

STATE of THE
PINELANDS

An Annual Report by the Pinelands Preservation Alliance



**State of the
Pinelands
2008**



Colliers Mills Wildlife Management Area

Photo: PPA

A Letter from the Executive Director

June 25, 2008

The basic array of threats and conservation strategies in the Pinelands has not changed over the past year. On one side of the equation, more people are moving into expanding developments in and around the Pinelands. The direct and indirect impacts of all these people on water, forest habitats and plants and wildlife are growing worse. Forests in growth zones are lost to sprawling, large-lot suburban subdivisions. A subtle, underground seep of destruction moves slowly through many watersheds and across the coastal estuaries, as unwanted nutrients and other contaminants from septic, fertilizers and fuel combustion contaminate ground water and disrupt native ecosystems.

On the other side of the equation, the Pinelands Comprehensive Management Plan is firmly in place, directing nearly all new development into the designated growth zones that make up about one-third of the Pinelands Area in order to preserve essential natural functions in the remaining two-thirds in designated conservation zones. Government personnel, scientists and nonprofits like PPA work on improving the regulations. Conflicts arise and are resolved (usually in favor of development) but there is no overt tide of destruction sweeping across the Pinelands.

The Pinelands Commission, Department of Environmental Protection, the Governor and legislature, and local governments have achieved some real successes this year, which we highlight in this report. But the past year has also been one of the most frustrating for the Pinelands Commission and those in the Department of Environmental Protection who work on Pinelands conservation - as well as for advocates like PPA.

The threat and reality of state budget cuts has made it difficult for government agencies to function well, has harmed morale among their staff, and has given agencies another reason not to take on some of the critical challenges. As with past cuts to environmental agencies, we see the immediate effects easily enough, but the real damage will only become apparent over a period of years.

The Pinelands Commission has also been hobbled by internal dissension among Commissioners, the lack of a full complement of Commissioners, and an unresolved question about potential conflicts of interest for Commissioners who own land in the Pinelands. As a result, very important reforms to the Pinelands Development Credit program and a cluster development rule are still stalled after years of work and debate. Narrow or "special" interests - both business and political - are too often getting in the way of achieving the fundamental mission of environmental protection and truly smart growth.

It is our perception that the Commission as a whole is not sending a clear and unambiguous conservation message, either to the public or to the Commission staff. We hope that in the coming year, that message will become clearer and stronger, through both words and deeds. We look for the Commission to adopt Pinelands Development Credit reforms, require environmentally-sensitive clustering of new development in the Forest and Rural Development Areas, and not issue Memoranda of Agreement to waive Pinelands rules for non-conforming development projects sponsored by other government agencies.

Most importantly, we look to the Commissioners to take on the persistent threats to Pinelands water quality and supply, rare plants and wildlife, and historic resources.

Carleton Montgomery
Executive Director, Pinelands Preservation Alliance

Please send your thoughts on this report and the issues it raises by contacting: Richard Bizub, Pinelands Preservation Alliance
rich@pinelandsalliance.org, (609) 859-8860 ext. 16

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Executive Editor:

Carleton Montgomery

Editor:

Mike Hunninghake

PPA Staff:

*Richard Bizub, Becky Free, Russ Juelg,
Theresa Lettman, Jaclyn Rhoads and Jane Wiltshire*

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Summary

The Pinelands Protection Act and Comprehensive Management Plan (CMP) are unique achievements in our nation. The Pinelands has survived as a distinctive and beautiful landscape because our policy makers and citizens have sustained the commitment to protecting the Pinelands over the past twenty-seven years. Today, the Pinelands enjoys the protections of our nation's strongest regional development controls.

Yet even with these unique laws, the Pinelands and its Pine Barrens ecosystem are far from secure. 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. But they are subject to shifting priorities and are directed by fifteen commissioners with varying visions for the future of the Pinelands. We believe there is real cause both for optimism and for concern in the actions of government agencies responsible for safeguarding the Pinelands environment.

Some very good initiatives came about this year. For example, the Commission (barely) adopted needed amendments to its rules on issues like the abandonment of old non-conforming uses, helped Ancora Hospital fix its wastewater problems, and stopped the long-running experiment in using sewage sludge to fertilize a turf farm. The Department of Environmental Protection (DEP) gave the most protective "C1" designation to Toms River and its tributaries, and it is in the process of adopting new, more protective wastewater management regulations.

We recognize that the past year has been difficult for government agencies, as the threat of budget cuts has distracted their attention and made them reluctant to commit resources to new or expanded initiatives. In the end, however, money worries cannot be allowed to stand in the way of addressing the big threats that face the Pinelands' natural and historic resources.

Among the important issues that have been stalled or taken off the agenda are:

- The Governor has not lead the effort to renew long-term funding for the Green Acres, farmland preservation and historic preservation programs. We applaud his support for the one-year funding which voters approved last November, but the public needs him to take charge of designing a long-term funding mechanism and bringing it to the public as soon as possible.

The Pinelands Commission has not brought several key initiatives to completion, including:

- reform of the Pinelands Development Credit program,
- mandatory clustering of development in Forest and Rural Development Areas,
- implementation of the Southern Medford-Evesham Conservation Plan, and
- implementation of new Forestry regulations proposed by the Forestry Advisory Committee.

The Pinelands Commission and Department of Environmental Protection have not addressed some important conservation challenges, particularly:

- Water supply planning needed to ensure a sustainable, environmentally safe use of the aquifers,
- Water quality degradation of aquifers, streams and Barnegat Bay, mainly by excessive nutrients that are wreaking havoc on Pine Barrens and estuary habitats.



