

STATE of THE
PINELANDS

An Annual Report by the Pinelands Preservation Alliance



**State of the
Pinelands
2007**



Photo: PPA

Bishop Farmstead • 17 Pemberton Road • Southampton, NJ 08088 • Phone 609.859.8860 • Fax 609.859.8804
www.pinelandsalliance.org

A Letter from the Executive Director

June 28, 2007

The Pinelands Preservation Alliance presents this first annual report on the *State of the Pinelands* in order to sum up the health of the Pinelands preservation efforts of our state and local government agencies. We seek to provide the public, and the agencies themselves, with a report card that we can all use to move forward and do better in protecting this unique natural treasure.

Today, the Pinelands is surviving. There are still vast, unbroken forests. There are still streams and swamps with clean, acidic Pine Barrens water. The Kirkwood-Cohansey aquifer still sustains the life of the ecosystem. Hundreds of rare, threatened and endangered species of plants and animals still find refuge in the Pinelands.

But if we rest on our laurels, all this will be lost. Indeed, much is being lost every day already. To preserve this precious island of biodiversity and open space requires daily diligence and wise innovation, simply because the challenges of protecting such vulnerable natural resources in such a crowded and dynamic state are so great.

The public, and its representatives in government, have to see both the forest and the trees: We must give rigorous scrutiny to every significant development project so government agencies and developers strictly adhere to the Pinelands' demanding environmental standards. And we must also keep sight of the big picture and the long view, lest the laws and policies we have today turn out to be the proverbial road to hell that is paved with good intentions.

Threats to the Pinelands today are both obvious (sprawling development and the pressure to convert ever more green fields and forests to serve our society's hunger for more and bigger development) and subtle (such as the slow, invisible destruction of natural water quality by the fertilizers and other contaminants we humans add to the environment.) No one says it is easy to protect nature in the nation's most crowded and dynamic state, and it will only get harder with every passing year.

We hope this first *State of the Pinelands* report will both inform and provoke. We look forward to hearing your responses to this report, both in words and in actions, in the spirit that we all can do better, and we all should do our very best, to save the Pine Barrens.

Carleton Montgomery
Executive Director
Pinelands Preservation Alliance

Please send us your thoughts on this report and the issues it raises by contacting:

Rich Bizub
Pinelands Preservation Alliance
rich@pinelandsalliance.org
(609) 859-8860 x16



Summary

The Pinelands enjoys the protections of our nation's strongest regional development controls. These controls are found in the Pinelands Protection Act and the Pinelands Comprehensive Management Plan or "CMP." The Pinelands' great open spaces and unique diversity of plants and animals has survived due, in very large measure, to the Pinelands Protection Act, the CMP and the Pinelands Commission. Yet even with these unique laws, the Pinelands and its Pine Barrens ecosystem are far from secure. The threats lie in weak or inconsistent application of the laws to development projects, and in the real difficulty of framing laws that will protect a fragile ecosystem from the many harms we humans bring in our wake.

Indeed, the Pinelands Preservation Alliance believes there is real cause both for optimism and for concern in the actions of government agencies responsible for safeguarding the Pinelands environment. The Pinelands Commission - the lead government agency planning growth and preservation in the Pinelands - is staffed by experts with a real commitment to preserving the Pinelands environment. The vast majority of new development is taking place in the areas designated for growth in the Pinelands CMP. And hundreds of thousands of acres of Pinelands forests and wetlands are still intact today due to the Pinelands Protection Act and CMP. This is all to the good.

On the other side of the ledger, however, are worrying trends and apparent paralysis on essential policy changes needed to address long-term threats. The Pinelands Commission seems increasingly inclined to negotiate special deals in order to approve developments with powerful backing even when they violate the CMP's environmental protections. Divisions among Pinelands Commissioners and the state hiring freeze are combining to stifle action on key changes needed to protect water quality, prevent fragmentation of forests, and protect the integrity of the CMP. The state Department of Environmental Protection has not moved forward to reform the rules that allocate fresh water to serve new development - reforms that are needed to protect the aquifers on which all life in the Pinelands depends.

There is an inherent tension built into the Pinelands Comprehensive Management Plan, a tension that is having a growing and damaging impact on the Pinelands Commissions policies and practices. The tension is between the basic policy that all of the Pinelands is special, so exceptional resources need to be protected throughout the region, and the goal of allowing - indeed encouraging - development in designated growth zones of the Pinelands.

The conflict between these two goals is increasingly seen in development projects that destroy critical habitats of threatened and endangered species which happen to live in places designated for growth when the CMP was written 26 years ago. It is also seen in the growing damage to Pinelands water resources, both in quantity and in quality, caused by development in growth zones and in areas (such as Atlantic City and its environs) which were left out of the Pinelands in order not to limit development.

