations: *The judicial system is the branch of government responsible for interpretation and application of the law. This includes environmental laws and the Pinelands Protection Act as well. Laws are implemented through regulations. Environmental laws and regulations are routinely a source of controversy, the root causes typically being the interpretation of their necessity, fairness or cost. The long-term integrity of the Pinelands and its resources depends on the strict interpretation of its laws and regulations. The judiciary should uphold the spirit and the letter of the law.*



Wal-Mart Decision

The Appellate Division of New Jersey Superior Court issued a potentially devastating blow to the protection of rare species in New Jersey, and to the idea that courts and state agencies should respect science in making decisions about irreplaceable natural resources. In a case that arose from the Department of Environmental Protection's attempt to approve a giant Walmart store in Toms River and Manchester Township, the court approved the use of off-site mitigation (improving habitat elsewhere) in exchange for destroying proven, on-site threatened and endangered species habitat in the state's coastal planning zone of the Pinelands National Reserve. And it did so despite clear provisions of the coastal land use regulations protecting rare species habitat on proposed building sites and a complete lack of scientific justification for the idea that manipulating forest miles away is equivalent to protecting the on-site habitat where wildlife actually lives. PPA and other organizations have asked the state Supreme Court to reverse this terrible decision, and its consequences for the Pinelands and Highlands rare species protection rules remain to be seen.

Other State Agencies

Expectations: *The actions of state agencies other than DEP also impact the Pinelands. For example, the Department of Transportation oversees highway expansions and mowing practices on state highways in the Pinelands that can affect*

roadside native plants, and the Board of Public Utilities acts on applications for utility infrastructure incursions proposed through sensitive Pinelands areas. All state agencies should conduct their reviews and activities in a manner consistent with the Pinelands Comprehensive Management Plan.

NJ Department of Agriculture

Special Soil Erosion Control Standards

The NJ State Soil Conservation Committee, charged with reviewing and enforcing soil erosion control management practices, adopted a new set of soil erosion control standards that apply specifically to the Pinelands National Reserve. These new standards allow for disturbed sites in the Pinelands, such as along road shoulders and rights-of-way, to be seeded with native Pinelands vegetation or be prepared for natural regeneration of Pinelands vegetation. The new standards also prohibit alteration of the pH level and organic matter content of the on-site soils. This will help preserve native Pinelands plant communities and is a welcome change over the previous regulations which called for seeding non-native vegetation and turf grass on these sites.

State Legislature

Expectations: *The principle function of the State Legislature is to enact laws for the benefit and protection of New Jersey. At a minimum, legislators should not sponsor bills that undermine the intent of the CMP, and at best will sponsor legislation that actually protects and enhances environmental richness and diversity in New Jersey and the Pinelands.*

Open Space Ballot Question

The Senate voted 36 to 1 (with 3 not voting), and the Assembly voted 58 to 9 (with 3 not voting) in favor of a measure that allowed voters this past November to decide on funding for preserving parks, open space, farmland, historic sites and flood-prone lands. Special thanks to Assemblyman John McKeon for sponsoring

the legislation, and to Assembly Speaker Vincent Prieto for posting it for a vote. Also to Senators Bob Smith and Kip Bateman for their leadership in getting this funding measure passed in the Senate.

Prescribed Burn Legislation

Fires are integral to Pinelands ecology and fire management is a critical component of biodiversity maintenance in the Pinelands. The state Assembly approved bill A-1275 that would authorize prescribed burning in certain circumstances. The bill would create a program for certifying individuals, and give greater flexibility to conduct prescribed burns of forested lands. A special thanks to Assemblymen Dancer, Conaway, Jr. and Assemblywoman Caride for sponsoring the legislation.



*Prescribed burn at Double Trouble State Park, Ocean County.
Credit: PPA*

Federal Government

Expectations: In 1978 Congress created the Pinelands National Reserve, the country's first Reserve. As provided in the federal law, Governor Brendan T. Byrne established the Pinelands Commission, and a Comprehensive Management Plan (CMP) was prepared and approved by U.S. Secretary of the Interior Cecil D. Andrus on January 16, 1981. The federal government's primary roles in the Pinelands protection effort are to provide a representative on the Commission, to finance public land acquisition and to monitor the implementation of the CMP. At a minimum the federal government should enforce federal environmental laws, vote responsibly on actions before the Commission, support the CMP, and provide the necessary funding for land acquisition through the Land and Water Conservation Fund (LWCF).

