

STATE of THE PINELANDS

*An Annual Report
by the Pinelands
Preservation Alliance*
2011



Friendship, Burlington County

Photo: Albert Horner

A Letter from the Executive Director

The basic threats to our Pinelands resources are perennial: sprawl development, contamination and depletion of water supplies, and abuses of land and water by uncaring individuals. But each new era in our state politics brings new opportunities and new challenges to meeting those threats.

Today, the primary approach of our government agencies to the environment is to call for “balance” between economic growth (mostly meaning the specific kind of economic growth equated with housing and retail construction) and natural resource protection in order to give special exemptions from the normal rules to favored development projects. We at PPA generally react badly to this philosophy, because it almost always means destroying limited resources of land and water forever in order to obtain short-term benefits for a particular business at the expense of the broader, long-term public good.

Examples of this pernicious approach are found throughout this report on the performance of government towards the Pinelands over the past year. They include, for example, the Stafford Park open space diversion, the proposed new rule allowing the New Jersey Department of Environmental Protection (DEP) to grant discretionary waivers from virtually any of its protective rules, and DEP’s proposed “settlement” waiving its coastal protections for a massive Wal-Mart store to be built on threatened species habitat in Ocean County.

We hope this report will help citizens and policymakers get involved in making sure government does the right thing by the Pinelands. We have marked those issues that are still in play – where people may influence the final outcome by lending their voices to the cause of the environment – with the words “***ACTION ITEM.***”

If you see one or more of these ***ACTION ITEMS*** that you would like to comment on to the right people in government, or work on with PPA, please contact Theresa Lettman or Rich Bizub here at PPA, and we will help you make a difference. You can also get more information on most of these issues, and contact information for government agencies, through our web site.

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www.pinelandsalliance.org/protection

You can also join the Pinelands Watch, an activist network run by PPA. We will send you alerts on emerging issues throughout the year. Please call or email our office to join the Pinelands Watch.

Carleton Montgomery
Executive Director, Pinelands Preservation Alliance

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Issues Spotlight

Stafford Business Park -Five Year Review- Public Policy Subverted for Private Gain

One of the greatest threats to the long-term success of the Pinelands is inconsistent, arbitrary enforcement of the Comprehensive Management Plan (CMP). In a serious assault on the integrity of the CMP, the Pinelands Commission in July 2006 approved a Memorandum of Agreement (MOA) that waived key environmental protections in order to permit a massive private, for-profit development project—a shopping center, 520 houses, and 100 affordable housing units—on what had been public land in Stafford Township. The justification? Assurance that the private developer would pay for capping the township’s former municipal landfill which occupied part of the site—an obligation of the township which it had ignored for decades. **Although the Commission staff attested that the case was unique, experience has shown that these cases are only unique until the next proposal with sufficient political and financial backing comes along.**

It has been five years since the Pinelands Commission approved the Stafford Park agreement. Looking back, it unfortunately has become a textbook case in government civics of what not to do, and how the public interest can be harmed when money and politics converge. This case also shows how the Commission’s Memorandum of Agreement (MOA) process has become the tool of choice for the Commission to ignore its own rules in order to promote certain favored developments. In 2006, the Commission contorted the MOA process in three fundamental ways:

- 1) The CMP allows the Commission to modify its normal requirements for legitimate *public development* carried out by public agencies. In this case, the MOA process reduced or waived standards for *private development*. This is both bad policy and contrary to the terms of the CMP. **In waiving CMP requirements for a private developer, the Commission departed from the way the CMP has been implemented for the past 25 years – and set a fundamentally bad precedent.**
- 2) In approving the MOA, the Commission waived CMP protections for threatened and endangered (T&E) species. For the first time since the inception of the CMP, the Commission knowingly authorized destruction of what it conceded was legally protected T&E species habitat to save the developer money. The New Jersey Department of Environmental (DEP), ignoring the advice of its own wildlife biologists, failed to enforce state regulations. **Allowing the destruction of T&E species habitat through an MOA may well be the worst decision the Commission has made since its doors first opened.**
- 3) The sole justification offered for this unprecedented misuse of Commission powers was the alleviation of presumed groundwater contamination by capping the landfill—an action that should have been required when the landfill ceased operation decades earlier. **It is difficult to take the water quality justification seriously when the Commission could not show that capping such an old landfill would make a difference or that the old landfill presented a greater threat to water quality than the proposed development, and when the Commission had done nothing to address the purported landfill threat in the previous 25 years.**

