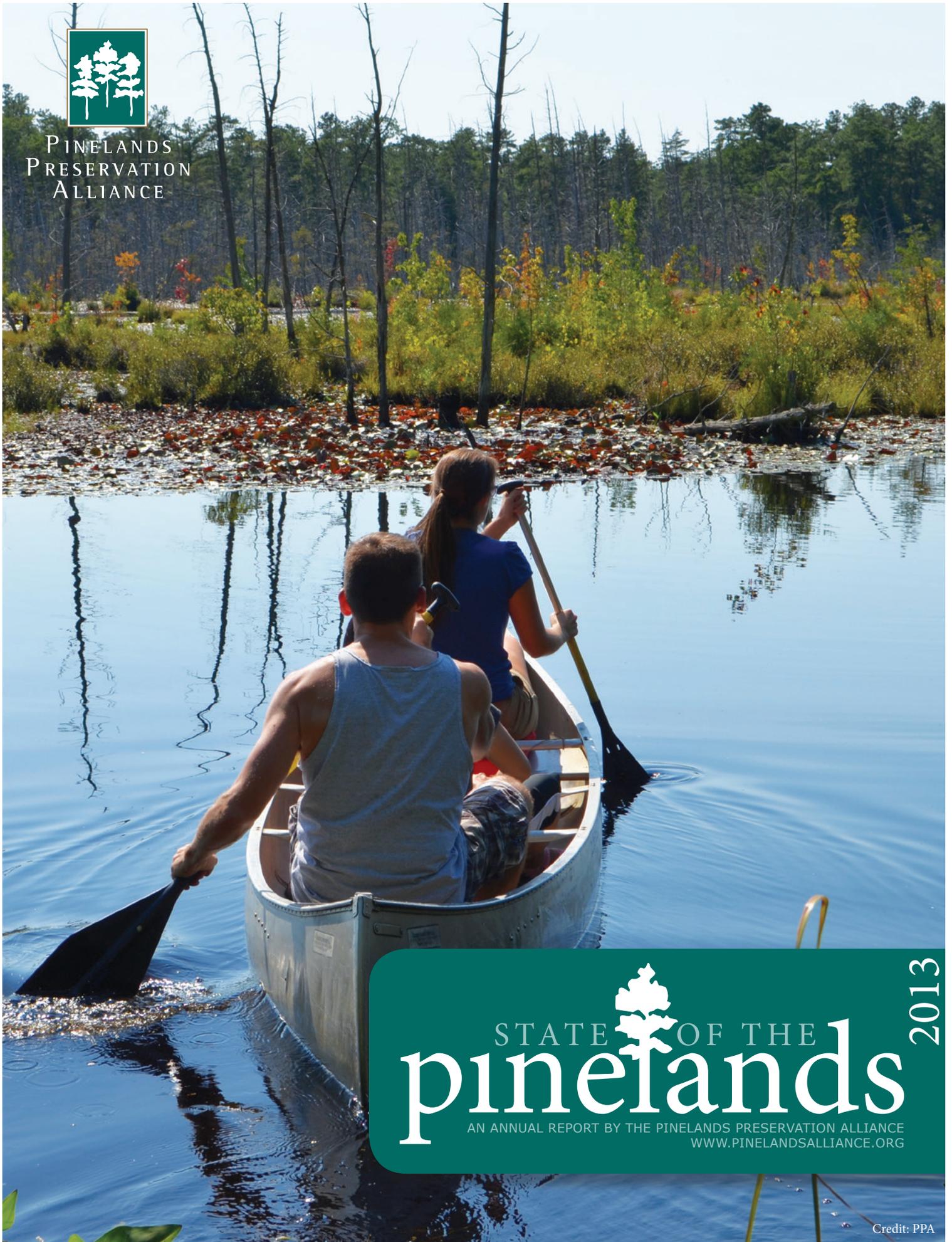




PINELANDS
PRESERVATION
ALLIANCE



STATE OF THE
pinelands

2013

AN ANNUAL REPORT BY THE PINELANDS PRESERVATION ALLIANCE
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Credit: PPA



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**PINELANDS
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ALLIANCE**

A Letter from the Executive Director

In the coming month or so, the Pinelands Commission faces a critical decision – whether to apply its regulations protecting the Forest Area of the Pinelands, or to waive those rules so South Jersey Gas can build a natural gas pipeline to serve a power plant on the banks of the Great Egg Harbor.