U.S. Department of Justice

Punishment for Shooting Down Hawks

A Somers Point man has pleaded guilty to shooting down hawks from his backyard. He could face up to three years in prison and \$90,000 in fines when sentenced in December. Among the birds killed were red-tailed hawks, sharp-shinned hawks, Cooper's hawks, and red-shouldered hawks, which the state considers endangered. All of the birds are protected under the federal Migratory Bird Treaty Act enacted in 1918.



Red-tailed hawk.
Credit: PPA

Local Government

Expectations: There are 56 municipalities that are entirely or partly within the Pinelands National Reserve. The Pinelands Protection Act envisioned that local governments would be primarily responsible for implementing the CMP. While some things are mandatory such as density requirements, municipalities were given flexibility with implementation of resource management goals of the CMP as they revise their land use regulations. PPA therefore expects municipalities to propose ordinances and master plans consistent with the conservation goals of the CMP.

Hammonton Township Water Conservation

In an effort to reduce the amount of water that residents use, the Township has instituted a water conservation credit/rebate program. The program will give residents a credit on their water bill for purchasing and installing water saving devices and appliances. For people that have their own wells a rebate up to \$100 can be obtained. The town received a \$10,000 grant from Sustainable Jersey to start the program however, long-term funding still needs to be established. Although there are similar programs in other states, this is the first of its kind in New Jersey.

Manchester Wants Massive Development at Heritage Minerals Site

Hovsons Inc., owns approximately 4,000 acres in the Pinelands National Reserve area of Manchester Township, Ocean County, a site locally known as the Heritage Minerals mining site. During the late 1990's DEP denied multiple development applications, which spurred legal action by Hovsons. In 2004 a settlement agreement was reached after many years of litigation to allow approximately 1,000 acres of mined land to be developed, while placing conservation restrictions on the remaining 3,000 forested acres.

Despite the legal agreement, this year the Manchester Township Council designated the entire 4,000 acres as "an area in need of redevelopment." The intent seems to be to jam as many homes as possible onto this large tract of land, and to comply with the New Jersey Council on

Affordable Housing rules. Ironically, this was the mindset in the 1980's when over 15,000 housing units were proposed on the site. PPA believes that the settlement agreement that resulted from years of legal action has set the upper limit of development potential, not the town's desire to build out every square inch of the site.

Monroe Open Space Development Proposal

In 2013 Monroe Township submitted an application to the state Green Acres program requesting permission to use some of its preserved recreational open space land for the development of a maintenance and office facility. Under Green Acres rules this is called a "diversion." There are two fundamental problems. First and foremost, this would cause a net loss of open space for the township because the town is offering preserved farmland it already owns as "compensation." The second problem is that the replacement land would be very difficult for residents to use because it is located a great distance from residential neighborhoods. So in the end, the residents will lose open space.

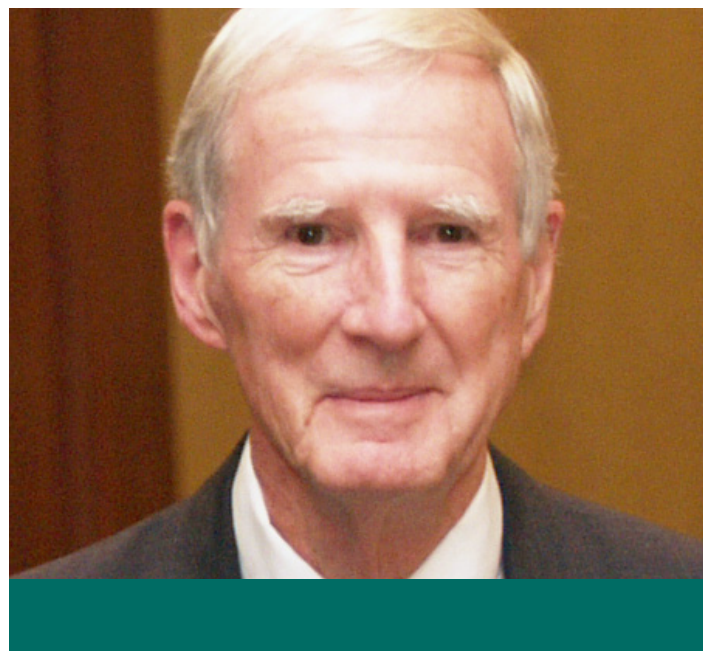
Stafford Open Space Development Proposal