Insult was added to injury this past year when the Commission amended the MOA to throw out one of the few protections it had built into the original agreement – again in order to promote a private development project. The 2006 MOA called for Stafford to protect the landfill cap as open space “unmolested” and “in perpetuity.” The deed restriction to accomplish this protection was recorded in 2006, but the permanent protection proved to be short-lived: in 2010 the Commission eliminated the protective language to allow additional for-profit development of a solar panel farm on the land it had supposedly set aside as public open space – and all with no compensatory protection of other land. The Commission redefined “in perpetuity” to mean only four years! **This give-away of protected open space was legitimized through the New Jersey Green Acres “diversion” process, and sanctioned by the commissioner of DEP, the State House Commission, and the Governor.**



About this Report

June 28, 2011, marked the 32nd anniversary of the signing of the Pinelands Protection Act establishing the Pinelands Commission and the Comprehensive Management Plan (CMP). The goal of the Act was to preserve natural resources by controlling development in the 1.1 million acres of the Pinelands National Reserve. New Jersey is the most densely populated state in the nation and as development pressure increases, many wonder how the Pinelands will fare in the long-term.

Since the fate of the Pinelands ultimately rests with the decisions of government agencies, PPA decided in 2006 that a device was needed to hold those government agencies accountable in a focused and systematic way. The annual *State of the Pinelands* report rates how specific actions of government agencies have either helped or harmed the Pinelands during the previous year. In addition, it provides a way to acknowledge those individuals and organizations that contributed extra effort to help maintain the special qualities of the New Jersey Pine Barrens.

This report—our fifth—highlights some of the most significant actions taken by government, organizations and individuals in the past year. The agencies rated in this report include, but are not limited to, the Pinelands Commission, New Jersey Department of Environmental Protection (DEP), New Jersey State Legislature, the Governor, county government, local governing bodies, and federal agencies. Perhaps the greater purpose of this critique is to increase the transparency of government decision-making and foster public involvement in protecting the Pinelands.

Six criteria were used to guide the assessments in this report, specifically whether an action:

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

4. aquifers and surface waters;
4. insured the integrity of water supply for both people and ecosystem;
5. promoted the cultural and historic resources of the area; and
6. promoted education about the Pinelands.

Where a government agency followed its rules and took appropriate action, we gave them a *thumbs up*. In cases where it drifted from its regulatory mandate and took an action that will harm the Pinelands, we gave the agency a *thumbs down*. And there are cases in which it is too early to tell what will happen on an important issue, so we note those situations with a *crossed fingers*.

This report represents a sampling of the scope of environmental policy issues that affect the Pinelands and occupy the efforts of the Pinelands Preservation Alliance. It is our hope that a yearly *State of the Pinelands* report will raise public awareness and help citizens to become more active in protecting this special place for current and future generations.

— Governor Christie —

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



Pinelands Commission Appointments

Governor Christie submitted six nominations for the Pinelands Commission to the state Senate for confirmation, of whom the Senate has so far confirmed four. While PPA did not endorse all the Governor's nominees, we are pleased the Governor took action and look forward to collegial discussions with the new Commissioners. The nominees are:



- Candace McKee Ashmun of Bedminster, who has served on the Commission since its inception in 1979 and is the only sitting commissioner to be re-nominated – confirmed by the Senate;
- Steve Lee, III of Chatsworth, who was on the Commission previously and was a frequent adversary of PPA on carrying out the Commission’s environmental mission – confirmation vote not yet taken;
- D’Arcy Rohan Green, chair of the Bay Head Environmental Commission and active environmentalist – confirmed by the Senate;
- Richard Prickett, a retired high school science teacher and member of the Pemberton Township Council – confirmation vote not yet taken;
- Mark Lohbauer of Pennsauken, with a history of environmental advocacy and consulting on community revitalization – confirmed by the Senate; and
- Gary Quinn, mayor of Lacey Township – confirmed by the Senate.

