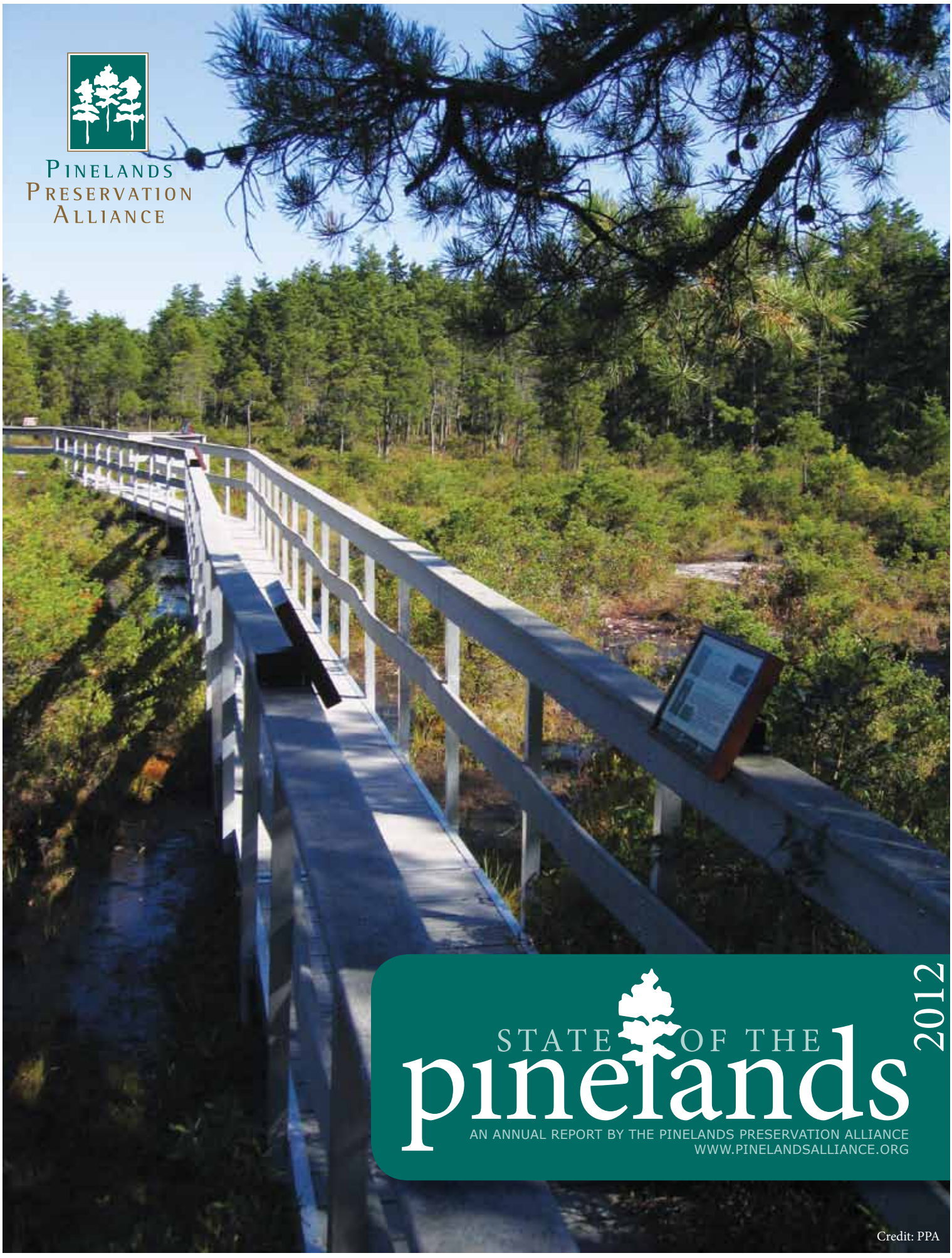




PINELANDS
PRESERVATION
ALLIANCE



STATE OF THE
pinelands

2012

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Cover Photo: Boardwalk at Webb's
Mill, Greenwood Forest Wildlife
Management Area, Ocean County



**PINELANDS
PRESERVATION
ALLIANCE**

A Letter from the Executive Director

Our Issues Spotlight below details how the Pinelands Commission has lost its leadership position in recent years, instead succumbing to political pressures that confine its efforts to case-by-case waivers for developments that violate the Pinelands Comprehensive Management Plan (CMP).