This open space giveaway goes back to 2010 when the Pinelands Commission reneged on its 2006 requirement – as part of the deal that allowed development of rare species habitats at the Stafford Park site – to protect most of a closed landfill cover as open space "in perpetuity." The Commission essentially redefined "in perpetuity" to mean only four years! Even though the landfill cover area has functioned beautifully to attract rare grassland birds, Stafford Township wants to build a solar panel complex on this "open space." When Green Acres approved this "diversion" of open space, the NJ Conservation Foundation, NJ Environmental Lobby and PPA filed an appeal claiming the diversion was illegal. Amazingly, the Attorney General agreed, and asked the court to send the matter back to DEP for reconsideration. DEP eventually asked Stafford to redo its application, and that second diversion application is still pending many months later with the Green Acres program. So the future of threatened and endangered birds and their critical breeding and foraging habitat is undecided.

Individuals Who Have Made A Difference

Richard Sullivan (1927-2013)

This past December the State lost one of its true environmental leaders with the passing of Richard J. Sullivan. In 1970 on the first Earth Day, legislation sponsored by Assemblyman Thomas H. Kean was signed into law creating the New Jersey Department of Environmental Protection (NJDEP). As former Governor Kean recalled, "The key to the NJDEP's success and acceptance was finding the right person to lead it. And the best choice was Richard Sullivan, the administrator of water pollution and air pollution programs in the Department of Health at the time of his appointment." Richard became the NJDEP's first commissioner and held that position for four years. After a 25-year career in government, Richard moved on to serve on the faculty of Princeton University and Stevens Institute. He also served on numerous boards and commissions, including as chairman of the Pinelands Commission and president of the Fund for New Jersey. In 2001 the Pinelands Commission dedicated the Richard J. Sullivan Center for Environmental Policy and Education. Richard was a Pinelands Preservation Alliance trustee and served on its board until the day he died. PPA was privileged to honor Richard in 2010 by inducting him into the Pine Barrens Hall of Fame.



Credit: PPA

Leslie Ficcaglia

Leslie Ficcaglia who has served as Cumberland County's representative on the Pinelands Commission for the past 18 years was replaced this year by the Cumberland County Freeholder Board. She was one of seven Pinelands Commissioners to vote against the South Jersey Gas Pipeline which would run in part through Cumberland County. She was a friend of the Pinelands and voted accordingly. Leslie served on the Maurice River Township Planning Board for almost twenty years, including seven as Chair. She is currently a trustee of the Citizens United to Protect the Maurice River and its Tributaries. Leslie will be missed on the Commission.

Credit: PPA



Pine Barrens Hall of Fame

On October 25, 2014 over 100 people gathered at Duke Farms in Hillsborough to honor the 2014 Pine Barrens Hall of Fame inductees, **David Moore** and **Michael Catania**. The Hall of Fame, established by PPA in 2004, recognizes those individuals who through their dedication and hard work have made a lasting contribution to the Pinelands. Dave Moore is a visionary and a pioneer in the effort to protect land in New Jersey. He has helped create organizations like New Jersey Future, the Association of New Jersey Environmental Commissions, the Highlands Coalition and the Pinelands Preservation Alliance. He served as Director of the New Jersey Conservation Foundation (NJCF) from 1969 to 1999. During his tenure over 77,000 acres were preserved as public open space. Dave has chaired the board of the Pinelands Preservation Alliance since 2000. Michael Catania has been involved in the preservation, restoration or stewardship of more than 65,500 acres throughout the Garden State. He began his career as an attorney with the Office of Legislative Services where he drafted many of New Jersey's conservation and environmental laws including the Pinelands Protection Act. As state director of The Nature Conservancy in New Jersey, he was instrumental in the protection of thousands of acres in the Pinelands National Reserve. Michael currently serves as executive director of Duke Farms in Hillsborough, NJ.

Non-Governmental Organizations



Galloway Unitarian Congregation

The congregation is working on becoming certified under the Water Shield Program of GreenFaith. GreenFaith is an international environmental organization based in New Jersey. The Water Shield is a designation that a house of worship has completed a number of steps - educational, liturgical, and practical - to conserve water at its site, improve water quality on their grounds, and encourage its members to do the same at home.

