

Pinelands Commission Meeting
May 11, 2007
Presented by Russell Juelg

Oral and Written Testimony by Pinelands Preservation Alliance at Commission Meeting, May 11, 2007

References:

App.# 2006-0305.001, Black 2801, Lot 1, intersection of Retreat Road and Big Hill Road in Southampton Twp, and associated "Report on Application for Public Development," dated April 20, 2007.

We understand that another "road improvement" will be recommended for approval today, though no Threatened or Endangered species surveys were required. The Township wants to re-route a road through a wetland in order to realign the road, for reasons not particularly clear. Although the location is not a characteristic Pine Barrens area, nor is it a huge impact, it illustrates several issues that we believe are important, and that we would like the Commission to address.

Our four primary concerns are:

1. Is the proposed development and its impacts to wetlands really necessary?
2. Since no T&E species surveys were conducted in association with this proposed development, how do we know it doesn't violate the CMP?
3. With respect to the conditions that would be imposed with the approval of this application, do we have any assurance that such conditions will actually be met?
4. The revegetation associated with this proposed development conflicts with the goals of the CMP and may actually represent a violation of the regulation.

Brief Summary:

1. The development will impact wetlands, in particular, a hardwood swamp. Since wetlands are particularly sensitive components of the Pinelands wildlife communities, we believe any proposed disturbance to them should trigger particularly careful review.

The staff has concluded that "the need for the proposed road improvements overrides the importance of protecting the wetlands." The basis for this claim seems to be that "The applicant has represented that the improvements are necessary to provide safe road intersection conditions." It's not clear to us that the applicant's representation has been examined to determine whether or not it is true. It's not clear to us what process was followed to arrive at this conclusion.

2. A T&E species survey was not required in this case, based on what we must assume is an unpublished protocol now being regularly used by the staff. The protocol is described in the April 20 Report as "review of existing conditions and a review of information available to the Commission staff." We do not find any authority in the CMP for the use of such a protocol.

3. The development is recommended for approval with conditions. We find regular evidence, generally, that no one is tasked with ensuring such conditions are actually met, and there appears to be no record-keeping on this score, and there appears to be no particular consequences to the applicant if the applicant were to fail to meet the conditions.

4. One of the conditions is that “Landscaping shall adhere to the requirements of the CMP.” While the CMP (7:50-6.21) does seem to require that “landscaping materials employed in the Pinelands must be compatible with native vegetation in order to preserve the visual and ecological character of the Pinelands,” it’s not clear that this provision has any real force, since

a. It is routinely ignored, with the excuse that the counties require soil erosion control measures that involve the use of lime and fertilizers and non-native grass species that establish quickly;

b. Many native plant species aren’t as conveniently accessible or cost more to acquire and establish;

c. 7:50-6.26 (a) appears to make optional all the practices aimed at meeting the goal expressed at 7:50-6.21;

d. 7:50-6.26 (a) 4 lists species that aren’t native to the Pinelands, including several that aren’t even native to the US.

Detailed Analysis of Plants Recommended in the CMP for Revegetation

The list of native shrubs and trees at 7:50-6.25 is pretty good, except for Virginia Pine and Red Cedar, neither of which are Pine Barrens species. They occur naturally in peripheral areas, but not in characteristic Pine Barrens.

Our biggest concern is with the list of grasses shown under 7:50-6.26 (a) 4. A primary problem is that common names are used, and many common names for plants are ambiguous. I’ve furnished this summary in the past to several local experts botanists, and they are in general agreement with the assessment. I have also furnished it in the past to members of the Pinelands Commission staff in the hopes that we could initiate a dialog about how to make needed improvements.

1. “Fescue species” is utterly vague. There are many species that are available, and probably all the ones being planted are non-native. The only appropriate species for planting in the pinelands would be *Festuca octoflora*. (Current authorities have transferred it to the genus *Vulpia*.) NON-NATIVE.

2. “Smooth brome grass” is ambiguous, though it’s a common name used for the species *Bromus inermis*. There are both native (to the US) and non-native subspecies and varieties, but, I can’t find any evidence that any of them are native to NJ. NON-NATIVE.

3. “Reed canary grass” (*Phalaris arundinacea*) appears mysteriously on this list. While the CMP indicates these grasses are appropriate for “droughty, nutrient poor conditions,” Reed Canary Grass is typically a wetland plant of richer areas. It’s considered a wetland obligate species. It’s basically a weed in south Jersey and was historically absent from the Pine Barrens. INAPPROPRIATE.

4. “Little Bluestem” (so long as we are referring to *Schizachyrium scoparium* var. *scoparium*) is GOOD, but very little of what is being planted is the local ecotype.

5. “Deertongue” is a name commonly used for *Panicum clandestinum*. As with Reed Canary Grass, this is a plant of richer areas, and this plant, while not a wetland obligate is typically found in damp to wet habitats. It is certainly not a good choice for “droughty, nutrient poor conditions.” The Commission’s Science staff lists this plant as a “disturbance indicator,” in wetlands, one that shows up in degraded areas of the Pinelands that have been affected by development and agriculture. INAPPROPRIATE.

6. “Red top” is a vague common name that is applied mostly to *Agrostis gigantea*, a species not native to the US. NON-NATIVE.

7. “Switch grass” is the common name used for *Panicum virgatum*, which is just OKAY. This (represented by dozens of non-local ecotypes and cultivars) has become a very popular plant, but from what I can tell, it is being over-used in the Pinelands. Stone’s book, *The Plants of Southern New Jersey, 1911*, which is the best base line we have, does not indicate that it was a common component of the flora of the Pinelands except along the coast and in the vicinity of the larger rivers.

In summary, of the seven species listed in the CMP, one is good, one is just okay, two are inappropriate, and three are non-native.

Most (if not all) of the local botanists with whom I have become acquainted are deeply saddened by the decline of native wildflowers and other native vegetation along roadsides and other highly visible areas of the Pinelands. This transformation is directly attributable to the lack of sensible standards for landscaping and revegetation. As PPA has indicated in the past, we would like to work with the Commission and with local botanists and ecologists to move toward a better approach to revegetation practices.

Respectfully submitted,

G. Russell Juelg
Pinelands Preservation Alliance.