Thirteen years ago, when South Jersey Gas applied for a similar waiver of Pinelands rules in order to put a pipeline in the Pinelands Preservation Area, the Commission said “no” and denied the waiver application. The issue was a no-brainer for the Commission. The Commission stuck to its guns, and in the end South Jersey Gas built the pipeline by the rules.

But now, it seems, the Commission has made so many compromises of its rules and procedures over the past ten years that all its regulations are up for negotiation if the applicant has sufficient money and influence.

Unfortunately, in this new case, the Commission staff seemed committed to making this project happen well before there was any discussion involving the Commissioners (the board of volunteers who form the final decision-making body of the agency) or the public. In its presentations and demeanor, the staff has ignored the reasons behind the rule prohibiting this kind of infrastructure development in the Forest Area and are advocating so relentlessly for the relaxing of its rules that members of the public thought Commission staff were actually employees of South Jersey Gas.

But it is the fifteen Commissioners who will have the final word. This proposal should have been stopped by the Commission’s Policy and Implementation Subcommittee. Instead the Commission’s Chairman instructed the staff to draft a Memorandum of Agreement (the procedural vehicle the Commission staff proposes to use to waive its regulations and grant this development) to be presented to the full Commission. PPA believes the use of this procedure is clearly unlawful for development by a private company.

As Commissioners decide how to vote on this issue, we hope they will recognize that they, and only they, can defend the integrity of the Pinelands Comprehensive Management Plan. If they say “no” to breaking the rules, they will send a message that you can only build in the Pinelands if you follow the rules. If they say “yes” to this scheme, they will send the message that you can do what you want in the Pinelands – if you bring the right influence and resources to the table.

A “no” will make the Pinelands Commission and the whole protection program much stronger. A “yes” will be a body blow to the Commission’s credibility and to the Pinelands.

More than 11,700 individuals have written emails, sent letters, come to Commission meetings and signed an online petition against this pipeline project. The Commissioners need to listen to the objections and fully understand the impact their decision will have on the future of the Pinelands.

About this Report

The idea for an annual *State of the Pinelands* report was not spontaneous. It arose from the growing frustration of well-respected author and naturalist Howard Boyd. Howard, a PPA trustee, strongly felt that the public was getting an overly rosy picture of the activities of the Pinelands Commission, and that damaging actions taken by the Commission were going unnoticed. Howard's concerns became clearly evident in 2006 with Commission's approval of the misguided Stafford Business Park deal (See our 2007 Report). This case has become a textbook example in government civics of how the public interest can be harmed when money and politics converge. Howard's concerns were addressed by PPA in 2007 with the release of our first *State of the Pinelands* report.

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

This year's *State of the Pinelands* report, our seventh, highlights the Pinelands Commission, New Jersey Department of Environmental Protection (DEP), New Jersey State Legislature, Governor, local governing bodies, and federal agencies.

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

1. upholds the integrity of the Comprehensive Management Plan (CMP);
2. protects native habitats for plants and wildlife;
3. safeguards the quality of Pinelands water in aquifers and surface waters;
4. insures the integrity of water supply for both people and the ecosystem;



Credit: PPA

5. enhances the cultural and historic resources of the area; and
6. advances education about the Pinelands.

Where a government agency followed their rules and took appropriate action we gave the agency a **thumbs up**. In cases where the agency drifted from their regulatory mandate and took a detrimental action we gave the agency a **thumbs down**. There are situations in which it is too early to tell what will happen. We note these in the section **Important: Your Action is Needed. 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

Pinelands National Reserve — 35 Years Old!

Thirty-five years ago this November, President Carter signed the National Parks and Recreation Act of 1978 (P.L. 95-625). This federal legislation created the Pinelands National Reserve in order to “protect, preserve and enhance the significant values of the land and water resources of the Pinelands area.” The realization that the Pine Barrens is underlain by one of the purest fresh water aquifers, and that the Pines also serve as home for many rare and endangered plants and animal species led to the passage of this important legislation.

The bill authorized \$1.2 billion for more than 100 parks and preservation projects in 44 states. Because the measure was the largest parks initiative in history, it earned the label of the “park barrel” bill. People in North Jersey remember the parks bill for a very different reason. It placed 37 miles of the Middle Delaware River within the National Wild and Scenic Rivers system, thereby killing the controversial Tocks Island dam project, a flood control and water supply proposal.

The Pinelands protection part of this bill differed dramatically from the other land preservation projects. The creation of the Pinelands National Reserve was the first attempt at the federal level to protect a vast area outside the jurisdiction of the National Park Service through a state-federal partnership in regional land use planning.