The Commission now has an opportunity to regain the initiative through its fourth Plan Review. This periodic review of the CMP, required by state and federal law, provides the perfect opportunity for the Commission to reassert its role as guardian of the Pinelands by adopting reforms that experience shows are needed to protect Pinelands resources threatened by excessive and badly designed development.

Here are the key reforms we think most essential. We take it as a harbinger of success that the first three of these have already been proposed by the Commission staff as actions the Commission should undertake:

- 1. Black Run Watershed protection in Evesham.** The CMP should be amended to prevent intensive development in the headwaters of this pristine watershed at the edge of the Pinelands.
- 2. Pinelands Development Credit (PDC) changes.** The rules for PDC use should be changed to provide a financial incentive for more efficient use of land in the Regional Growth Areas that are slated to absorb the demand for housing and business development.
- 3. Kirkwood-Cohansey Aquifer protection.** The CMP should only permit new or increased pumping of the aquifer when and where streams, wetlands and ponds will not be harmed by a reduction in the water table.
- 4. Stormwater rules reform, including low impact development (LID) requirements.** It is critical that Pinelands rules be reformed to require the most effective methods for designing buildings, parking lots and stormwater treatment systems.
- 5. Public comment procedures reform.** The Pinelands Commission has changed its public comment procedures in the past few years, fixed some problems in its procedures, and made some problems worse. The rules governing public comment need a comprehensive overhaul and clarification.
- 6. Intergovernmental Memorandum of Agreement (MOA) rules reform.** The MOA procedure has become a real Trojan Horse that is weakening the Commission and the CMP from within. The procedure needs to be eliminated, or at least reformed to ensure it is only used for genuinely public projects.
- 7. Vegetation standards and roadside protections.** Improve the CMP's weak and outdated language regarding landscaping and re-vegetation that consist only of "guidelines" for planting native plant species, the use of soil and fill matter, and the use of fertilizer and liming agents to requirements and explicit restrictions.
- 8. Amend CMP threatened and endangered plant list.** The CMP's list of threatened, and therefore protected, plant species is outdated and very incomplete. It needs to include all plant species occurring in the Pinelands that are listed as "species of concern" by the NJ DEP Natural Heritage Program.
- 9. Sustainable growth fixes for the CMP.** Several areas of the CMP must be updated to promote and incentivize compact, mixed-use development that will ultimately provide greater protection to Pinelands natural resources.
- 10. Applications for enduros and similar events.** Require all special use applications for off-road motorized events to submit a bond to cover potential damages from off-road vehicles (ORV) and to pay for the actual costs for the Commission staff time to review these applications. Otherwise, ORV damage and illegal use of state land will continue to occur by off-road vehicle riders.

About this Report

June 28, 2012 marked the 33rd 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 the natural resources and essential character of the Pinelands 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 sixth—highlights some of the most significant actions taken by government and organizations 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, Governor, 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. upheld 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;



Credit: PPA

4. insured the integrity of water supply for both people and ecosystem;
5. enhanced the cultural and historic resources of the area; and
6. advanced education about the Pinelands.

Where a government agency followed their rules and took appropriate action we gave them a *thumbs up*. In cases where they drifted from their regulatory mandate and took a detrimental action we gave the agency a *thumbs down*. There are cases in which it is too early to tell what will happen on an important issue, we note those in the section *Important & Undecided*. **These are the issues where your help is needed to bring about a positive outcome.**

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

Issues Spotlight

The Future of the Pinelands ...It's Up To You!

“With the exception of the threatened and endangered animal species standards and the wetland and wetland buffer standards, and stormwater...the development projects being proposed by the County are consistent with all remaining standards of the Pinelands CMP”

—Pinelands Commission

This troubling and illogical statement comes from the Pinelands Commission’s report endorsing expansion of the Robert J. Miller Airpark in the Pinelands Preservation Area. It is striking that the Pinelands Commission today justifies a development approval by first dismissing the bedrock environmental standards that protect wetlands, water quality and rare wildlife species. Even worse, it does not even mention the rule that forbids this kind of expanded development in the Preservation Area.