About this Report

This November 10th will mark the 30th anniversary of the signing of the National Parks and Recreation Act of 1978, the federal legislation creating the Pinelands National Reserve (PNR). The state's Pinelands Protection Act followed on June 28, 1979, establishing the Pinelands Commission and the Comprehensive Management Plan (CMP) to preserve natural resources and control development in the 1.1 million acres of the PNR. On reflection, many wonder how the Pinelands will fare for the long-term considering that New Jersey is the most densely populated state in the nation and still growing at an alarming rate.

Since the fate of the Pinelands ultimately rests with decisions by government agencies, PPA became convinced that a mechanism was needed to publicly hold these agencies accountable in a more focused and systematic way, rather than just a crisis by crisis basis. Hence, the idea of a yearly State of the Pinelands report that 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 the Pinelands Commission, New Jersey Department of Environmental Protection (DEP), New Jersey State Legislature, Governor, mayors, county government, local governing bodies, federal representatives and the courts. Judging from the responses by government agencies to last year's inaugural report, we know we have an effective tool.

This report highlights the most significant actions taken by government that affected the Pinelands in the year through June 2008. This year we also include how Pinelands Commissioners voted on the topics that required formal action, and sponsors and co-sponsors of state legislation, in order to make the process more transparent and help members of the public become more engaged in protecting the Pinelands.

Six (6) criteria were used to help 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. insured the integrity of water supply;
5. promoted the cultural and historic resources of the area; and
6. promoted education about the Pinelands.

We believe this report is a fair means of judging the scope and nature of environmental policy issues that the Pinelands Preservation Alliance's staff tackles on a regular basis. It is our hope that a yearly State of the Pinelands report will serve as another tool to insure that the next three decades of protecting the Pinelands will be as promising as the last.

Governor



Appointments to the Pinelands Commission

Governor Corzine began the long-delayed process of strengthening the Pinelands Commission by announcing four excellent nominations to the Commission in May and June. The Governor nominated Ed Lloyd and Guy Campbell for reappointment and nominated two newcomers to the Commission: Robert Jackson of Cape May County and Larry Niles of Burlington County. The nominations have to be confirmed by the state Senate, and Mr. Jackson has already been confirmed. PPA supports all these choices. The Commission has been virtually paralyzed by divisions among factions on the Commission, unresolved conflict of interest concerns, and the long-standing vacancy. So it is vital that the Senate move forward to confirm all these nominees and make a stronger Commission focused on solving the tremendous threats facing Pinelands' natural and historic resources today.



Pinelands Commission Budget

Governor Corzine initially proposed draconian budget cuts for the Pinelands Commission that would cripple an already understaffed Commission - but there are signs he and the legislature will moderate these cuts before the budget is adopted. The Governor's proposed budget called for a 23% budget cut in a single year, and this is on top of years of staff losses the Commission has not been permitted to replace. It seems incredible to us that the Governor could really want to devastate an already very small agency that manages land use and conservation for fully 1/5th of the state of New Jersey. We're keeping our fingers crossed on this one.



Garden State Preservation Trust

Thanks to the Governor for having placed a one-year, stop-gap funding measure of open space preservation on the ballot last November - and especially to the voting public who overwhelmingly approved the measure. The future, however, does not look so rosy: The Governor has not advanced any long-term funding strategy for the Green Acres, Farmland Preservation and NJ Historic Trust programs (*See "Voters of New Jersey" in this report*).

New Jersey Pinelands Commission

The Pinelands Commission is made up of 15 commissioners: seven (7) appointed by the Governor; one appointed by each of the seven (7) Pinelands counties; and one (1) 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. These commissioners have final say with regards to all activities regulated by the Pinelands Comprehensive Management Plan (CMP). In addition, the Commission's staff of approximately 40 professionals are directed by the commissioners.

The Commission consists of the following members. U.S. Secretary of the Interior's Appointee: Robert McIntosh, Jr. Gubernatorial Appointees: Betty Wilson (Chairperson), Candace Ashmun, Robert Jackson, Edward Lloyd, Rev. Dr. Guy Campbell, Stephen V. Lee III, and one vacancy. County Appointees: Paul Galletta (Atlantic), Daniel Kennedy (Burlington), Norman Tomasello (Camden), William Brown (Cape May), Leslie Ficcaglia (Cumberland), Francis Witt (Gloucester), and John Hass (Ocean).



Ancora Psychiatric Hospital

The Commission approved a Memorandum of Agreement (MOA) that would terminate the use of this state facility's failing onsite wastewater treatment plant, thereby eliminating the indirect discharge of treated wastewater to Blue Anchor Brook. The MOA between the Commission, DEP, Department of Human Services, and the Camden County Municipal Utilities Authority allows the extension of public sanitary sewer to Ancora provided that a number of conditions are met. The first condition was that approximately 350 acres of available land on the hospital complex would be permanently deed restricted as open space. The existing situation is both a health and environmental problem.

Solving Ancora's wastewater problems through an MOA is appropriate since it is a genuine public development - rather than a private, for-profit development masquerading as a public project. PPA was actively engaged in this issue to see to it that this MOA did not take on a life of its own, as we have seen in the past with other MOA's. This is an example of where the prudent use of a Memoranda of Agreement is warranted under limited conditions to solve an environmental problem.

The Commission voted for the MOA: 10 to 0

Voting For: Campbell, Ficcaglia, Haas, Kennedy, Lee, Lloyd, McIntosh, Tomasello, Witt, Wilson.