The legislation directed the state of New Jersey to “establish, within ninety days of such request, a planning entity to develop a comprehensive management plan for the Pinelands National Reserve.” This entity became what is now known as the Pinelands Commission. The comprehensive management plan, as described in the federal legislation, should “determine the amount and type of human development and activity which the ecosystem can sustain while still maintaining the overall ecological values” as they relate to the Pinelands. (*See back cover for the Pinelands Land Capability Map*)

The need for legislation to protect the area started to become obvious after World War II. Until that time the population was concentrated in metropolitan areas. Following the War there was explosive population growth and a shift to live in the suburbs.

During the 1960’s, there was the threat of the world’s largest jetport. The jetport complex was to be four times larger than the combined areas of the three major airports—Kennedy, Newark and LaGuardia. It was proposed to be located near the Ocean/Burlington County border. There was also a proposal to build an accompanying city of a quarter of a million people not far from the jetport. The jetport proposal was vigorously opposed by the public in this region, and it never succeeded in breaking ground. However, when the voters of New Jersey approved casino gambling for Atlantic City in 1976, it was recognized that land speculation could change the Pine Barrens in very profound ways.

To meet the growing threat to the Pine Barrens, members of the New Jersey delegation introduced various bills in Congress aimed at protecting some part of the Pinelands. Governor Brendan Byrne drove the process from the State House and his staff worked closely with the state’s representatives in Washington to ensure the federal legislation would help accomplish the ambitious agenda Governor Byrne had set.

The bill that ultimately won passage was that of Congressman James Florio. His bill called for the creation of a 970,000 acre Pine Barrens National Ecological Reserve (H.R. 6625). The bill was quickly supported by the U.S. Department of the Interior, environmental groups and Governor Byrne. The bill authorized \$26 million to establish the Pinelands National Reserve. Three million went for planning and \$23 million for land acquisition. Most crucially, the federal legislation set out the framework for the State Pinelands Protection Act that was signed into law by governor Byrne the following year. Thanks to this legislation the residents of New Jersey have been able to witness first-hand this grand experiment in regional land-use planning, conservation, and growth management for over three decades now.

Important: Your Help is Needed!

South Jersey Gas Pipeline

South Jersey Gas, a *private for profit entity*, is asking the Commission for permission to ignore the CMP so that it can run 22 miles of pipe through a protected part of the Pinelands. The 24- inch diameter, high-pressure pipeline would go through some of the most pristine areas of Pinelands from Maurice River Township to the B.L. England power plant at Beesleys Point in Cape May County.

The proposed route through the Forest Area is a *clear violation* of Pinelands regulations. The CMP permits such public service infrastructure in the Forest Area *only* when it is intended to serve the needs of the Pinelands. This pipeline is not intended to serve Pinelands residents. South Jersey Gas is seeking special dispensation through a Memorandum of Agreement (MOA), a process that the Commission is now using more than it should to avoid its own rules. The Pinelands Commission must defend the integrity of the CMP by not allowing the Forest Area to be compromised. (See PPA website for more information).

Action Needed: Contact the Chairman of the Pinelands Commission and ask that the Commission not approve the South Jersey Gas application since it is a clear violation of Pinelands regulations. (Chairman Mark Lohbauer, New Jersey Pinelands Commission, PO Box 359, 15 Springfield Road, New Lisbon, NJ 08064)

Action Needed: Prepare a letter to the editor of your local paper regarding the pipeline proposal asking that the Pinelands Commission not approve the South Jersey Gas application in its current form.

Pinelands Commission Appointments

Currently Governor Christie has the opportunity to reappoint or replace five 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 whether, when or how the Governor will act.

Action Needed: Contact the Governor and ask that he reappoint those commissioners with expired terms to the

Pinelands Commission at 609-292-6000 or Office of the Governor, PO Box 001, Trenton, NJ 08625.

Pinelands Plan Review

Last year the Commission started its fourth Plan Review process for the CMP. This periodic review is required by both state and federal law to assess progress toward the CMP goals and identify opportunities to strengthen them. Since the Commission has been in place for more than 31 years, it is also an opportunity to evaluate the cumulative impact of the Commission's success, how well their actions have managed "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 two Pinelands Commissioners and ask that they use the findings of their recently completed Kirkwood-Cohansey Aquifer Study to develop amendments to the CMP to protect wetlands and stream flow within the Pinelands. More information is available on the PPA website at www.pinelandsalliance.org/protection/contactcommission/ and www.nj.gov/pinelands.