The New Jersey Pinelands

The New Jersey Pinelands is home to the most extensive surviving forest on the Eastern Seaboard between Maine and Florida. The Pinelands is a region of 1.1 million acres defined by federal and state legislation enacted to protect the unique ecological values of the Pine Barrens ecosystem by controlling development on a regional basis. The Pinelands landscape consists of generally flat, sandy and acidic soils deposited over millions of years of rising and falling sea levels. Early European settlers gave this region the derogatory name of “Pine Barrens” not because the region is barren of life, but simply because its acidic, sandy soils are an unfriendly medium for crops like wheat and vegetables. Indeed, the New Jersey Pine Barrens is a lush ecosystem that provides a haven for a growing number of rare species adapted to its unusual conditions. At least half of the Pinelands are privately owned – that is, not protected as state and local nature preserves.

In 1979 New Jersey adopted the Pinelands Protection Act. This Act implemented the federal statute, created the Pinelands Commission, and directed the Commission to adopt a Comprehensive Management Plan (CMP) to manage development throughout the region.

The Comprehensive Management Plan covers the 1.1 million acres of the Pinelands National Reserve. In addition to writing and amending the CMP, the Pinelands Commission applies the CMP by reviewing all development applications in 936,000 acres of the National Reserve. The New Jersey Department of Environmental Protection (DEP) implements the CMP in most of the balance of the Pinelands National Reserve through New Jersey’s coastal zone management rules (Coastal Area Facilities Review Act or CAFRA).

Even in the Pinelands, many residents do not know that all new development here is controlled – and in most areas severely limited – by the nation’s most innovative regional land use plan. The CMP is designed to preserve the pristine conditions found within the core of the Pinelands while accommodating increased human use and a regulated amount of growth around the region’s periphery. The Pinelands Commission’s staff of approximately 40 professionals is directed by 15 Commissioners, individuals appointed as follows: seven

by the Governor with approval of the state Senate, seven by the counties in the Pinelands, and one by the U.S. Secretary of the Interior.

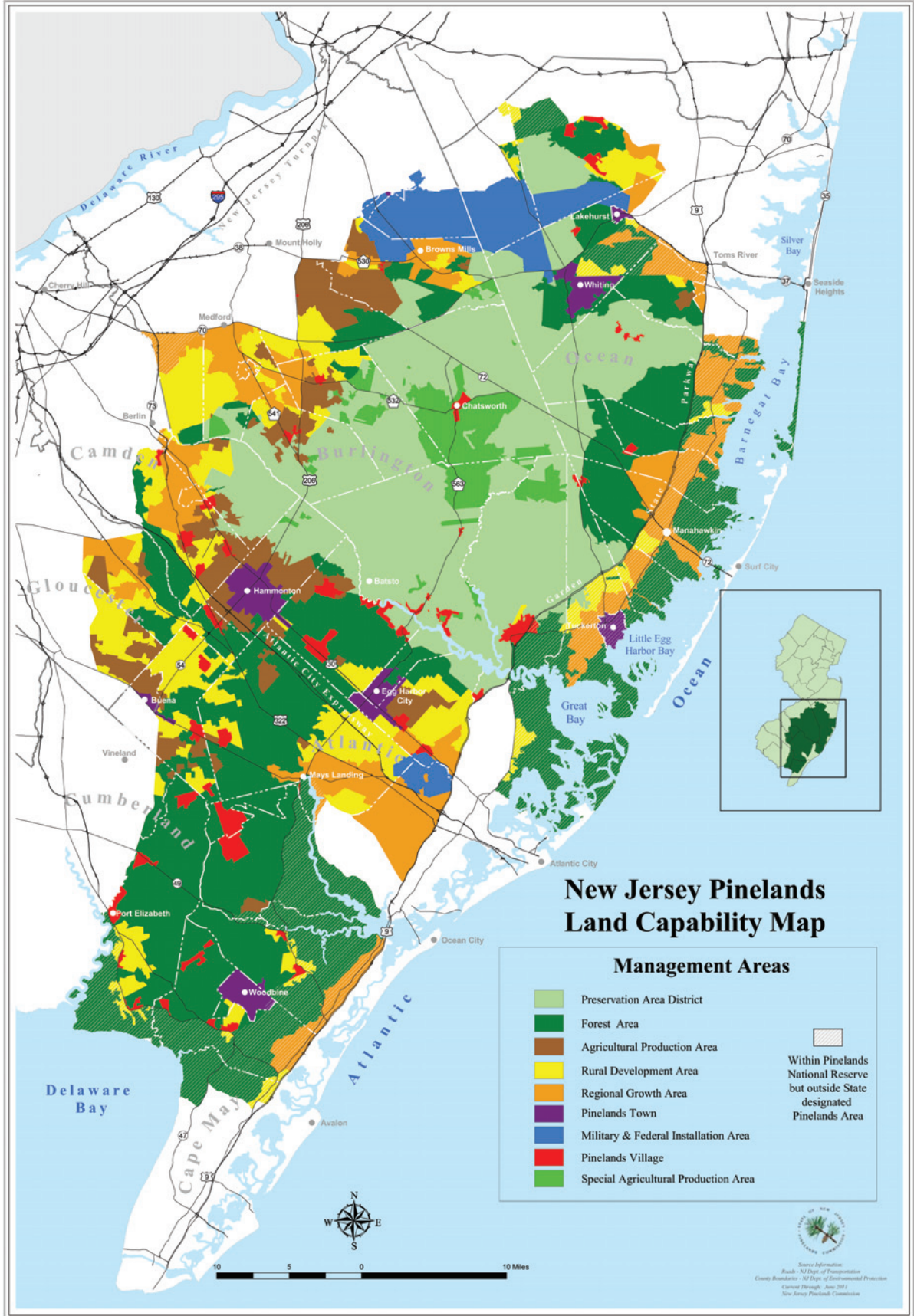
DEP also plays key roles in protecting the Pinelands environment. In addition to its job of implementing the CMP in the coastal zone, the DEP regulates the distribution of fresh water from the aquifers that lie beneath the Pinelands, and it is the state agency that also controls the filling or dredging of wetlands here as elsewhere in the state.