Amendments to the CMP

The Pinelands Commission adopted amendments that should strengthen resource protection. The new rules limit where accessory recycling facilities can be built, specifying such developments only permitted in the Preservation and Forest Areas at existing resource extraction sites if they are located within one mile of a Regional Growth Area or Pinelands Town. Another new rule for the first time defines "abandonment" of nonconforming uses. A nonconforming use will now be considered abandoned if the owner discontinues the use for a period of two years. It will be the applicant's responsibility to demonstrate that a nonconforming use has not been abandoned by providing objective proof of intent to continue the use. A third new rule refines the Commission's ongoing alternate septic design treatment system pilot program.

The Commission barely approved the amendments by a vote of 8 to 6

Voting For: Ashmun, Campbell, Ficcaglia, Lloyd, McIntosh, Slavin, Witt, Wilson

Voting Against: Brown, Galletta, Haas, Hagaman, Lee, Tomasello



Water Pollution Trading - Buena Vista Township

Over the objections of PPA and other environmentalists, the Commission approved a controversial municipal water quality pollution-trading program in the form of a new Buena Vista Township ordinance that violates normal CMP rules. The ill-conceived ordinance allows up to nineteen businesses in Richland Village to expand on parcels that are already too small to meet the Commission's water quality standards for septic systems without replacing their septic systems with a compliant sewer system. The new ordinance waives



the normal pollution limit for septic systems so that businesses operating on small lots can discharge even more septic effluent into the groundwater, - up to 10 parts per million or five times the normal allowance. In exchange, whenever a private property owner uses the exemption, the Township must place a deed restriction on a separate parcel of public land. As one commissioner expressing concern noted, the 10 ppm standard was based on preventing "blue baby" disease (methemoglobinemia) in infants. PPA is disappointed that the Commission waived its bedrock water quality protection, especially in an area where people use wells for their drinking water.

The Commission voted for the ordinance: 10 to 1
 Voting For: Ashmun, Brown, Campbell, Ficaglia, Galletta, Haas, Kennedy, Lee, Tomasello, Wilson
 Voting Against: Lloyd



Funding for Land Acquisition

The Pinelands Commission's Permanent Land Protection Committee has agreed to dedicate nearly \$4 million to preserve 3,200 acres in Atlantic, Burlington, Gloucester and Ocean Counties in the Pinelands. The expenditures will come from the Pinelands Conservation Fund to preserve land in partnership with local governments and nonprofit organizations. The funding is contingent upon the execution of purchase contracts. As of this writing three properties have either closed or are in the process of being closed for a total cost of \$485,000. They include: a 70-acre parcel in Buena Vista Township, 700 acres in Hamilton Township Atlantic County, and 11 acres in Jackson Township, Ocean County.



Sewage Sludge for Fertilizer Terminated

This is an issue that PPA has been actively involved with for over 12 years, and we are glad to see it finally play out in a favorable way. After almost 14 years since the Commission first allowed the turf farm to use sewer sludge for fertilizer, in violation of its normal rules, it has now withdrawn that permission because groundwater quality was not improving as the applicant claimed it would. The Commission staff informed Beneficial Recycling of Hammonton (known as Tuckahoe Turf Farm) that, based on years of groundwater quality analysis, "it has not been demonstrated that the prior application of biosolids to 386 acres is consistent with the groundwater quality standards of the municipal ordinances and CMP." Based on these findings, the Commission asked that the DEP not renew the existing permits to allow the continued application of sewer sludge. As a result, the use of sludge has been discontinued.



Educational Efforts

The Pinelands Commission staff continues to increase registration and offer more selections in its Pinelands Short Course program, which is held annually the first weekend of March. This year there were 622 registrants who wanted to learn more about the New Jersey Pinelands. The Commission also held a Pinelands Speakers Series during the summer months, focusing on the seasons of the Pinelands, threatened and endangered species, and the Jersey devil. In addition to this series of talks, they also offered eleven talks on septic system operation and maintenance. The presentations were attended by hundreds of people.



Two More Scientific Studies

The Commission's science staff has produced a vast number of well-documented reports, proceedings, articles, and book chapters over the past 25 years on the Pinelands ecosystem. After all these reports and data collection, maybe, just maybe, this is the year that some policy changes will be made to stop, or slow down, the degradation that has been so well documented.

During the past year the Pinelands Commission released two more high-quality scientific reports. The first is entitled, *Monitoring The Ecological Integrity of Pineland Wetlands - Variations in Shallow, Coastal Plain Lake Communities Associated with Land-Use-Degradation Gradients and Thresholds*. In general, the report concludes that as the land surface is altered, water quality and the richness of biological communities decline. The report cites eleven other publications by Pinelands Commission scientists to support their most recent findings.

The second report is the *Ecological Integrity Assessment of the Pinelands*. The complex analysis assigns an ecological integrity value to millions of 10 x 10 meter squares covering the entire Pinelands Area, based on the amount of already-developed lands in the square's vicinity and drainage basin. This approach to measuring integrity derives from the premise that most ecological values in the Pine Barrens (such as native species and water quality) are tightly correlated with the amount of intact habitat in the vicinity, as opposed to urban, suburban or agricultural development. The report is supported by thirty publications by Commission scientists alone. The Commission intends to use the assessment to review whether changes to CMP management area boundaries are justified in terms of environmental resources. The assessment is significant because it is the first Pinelands-wide effort to scientifically and rigorously evaluate the success of



the CMP and other conservation programs in preserving Pinelands water resources and native plant and animal communities. While PPA is concerned the assessment not be used to say more than its methodology can justify, we have supported the project and believe it represents a major advance in understanding the pinelands conservation effort.