In a number of cases, we see the impulse to develop growth zones taking precedence over the principle of protecting Pinelands resources, with the government focusing on maintaining the boundaries of the Pinelands Preservation Area as it's guiding - perhaps in practical terms its only - strategy for preserving Pinelands resources over the long term. Key examples from the past year include the Stafford Business Park deal, and the Commission's inability over a period of several years to advance any region-wide policy changes to address the degradation of Pinelands water quality associated with suburban and agricultural development. Even the Medford-Evesham Subregional protection plan and the Commission Science Committee's "White Paper" on preserving water quality - two outstanding initiatives of the past few years - have been stalled, with no actual implementation in sight.

There is an even deeper cause for concern. It is increasingly clear that human impacts do not respect the zoning boundaries on which the Pinelands CMP is founded. For example, the chemicals people put on their lawns and farmers put on their fields are slowly poisoning the Pine Barrens as they seep into the aquifer, streams and wetlands - ignoring the boundaries set by laws between the preservation zones and the growth zones of the Pinelands. Similar boundary-crossing threats can be seen in the suppression of fire and fragmentation of wildlife and plant populations.

So far, the Pinelands Commission and other public agencies do not appear to have internalized this basic problem, and their policies continue to be based exclusively on the idea that we can draw lines on a map that will protect what we want to protect while allowing development where we want development.



About this Report

June 28, 2007 will mark the 28th anniversary of the signing of the state's Pinelands Protection Act, the law that implements federal legislation creating the Pinelands National Reserve (PNR), establishes the Pinelands Commission, and requires the creation of a Comprehensive Management Plan (CMP) to preserve natural resources and control development in the Pinelands. In addition, last year marked the 25th anniversary of the Pinelands Comprehensive Management Plan, the rules that govern land use, development and natural resource protection within the 1.1 million acres of the PNR. On reflection, many wonder how the Pinelands will fare during the next 25 years considering that New Jersey is the most densely populated state in the nation and development is still sprawling at an alarming rate.

Since the fate of the Pinelands ultimately rests with decisions by government agencies, PPA believes the public needs a way to hold these agencies accountable for their performance through a comprehensive annual report. To meet that need, we have created this first annual State of the Pinelands report. The report sums up the state of Pinelands conservation and rates how specific actions of government agencies, elected officials and the courts have either helped or harmed the Pinelands during the previous year.

Through the State of the Pinelands report, PPA will rate the previous year's actions of agencies that include, but may not be limited to the Pinelands Commission, New Jersey Department of Environmental Protection, New Jersey State Legislature, Governor, mayors, local governing bodies, federal representatives and the courts. This report highlights the actions taken by these agencies on some of the issues that affected the Pinelands during 2006. It should be viewed as a telling sample of key actions and inactions by public agencies.

Five criteria were used to guide the preparation of the report. They included how agencies:

1. promoted the integrity of the Comprehensive Management Plan (CMP),
2. protected native habitats for plants and wildlife,
3. safeguarded the quality of Pinelands water in aquifers and surface waters,
4. ensured the integrity of water supply, and
5. promoted education about the Pinelands.

Like any first-time endeavor, we anticipate that this annual report will evolve and grow in sophistication with time. We also believe that this report is a fair means of judging the scope and nature of environmental issues that the Pinelands Preservation Alliance's staff of 9 professionals tackles on a regular basis. It is our hope that a yearly State of the Pinelands report will serve as another tool to ensure that the next 25 years of protecting the Pinelands will be as promising as the last.

Governor



Appointments to the Pinelands Commission

Of the fifteen-member Pinelands Commission, the Governor nominates seven members for approval by the Senate. Today's Pinelands Commission has been inconsistent and often unable to take positive action due to divisions among the Commissioners. The Governor's appointments, therefore, play a critical role in ensuring the Commission does its job in protecting the Pinelands. On this score, Governor Corzine gets a mixed review: He renominated two important serving members of the Commission, but, after two years of inaction, failed to make an appropriate nomination to fill the long-vacant opening left by the retirement of former Governor Jim Florio from the Commission. We are optimistic that the Governor will in the future nominate individuals with a strong commitment to the Commission's overriding environmental mandate.

Pinelands Commission



Stafford Business Park - A Misguided Adventure

One of the greatest threats to the long-term success of the Pinelands protection effort lies in inconsistent, arbitrary enforcement of the CMP - that is, in government making special deals for projects that have big political or financial backing. In a serious assault on the integrity of the Comprehensive Management Plan, the Pinelands Commission, by a vote of 9 to 4 (with 1 abstention), approved just such a deal in July 2006. The Commission approved a "memorandum of agreement" (MOA) that waived key environmental protections for a massive private, for-profit development project on what had been public land. The MOA waives key regulations in order to approve the construction of 520 houses, a big shopping center, and 100 affordable housing units discreetly separated from the other housing. The justification for this action was that the private developer will pay for the capping of Stafford's former municipal landfill and clean up an adjacent dump area.