Assembly Fails to Act on Open Space Funding

SCR160 was introduced by the Senate this year to provide a sustainable source of funding for open space protection. It received bipartisan support from Senate members twice, but the Assembly failed to act on it in time to place the measure for a ballot referendum in November. Although Assembly leaders state their support for open space, the lack of action will now cause a gap in funding. Hopefully, Assembly leaders will work on this measure in the fall and vote on a funding mechanism before the end of the year.

Action Needed: Please urge Assembly action on the Open Space, Farmland and Historic Preservation bill! Contact:

- Assemblyman Greenwald, Majority Leader, 856-435-1247
- Assemblywoman Oliver, Assembly Speaker, 973-395-1166
- Assemblyman Bramnick, Assembly Republican Leader, 908-232-2073

Prescribed Burn Bill

Fires are integral to Pinelands ecology, and fire management is a critical component of biodiversity maintenance in the Pinelands. PPA was a primary originator of a prescribed burn bill that has been released from the State Assembly after several years of modifications and discussions. It now needs to be heard by the Senate Budget and Appropriations Committee. If enacted, the bill will allow prescribed burning for ecological stewardship purposes. It will also help reduce uncontrolled forest fires and protect property.

Action Needed: Contact the Director of the State Forestry Service, Lynn E. Fleming, and ask that the DEP expedite its review so that the bill can become law this year. The Director's phone number is (609) 292- 2520 and her address is 501 E. State Street, 4th Floor, P.O. Box 420, Trenton, NJ 08625-0420.

The Governor

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

Retreat from Open Space Funding

It has been over a year since New Jersey's open space fund officially went broke. This is the first time since 1988 that Green Acres has run out of money. Despite a campaign commitment to institute stable funding for open space, the governor has seen open space acquisitions fall under his watch, failed to propose or endorse any plan to revive the Green Acres fund, and worked against adoption of legislation that would have put the open space funding question to a popular vote in November.

Environmental Funds Hijacked – Again

In an effort to deal with the State's financial issues, the governor again shifted hundreds of millions of dollars from various environmental programs to the general treasury so they can be used for numerous non-environmental programs. The FY14 budget calls for over \$97,000,000 to be diverted from the following funds: Clean Energy, Recycling, Hazardous Site Discharge Cleanup, Spill Compensation, Shore Protection, Landfill Closure and Water Supply.

Outdated Water Supply Plan

The purpose of the Statewide Water Supply Plan is to improve water supply capacity, ensure proper maintenance of aging water supply infrastructure, investigate the status of major aquifers, and plan for future water supply needs. The "current" Plan is from 1996, although five-year updates are mandated by statute. With some of the state's largest drinking water treatment plants damaged by Super Storm Sandy, the Administration continues to drag its feet on releasing the Plan. Even before Sandy, the state faced the staggering cost of \$8 billion to upgrade its drinking water infrastructure. The draft plan has been completed by the Department of Environmental Protection and approved by the Water Supply Advisory Council months ago, but is being held up in the governor's office.

Forest Stewardship – Chopped

The governor conditionally vetoed a forestry bill (S1085) to remove additional resource protections on cutting down trees on state owned lands, stripping the bill of a key provision that would have required certification of forestry plans by the non-profit Forest Stewardship Council, the "gold standard" in the forestry industry. Such certification requires surveys for rare species and careful management of sensitive ecological areas. Should the modified bill become law, we can expect commercial, for-profit logging on state conservation lands to trump the protection of sensitive ecological areas and recreational use of public lands.

Pinelands Commission

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

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

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



Land Swap Shell Game

Last year the Pinelands Commission released Pinelands Development Credit obligations, for the first time since the program began in 1982, for farmland along Route 530 in Pemberton Township. This roadway approval allowed Burlington County to offset the release of farmland preservation requirements with deed restrictions on additional agricultural lands in the Pinelands. After receiving its approval, Burlington County used farmland purchases it had already agreed to purchase, long before the approval of the expansion project, to offset for the mitigation and release of the farmland preservation deed restrictions. In addition, the county has been approved by the State Agriculture Development Committee (SADC) for a grant that will cover its cost of these purchases. So in the end there is **no** new farmland preservation to offset the lifting of the Route 530 farm PDC's for the lost protections.