Unfortunately, this is just one example of a continuing trend in which the Pinelands Commission and the New Jersey Department of Environmental Protection (DEP) waive environmental protections to accommodate development projects with powerful backers. Both agencies have found it convenient to do case-by-case waivers instead of enforcing their own rules on a consistent and even-handed basis. DEP recently adopted rules to authorize widespread, discretionary waivers of environmental protections for the benefit of applicants, including commercial developers, who do not want to follow the rules. Ironically, some of the original regulations already have limited, stringent

waiver provisions. *So now we have waivers of waivers!* We fear this could become a stealth attack on the environment – a way for the agencies to avoid following their own regulations when powerful people want special dispensations.

We worry that the Pinelands Commission, as an institution, has lost its will to say “no” and, therefore, may be unable to protect the Pinelands’ unique resources. Despite the personal commitment of the individuals involved to do right by the Pinelands, the Commission is too willing to accommodate development of both private developers and municipal and county agencies. The Commission often treats the Comprehensive Management Plan as guidelines rather than rules – making it easier to ignore, negotiate or enforce on a case-by-case basis for the convenience of local governments, politicians with pet projects, private developers and even the Commission itself. A few notable examples of the past few years include:

1. The Commission used its Memorandum of Agreement (MOA) process to waive fundamental environmental standards for a massive private development, *A First!*
2. The Commission waived protections for threatened and endangered species that the Commission conceded was legally protected habitat to save a private developer money ... *A First!*
3. The Commission released Pinelands Development Credit (PDC) restrictions for a county road project without knowing what if anything will be given back to offset the loss of Pinelands Agriculture ... *A First!*
4. The Commission required permanent deed-restriction of land as a condition for development approvals, and then two years later reversed itself and eliminated the restriction so the land can be commercially exploited... *A First!*; and
5. In its zeal to approve an unnecessary, financially wasteful, and environmentally harmful township road project in the Preservation Area,

the Commission placed the burden of proof on the public to prove a violation of the CMP, instead of requiring the applicant to demonstrate compliance with the CMP, thus reversing the regulatory standard and overthrowing nearly 30 years of its own practice...*Another First!*

These trends should raise great concern for the future of the Pinelands because they reflect a fundamental shift in the Commission's mind-set of how to protect the Pinelands.

The past few years have cemented PPA's conviction that if the Pinelands is going to survive as a unique place for future generations, it is going to require more than government regulations and PPA watching over the Pinelands Commission. **It is going to take a citizenry committed to holding our elected and appointed officials' feet to the fire. And perhaps most of all, it is going to require a new generation of citizen activists to accomplish this important task.** Take a ride or canoe trip through the heart of the Pinelands and reacquaint yourself with this unique place located in the most densely populated state in the nation. We think you will quickly understand what is at stake! The words of the late Howard Boyd, naturalist and author, ring louder today than ever, *"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."* To learn more on how you can help to make a difference contact us at (609) 859-8860.

Credit: PPA



Green Acres public hearing

Important: Your Help is Needed!

This is Where You Can Make a Difference!

Pinelands Commission Appointments

Currently Governor Christie has the opportunity to reappoint or replace three commissioners with expired terms to the Pinelands Commission. **The Governor's appointments play a critical role in ensuring the Commission does its job of protecting the Pinelands.** So far, we have seen no indication of when or how the Governor will act.

Action Needed: Contact the Governor and ask that he appoint conservation-minded people to the Pinelands Commission. Ask him to re-nominate current Commissioners Robert Jackson, Candace Ashmun and Ed Lloyd. (609-292-6000, or Office of the Governor, PO Box 001, Trenton, NJ 08625)

Pinelands Plan Review

The Commission has started its fourth Plan Review of the CMP. This periodic review is required by both state and federal law. Since the Commission has been in place for more than 30 years, it is an opportunity to evaluate the Commission's overall success in meeting the goals of the Pinelands Protection Act. That is "to preserve, protect and enhance the natural and cultural resources of the Pinelands National Reserve (PNR) and to encourage compatible economic and other human activities consistent with that purpose."