Through this bargain, the Commission approved the relocation of threatened and endangered (T&E) pine snakes and other species - in violation of its regulations - in order to relieve Stafford Township of the obligation to cap its landfill. The Commission staff says the case is unique, but past experiences teaches that these cases are only unique until the next proposal with sufficient political and economic backing comes along. This Stafford deal is complex and deserves to be broken down into the three fundamental areas that the Commission contorted in order to gain its passage.



Misuse of the MOA Process - Governing by contract rather than laws

The CMP allows the Commission to modify its normal requirements for public development carried out by public agencies. In this case, the Commission used the MOA process to reduce or waive CMP standards for private, for-profit development. This is both bad policy and contrary to the terms of the CMP. Remediation of the landfill may be facilitated by the MOA procedure if the public agency is, in reality, carrying out the remediation work using public land and public funds. Using private development to avoid public financing of the public obligation to cap the landfill does not convert the private development to public development. The fact that Stafford Township sees the private development as a financing tool for a public purpose (properly capping its landfill, something it should have done many years ago) does not change the fact that it is private development, which will be designed and constructed by a private business, will be owned by private parties, will generate private profit, and must, therefore, meet the requirements of the CMP. The Commission failed to see that waiving CMP requirements for a private developer was a major departure from the way it has implemented the CMP for the past 25 years - and a terrible precedent. Instead of implementing regulations according to the rule of law, this process transforms the government into a party to a for-profit business deal - all at the expense of the Pinelands environment and the public trust.

Threatened and Endangered Species Evicted

The Commission used the MOA to waive the CMP protections for threatened and endangered (T&E) species. For the first time in its approximately 25-year history, the Commission knowingly authorized destruction of legally protected T&E habitats. The Commission admitted that the site contained habitat critical to the survival of a population of threatened Northern pine snakes. Since the pine snake den sites were not directly on the landfill, capping of the landfill could have been conducted to avoid disturbance to these areas. Instead, the Commission allowed the developer and Stafford Township to "relocate" the pine snakes to save on costs. Relocation has not been shown to be effective and, at least in the circumstances at the former landfill, there is no basis to believe that relocation will work (at least without constant, intensive human intervention.) The agreement also allowed the destruction of threatened and endangered plant populations growing on top of the municipal landfill and smaller dump area. Pinelands regulations bar development on critical habitat of T&E species. Knowingly allowing the destruction of T&E species habitat through a MOA may well be the worst decision the Pinelands Commission has made in its first 25 years of existence.

Water Quality - Smoke and Mirrors

The Pinelands Commission reframed the debate from the money (the real reason it approved the private development) to the need to promptly cap the landfill to protect water quality. Indeed, the sole justification the Commission gave for this unprecedented misuse of its powers was to stop the landfill from contaminating groundwater flowing under the site. This justification, however, holds no water. Most important, the Commission presented no evidence that the landfill capping will actually improve water quality, and there is good reason to believe it will not. The landfill had already been leaching contaminants into groundwater for decades. The time to have done something meaningful for water quality would have been 25 years ago when the landfill ceased operation, and leachate contamination within and under the landfill was the greatest. Not now after all these years of inaction. In fact, disturbing what little contamination remains in the landfill could only make matters worse by remobilizing contaminants that have been stable since the unlined landfill was last used. The Commission also refused to address the fact that the new development will itself pollute groundwater and surface water through runoff from streets and lawns. Indeed, it is difficult to credit the water quality justification when the Commission had done nothing to address this landfill for the past 25 years.

Innovative Subregional Conservation Plan Stalled

In April 2006, the Pinelands Commission, along with Medford and Evesham Townships, endorsed a new resource conservation plan for 22 square miles of the two municipalities. This area includes the famous "Sanctuary" development and surrounding areas. The plan calls for zoning changes, innovative transfer of development rights, clustering rules, and land acquisition to protect water quality and rare species habitats in a part of the Pinelands that was erroneously designated for growth in the original CMP. Unfortunately this effort stalled once the report was released. There have been no public meetings, hearings, implementing ordinances or draft regulations since the release of the plan in April 2006.