Mining Application Denied

The Commission disagreed with the Woodland Township Planning Board's approval to allow the continuation of a mining operation on 30 acres of a 284 acre lot in the Preservation Area of the Pinelands. This mining operation is a nonconforming use in the Preservation Area because it did not have any approvals in 1980. Although the applicant felt that they were not expanding, altering or changing its nonconforming use, Commission staff disagreed and required the applicant to meet **all** environmental standards including those for threatened and endangered species such as northern pine snakes. Since the application to the Commission did not address these concerns, the Commission voted (8 to 0) to deny the application. Voting: Ashmun, DeBello, Ficcaglia, Galletta, Jackson, McGlinchey, Prickett, and Lohbauer. Commissioner Haas abstaining.

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Manchester Township Development

Manchester Township passed a cluster ordinance which designated some areas of the township as sending areas (where development will not occur) and other locations as receiving areas (where development will occur). An area southeast of Harry Wright Boulevard was designated as a receiving area and new homes would encroach further into the forest than the existing homes built prior to Pinelands regulations. PPA and Herpetological Associates believe the planned housing development will destroy confirmed endangered and threatened snake species habitat. Impacts from the development will also degrade the water quality and reduce the ecological value of the Cook's Branch in the Preservation Area of Lacey Township. The Pinelands Commission voted (10 to 1) to certify the ordinance, taking the applicant's consultant's word that there would be no impacts to the habitat for the threatened and endangered species. Only Commissioner Prickett voted no. Voting in favor: Ashmun, Brown, DiBello, Earlen, Galletta, Hass, Lloyd, McGlinchey, Witt and Lohbauer; with Rohan Green abstaining.



Economic Report Released

The Commission has released an updated Pinelands Economic Monitoring Report. The last report was released in 2009. The report is funded through a grant from the National Park Service. The report is important in gauging the economic impacts of the Pinelands CMP. This year, as in the past, the report shows that Pinelands municipalities are **not** negatively impacted by the CMP, but in most respects are better off than comparable non-Pinelands areas.

Did you know that over 11,000 people have signed a petition to stop the South Jersey Gas pipeline proposed in the Pinelands? Visit www.tinyurl.com/pinespetition to sign on.



Educational Programs

Since its inception, the Pinelands Short Course has provided a wonderful opportunity for people to learn more about the unique natural, historic and cultural aspects of the Pine Barrens. For the past few years the event has been held at Burlington County College. The event was a joint effort by the Commission and Burlington County College. Next year the short course will be held at Richard Stockton College in Atlantic County. In addition, the Commission Science staff now offers a seminar series where they invite various experts to discuss their research. These seminars are open to the public.

New Jersey Department of Environmental Protection

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



Barnegat Bay Commitments Ignored

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

Off-Road Vehicle Park Designation

Under the off road vehicle (ORV) legislation passed two years ago, DEP must designate at least one site on state land for ORV use before the state can implement new enforcement rules. Illegal riding on public and private property continues to occur on a massive scale causing severe environmental damage to natural areas. With the designation of an ORV park in Woodbine, Cape May County, the state can now move forward with requiring licenses and tags for ORV's. This will help law enforcement officers to identify illegal riders and to contain the environmental damage.

Motorcycle Destruction Management

In an effort to more effectively deal with the significant time spent by state employees on Enduro (off-road motorcycle event) permits and to try to reduce damage to natural resources in our state forests, the State Park Service has introduced a new approach to managing organized motorized recreation. Wharton State Forest has developed a map of pre-approved routes for Enduro events, which will streamline the permit approval process and require less staff time. The pre-approved routes are made up of existing plow lines, unimproved roads, and improved roads that are not located in sensitive ecological areas, reducing potential damage to critical Pinelands habitats often associated with motorized recreation. Unfortunately, Enduro event organizers are opposed to any restrictions.

Endangered Species Initiative

The Endangered and Nongame Species Program (ENSP) has taken the initiative in forming a working group to create a state-wide landscape connectivity plan to help wildlife move more safely and easily between habitat areas, including the Pinelands. The program has made a concerted effort to involve wildlife experts from government agencies, academic institutions, and non-governmental conservation groups in this project. The ENSP should be commended for their efforts.



ORV damage in a southern New Jersey forest.

New Jersey Court System

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

State Can Avoid the Law – Really

New Jersey's state courts have rarely been friendly to the environment, and they continued the trend this year in approving a regulation adopted by the Department of Environmental Protection to authorize widespread discretionary waivers of environmental protections for the benefit of applicants, large and small alike, who do not want to follow environmental law. PPA and many others filed an appeal arguing that the misguided rule is unlawful because it lacks statutory authority and conflicts with the express terms of many environmental statutes to which it applies, among other grounds for objection. Unfortunately a state appeals court ruled that the administration was within its rights to adopt a regulation that lets state officials ignore many of their own environmental rules however they see fit.