Action Needed: Contact one Pinelands Commissioner appointed by the governor, and the commissioner that represents your county (if you live in a Pinelands municipality), and ask that they strengthen the CMP and not weaken it during Plan Review. More information is available at www.pinelandsalliance.org/protection/hotissues/planning/planreviewprocess/.

ORV Park Designation

DEP has not designated a public Off Road Vehicle (ORV) park, even though the ORV legislation passed two years ago requires DEP to designate at least one site. This is an important first step before the state can implement new rules that require licenses and tags for ORV's. The state has purchased a site in Woodbine, but to date it has not been designated as an ORV park.

Action Needed: Contact DEP Commissioner, Bob Martin, and ask that the department quickly, designates the first ORV park so that the new rules can take effect. The Commissioners phone number is (609) 292-2885. (401 E. State Street, 7th Floor, East Wing, P.O. Box 402, Trenton, NJ 08625-0402)

Prescribed Burn Act

Fire management is a critical component of biodiversity maintenance in the Pinelands. A prescribed burn bill, drafted primarily by PPA, has recently been released from the Senate Environment Committee after several years of modifications and discussions. If enacted, the bill will allow prescribed burning for ecological stewardship purposes.

Action Needed: Ask Assemblyman Nelson Albano, Chair of the Agriculture and Natural Resources Committee, to post the bill for consideration before the Committee. (21 North Main St., Cape May Court House, NJ 08210 / (609) 465-0700)

Forest Stewardship

PPA and others have worked to change an unacceptable draft of a Forest Harvest Bill into legislation that would actually allow for good forest stewardship practices on state lands. Under the new version of this proposed bill, third-party certification by the internationally recognized Forest Stewardship Council would be required of all forestry plans on public lands. Such certification requires surveys for rare species and careful management of sensitive ecological areas.

Action Needed: Ask Assemblyman Nelson Albano, Chair of the Agriculture and Natural Resources

Committee, to post the bill for consideration before the Committee. Be sure to mention that the Forest Stewardship Council certification of all public land forestry plans must remain as a requirement in the bill. (21 North Main St., Cape May Court House, NJ 08210 / (609) 465-0700).

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.*



Funding for the Pinelands Commission

Funding for the Commission will remain relatively stable for this fiscal year unlike other state agencies that have seen a reduction in their budgets.



Credit: PPA



Barnegat Bay Inaction

The governor has shown little will to take on the real problems causing the Bay's steep decline—namely continued conversion of forests into housing developments, and poor design and construction practices in the Bay's watershed. The state has taken

no action to institute a Special Area Management Plan (SAMP) for the watershed, as promised in the Governor's 10-point Barnegat Bay Restoration agenda published in December 2010, and has delayed ruling that the Bay is "impaired" under the Clean Water Act.



Regional Greenhouse Gas Initiative

The governor unilaterally removed New Jersey from the Regional Greenhouse Gas Initiative (RGGI). As a result, the state will now be deprived of funds for environmental restoration eliminating an effective incentive for utilities and others to cut the air pollutants that contaminate the Pinelands and Coastal ecosystems through rainfall.



Raiding Environmental Funds

In an effort to deal with the State's financial issues, the Governor has shifted hundreds of millions of dollars from various environmental programs to the general treasury so they can be used for numerous non-environmental programs. Some of the programs that were raided included funds for closing old abandoned garbage dumps, cleaning up hazardous waste sites, workplace information on toxic chemicals, and preventing pollution from manufacturing sites. In addition, enforcement of environmental regulations has come to a standstill.



Political Takeover of the Highlands Council

The governor stacked the Highlands Council, and then had them fire the Council's talented and effective executive director. These actions indicate a basic disrespect for the statutory independence of our state's regional planning programs, and it bodes ill for the Pinelands.

Pinelands Commission

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

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

The Commission today consists of the following fifteen members: **U.S. Secretary of the Interior's Appointee:** Richard Harris (recently retired, leaving this space now open). **Gubernatorial Appointees:** Mark Lohbauer (Chair), Candace Ashmun, D'Arcy Green, Robert Jackson, Edward Lloyd, Richard Prickett, and Gary Quinn. **County Appointees:** Paul Galletta (Atlantic), Edward McGlinchey (Camden), William Brown (Cape May), Leslie Ficcaglia (Cumberland), Francis Witt (Gloucester), and John Hass (Ocean), and Sean Earlen (Burlington).