Protecting Pine Barrens Water Quality

The Pinelands Commission has not taken action to address what may prove to be the greatest threat to the Pinelands ecosystem: the slow, creeping influence of contamination to Pine Barrens waters flowing out of developed areas in and around the Pinelands. During January 2006 the Commission released a report entitled, White Paper on Preserving Ambient Water Quality - Policy Implications of Pinelands Commission Research Projects. The report was the culmination of about three years of deliberations within the Pinelands Commission,



including public comments and suggestions. The report discusses how research projects conducted by the Science Office can contribute to policy and planning decisions. The effort was described by the Commission as a means to "bridge" the gap between science and policy. In addition, the report gives examples of how the Commission can integrate regulatory and incentive strategies to reduce and/or mitigate water quality impacts from development activities. The intent was for the various committees of the Commission to undertake the report's recommendations, and move those initiatives forward to fruition. PPA made recommendations with regards to wetland buffers, headwater area protection, limiting impervious surfaces for new development, and clustering in the Rural Development and Forest Areas. Unfortunately, once the report was issued during January 2006 the whole effort appears to have died and the Commission has taken no action since that time.

The Science Office staff consists of highly qualified scientists that routinely publish peer reviewed journal articles and reports. These scientists, either as individuals or through the Commission have produced some 53 articles, reports, proceedings and/or book chapters since 1983. Except for some recent planning initiatives on a local level, the Commission has been unwilling or unable to take action on the vast body of data its own scientists have collected - data showing that contamination of ground and surface waters is slowly degrading the ecosystem. It is disturbing that the Commission has not moved forward to institute Pinelands-wide changes for protecting water quality and aquatic habitats.

Clustering Residential Development - Policy Paralysis

In 2006, the Pinelands Commission staff presented an important proposal to address a long-standing problem - the fragmentation of forests due to sprawling, large-lot development in the Pinelands' Forest Area and Rural Development Area zones. The proposal was to require that residential development in these areas be clustered onto 1-acre lots, with the balance of a parcel's land being deed-restricted from further development. The staff also suggested the Commission discuss adding incentives for developers to buy and combine neighboring parcels in order to protect larger areas of forest through clustering more building lots and protecting larger forested areas. There have been a couple of excellent examples of this approach in the Pinelands, showing it can work to protect vital habitats. Unfortunately, agricultural interests on the Commission derailed the proposal because they wanted the rule to allow landowners both to develop a clustered area and to clear the forest on the remaining land for farming - an approach that would completely defeat the goal of protecting existing forests from fragmentation and development. Since the spring of 2006, the Commission has been paralyzed from moving forward on this important policy change,

standing by while more forest is fragmented by sprawl.

Pinelands Short Course

On March 3, 2007 the Commission held its 18th Annual Pinelands Short Course. The all-day program was sponsored by the Commission and Burlington County College, which has co-hosted the short course since 2004. 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. Fifteen (15) new presentations were introduced in 2007. The event attracted over 400 people and continues to highlight the strong interest in the Pinelands. The annual short course is something that the Commission takes great pride in, and deservedly so.

Threatened and Endangered Plants

The New Jersey Natural Heritage Program (Heritage) has accumulated the best available information on the status of rare plants in New Jersey. Though the state does not have an official "threatened" status for plants, the Heritage ranks of S2 and S3 are applied to species that deserve conservation measures so that they don't slip toward the status of "endangered," which means actually near extinction in the state. Since its inception, however, the Pinelands Commission has declined to recognize Natural Heritage ranks as sufficient indicators of which plants it ought to protect through its development regulations. A few years ago, the Commission incorporated the state's "endangered" category of plants into its regulations, but, contrary to PPA's proposals, it has not protected many species that should be considered "threatened" based on their rarity. The Commission should add these plants to its official protected list before we lose these plants for good.

Roadside Populations of Rare and Beautiful Plants

For most people, the distinctiveness of the Pine Barrens is most apparent as they drive through it. Also, local botanists testify that road shoulders are important habitats for many of our rare, threatened and endangered plant species. Some states cherish their roadside populations of native wildflowers, and deliberately protect and cultivate them. But current road shoulder maintenance practices in the Pinelands and throughout the State are exterminating these plants and replacing them with non-native plants. The Pinelands Commission, as well as municipal, county, and state agencies, should recognize the value of these plants both for conservation and for their aesthetic appeal, and work together to develop intelligent ways to manage road shoulders for native plants.



"Welcome to the Pinelands National Reserve"

Those are the words along with "Please help protect it" that greet motorists now as they travel along the Garden State Parkway (GSP) and the Atlantic City Expressway. The signs also feature the new PNR logo. The signs were designed by Pinelands Commission staff, in consultation with the National Parks Service. With more than 400 million vehicles traveling on the GSP and 65 million on the Atlantic City Expressway annually, the signs serve as a reminder that the region is unique and worthy of special protections.