We are grateful that the Governor has acted on nominations, especially since the Commission has been hobbled by vacancies for years. Nonetheless, we are disappointed that Ed Lloyd, a prominent environmental attorney, was not re-nominated, and that the Governor ignored the bi-partisan spirit of the Pinelands protection effort to nominate only persons of his own political party.

Barnegat Bay Restoration Plan

Governor Christie has made a public commitment to reverse the ecological decline of Barnegat Bay, most of which is inside the Pinelands National Reserve. His 10-point plan to restore the Bay includes a commitment to address the impacts of land use change. Sprawling development of the Bay’s watershed, particularly north of the Pinelands boundary, is poisoning the Bay with excessive nutrients. Our usually assertive Governor, however, appears to be weakening in his resolve to control sprawl. Unless he moves decisively to manage growth, his plan will fail and more and more contaminants will continue to flow into the Bay.



Credit: PPA

Barnegat Bay

— Pinelands Commission —

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

By statute, the Pinelands Commission has 15 commissioners who make up the governing body of the agency: seven appointed by the Governor; one appointed by each of the seven Pinelands counties; and one person appointed by the U.S. Secretary of the Interior. The gubernatorial appointees are subject to the review and consent of the New Jersey Senate. Members of the Commission serve staggered three-year terms. The commissioners have final say with regards to all activities regulated by the CMP and, through the Executive Director, guide a staff of approximately 40 people.

The Commission today consists of the following 13 members: **U.S. Secretary of the Interior’s Appointee:** Richard Harris. **Gubernatorial Appointees:** Candace Ashmun (Acting Chairperson), D’Arcy Green, Robert Jackson, Ed-



ward Lloyd (serving an expired term), Mark Lohbauer, and Gary Quinn. One gubernatorial seat is currently vacant. **County Appointees:** Paul Galletta (Atlantic), Edward McGlinchey (Camden), William Brown (Cape May), Leslie Ficcgaglia (Cumberland), Francis Witt (Gloucester), and John Hass (Acting Vice-Chairman - Ocean). Burlington County's seat is currently vacant.

 **New Executive Director**

On November 30, 2010, the Pinelands Commission appointed Nancy Wittenberg of Toms River as Executive Director of the Commission staff. Ms. Wittenberg brings a wealth of relevant experience and is in a position to set overall conservation priorities and provide leadership for implementation of the CMP. Ms. Wittenberg has had to focus on budgetary and administrative issues, rather than major policy issues, in her first six months. We hope that she will be aggressive in taking on the threats to the Pinelands and maintaining the Pinelands as a special place during her watch.

 **Public Outcry Restores Public Comment**

PPA gives the Commission high marks for implementing new procedures that restore public comment on government development and waiver applications at Commission meetings. Last year we reported that, in a stunning reversal of 30 years of practice, Pinelands Commission staff suddenly re-interpreted its rules to bar public comment on “public development” (those by government agencies) and waiver applications at Commission meetings. PPA vigorously opposed the new restrictions because public comment is a bedrock principle of any government process and the Commission had no valid justification for throwing out 30 years of prior practice. While we are seeing some hiccups in the transition to the new procedures, we believe these new procedures can provide meaningful opportunities for the public to address the Commission on important applications before the Commission votes.

Pinelands Watch Network

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

Theresa Lettman: **609 859-8860 x 22 or**

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 **Stafford Business Park – Another Breach of Public Trust**

As we pointed out in the “*Issues Spotlight*”, in what can only be described as a breach of public trust, the Commission responded to political pressure and threw out the open space protections it built into the 2006 deal it made with Stafford Township to develop the Stafford Business Park. When the developer saw a chance to develop the land with solar panels and turn a profit, the Commission (along with the state Green Acres program) let them do it while waiving any requirement to provide compensatory open space somewhere else.

 **Failure to Use Science to Improve Water Quality** **ACTION ITEM**

Commission scientists have produced dozens of publications since 1983 detailing the harm being done to Pinelands water quality by development permitted under current rules.