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Robert J. Miller Airpark



Robert J. Miller Airpark Abuse

The Commission once again used the Memorandum of Agreement (MOA) process to ignore its own rules, this time to authorize expansion of a non-conforming *commercial* use in the Preservation Area of the Pinelands. **The Commission admittedly waived its standards for threatened and endangered species, wetlands, wetlands buffers, and stormwater.** To make matters worse, the Commission then failed to ensure that conservation lands set aside to off-set the certain environmental destruction will afford an equivalent level of protection of Pinelands resources as required by its rules. While several Commissioners expressed dissent on key aspects of the MOA, all finally gave in and voted in favor.

The Commission approved the MOA: 14 to 0

Voting for: Ashmun, Brown, Earlen, Ficcaglia, Galletta, Haas, Harris, Quinn, Rohan Green, Lloyd, McGlinchey, Prickett, Witt, Lohbauer.



Pinelands Villages

The Commission agreed to a memorandum of understanding with DEP that appears to require all Pinelands Villages be included in state-designated sewer areas, even though the CMP does not require Villages to be sewerred. Sewers generally bring more intensive development, which may be right for some Villages, but is certainly not right for all. With no legal authority

whatsoever, the Commission staff then informed municipalities and counties that they are obligated to agree to put all Villages, without regard to planning or other objectives, in sewer service areas. Fortunately, many are resisting this misguided pressure. The problem was made worse by the fact the Commission never discussed the actual language of the agreement with DEP, or disclosed it to the public, until the very meeting at which it approved the agreement – preventing any effective analysis or discussion of its defects.



Pinelands Short Course

On March 24, 2012, the Commission cosponsored its 23rd Annual Pinelands Short Course at Burlington County College. The event is a joint effort by the Commission and Burlington County College. The short course featured 42 presentations including 18 new programs. Over 600 people attended this wonderful annual event to learn more about the Pinelands.



Pinelands Economic Report

The Commission has fallen behind in the release of its 2011 annual economic monitoring report. The annual report is a product of the Pinelands Long-Term Economic Monitoring Program, a program that has already received funding from the National Park Service. In general, the last two annual reports showed that Pinelands municipalities and individuals living in the Pinelands fared better than those in the non-Pinelands area of southern New Jersey in several key economic indicators.



Science Seminars

The Commission Science staff has started a seminar series in which various experts are invited to discuss their research. The presentations are informative, open to the public, and a great way to facilitate communication about interesting and important aspects of Pinelands ecology.



Land Conservation

The Commission advanced several important land acquisitions, using its Pinelands Conservation Fund and partnering with Green Acres and others. Some of these purchases, which will protect thousands of acres of Pine Barrens forests, will be completed shortly. In supporting these acquisitions, the Commission has ensured that its stringent limits on development, including forestry, will be incorporated into the deed restrictions and easements governing these conservation lands.



Route 530 Widening – PDC Restrictions

For the first time since the inception of the Pinelands Comprehensive Management Plan, the Pinelands Commission released Pinelands Development Credit (PDC) restrictions without knowing what will be given back as an offset for the loss of Pinelands Agriculture. So now there is no guarantee that anything of value will be given in return by Burlington County.

The Commission approved the MOA: 13 to 0

Voting for: Ashmun, Brown, Earlen, Ficaglia, Galletta, Haas, Harris, Quinn, Rohan Green, Lloyd, McGlinchey, Witt, Lohbauer.

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.



Waiver Rule: Giving Environmental Rules a Pass

Under pressure from the governor's office, DEP has adopted a rule to authorize widespread discretionary waivers of environmental protections for the benefit of applicants who do not 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. PPA and many others have filed an appeal arguing the rule is unlawful.



Wal-Mart – DEP Caves In

In last year's State of the Pinelands report we cautioned that there were rumors that powerful people were pressuring DEP staff to renege on their previous denial of the development application for this big box store. Well they did! Throwing their own rules aside, DEP caved in and did a 180 degree reversal of position after it previously denied exactly the same development for violating habitat and forest protection standards,

Thank You

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

among other rules. In a feeble attempt to justify their approval of the project they are proposing an on and off-site “mitigation” plan that has no scientific basis and sacrifices known habitat the coastal and Pinelands rules are supposed to protect. So now another Big Box store will be built in the Barnegat Bay Watershed!