New Jersey Department of Environmental Protection

Stafford Business Park - Approval by Inaction

The silence was disappointing when the New Jersey Department of Environmental Protection (NJDEP) gave a pass on protecting threatened pine snakes so the Commission could approve the Stafford Business Park development (see Pinelands Commission above). PPA and others urged the Department to step in and apply the state laws for threatened and endangered wildlife, but the Department chose to look the other way, and ignored the advice of their own wildlife biologists who recommended protecting the various imperiled species. This was certainly one of the low points for the NJDEP in 2006.

Cash for the Past

Kudos to the NJDEP for recognizing the importance of preserving cultural and historic resources of the Pinelands by committing to invest \$2 million for the restoration of Batsto Mansion and its recent acquisition of the James Still Homestead for \$875,000. Batsto Mansion is the centerpiece of Batsto Village, a bog iron and glassmaking center from 1766 to 1867. James Still, the son of former slaves, and medical practitioner, was renowned for his botanical remedies. The Still office building (circa 1850's) was at risk of being demolished to make way for commercial development.

Water for Grass Denied

Safeguarding the abundance of the Kirkwood-Cohansey aquifer, as well as the deeper aquifers of the region, is one of NJDEP's most important jobs in the Pinelands. The Department denied requests by a homeowners association in Jackson Township and a golf course in Egg Harbor Township for additional water from the aquifers for the exclusive purpose of watering grass in these two Pine Barrens towns. The applicants were seeking an increase in their water allocation

of 2.2 million gallons per month, and 14.7 million gallons per month, respectively. In the Jackson example, the water would have been used for the sole purpose for residential lawns. PPA requested a public hearing for both applications and provided testimony requesting that both applications be denied.

Wildfire Management Practices

Ecologists have documented the fact that the Pine Barrens is a community shaped by wildfire, but current wildfire management practices are unintentionally changing this 10,000 year-old dynamic by excluding or seriously reducing the size of any wildfires, while severely limiting the use of prescribed burns to achieve safety and ecological goals. PPA has advocated for new approaches to wildfire management, ones that recognize the imperative of protecting human lives and property, but that also implement measures that could safely mimic the effects of wildfire. The weakness of the current fire control measures was shown by the Warren Grove wildfire in May 2007, which required a Herculean effort to control due to the lack of previous fire in much of the region. Innovative techniques have been used in other parts of the country. The state Forest Fire Service has been reluctant to embrace these innovative techniques used elsewhere. The Forest Fire Service should be more proactive in the use of such methods.

Water Supply Planning - Missing in Action

For several years, the people of New Jersey, and especially of the Pinelands, have been waiting for new plans and controls to protect the abundance of our aquifers. The phrase that best describes the Department's progress on water supply planning and reform initiatives over the past years would be Missing in Action. This is unfortunate since there are three initiatives that either directly or indirectly affect the Pinelands. These are:

1996 Statewide Water Supply Plan Update (NJSWSP) - New Jersey's waters belong to its residents, held in trust and managed for them by the State. The NJSWSP is a policy and strategy document that sets forth major initiatives required to ensure that sufficient quantities of water supplies are available to all parts of the state. The first "stakeholders" meeting or Public Advisory Committee meeting was held during November 2002. Some sub-committee meetings were held in 2003, but none of the committees have been convened since that time. The only tangible output has been a draft progress report released in April 2005. It is now ten years since the last Plan has been updated. A new Plan is long overdue.

Status of the Water Supply of Southeastern New Jersey - This report and water supply planning initiative was the direct result of the drought of 2002. On September 22, 2002 Governor McGreevey issued Executive Order 32 (EO 32) which required the Commissioner of the NJDEP to assess the



adequacy of the water supply in relation to approved and anticipated growth in Egg Harbor, Galloway and Hamilton Townships in Atlantic County. This order was accompanied by NJDEP Administrative Order 22 which generally prohibited the distribution of water in these three towns to new developments pending the termination of the state of water emergency and a determination that water supply for those townships is adequate. The draft report (dated September 2003) intended to satisfy the requirements of EO 32 contained a detailed analysis of the water supply of significant portions of South Jersey, along with an interim and long-term strategy. Two hearing were held during May 2004 at which PPA gave testimony. Yet the Department has not finalized the report or formally adopted any of its recommendations. PPA has continued to press the Department to resolve this issue. Aside from an updated executive summary...Nada!