Other State Agencies

Expectations: The actions of state agencies other than DEP also impact the Pinelands. For example, the Department of Transportation oversees highway expansions and mowing practices on state highways in the Pinelands that can affect roadside native plants, and the Board of Public Utilities acts on applications for utility infrastructure incursions proposed through sensitive Pinelands areas. All state agencies should conduct their reviews and activities in a manner consistent with the Pinelands Comprehensive Management Plan.



State Planning Commission

Bass River Township – The State Planning Commission decided to initiate a map amendment to create a development “node” in Bass River Township, Burlington County. They indicated this change was based on new information which altered the assumptions that were made during the process for adopting the existing state plan policy map. The map amendment would result in the creation of a manufacturing node on 65 acres and will be added to the sewer service area for Burlington County. These 65 acres are within the Pinelands National Reserve and designated under the Comprehensive Management Plan as Forest Area. As such the 65 acres should not be included within a sewer service area. Despite this conflict with the Pinelands CMP, the State Planning Commission approved the map amendment.

State Legislature

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

Economic Opportunity Act without Safeguards

The Act (A3680/S2583) provides incentives for certain economic development projects and affordable housing, but some of the development incentives in the current bill would encourage and reward inappropriate development and cause environmental degradation in the Highlands, Pinelands and other environmentally sensitive areas by classifying Pinelands Villages and Highlands planning areas as **target growth areas**. The Pinelands Villages were originally defined in the CMP as discrete existing settlements with historic and rural character, not as targeted areas for growth and development. The environmental community worked with the sponsors on compromise language to protect these areas, but in an 11th hour move, the legislature removed the protections and passed the bill.

Thank You

The work of the Pinelands Preservation Alliance is funded entirely by foundations and private donations from concerned citizens just like you.
Thank You!

Federal Government

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

National Park Service

The National Park Service continues to support the Pinelands process not only by having a seat on the Commission, but through continued financial support of its programs. This year marks the 20th year that the National Park Service has supported both the Environmental Long Term Monitoring program and Economic Long Term monitoring program. In addition, they continue to offer financial support for specific research projects proposed by the Commission's science staff.

County Government

Expectations: In New Jersey, county governments provide essential services such as road and bridge maintenance, wastewater planning, recycling, parks and recreation, social services, and 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).

Burlington County Freeholders

Open Space Fund – The freeholders have reduced the amount of money collected in 2013 thereby reducing monies for open space, historic and farmland preservation. The voter approved open space tax was 4 cents per \$100 of assessed property value. The freeholders reduced it to 1.5 cents per \$100.

Ocean County Freeholders

Open Space Fund – The freeholders reduced open space funding by taking an axe to the amount of money going into the Natural Lands Trust Fund. The voter approved open space tax was 1.5 cents per \$100 of assessed property value. The freeholders cut it to a scant 0.75 cents per \$100.

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 expects municipalities to propose ordinances and master plans consistent with the conservation goals of the CMP.

Evesham, Mullica, Plumsted and Shamong

Going Beyond Standards – Starting in 2010, the CMP required municipalities with Rural Development and Forest Management Areas to put in place a mandatory cluster ordinance for housing development whenever two or more units were proposed. These townships placed an additional requirement in their cluster ordinances to only provide a bonus density to applicants that aggregated



Children at a PPA nature program.

building lots after the date at which the Commission adopted the cluster regulations. The ordinances allow for the bonus to be applied only for newly aggregated lots that were previously owned by different people.

Buena Vista Township

Ignoring Pinelands Rules – In 2006, the township Planning Board approved a restaurant expansion application without notifying the Pinelands Commission as required. The restaurant owner then installed 1,700 feet of sewer line on private property, including 1,578 feet in the Forest Area where sewer lines are not allowed. To legitimize the extensive new sewer line now sending wastewater to the treatment plant, the owner applied to the Pinelands Commission for an after-the-fact approval. The township violated its own zoning by giving sewer capacity and allowing a sewer line to be installed in a Forest Area.