Barnegat Bay – State of Denial

In a reversal, DEP removed portions of Barnegat Bay from the list of “impaired,” unhealthy waters in its bi-annual report to USEPA under the Clean Water Act, eliminating the need to do anything to improve water quality. DEP also declined to rule on the Bay’s impairment due to excessive nitrogen (over-fertilization) of the Bay, despite overwhelming scientific evidence that it is badly impaired for this reason. Further delay in putting the Bay on a nutrient diet makes the problem worse, and makes it all the more difficult to restore the Bay to its natural glory.

New Jersey Forest Fire Service

The Forest Fire Service has been receptive to PPA’s efforts with regards to prescribed burn legislation. Their cooperation and input on the Prescribed Burn Act and other management recommendations has been invaluable as we work towards more ecologically-appropriate fire management strategies.



Credit: PPA

NJ Forest Fire Service conduct a controlled burn in Double Trouble State Park

Other State Agencies

Expectations: *The actions of state agencies other than DEP can impact the Pinelands also. 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 all state agencies will conduct their activities in a manner consistent with the Pinelands Comprehensive Management Plan.*

NJ DEPT. OF AGRICULTURE

Soil Restoration Standards Watered Down

Legislation adopted last year requires the State Soil Conservation Committee to create requirements for the restoration of soil that has been compacted or otherwise altered in the development process. The standards are supposed to ensure that soils can provide the critical functions of absorbing and cleansing stormwater and to promote the re-establishment of appropriate vegetation at disturbed sites. However, the proposed standards were written with environmental “compromise” in mind and in their present form will not achieve the legislative purpose nor protect native Pinelands soils and ecological function.

NJ HISTORICAL COMMISSION

Historic Whitesbog Village

The New Jersey Historical Commission has approved more than \$2.3 million in grants to 75 historical organizations, museums, historic sites, archives and libraries throughout the state, including five in Burlington County. The Whitesbog Preservation Trust of Pemberton Township was awarded \$14,639.

The Trust funds the ongoing operation of the historic village, and hosts a variety of activities that highlights historical aspects of the cranberry and blueberry industry of the Pine Barrens.

State Legislature

Expectations: *The principle function of the State Legislature is to enact laws. It is our expectation that at minimum, legislators 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.*



Another Extension of the Permit Extension Act

The State Legislature passed another extension to the Permit Extension Act of 2008. As a result, development permits that would have expired years ago are now extended through 2014 even if they don't meet current environmental and public health standards, building codes or local zoning regulations. At the request of some builders who want to avoid more stringent environmental protections adopted since 2008, the new Act adds a special provision to block implementation of more recent improvements to the CMP.



Waiver Override Effort Stalled

State Senate President Stephen Sweeney has yet to post a bill to override new rules that would give the commissioner of DEP a vast amount of discretion to waive environmental rules. (See "Waiver Rule: Giving Environmental Rules a Pass," above) According to New Jersey's Constitution, if the Legislature passes a resolution by simple majority twice, it can invalidate the waiver rule. The Governor will not be able to veto

it. The Assembly has already passed a resolution to do this. Now Senator Sweeney must allow the bill to be heard by the Senate.

Federal Government

Expectations: *In 1978 Congress created the Pinelands National Reserve, the country's first Reserve. As provided in the federal law, Governor Brendan T. Byrne established the Pinelands Commission, and a Comprehensive Management Plan (CMP) was prepared and approved by U.S. Secretary of the Interior Cecil D. Andrus on January 16, 1981 and sent to Congress for its review. As prescribed in the federal law, the federal government's primary roles in the Pinelands protection effort are to provide money for public land acquisition and to monitor the implementation of the CMP. PPA therefore expects the federal government to at a minimum provide the necessary funding for land acquisition through the Land and Water Conservation Fund (LWCF).*

U. S. CONGRESS



Land and Water Conservation Fund

Congress did not pass a measure in the fiscal year 2013 budget to include funding for the Land and Water Conservation Fund (LWCF), even though \$900 million is deposited every year into the LWCF from the billions of dollars the U.S. Treasury collects from offshore oil drilling and other federal energy revenue sources. Many programs use these funds to protect natural resource lands, outdoor recreation opportunities and forests. The Pinelands received nearly \$3 million in state grants, and \$35 million in federal grants since the LWCF was established almost 50 years ago. We need Congress to continue to fund this important tool to protect our natural resources!