Statewide Water Supply Allocation Rules - These are the rules that set standards and procedures when someone (a water purveyor, company, golf course or individual) wants to remove large volumes of water from the aquifers beneath the ground or from rivers and reservoirs. The rules apply when more than 100,000 gallons of water per day (70 gallons per minutes) are to be removed. These rules have not been revised in many years. For withdrawals from the shallow Kirkwood-Cohansey aquifer, the current rules can be catastrophic to local streams, rivers and wetlands. The reason is that these water-bodies are intimately connected to the shallow groundwater table and receive over 90% of their water from the groundwater system. The current rules are not sensitive enough to the needs of aquatic ecosystems. The current rules need to updated so that groundwater withdrawals do not reduce streamflow within the Pinelands. For the past eight (8) years the NJDEP has been "working" on the amendments with no end in sight.

Wal-Mart Denied - One Less Big Box Store?

In June 2006 the NJDEP denied an application by Wal-Mart on environmental grounds. The proposed development did not meet eight of New Jersey's Coastal Area Facility Review Act (CAFRA) rules and regulations. The eight parameters included protection of wetland buffers, critical wildlife habitats, impervious cover limits, vegetative cover requirements, water quality, groundwater use, air quality and traffic. The NJDEP held fast and refused to waive its environmental protections despite intense lobbying from Wal-Mart and local politicians. Of the eight reasons, the one that received the strongest objection by the applicant was the rule pertaining to critical wildlife habitat.

The site is approximately 43-acres that straddles the borders of Toms River and Manchester Townships, Ocean County. The site is in the Pinelands National Reserve and is therefore, under the jurisdiction of NJDEP and not Pinelands

Commissions regulations. Wal-Mart's application was for a 203,091 square foot store, 19,884 square foot garden center and an associated huge parking lot.

PPA gives NJDEP high marks for holding firm to their regulations that protect threatened and endangered species (Corn and Northern pine snakes) and not caving in to pressure from a well-funded applicant and local officials. It remains to be seen whether the developer will come back with a revised plan that protects, or pretends to protect, the critical habitat on the site.

Courts



Trash Train Derailed

A federal district court judge has ruled against a railroad company and property owner interested in building a solid waste transfer station in Mullica Township. PPA and other environmental groups participated in the case on the side of the Pinelands Commission as a "friend of the court." J.P. Rail Inc. asserted that the proposed solid waste transfer station is not subject to Pinelands regulations because federal laws governing railroad facilities overrule state law. Judge Jerome B. Simandle saw through this ruse and ruled in favor of the Pinelands Commission. In his decision, Judge Simandle recognized the Commission's authority over the transfer station, and additionally concluded that irreparable harm would result to Pinelands natural resources since the facility would not meet the requirements of the CMP. This is one train that won't be getting out of the station any time soon.

State Legislature



Power Grab

A perennial strategy rooted more in ideology than in practicality, is to require that all seven of the Governor's appointments to the Pinelands Commission come from municipalities located within the Pinelands. Assemblymen Chatzidakis and Bodine have kept this perennial tradition alive by sponsoring Assembly Bill No. 350. Fortunately, these bills have never moved forward. The federal Pinelands legislation states, "The membership of the planning entity shall include residents of the Pinelands National Reserve who represent the economic activities such as agriculture in the area, as well as residents of New Jersey who represent conservation interests." The law clearly envisions individuals from throughout the State serving on the Commission, helping ensure that narrow political or business interests do not take over the Commission. Nevertheless, right now only three members of the Commission live outside the seven Pinelands counties. The Governor's appointments should represent the state's conser-



vation interests at-large. It is therefore critical that appointments not be exclusively from the Pinelands if the state's interests are to be fairly represented on the Commission. If anything, more appointments should be from outside the Pinelands to realize the intent of the federal and state legislation.

Pinelands Institute

Senators Bark and Allen and Assemblyman Chatzidakis sponsored similar bills (S838/A2038) that would establish a Pinelands Institute of Natural and Environmental Studies at Burlington County College. The Institute would be under the direction of the college's board of trustees. The mission of the Institute would be to provide environmental education programs and activities to increase public knowledge and awareness of the Pinelands. The bill would also provide a mechanism for annual State appropriations to support this educational effort. The college currently offers educational programs on the Pinelands at historic Whitesbog Village, so this would be a logical extension of that effort.

Exportation of Pinelands Water

Senator Martha Bark sponsored bill S354 that would prohibit the exportation of water from the Pinelands under any circumstances. This bill was the direct result of the last drought during 2002-03 when the NJDEP and water companies were searching for places to tap water to meet daily demands. They were considering exporting water great distances from lakes, streams, and rivers. This is one of the greatest threats facing the future of the Pinelands ecosystem and one that cannot be taken lightly. This threat is not new. After all, it was Joseph Wharton during the late 1800's who purchased vast amounts of land in the Pine Barrens and planned to tap the water and sell it to the City of Philadelphia. Fortunately the state legislature had the good sense to pass legislation prohibiting the exportation of the state's water outside its boundaries. Currently water is allowed to be exported 10 miles beyond the boundaries of the Pinelands National Reserve. Bill S354 would prohibit the state from exporting water beyond this limit even during a declared water supply emergency.