The Commission, however, has been unwilling to institute land-use strategies to halt or reverse these harms to water quality despite the vast body of data showing that contamination of ground and surface waters is slowly degrading Pinelands ecology, perhaps irrevocably. This is the same conclusion that the William J. Hughes Center for Public Policy at Richard Stockton College came to in their report, *Challenges for the Pinelands Regional Growth Area: Development and Redevelopment and Their Impacts on Water Quality*. Despite the release in 2006 of the Commission report, *White Paper on Preserving Ambient Water Quality – Policy Implications of Pinelands Commission Research Projects*, the Commission has failed to take action. The White Paper was justly touted as a means to bridge the gap between science and policy, but **the Commission has taken no steps to implement its recommendations, nor taken other measures to address this fundamental challenge to the success of the Pinelands program.**

Website Improvements

During the past few years the Commission’s website has evolved as a resource providing information about the regulatory process and the Pinelands in general. Recently, because of PPA’s criticism of the decision to prohibit public comment at Commission meetings, the Commission has taken steps to better inform and notify the public about development applications by providing information on its web page about the status of active public development applications and waivers of strict compliance.

Industrial Solar Complexes in Pinelands Conservation Areas

The Commission proposed rules allowing industrial solar energy facilities in all parts of the Pinelands, including even the core Preservation Area, and has done so without even mapping the potential locations of these facilities. PPA supports solar power generally, but believes industrial-sized facilities should not be built in Pinelands conservation areas, especially the core Preservation Area. In writing the new

rules, the Commission staff went far beyond requirements of recent legislation promoting solar power and, on its own initiative, included the Preservation and Forest Areas as acceptable areas for solar development. The Commission has not yet taken final action on the rule proposal, but it should never have proposed the rules in this form.

Kirkwood-Cohansey Study

Still waiting! This important project is now four years overdue, and the completion date is still uncertain. In 2001, the New Jersey Legislature directed the Commission to prepare an assessment of the key hydrologic and ecological information needed to determine how the current and future water-supply needs within the Pinelands may be met while protecting the shallow Kirkwood-Cohansey aquifer system. The ultimate purpose of this \$5.5 million study is to develop the necessary information to avoid ecological impacts to streams and wetlands from water supply wells drying up ecologically important areas.



Lake in Pemberton Twp. vanishing because of groundwater pumping

Alternate Wastewater Systems

New amendments to the CMP will help improve water quality. This is an initiative prompted by PPA almost eleven years ago. For a number of years the Commission had allowed the installation of traditional septic systems on lots as small as one acre, knowing that water quality could be impacted. The



Commission has done a nice job of developing a well thought-out advanced wastewater treatment program that promotes the use of systems that can remove more nitrogen than standard septic systems, which should help slow the decline of water quality in Pinelands streams.

Pinelands Short Course

On March 26, 2011, the Commission and Burlington County College co-sponsored the 22nd Annual Pinelands Short Course at the college. The short course featured over 40 presentations, including twenty-one new programs and field trips; over six hundred people attended this year. This event endures as an ideal opportunity to learn more about the Pinelands and pine barrens ecology, culture and history.

— New Jersey Department of Environmental Protection —

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

Waivers - Giving the Environment ACTION ITEM Away

DEP has proposed a new rule to authorize widespread, discretionary waivers of environmental protections for the benefit of applicants, including commercial developers, who don’t want to follow the law. The rule would allow DEP to give waivers of virtually any environmental protection. This policy ensures that powerful, well-connected applicants will be given special treatment at the expense of our water, air,

and forests. DEP has received extensive public comment, including a detailed critique from PPA, and has not yet taken final action to adopt the regulation. This rule, though, should not have been proposed.

Wal-Mart – DEP Caving-In?

DEP may do an about-face and approve a massive new Wal-Mart store on threatened species habitat in Toms River by means of a proposed “settlement.” In March 2010 DEP denied the developer’s application because it violates several provisions of DEP’s coastal area protection rules. In last year’s *State of the Pinelands* report we cautioned that there were rumors that powerful people wanted this permit granted and were pressuring DEP staff to give in. This year, DEP issued a formal proposal to grant the application via a settlement of litigation, in exchange for the developer paying for the “improvement” of habitat on several disconnected properties in the general area. However, the coastal rules do not allow developers to destroy known threatened or endangered species habitat on one site in exchange for “improving” potential habitat somewhere else. Having received public comment, including extensive expert testimony from PPA, DEP has not yet taken final action on the proposed settlement. **Again, though, it should never even have been proposed.**

Green Acres Give Away – Stafford

As noted elsewhere, the DEP Green Acres program allowed Stafford Township to throw out what was supposed to be a perpetual restriction of development on the closed Stafford landfill through the “diversion” process, with no requirement to provide compensatory open space elsewhere. DEP and the State House Commission both approved the give-away so that a private entity could build a large solar energy facility for its own profit. PPA and other groups have challenged the Green Acres action in court.