Clustering Residential Development

As of June 2008, the Pinelands Commission appears close to adopting rules that require all new development in Pinelands Forest and Rural Development Areas to be "clustered" on one-acre lots, with the balance of the development parcel permanently protected as open space. The idea is to reduce the loss and fragmentation of forests by scattered houses on very large lots and the roads that serve them. This can work because the Comprehensive Management Plan requires Forest and Rural Development Area zoning to be at very low densities of no less than 16 acres (Forest Area) and 3.2 acres (Rural Development) per housing unit. By building on one-acre lots, developers will always have land left over to be preserved. PPA supports the idea of required clustering, but, of course, it all depends on what the final rules look like in detail. PPA does not want to see the rules include "bonus densities" that allow more units to be built with clustering than would normally be allowed under the municipal zoning; we believe the preserved land should be owned by the public or a nonprofit organization, rather than one of the residents; and in cases where the preserved land is a working farm, we believe it should be preserved for real farming, not greenhouses, fish ponds or other more industrial uses. For now, we must wait to see what specific rules the Commission formally publishes for public comment.



Pinelands Development Credit Reforms

Pinelands Commission staff have proposed fundamental and necessary reforms to the Pinelands' core transfer of development rights initiative, the Pinelands Development Credit program. But the changes have been stalled indefinitely by an unresolved conflict of interest concern for Commissioners who own Credits. The reforms, for which PPA has long advocated, include a basic shift in the incentives the program gives builders: Now, builders have to buy credits when they build more densely, giving an incentive to build inefficient, low-density, sprawling subdivisions. The new rules would make it less expensive to build at higher densities (though still within the municipality's zoning limits.) The proposals would also require the purchase of Credits in more situations and in more of the Pinelands, thus increasing the preservation of land that goes with the sale and purchase of Credits. The

Commission needs to resolve the conflict of interest concern, or move forward with the affected Commissioners recusing themselves for this vote.



Southern Medford/Evesham Subregional Conservation Plan

It's going on two and a half years since the Pinelands Commission, Department of Environmental Protection and Medford and Evesham Townships completed an innovative conservation plan for the exceptional natural resources of this area - yet little has been done to implement the plan through the necessary local zoning ordinances. Last year we took the Commission to task for failing to move this project forward. This year we are crossing our fingers because the Commission and the two townships have begun to talk again about implementation. It is vital that the plan be made into a legal reality as soon as possible, before development proposals for large tracts of land in Evesham are revived and events overtake this excellent conservation initiative. The Commission is also now leading a team effort to do public education and outreach focused on helping residents landscape their own properties with Pinelands-friendly yards and gardens.



Roadside Populations of Rare and Beautiful Plants

For most people, the distinctiveness of the Pine Barrens is most apparent as they drive through it. 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 construction and maintenance practices in the Pinelands and throughout the State are exterminating these plants and replacing them with non-native plants. On the shoulders of some roads they have taken on the appearance of roadside lawns. Not exactly what one should see traveling through the Pinelands. We need the Pinelands Commission, as well as municipal, county, and state agencies to recognize the value of these native plants both for conservation and their aesthetic appeal, and work together to develop intelligent ways to manage road shoulders.



Water Quality "White Paper" Going Nowhere

As we noted in last year's report, in 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 approximately three years of deliberations within the Pinelands Commission, including public comments and suggestions. The report discusses how research conducted by the Commission's Science Office can contribute to policy and planning decisions. 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 in January 2006, the project died and the Commission has shown no interest in advancing the effort. In fact, of the thirty-eight "major initiatives and special projects" approved by the Commission in its work plan for fiscal year 2008, advancing recommendations in the white paper was not even mentioned.



Native Lake Vegetation

An estimated 400 lakes are scattered throughout the Pinelands. Many of these lakes are home to a variety of native and rare aquatic vegetation that are often targeted for control with herbicides. Lake communities rely on the lakes for recreation such as swimming, fishing, and boating, and the lake association or municipality is typically responsible for controlling "nuisance" vegetation that residents feel impede these recreational activities. The excessive use of herbicides, however, kills rare and characteristic native species. PPA has proposed that the Pinelands Commission tighten its permit review process and DEP revise its aquatic permit applications to require identification of plant species and surfactants used in the pesticide applications. Overall, PPA hopes to see the Pinelands Commission create lake management rules to minimize the destruction of rare aquatic vegetation, and the use of herbicides.



Hovbilt Development, Jackson Township

Hovbilt, a major developer, applied to the Commission for permission to do work on County Route 528 in Jackson Township, Ocean County, which Hovbilt needs for its proposed 902-unit Jackson Valley housing project. The housing development conflicts with the Pinelands Comprehensive Management Plan, which designates the lands as Forest Area, where only very low density development and no sewers are allowed. The land adjoins Colliers Mills Wildlife Management Area, has intact Pine Barrens habitats, and is one of the most inappropriate places one could find in New Jersey for this kind of development. However, in a very unfortunate anomaly of the Pinelands Protection Act, this

piece of the Pinelands National Reserve was left outside the permit regulation powers of the Pinelands Commission. The housing development, therefore, is in an area that is covered by the Pinelands Plan over which the Commission has no direct permit controls. The road, however, is located in the Pinelands Protection Area, where the Commission does hold permitting powers.

In December of 2007 the Pinelands Commission determined that the proposed Pinelands Area road improvements were inconsistent with the CMP because they were designed to serve development that was inconsistent with the CMP. But in April of 2008 Commission staff suddenly reversed its position to allow the road to go forward. The Commission staff adopted the bizarre reasoning that the road work could have been approved if it were to serve a development complying with the CMP, so therefore it must be approved even though it will serve a development everyone agrees violates the CMP. PPA finds it extremely disturbing that the Commission would adopt such contorted reasoning to further a huge development that blatantly violates its own Comprehensive Management Plan, rather than do all it can to defend the integrity and standing of the Plan.