Local Government

Municipalities Get Tough on ORV's

Having reached their limit with illegal Off-Road Vehicle (ORV) use, twenty-eight municipalities have responded to a request by PPA to implement ORV ordinances. Municipalities were at the forefront advocating for off-road vehicle legislation in 2006. More than half of the Pinelands

municipalities have in place, revised or newly implemented ordinances to issue serious penalties against illegal ORV riders who ride on private property, farmland, and public land. Some of the leaders of these municipalities also participated in PPA press events to highlight the damages caused by the illegal riding. These leaders included Mayor Chuck Chiarello of Buena Vista Township, Mayor Ron Dancer of Plumsted Township, and Mayor Mark Dykoff of Lacey Township. Many mayors also expressed support for legislation and were signing on to a letter created by PPA asking for state leadership in creating a mandatory point-of-sale tagging and registration program for all ORVs.

Federal Government

Scenic Byway Receives Federal Grant

During 2006, the Acting U.S. Secretary of Transportation announced that the Pinelands Commission would be awarded \$200,000 for the Southern Pinelands Natural Heritage Trail initiative. The Southern Pinelands Natural Heritage Trail was officially designated as a New Jersey State Scenic Byway in 2005. A scenic byway is a corridor that possesses historic, cultural, scenic, recreational, natural and archaeological qualities. It also reflects a common theme that typically provides a story of the area. This certainly describes a number of routes in the Pinelands.

The Commission applied for the grant on behalf of the 16 municipalities through which the Trail passes. The Commission and New Jersey Department of Transportation will each contribute an additional \$25,000 toward the preparation of a Corridor Management Plan for the 122-mile trail. The Plan will be developed with input from local communities, landowners, governmental agencies and the public. This is money well spent since it will raise awareness of the uniqueness of the Pinelands.

Non-Governmental Organizations

Rancocas Conservancy-Milestones

For the year 2006 the Rancocas Conservancy had a number of achievements to celebrate. In June they celebrated their 15th anniversary. During the past fifteen years, the Rancocas Conservancy has built many relationships with numerous organizations, government agencies, private corporations and non-profit organizations to foster their mission of open space preservation and education. During June of 2006 they hosted the first ever Rancocas Festival at Burlington County College. But perhaps the greatest achievement came during September when the Conservancy surpassed the 1,000-acre mark in their effort to preserve land throughout the Rancocas Watershed.

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 is privately owned - that is, not protected as state and local nature preserves.

The realization that the Pine Barrens is underlain by one of the continent's largest fresh water aquifers and that the Pines also serve as home for many rare and endangered plants and animals, led to passage of federal and state legislation to protect the area's natural resources. Section 502 of the National Parks and Recreation Act of 1978 created the Pinelands National Reserve. New Jersey adopted the Pinelands Protection Act the following year. 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.