Robert J. Miller Air Park

Green Acres Give Away – Ocean County

DEP’s Green Acres program has issued a letter to Ocean County allowing the removal of 934 acres from the Ocean County Recreation and Open Space Inventory (ROSI) so that the Robert J. Miller Airpark can be expanded into public parkland. Once again, no compensatory open space was required. This land had been on the county’s ROSI list since 1979; the County requested the change in 2009. PPA and New Jersey Conservation Foundation have filed an appeal against this action.

Off-Road Vehicle Park – Continued **ACTION ITEM**

DEP has still not designated a site for legal Off-Road Vehicle (ORV) use, and ORVs still don’t have to be registered and display license plates. Illegal riding on public and private property continues to occur on a massive scale causing severe environmental damage of natural areas. Under the Off-Road Vehicle Bill (A823/S2055) passed last year, DEP must designate at least one site on state land for off-road vehicle use before the state can implement new rules that require licenses and tags for ORVs. Motorized recreation users have the opportunity to receive approximately \$300,000 a year from the state to use for purchasing, creating and maintaining ORV parks. Registration and tagging

are needed for law enforcement officers to identify illegal riders and to contain the environmental damage from this activity within a designated site – but it all is waiting on DEP to designate a legal riding park.

Forestry - Silencing the Public and Commission

DEP made an abrupt change of course in negotiations with the Pinelands Commission over how the two agencies will implement rules governing forestry in the Pinelands. If DEP has its way, it will prevent public access to information, and prevent comment on private forestry operations, regardless of their size and impact in the Pinelands. In addition, it will greatly limit public comment and Commission staff review of public (government) forestry actions. PPA and other environmental advocates find this new approach completely unacceptable, given that forestry can have either very good or very bad impacts on the Pinelands, depending on whether it is conducted according to Pinelands CMP requirements and best forestry management practices. **This is another example of the public being locked out of the public process. This issue has not been resolved.**

— State Legislature —

Expectations: The principal function of the State Legislature is to enact laws. It is our expectation that at a minimum, legislator’s will not sponsor bills that undermine the intent of the CMP. We think our state senators and assembly people can do better by sponsoring legislation that actually improves the natural environment within the state and Pinelands.

Fertilizer Standards

The legislature adopted S2554/A2990 establishing standards to reduce the environmental harms arising from residential lawn fertilizers. The law imposes limits on the formulation and timing of residential lawn fertilizer applications, requires certification of professional fertilizer applicators, and regulates labeling and sale of certain



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

Thank You!

fertilizers. It essentially limits times of fertilizer application and requires twenty percent slow release nitrogen in all fertilizers sold by retailers. The goal of the law is to limit the amount of nitrogen entering New Jersey's streams, rivers and bays in stormwater, groundwater and overland flow.

 **Soil Restoration Standards**

This legislation (S1410/A2501) is long overdue and the sponsors should be commended. The legislation requires the State Soil Conservation Committee (SSCC) to adopt standards for soil restoration, an issue we address below.

 **Prescribed Burn Bill ACTION ITEM**

The Prescribed Burn Bill (S2169/A3935) is under consideration by the legislature. The bill makes it easier for private landowners to conduct prescribed burns by authorizing the NJ Forest Fire Service to develop and administer a program for the certification of prescribed burn managers, and providing legal protection for landowners who carry out prescribed burns that are approved by the Forest Fire Service and administered by a prescribed burn manager so long as

the landowner is not negligent. The intent of the bill is to promote burning for ecological purposes and to minimize wildfires.