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.*



Evesham – A big year for the Black Run Preserve

The Township Council has taken steps to protect this 1,300 acre landscape of exceptional Pine Barrens habitat at the edge of the Pinelands. The Planning Board adopted a new Open Space Plan, which specifically emphasizes protection of the Black Run Preserve. It also adopted a cluster ordinance which seeks to cluster future development outside the Black Run watershed boundary. While not perfect, this ordinance will help to protect the remaining developable areas of the Black Run watershed. PPA was very pleased to be asked to provide support for the formation of the new Friends for the Black Run Preserve, a group of residents who have become the local advocates for preservation and stewardship of the Preserve and its watershed. For more information, check out the new website www.blackrun.org and follow the group at www.facebook.com/blackrunpreserveteam.



Barnegat Township Sides with Developer

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. The township has since caved in to the developer, and will now allow the area to be developed.



Exploring the Black Run Preserve in Evesham

Credit: PPA

The Ocean Acres conservation zone was the idea of the Pinelands Commission. It started out as an agreement between the Pinelands Commission and the township to protect wetlands and associated buffers, as well as critical habitat for threatened and endangered species. But a major developer persuaded the Pinelands Commission and the township to enter into a three-party agreement, allowing the developer to do an additional two-year study of the 38-acre portion aimed at showing it was not really critical habitat for Northern Pine Snake, even though pine snakes had denned there at least as late as 2003. When the study was completed in 2008, the developer's study found that Pine Snakes were not using the parcel. Can you imagine that! The Pinelands Commission subsequently accepted the questionable findings of the developer. Due to the Pinelands Commission's failure to follow their own rules and protect important habitat, and the township's reversal of its prior stand, the 38 acres will ultimately be developed.



Hammonton Zoning

The Town of Hammonton continued to make great strides towards sustainability last year with its adoption of a form-based zoning code, one of the first form-based codes of any municipality in New Jersey. Form-based codes are an innovative new method of zoning regulations for communities that seek to maintain local

and historic character while pursuing revitalization. They foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. The regulations are presented in both words and clearly drawn diagrams and other visuals.

Utilizing grants from the Office of Smart Growth and the Department of Transportation, and the expertise of planning firm Brown Keener, the town embarked on a collaborative planning initiative that included participation from the local Chamber of Commerce, the Historic Society, local boards, NJ Transit, the Casino Reinvestment Development Authority, and the Pinelands Commission, which would need to approve any zoning changes. Feedback from residents via a door to door survey was also key to the process. This new planning tool will allow Hammonton to more effectively maintain its historic small-town character while revitalizing its downtown as it heads into the 21st century.



Buena Vista – Richland Village

Hearing the views of the residents, the township committee voted to discontinue efforts to build a package sewage treatment plant to service the Richland Village Redevelopment project. The project risked over-development of the village, and was a pet project of the former mayor and Pinelands Commission. The Commission wasted approximately \$30,000 on the boondoggle with nothing in the end to show for it.



Clustering – Hamilton & Buena Vista

In 2009 the Pinelands Commission approved changes to the CMP that allows bonus units for clustered development projects in the Rural Development and Forest Area. PPA opposed the bonus density concept. Buena Vista and Hamilton have adopted clustering ordinances that limit the use of bonus densities and therefore, their associated impacts on the environment.

Non-Governmental Organizations



GreenFaith – Water Protection Program

GreenFaith, an interfaith environmental organization based in New Jersey will be launching a new program called the *GreenFaith Shield for Water Conservation*. The Shield is a designation that a house of worship has completed a number of steps – educational, liturgical, and practical – to conserve water at its facilities, to preserve water quality on its grounds, and to encourage its members to conserve water at home. GreenFaith will provide resources and support to participating congregations to help them complete the necessary steps. GreenFaith is currently seeking 20 congregations to act as pilot sites to undertake the program and to advocate for municipal water conservation ordinances. The Pinelands and Barnegat Bay Watershed will be featured areas in the guide for the southern New Jersey region. Contact Stacey Kennealy if interested: skennealy@greenfaith.org.