Pemberton Township

Roadside Asphalt Dumping – In August 2012, PPA received a phone call from a concerned Pemberton Township resident who observed piles of loose asphalt millings being spread along a vegetated road shoulder, covering native plants and encroaching upon wetlands. Loose asphalt millings are known to pose significant water and soil contamination risks. After PPA alerted the Pinelands Commission to this violation of both Pinelands and DEP regulations, the Commission asked the Township to halt

their activity and either remove or stabilize the asphalt millings such that they are consistent with regulations. The Township proceeded to scrape and level out the millings along the road shoulder, but did not remove them nor stabilize them appropriately. The Commission was quick to engage early on, but have not followed up on this violation, and the loose asphalt millings remain along the road shoulder a year later.

Public/Private Partnerships

Expectations: *In New Jersey we are fortunate that almost all levels of government work cooperatively with various non-profit organizations to purchase and/or deed restrict parcels of land for passive recreation and ecosystem protection. Continued collaboration is necessary to preserve our vanishing natural areas.*

Lenape Farms

Approximately 5,079 acres of woodlands and wetlands in Estell Manor, Atlantic County were permanently preserved through the partnering of the State Green Acres program, The Nature Conservancy, Pinelands Commission and Conservation Resources Inc. This is an area where the Pine Barrens meets the coastal estuary ecosystem. The bulk of the tract had been used as a private hunting game preserve since the early 1900s and was privately managed for forestry and wildlife. The preserved tract will protect the headwaters of several tributaries to the Great Egg Harbor River.

Rancocas Conservancy

The Rancocas Conservancy in partnership with Evesham Township has closed on a 77-acre tract of land adjacent to the Black Run Preserve in Evesham Township. The site contains Cold Spring Creek a tributary to Black Run with excellent water quality and intact Pine Barrens habitats. The site will be managed by the Conservancy and permanently preserved through a Green Acres conservation easement.

Non-Governmental Organizations



Friends of the Black Run Preserve

This group deserves much credit for its accomplishments during its first year of existence. The Friends group was created to develop an active citizenry interested in protecting the natural resources of Evesham Township's Black Run Preserve. In just one year it has entered into a Memorandum of Cooperation with Evesham Township, conducted stewardship events, obtained grants, improved trails, released a trail map, held guided public hikes, and partnered with local school groups to install nest boxes and student-made trail signs.

Pine Barrens Hall of Fame

Individuals Who Have Made a Difference

On November 10, 2012 over 140 people gathered at the Lakeside Clubhouse in Medford to honor the 2012 Pine Barrens Hall of Fame inductees, **Ted Gordon** and **Jeanne Woodford**. The Hall of Fame established by PPA in 2004 recognizes those individuals who through their dedication and hard work have made a lasting contribution to the Pinelands. Ted has more than 35 years experience in botanical studies, including contributions to major plant studies of endangered species in the Pinelands. He also served on the Pinelands Commission from 1999 to 2002. Jeanne and her mother Elizabeth are the founders of Woodford Cedar Run Wildlife Refuge. In 1997 Jeanne was able to permanently preserve 170 acres of prime Pine Barrens habitat where the Refuge resides. Today Cedar Run is the largest wildlife rehabilitation center in the region, and their Education Center provides environmental education to over 20,000 children and adults each year.

Nan Hunter-Walnut (1927 to 2013)

Nan Nunter-Walnut was a true activist for the Pinelands. Nan and her husband Rick moved to the Pine Barrens of Southampton Township in 1970. In 1973 Nan and Rick started the Concerned Citizens of Southampton because they thought that the town was heading for excessive development of its forested and agricultural landscape. They had an impact. Nan became the first woman appointed to the township's planning board serving as a member for 25 years. She also became active in the movement to protect the Pinelands and joined the Pine Barrens Coalition at its inception in 1977 and soon came to lead this vocal group of citizen activists. During the late 1970's Governor Brendan Byrne selected Nan to serve on the Pinelands Review Committee. When New Jersey passed the Pinelands Protection Act in 1979 and created the Pinelands Commission Nan continued to serve as an advocate for adoption of a strong Pinelands Comprehensive Management Plan. Nan was a founding trustee of the Pinelands Preservation Alliance and served on its board until the day she died. She set a high standard for PPA staff and the Pinelands Commission alike. PPA was privileged to honor Nan in 2007 by inducting her into the Pine Barrens Hall of Fame.

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.