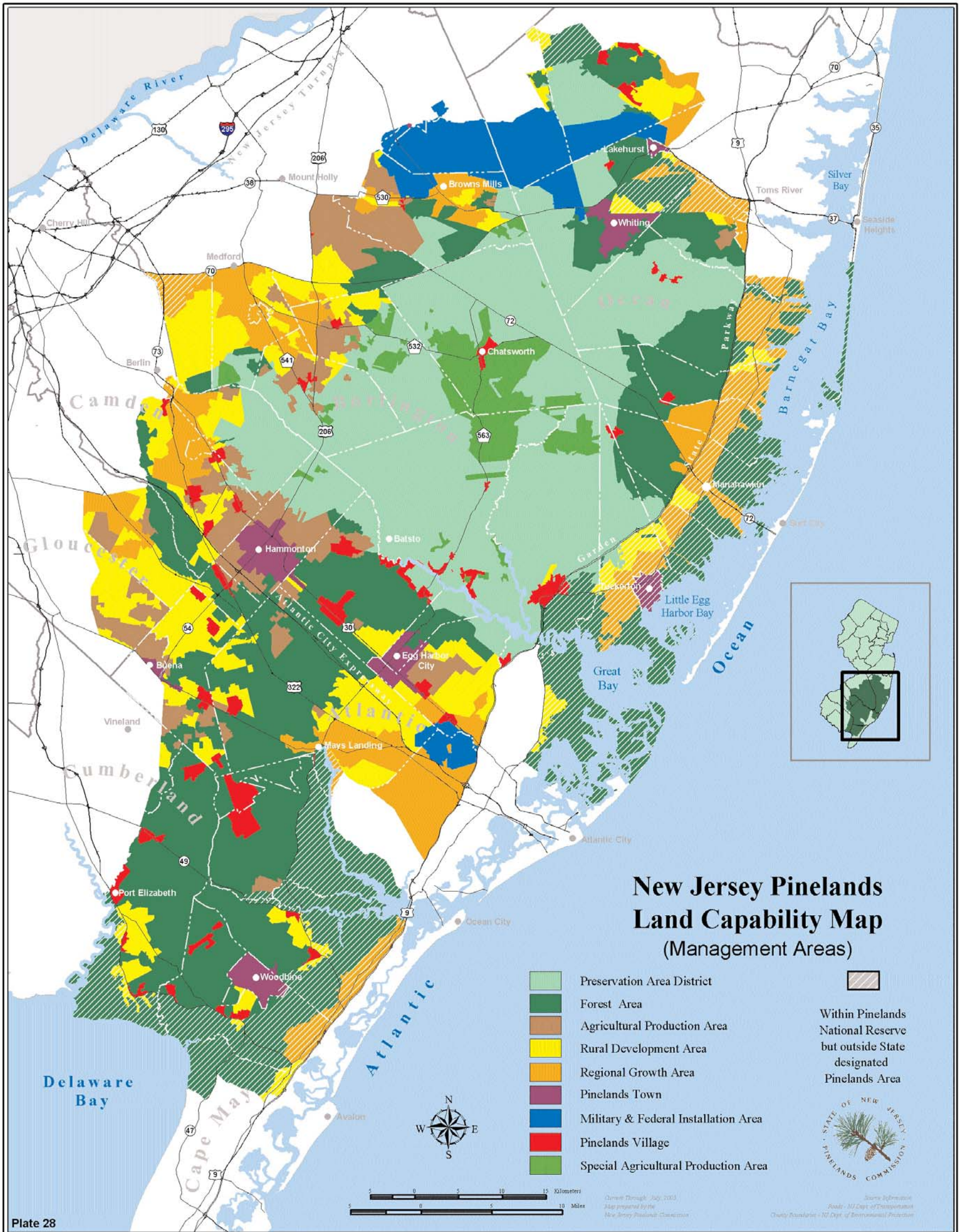
The Comprehensive Management Plan covers the 1.1 million acres of the Pinelands National Reserve. In addition to writing and amending the CMP, the Pinelands Commission applies the CMP by reviewing all development in 936,000 acres of the National Reserve. The New Jersey Department of Environmental Protection implements the CMP in most of the balance of the Pinelands National Reserve through New Jersey's coastal zone management rules.

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 are 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.

The New Jersey Department of Environmental Protection (NJDEP) also plays key roles in the protecting the Pinelands environment. In addition to its job of implementing the CMP in the coastal zone, NJDEP regulates the distribution of fresh water from the aquifers that lie beneath the Pinelands, and it is the NJDEP that also controls the filling or dredging of wetlands here as elsewhere in the state.

The Pinelands Commission and NJDEP's accomplishments in the Pinelands are many and truly remarkable. They are, however, government agencies susceptible to changing political currents. There is no guarantee that the Pinelands Commissioners' enforcement of the CMP always furthers its statutory mandate "to preserve, protect, and enhance" the Pinelands. There is no guarantee that NJDEP will consistently protect the water resources it controls. Therefore, 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 Land Capability Map



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. Our members include concerned citizens, businesses, and environmentalists who believe the actions and decisions of the Pinelands Commission and other government agencies should be rigorously monitored, missteps critiqued, and good steps supported.

PPA's primary objectives are three-fold. First, we monitor issues coming before the Pinelands Commission, New Jersey Department of Environmental Protection, local government, courts, and monitor 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. Second, we build grassroots support for conservation and work with citizens to help them add their voices to the debates over conservation and preservation. Third, 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.

PPA welcomes inquiries regarding membership and is happy to provide information and suggestions to those wishing to visit the Pinelands. We also encourage people to visit our 250 year-old headquarters at the Bishop Farmstead in Southampton, where you will find an excellent visitors' center that can serve as your gateway to exploring the Pinelands. Basic membership to PPA includes a yearly subscription to our newsletter, a discount on all PPA field trips and merchandise; and the knowledge that members' contributions are used to help us preserve, protect and enhance our state's greatest natural resource.

For more information, contact PPA at Bishop Farmstead, 17 Pemberton Road, Southampton, NJ 08088, phone 609-859-8860, fax 609-859-8804 or e-mail at ppa@pinelandsalliance.org. Visit our web site at www.pinelandsalliance.org.