 **Stormwater Basin Improvements**

The legislature adopted S2275/A3606 to require state highway departments to take a more aggressive approach to fixing malfunctioning stormwater basins in the Barnegat Bay Watershed. Many stormwater basins are simply not working. The repair of these basins is another piece to the puzzle of solving Barnegat Bay's problems.

— **Other State Agencies** —

***Expectations:** The actions of state agencies other than DEP can also impact the Pinelands. For example, the Department of Transportation oversees highway expansions and mowing practices on state highways in the Pinelands that can impact roadside native plants, and the Board of Public Utilities can grant power transmission lines through sensitive Pinelands areas. PPA therefore expects that other state agencies will conduct their activities in a manner consistent with the Pinelands Comprehensive Management Plan.*

 **NJ Dept. of Agriculture & Soil Conservation Committee ACTION ITEM**

Legislation adopted this year requires the State Soil Conservation Committee (SSCC) to create requirements for the restoration of soil that has been damaged (usually by compaction) in development activities. The standards are supposed to ensure that soils can provide the critical functions of absorbing and cleansing rainfall and provide a substrate for native species. Through several recent meetings, the staff of the SSCC has seemed more focused on making things easy for builders and local governments than ensuring the restoration of disturbed soils. PPA and the Pinelands Commission have both submitted detailed comments and proposals for standards tailored to the special conditions of Pinelands soils. The outcome remains to be decided, but the SSCC staff has so far resisted these proposals.



— County Government —

Expectations: In New Jersey, county governments essentially provide services such as road and bridge maintenance, recycling, parks and recreation, social services, wastewater planning, and recording of deeds, as well as a host of other functions. We expect county governments to implement programs and plan for the future in a manner consistent with the Pinelands Comprehensive Management Plan (CMP).

Ocean County Freeholders **ACTION ITEM**

Despite fifty years of science showing that the Barnegat Bay ecosystem is in a state of decline, the Freeholders seem to be in a state of denial that there are severe problems that need to be addressed. **The Freeholders actively opposed all the bills aimed at restoring Barnegat Bay, despite the fact that tourism is a huge part of the Shore economy.**

— Local Government —

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

Buena Vista – Multiple Violations

Buena Vista Township, described by one Pinelands Commissioner as a rogue municipality, disregarded the Pinelands CMP by racking up another CMP violation in the



Credit: PPA

Richland Village in Buena Vista

Richland Village section of the township. In January, the Pinelands Commission released a report that identified ten land-use violations in Richland Village. The latest violation of the CMP relates to activities conducted at the Mike Debbi Park. These include the construction of four storage sheds, installation of nearly one half mile of paved sidewalks and paths, and the placement of a storage trailer in wetlands buffers – **all without Pinelands applications or approvals.**

Barnegat Township – Ocean Acres Denial **ACTION ITEM**

Last year we gave Barnegat Township a thumbs up for holding firm and not buckling under pressure to remove 38 acres from the Ocean Acres conservation zone so that 135 homes could be built – all without support from the Pinelands Commission. So far, the Township has remained steadfast in refusing to reverse itself despite a lawsuit filed by the developer.

Sustainable Jersey Certification – Galloway Township

Galloway Township was only one of four communities in the state to achieve the highest level of certification from Sustainable Jersey in 2010. New Jersey is the first state in the nation to have a sustainability program that links certi-



fication with strong state and private financial incentives. The program rates municipalities on issues such as biodiversity, water quality, water conservation, open space planning, energy conservation, recycling and many other topics.

Pemberton Township Violations

In the first of two violations of the CMP, Pemberton Township cleared and filled portions of wetlands and wetlands buffers at the municipal building property. To correct this violation, the township in August 2010 submitted a restoration plan and indicated that the area would be replanted by June 1, 2011. This removal of equipment and replanting of vegetation has been completed. However, soil, gravel, mulch and equipment that were moved from the wetlands and buffers were relocated to an adjacent property without Pinelands approval, triggering yet another violation by the township.

Saving the Preservation Area in Washington Township

In May 2011, a land owner in the Pinelands Village of Lower Bank filed an application with the Washington Township Land Use Board to expand an existing salvage yard and build a recycling facility. The site is in an extensive wetland complex in the Preservation Area. Expanding the operation into the wetlands is not an environmentally sound course of action. The Washington Township Land Use Board recognized this, and denied the application.