Pinelands Watch Network

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

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.



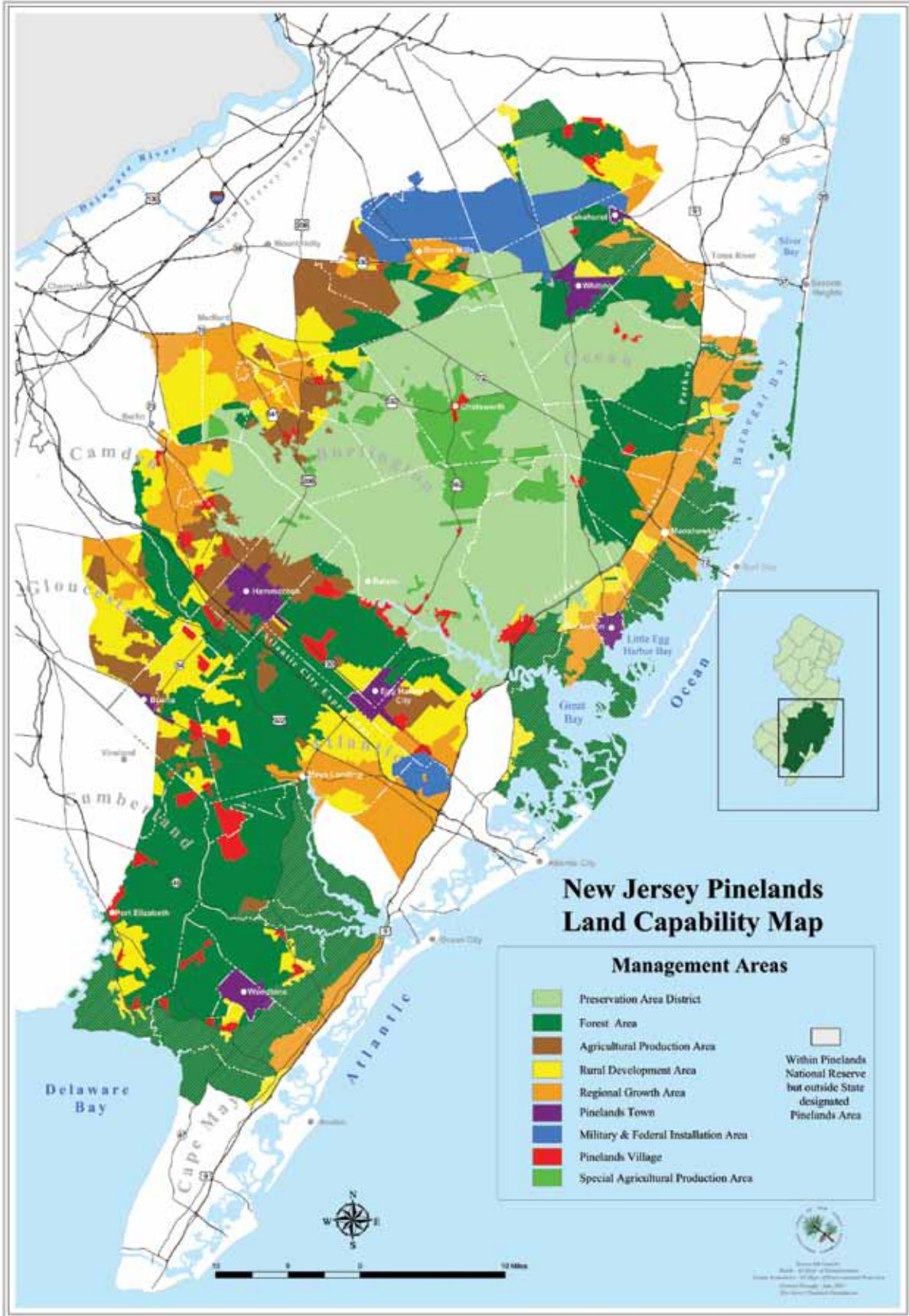
Credit: PPA

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

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

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

New Jersey Pinelands Land Capability Map





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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 February/March 2013 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.

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.