Forestry Rules Stalled

The Pinelands Commission re-activated the Forestry Advisory Committee (FAC) in 2004 to review the forestry provisions of the CMP and advise the Commission on the best practices for forestry management in the Pinelands. The committee proposed revising the CMP's forestry rules on timber harvesting, land preparation and re-vegetation. PPA participated heavily in the committee's meetings, and, while we disagreed with elements of the final report, the committee's proposals would represent a clarification and improvement of protections for Pinelands forests. Unfortunately, even though the report was released in March 2006, the Commission has not advanced the recommendations in the report through CMP amendments needed to implement the recommendations.

Pinelands Commission & New Jersey Department of Environmental Protection



Threatened & Endangered Plants - Regulatory Limbo

Since its inception, the Pinelands Commission has declined to recognize New Jersey Natural Heritage Program ranks of



rarity for plant species as a sufficient basis to protect listed species through the CMP's ban on development which would imperil any population of threatened or endangered plants. The Natural Heritage Program 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 Program ranks of S2 and S3 are applied to species that deserve conservation measures so that they do not slip toward the status of "endangered," which means actually near extinction in the state. 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 are "threatened" based on their rarity. To date, the Pinelands Commission and Heritage Program have not worked successfully together to resolve this major gap in the conservation of Pine Barrens flora. PPA is working with both agencies to move forward, but we are disappointed the two agencies have not brought all threatened species under the CMP's protections.

NJ Department of Environmental Protection



Fire Management Practices

PPA and other conservation groups and scientists have long advocated for a paradigm shift in how the state manages forests for fire safety and the ecosystem. The traditional practice of "cool," low-level prescribed fires in a very small percentage of the Pinelands was not working well enough to control wildfire dangers and sustain the Pine Barrens' fire-dependent ecology. This year the State Forest Fire Service has been working with other parts of the Department of Environmental Protection, the Pinelands Commission, local governments and conservation groups on a new and more promising approach. Through intensive planning for each "fireshed," the Forest Fire Service is developing plans that use eco-friendly thinning along fuel breaks with more intensive prescribed burns inside patches of fire-prone forest. This approach should do a better job of reducing big build-ups of fuel for wildfires, controlling the spread of wildfires when they do occur, and giving Pine Barrens forests a more natural dose of fire when they are intentionally burned. One big question is whether there will be funds to carry out these plans and study their results in the years ahead.



Partnership for Plant Conservation

In an effort to place a greater emphasis on biodiversity and

protecting threatened and endangered plants, the DEP has partnered with PPA to form an informal committee to begin giving plant conservation the focus it needs across the state. The goal is to have experts in the field of biodiversity meet on a routine basis to discuss and recommend strategies to enhance the long-term viability of rare and characteristic plants and natural communities throughout the state.



Category One Protection for the Toms River

During the fall of 2006 PPA and six other environmental organizations officially petitioned the DEP to give the Toms River and its tributaries in Ocean County additional protections by having the river system designated a Category One (C1) waterway. Building on the petition, DEP officially advanced the proposal for not only the Toms River but also numerous other waterways throughout the state. Category One designation is one of New Jersey's most protective classifications and guards against any measurable decrease in water quality. This is important since the Toms River drains a 124 square-mile watershed as it flows southeast to Barnegat Bay. It is the largest river draining into the bay supplying approximately 24% of its freshwater. Pollution associated with stormwater runoff from poorly managed growth threatens wildlife and recreational activities according to the Barnegat Bay National Estuary Program. One of the key elements of the designation is that wetland buffers will now be extended up to 300 feet giving greater direct protection to the river system. The benefit to the Pinelands from this upgrade of protections, and one of the main reasons that PPA actively promoted increased protections, is that a number of these tributaries originate outside of the Pinelands and therefore did not have the level of protection of Pinelands streams even though they eventually flow into the Pinelands. The waterways that DEP upgraded included portions of the main stem of the Toms River, portions of Dove Mill Branch (Jackson Township), Wrangel Brook, and a tributary west of Pleasant Grove in Jackson Township.



Water Quality Management Planning Rules

In May, 2007, DEP rolled out for public comment its far-reaching Water Quality Management Planning (WQMP) rules. These rules set standards for wastewater, sanitary sewers and septic systems. The proposed rules are a big improvement over the current rules.

In 1972 the Congress of the United States enacted legislation that provided a national strategy for cleaning up the nations' waters. Today we know this law as the Clean Water Act. The Act created a national goal of fishable and swimmable waters



through various planning initiatives. One notable planning activity was the development and implementation of areawide wastewater treatment management plans under Section 208 of the Act. Today these plans are simply known as "208 Plans." These plans are old, and have been amended so many times as to no longer reflect any coherent planning process. The current process is nothing more than a compilation of amendments to amendments, which can only be described as dysfunctional at best. The proposed rules are much more sensitive to ecosystem health and the environment in general. They restrict the placement of new sewer lines and of large housing developments that will rely on septic systems. In addition, the proposed changes bring the WQMP rules in alignment with existing programs such as the Stormwater Management Act, Flood Hazard Area Control Act, and the Wetlands Protection Act; embrace and codify the importance of the Landscape Project; and finally provide habitat protection for threatened & endangered species.



Historic Preservation at Atsion

Recognizing the importance of historic and cultural preservation, the DEP will spend approximately \$1.2 million to restore the Atsion Ironmasters Mansion in Shamong, Burlington County. Built in 1826 it served as the summer home of Philadelphia entrepreneur Samuel Richards. The mansion is considered to be a fine example of Greek Revival architecture. Philadelphia financier Joseph Wharton founder of the Wharton School at the University of Pennsylvania purchased the property in the 1890s. The state purchased the property in 1955 and is part of what is known today as Wharton State Forest.