— **Educational Institutions** —

Black Run Preserve Partnership

In this unique partnership, teachers and students in the Evesham and Lenape Regional School Districts, REI, and PPA have joined together to promote Evesham Township's

Black Run Preserve as an educational and recreational resource for local schools and the public. PPA led teacher training institutes in the summers of 2009, 2010 and 2011 to engage teachers and their students in the project. With help from the township, the partners have led several hikes and stewardship events, bringing hundreds of area residents to the Preserve and raising awareness of its conservation needs. REI has played a crucial role by participating in the planning efforts and the teacher institutes, by providing grants to support the effort and by promoting stewardship events. Additional funding comes from the Watershed Institute, the Victoria Foundation and the William Penn Foundation. PPA is committed to expanding the Partnership, helping the Township take care of the Preserve through cleanups and trail marking, and advocating for protection of the Preserve's extraordinary scenic and natural resources.



Credit: PPA

Black Run Summer Teacher Institute

— **Non-Governmental Organizations** —

Burlington County Natural Sciences Club

This year marks the Club's 40th anniversary, but the roots of this organization go back much further. In 1948 a small group of enthusiastic birders began to meet to share reports on local



birds. By 1950, as more people became interested in birding, the group formally organized. By 1971 it was recognized that the group was considering many aspects of the natural sciences so it changed its name to the Burlington County Natural Sciences Club. What started sixty-three years ago for birders has evolved into an organization with one of its core objectives “to help protect and preserve the Pinelands National Reserve of which Burlington County is an important part.” For more information about the Club go to <http://oldsquaw.tripod.com>.

— Pine Barrens Hall of Fame —

Individuals Who Have Made a Difference

On November 6, 2010, over 120 people gathered at Braddock’s Tavern in Medford Township to honor two public servants that have dedicated most of their careers to the protection of New Jersey’s environment, and especially protection of the Pine Barrens ecosystem. They were **Richard Sullivan** and **Betty Wilson**. Richard Sullivan was appointed on the first Earth Day, April 22, 1970, by Governor William Cahill to be New Jersey’s first commissioner of the newly formed Department of Environmental Protection. Betty Wilson served in the NJ General Assembly in the 1970’s and as First Deputy Commissioner of the DEP during the formative days of Pinelands legislation as point person on Pinelands planning and acquisition. Both Richard and Betty have served as chair of the Pinelands Commission and as members of PPA’s board of trustees.

Also recognized in 2010 were two outstanding educators, **Susan Girard** and **Terry Loy**, both of whom are committed to environmental education and the Pinelands. Susan Girard is a teacher for the Pinelands Institute for Natural and Environmental Studies (P.I.N.E.S.), a program of Burlington County College. Terri Loy is the Education Director for Woodford Cedar Run Wildlife Refuge.

The Pinelands Portal

For information about Pinelands protection, plants, wildlife, history, recreation and events, go to the Pinelands Preservation Alliance website:

www.pinelandsalliance.org



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The New Jersey Pinelands

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

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.