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

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

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



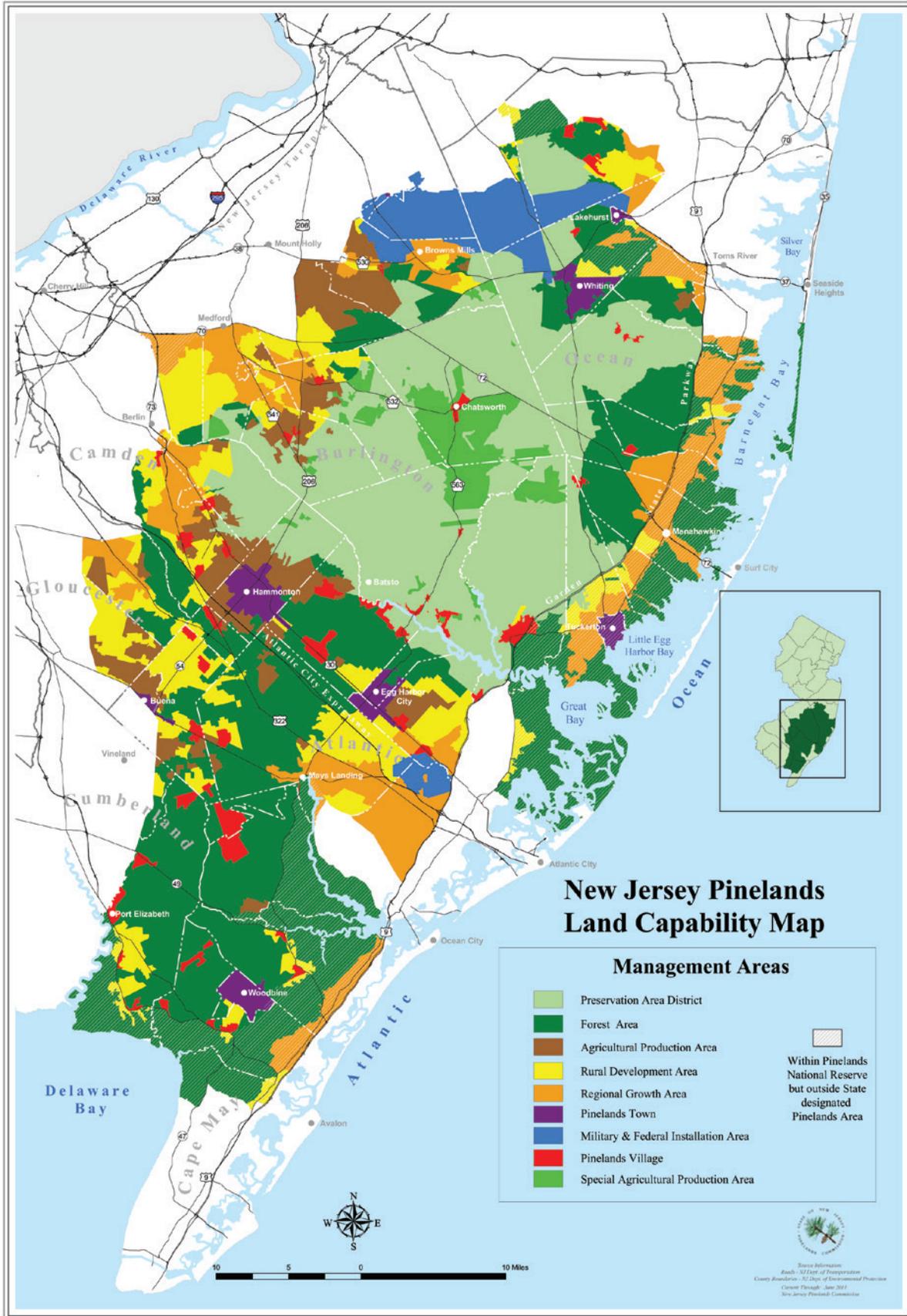
Intermittent wetland in the Pinelands.

staff of approximately 40 professionals is directed by 15 Commissioners, individuals appointed as follows: seven by the Governor with approval of the state Senate, seven by the counties in the Pinelands, and one by the U.S. Secretary of the Interior.

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

The Pineland Commission and DEP’s accomplishments in the Pinelands are numerous and remarkable. However, government agencies and their appointees are susceptible to changing political currents with short time horizons, when long-term vision is necessary to hold on to protection efforts. There is no guarantee that the Pinelands Commissioners’ decisions will enforce the CMP always and achieve its statutory mandate “to preserve, protect, and enhance” the Pinelands. There is no guarantee that DEP will consistently protect the water and other resources under its controls. 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 December/January 2014 edition.

The Pinelands Preservation Alliance

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

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

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