Statewide Water Supply Planning - Really!

Once again we have to report that important water supply planning initiatives started years ago are going nowhere. This is unfortunate since there are three initiatives that either directly or indirectly affect the Pinelands. Since the shallow groundwater aquifer provides approximately 90 percent of flow to streams and rivers in the Pinelands, how we use this aquifer has a direct bearing on the aquatic environment and associated wetlands. The initiatives that are currently stalled include:

1996 Statewide Water Supply Plan Update (NJSWSP) - 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. New

Jersey's waters belong to its residents, held in trust and managed for them by 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. The water levels in almost all of the aquifers beneath the Pinelands are declining at an alarming rate. Considering all of the new housing developments and water allocation requests since 1996, a new and rigorous water supply plan is long overdue.

Status of the Water Supply of Southeastern New Jersey - As a result of the last major drought, on September 22, 2002 Governor McGreevey issued Executive Order 32 (EO 32), which required the Commissioner of DEP 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 DEP 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 was adequate. DEP issued the draft report in September 2003 to satisfy the requirements of EO 32, providing a detailed analysis of the water supply for much of South Jersey along with an interim and long-term strategy. Two hearings were held during May 2004 at which PPA gave testimony. Some builders and landscapers did not like the report's conclusions, which showed just how stressed the aquifers in this region are; nor did they like the report's recommendations. Yet DEP has never finalized the report or formally adopted any of its recommendations. This however, has not stopped the DEP from issuing additional water allocation permits within the affected areas. PPA has continued to press the Department to move this initiative forward, but aside from an updated executive summary... Nothing!

Water Allocation Rules- For the past several years, Commissioners of DEP have stated the Department is well along in reforming the rules governing the allocation of water in New Jersey - where fresh water is by law owned by the public. This year, the Commissioner extended the deadline for when the current, outdated rules will expire for another year. These rules set standards and procedures for when someone (golf course, company or water purveyor) wants to remove large volumes of water (more than 100,000 gallons per day) from an aquifer, lake or river. For withdrawals from the shallow Kirkwood-Cohansey aquifer, current practices can be catastrophic to local streams, rivers and wetlands since these water-bodies are intimately connected to the shallow



aquifer. The current rules are not sensitive enough to the needs of aquatic ecosystems, and must be modified so that groundwater withdrawals do not reduce streamflow within the Pinelands. We see no sign the state is really prepared to tackle the fundamental need to reform how the DEP gives away the public's water resources.

New Jersey Turnpike Authority



Widening the Garden State Parkway

The New Jersey Turnpike Authority is gearing up to spend hundreds of millions of dollars to add a lane each direction to the Garden State Parkway, even though its own traffic analysis shows these lanes will fill up before the project is even complete. This approach to getting people to Atlantic City squanders precious public funds and directly contradicts the greenhouse gas reduction goals the Governor has set for our state. Since the freeway widening will not solve the transportation challenge for Atlantic City, more and better public transit is absolutely critical. It is bad policy to go on spending precious transportation dollars on an old-fashioned road widening that is doomed to failure.

Council on Affordable Housing (COAH)



Round 3 Affordable Housing Rules Will Promote Sprawl

The Council on Affordable Housing adopted new regulations designed to promote the development of affordable housing that PPA believes will not meet the state's affordable housing needs, but will promote sprawl and exclusionary zoning. The new rules require municipalities to adopt ordinances that might achieve assigned affordable housing targets through zoning for new development that provides one affordable unit for every four market-rate units. By tying affordable housing to much greater numbers of market housing, the rules actually fuel the perverse incentives that drive local governments to adopt large-lot, inefficient, exclusionary zoning as their only means to control population growth and costs. The result is bound to be more sprawl with very little affordable housing built. The obligation to provide affordable housing needs to be severed from zoning for sprawl development.

State Legislature



Horseshoe Crab Harvesting Moratorium

This bi-partisan legislation (A2260/S1331) signed by Governor Corzine on March 25th imposed a moratorium on harvesting horseshoe crabs in New Jersey. Horseshoe crab eggs are a significant source of food for migrating shore birds, including the famous but declining red knots. Over-harvesting of horseshoe crabs has led to a diminished supply of food for these birds and has brought the red knot to the brink of extinction. Horseshoe crab eggs provide the critical food source for red knots during their incredible annual migration north from the Southern Hemisphere to their breeding grounds in the Canadian Arctic. Assemblymembers McKeon, Gusciora, Fisher, Cohen and Stender sponsored the legislation in the Assembly. In the Senate Senators Vitale and Gordon sponsored similar legislation.



Minimizing Off Road Vehicle Damage

Off-road vehicle legislation has been a key focus for PPA during the past few years. Thankfully, state leaders are rising to the challenge of addressing what has been identified as one of the greatest threats to our nation's landscape and have introduced state legislation (A823/S2055) to address the problem. Illegal off-road vehicle use in New Jersey has damaged an estimated 350,000 acres and costs the State and its residents over a million dollars yearly. The legislation does not criminalize any currently legal ORV use, but simply makes it possible to enforce existing laws by requiring the tagging and registration of vehicles and collecting fees to pay for enforcement. Assemblymen Gusciora, Moriarty, and Wisniewski were the sponsors of A823 and Senator Gordon was the sponsor of the Senate companion bill S2055. A definite thumbs up to these elected officials. PPA is cautiously optimistic that the rest of the states legislators will recognize the importance of requiring mandatory vehicle identification, registration, increased penalties to fund enforcement and natural resource damage restoration.