The Pineland Commission and DEP’s accomplishments in the Pinelands are numerous and remarkable. However, government agencies and their appointees are susceptible to changing political currents with short time horizons, when long- term vision is necessary to hold on to protection efforts. There is no guarantee that the Pinelands Commissioners’ decisions will always enforce the CMP and achieve its statutory mandate “to preserve, protect, and enhance” the Pinelands. There is no guarantee that DEP will consistently protect the water and other resources under its controls. It is up to the citizens of the state to monitor, engage, criticize and support these agencies as they do their work. Ultimately, only the demands of the public will guarantee the survival of the Pine Barrens.

Pinelands Watch Network

Pinelands Watch is an activist network run by PPA. The goal is to help those who are concerned about conservation issues in the Pinelands to get involved and make a difference. Through this program citizens keep up to date on important issues and learn how to advocate for Pinelands protections. To receive the activist newsletter and other updates contact Theresa Lettman at Theresa@Pinelandsalliance.org.

New Jersey Pinelands Land Capability Map





PINELANDS
PRESERVATION
ALLIANCE

Bishop Farmstead
17 Pemberton Road
Southampton, NJ 08088



Nonprofit Organization
U.S. Postage
PAID
Permit #164
Philadelphia, PA



The 2014 State of the Pinelands Report was released to our members and the public in December 2014.

Address Service Requested

The Pinelands Preservation Alliance

Founded in 1989, the Pinelands Preservation Alliance (PPA) is a nonprofit environmental organization dedicated to preservation of the New Jersey Pinelands. PPA's principle objectives are three-fold:

- ~ **Issues:** PPA monitors issues coming before the Pineland Commission, the Department of Environmental Protection, county and local governments, courts, and the state's lawmaking bodies when legislation affecting the Pinelands is introduced. PPA supports the Comprehensive Management Plan (CMP) and acts to insure that the CMP is observed, enforced and improved.
- ~ **Grassroots Support:** PPA builds grassroots support for conservation and works with citizens to help them add their voices to the debates over conservation and preservation.
- ~ **Education:** PPA educates. Our staff and volunteers travel throughout New Jersey and neighboring states providing education on the Pinelands through presentations, workshops and panel discussions. PPA provides numerous field trips for the public and school groups, and we hold intensive teacher-training programs to help educators incorporate the Pinelands into their teaching.

When you can't be there to speak for the Pinelands, we will. Become a member today and you will help us preserve, protect and enhance our state's greatest natural resource. PPA members receive a yearly subscription to our newsletter, discounts on PPA field trips and merchandise, and invitations to members' only events. To join call Tom Dunn at 609-859-8860 ext.14, or visit us on the web at www.pinelandsalliance.org.