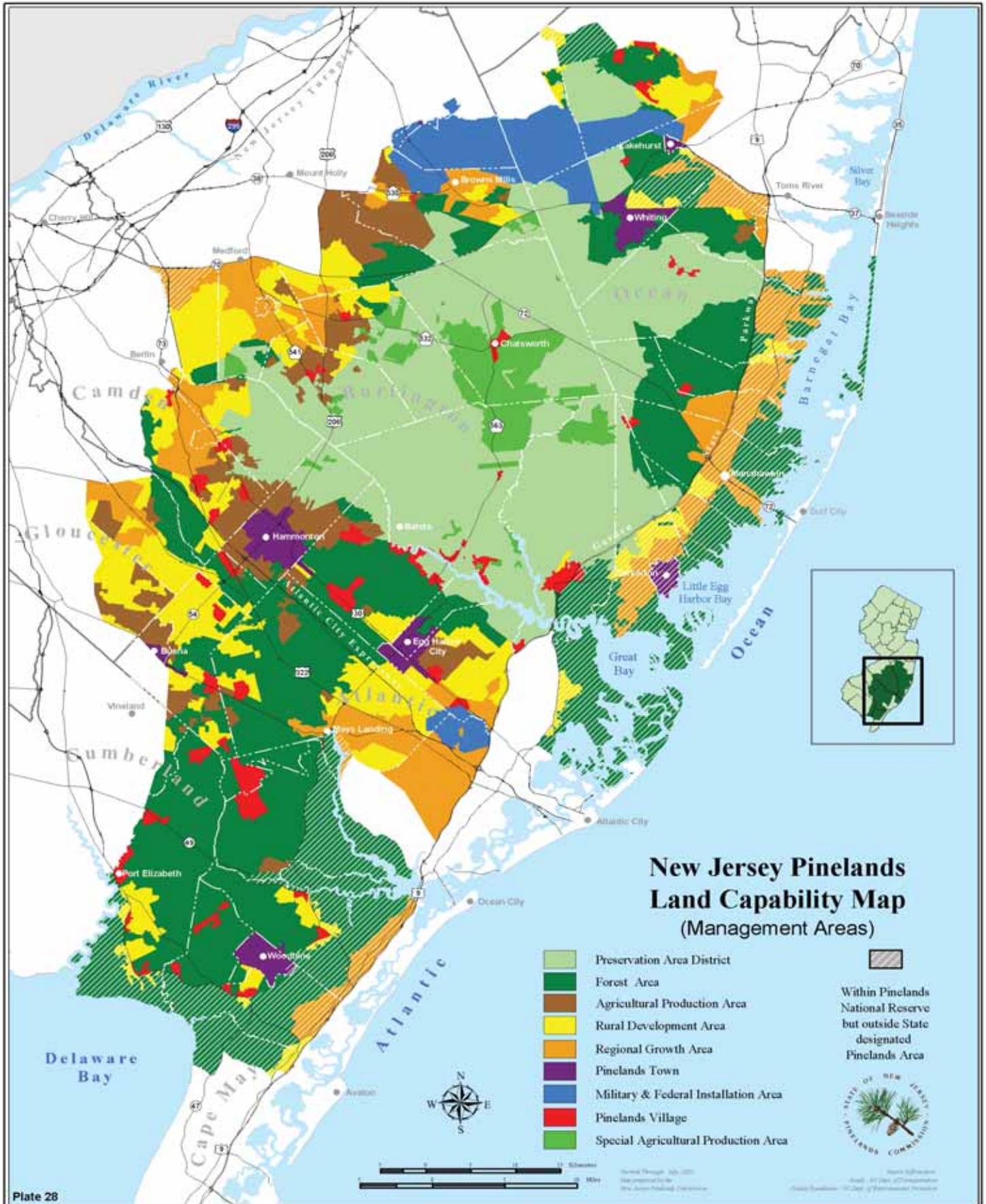
The Comprehensive Management Plan covers the 1.1 million acres of the Pinelands National Reserve. In addition to writing and amending the CMP, the Pinelands Commission applies the CMP by reviewing all development applications in 936,000 acres of the National Reserve. The New Jersey Department of Environmental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

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

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

The Pineland Commission and DEP’s accomplishments in the Pinelands are 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



Pinelands Preservation Alliance

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This State of the Pinelands report is being mailed to our friends and members in place of the Inside the Pinelands newsletter, which will resume its regular schedule with the October/November 2011 edition.

The Pinelands Preservation Alliance

Founded in 1989, the Pinelands Preservation Alliance (PPA) is the only environmental non-profit organization whose sole mission is the preservation of the New Jersey Pinelands. PPA's principle objectives are three-fold:

☛ **Issues:** PPA monitors issues coming before the Pinelands Commission, New Jersey Department of Environmental Protection, county and local governments, courts, and the state's lawmaking bodies when legislation affecting the Pinelands is introduced. PPA supports the Comprehensive Management Plan (CMP) and acts to insure that the CMP is observed, enforced and improved. When necessary we take legal action to prevent inappropriate and damaging development.

☛ **Grassroots Support:** PPA builds grassroots support for conservation and works with citizens to help them add their voices to the debates over conservation and preservation.

☛ **Education:** 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.

We also invite 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.

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