County Government



Ocean County Natural Lands Trust Fund

The Ocean County Board of Chosen Freeholders has authorized the spending of \$13.9 million from the Ocean County Natural Lands Trust Fund for two major land acquisitions this past year within the Pinelands. The first is known as the



Lumley Tract in Berkeley Township. This site consists of 291 acres within the Jakes Branch watershed and is known threatened and endangered species habitat. The second is the Horner Property in Waretown and is contiguous to Wells Mills County Park. Most of its 877 acres are within the Oyster Creek watershed, which was reevaluated by the Pinelands Commission in 2004 and found to contain higher water quality than previously thought and is also home to numerous threatened and endangered species.

Burlington County Roadside Vegetation

The Burlington County Road Department practices a delayed mowing program for certain roadsides in order to protect significant native plant populations. By appropriately timing when mowing will occur the county is protecting and enhancing habitat for both common and rare native plants.

Local Government

Jackson Township Denies Grawtown Road Development

The Jackson Township Planning Board denied an application for approximately 493 residential homes on a 300-acre parcel in a Regional Growth Area. This site is contiguous with the Commission's Toms River Corridor planning area. Residents along Grawtown Road reported three threatened northern pine snake sightings during the planning board's review of the development application, while the applicant's consultant encountered none during their surveys. The Planning Board denied the application by a vote of 8 to 1, with members giving two reasons for their denial: the first was road and traffic impacts surrounding the development, and the second was the uncertainty about the existence of threatened or endangered species on the site.

Egg Harbor City Design Standards

Egg Harbor City is one of a handful of Pinelands municipalities to create development design standards by ordinance. The goal of the design standards is to create dynamic, diverse, compact and efficient developments that promote a sense of place by being pedestrian and environmentally friendly. PPA hopes that other municipalities will start to incorporate this line of thinking in considering future development. PPA is starting an outreach effort this year to work with municipalities on advancing sustainable development. Hopefully, Egg Harbor City can be a leader on this front.

Federal Government

National Parks Service Pinelands Brochure

The National Park Service (NPS), through a cooperative agreement between the Pinelands Commission and the NJ Division of Parks and Forestry, funded and produced a new Pinelands National Reserve brochure. The NPS contributed approximately \$38,000 to the effort and 250,000 copies were printed and are available at parks, forests and nature centers throughout the Pinelands.

Military Installations - Land Acquisition Efforts

The Department of Defense has allocated one million dollars in federal funds to acquire property in the vicinity of McGuire, Fort Dix and Lakehurst Naval Air Station. The funds will be used to acquire sites that are consistent with land and natural resource conservation objectives and preservation goals, and to prevent encroachment of incompatible land development surrounding their borders.

Voters of New Jersey

Garden State Preservation Trust

On November 6th, the "Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007" passed with 54% approval. Ballot question #3 was necessary as a stop-gap measure because funding for the Garden State Preservation Trust Fund was running out. Once again New Jersey residents supported the preservation of land, and the voter approval of this measure only further exemplifies the overwhelming public support for a long-term funding source for New Jersey's preservation programs. In fact, this was the only ballot question that passed. Passage of ballot question #3 was necessary to continue the great work of the state, local governments, and private land trusts, but a longer-term, stable source of funding is vital to continue this work. As New Jersey gets closer and closer to build out, open space, farmland, historic sites and flood-prone areas will be under ever-greater development pressure. It is important that the residents of the state continue to lend their support to this effort as we begin the uphill battle over the next couple of years to develop a stable long-term source of funding. In the meantime, we can enjoy this victory!



Schools



Oakcrest High School

Congratulations go to the Oakcrest High School faculty for their three-day curriculum project focused around the theme of Conservation and Preservation. For the past four years the faculty of this Atlantic County school has organized and facilitated a school-wide interdisciplinary project around a particular topic. This past May for three days, every student in every grade and in every subject focused on the topic of Conservation and Preservation in an effort to understand at a deeper level the responsibility we humans have in the global community. The "essential question" of the three days was, how do we (individuals, families, organizations, and nations) first decide what to conserve and preserve? How do we then implement our plan (locally and globally) and then educate others to do the same? The faculty was also able to organize over thirty-five (35) outside organizations, agencies, and people to help make the project a success.

Pine Barrens Hall of Fame



Individuals Who Have Made a Difference

The Pine Barrens Hall of Fame was established by the Pinelands Preservation Alliance in 2004 to honor individuals who through their dedication and hard work have made a lasting contribution to the Pinelands. On November 3, 2007 PPA honored three such individuals at this special annual awards ceremony. They were *Nan Hunter-Walnut*, *Elmer Rowley* and *Janet Jackson-Gould*. These volunteer activists played a critical role in winning passage of the key Pinelands laws at a time when there were hardly any professional environmentalists working full time on advocacy and education as there are today. They were the face and voice of the public fomenting and marshalling public opinion, generating publicity, and simply being persuasive in making the case for preservation.

Also recognized for this years awards were three exceptional educators: *Christine Raabe*, *Terry O'Leary*, and *George Young*. All of who have communicated their love of the natural world and of the Pinelands to thousand of adults, students, and other educators. Without their dedication, we could not count on having a new generation of knowledgeable, committed conservationist to carry on the cause in the Pinelands and elsewhere.

Franklin E. Parker (1925 to 2008)

This year marked the loss of a true champion of the Pinelands with the passing of Franklin E. Parker, who served as the first chairman of the Pinelands Commission from 1979 to 1988. Mr. Parker also served on PPA's Board of Trustees until his passing on February 1, 2008.

A resident of Morris County and graduate of Yale University and the University of Virginia Law School, Mr. Parker was appointed by Governor Brendan Byrne in 1979 as chairman of the newly formed Pinelands Commission. Mr. Parker knew this was going to be a daunting task, but accepted the challenge. Bitterly opposed by some communities and leaders, the Pinelands Protection Act required the Commission to develop and adopt a comprehensive land use plan for over 1 million acres of the nation's most crowded state. Pinelands author and PPA Trustee Emeritus Beryl Robichaud Collins described Mr. Parker during this time as "a low-keyed individual with an unusual ability to defuse highly politicized situations and to steer group deliberations constructively on complex issues." It is a tribute to Mr. Parker's leadership that the Commission ultimately voted in favor of adopting the CMP, which radically changed the way land is regulated in almost 25 percent of the State.

Mr. Parker served as a trustee on numerous non-profit environmental and land conservation organizations, including the Pinelands Preservation Alliance, Natural Resources Defense Council, Hudson River Foundation, Jackson Hole Preserve, Inc., New Jersey Conservation Foundation and as Director of the New Jersey Field Office of the Trust for Public Land. He also served on the Advisory Boards of the Rutgers Institute of Marine and Coastal Sciences and the School of Natural Resources at the University of Vermont. In 2003 the New Jersey Conservation Foundation purchased a 9,400-acre property in the heart of the Pinelands in Burlington County and dedicated the site as the Franklin Parker Preserve. Mr. Parker was inducted into PPA's Pine Barrens Hall of Fame in September 2006.

"In the final analysis, it is the citizens who will decide the ultimate fate of the pine barrens. It is our responsibility to pass this wilderness heritage on, in its natural state, to our heirs."

Howard Boyd,
A Field Guide to the Pine Barrens of New Jersey

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

The Pinelands Commission and DEP'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 DEP 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

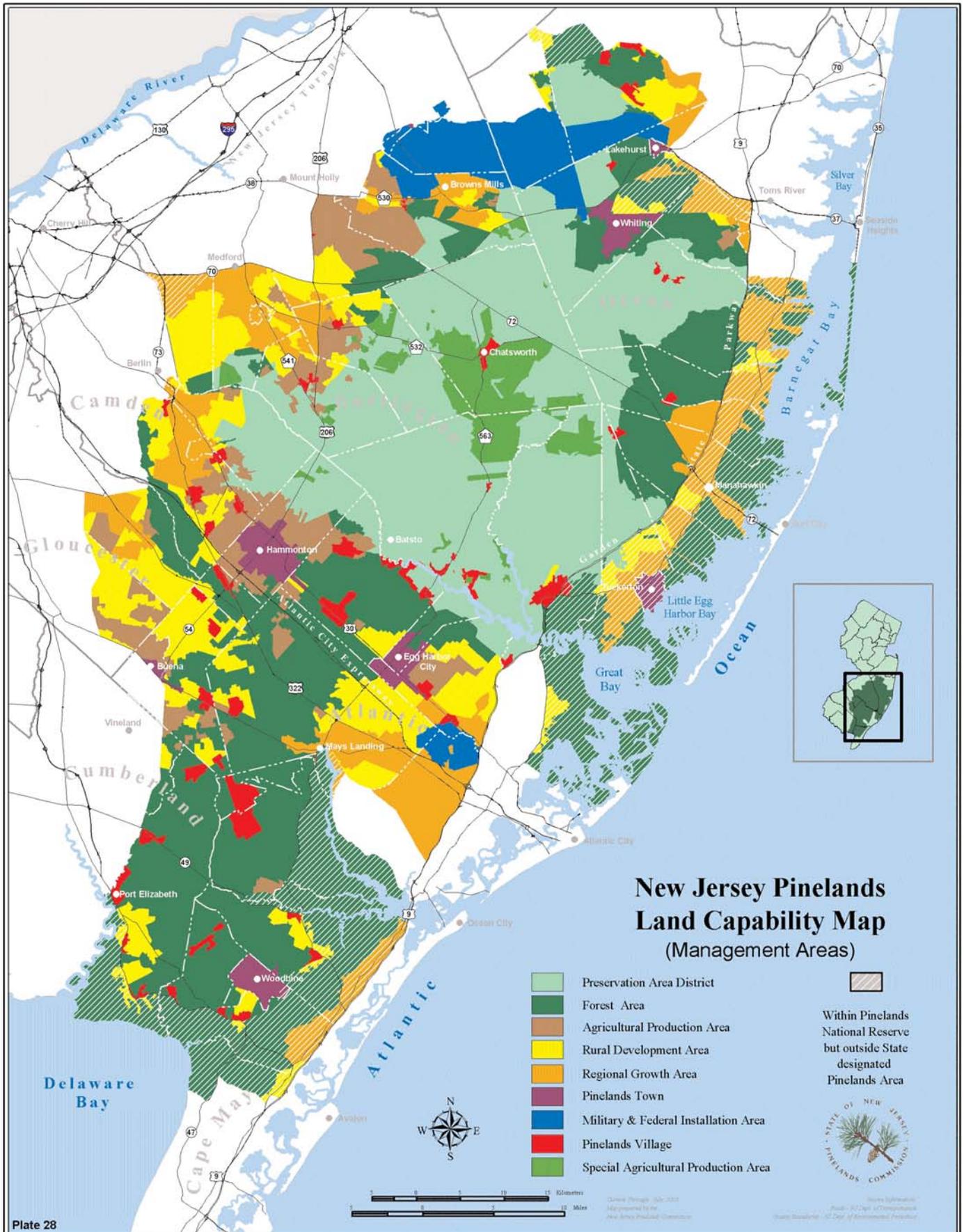


Plate 28

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, mistakes 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 255 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.

