



PINELANDS  
PRESERVATION  
ALLIANCE

# STATE OF THE pinelands

2022 ANNUAL REPORT BY THE PINELANDS PRESERVATION ALLIANCE

[PINELANDSALLIANCE.ORG](https://pinelandsalliance.org)





# The New Jersey Pinelands

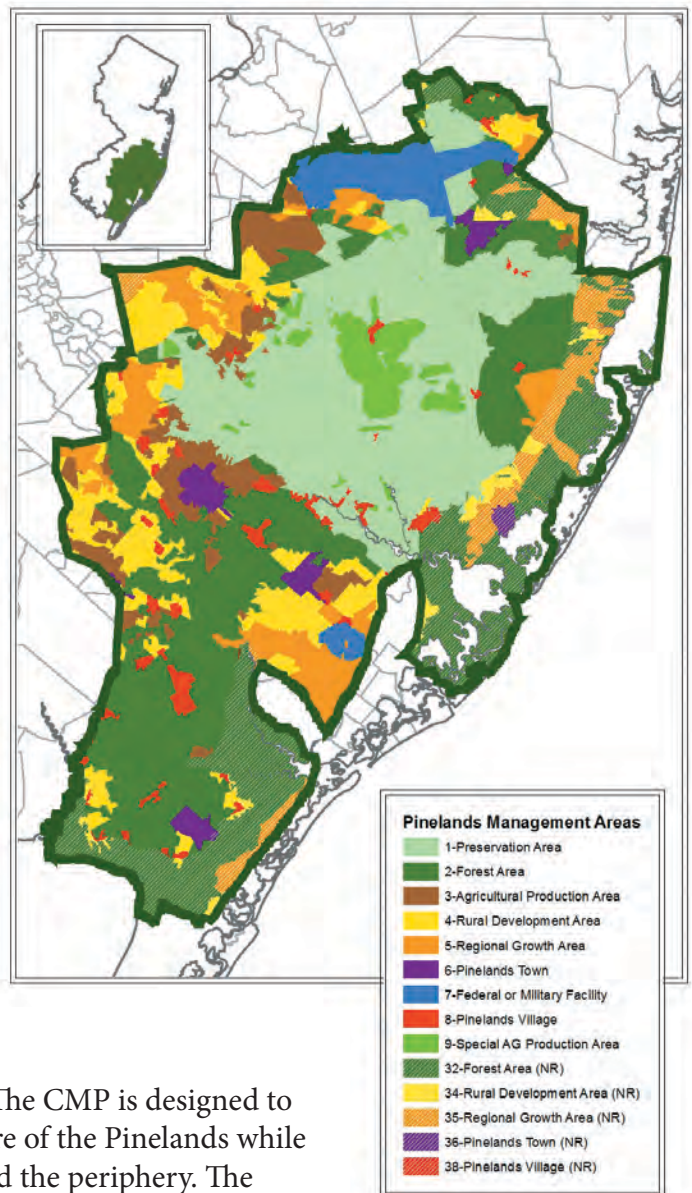
The Pine Barrens is a vast forested area extending across South Jersey's coastal plain. This important region protects the world's largest example of pitch pine barrens on Earth and the globally rare pygmy pine forests. One of the largest fresh water aquifers, the Kirkwood-Cohansey, lies underneath its forests and wetlands. The Pine Barrens is home to many rare species, some of which can now only be found here having been extirpated elsewhere.

During the 1960's construction of the world's largest supersonic jetport and an accompanying city of 250,000 people was proposed for the Pine Barrens. This proposal galvanized citizens, scientists and activists to find a way to permanently protect the Pinelands. In 1978 Congress passed the *National Parks and Recreation Act* which established the Pinelands National Reserve, our country's first. 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.

Many residents do not know that all new development in the Pinelands is controlled 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 human use and some growth around the periphery. The Pinelands Commission's staff of approximately 40 professionals is directed by 15 Commissioners who serve voluntarily. Seven Commissioners are appointed by the Governor with approval of the state Senate, seven by the counties in the Pinelands, and one by the U.S. Secretary of the Interior.

The New Jersey Department of Environmental Protection (DEP) also plays a key role in protecting the Pinelands. 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.

The Pineland Commission and DEP's accomplishments in the Pinelands are remarkable. But this region faces an onslaught of threats in the form of unnecessary pipelines, political interference to benefit development projects, and the failure of state agencies to enforce Pinelands rules on a consistent basis. Through public education and advocacy the Pinelands Preservation Alliance works to protect this great wilderness and give the public a voice in its preservation.



# State of the Pinelands 2022

The Pinelands Preservation Alliance presents this annual report to sum up the health of the Pinelands preservation efforts by our federal, state and local government agencies. We seek to provide the public and the agencies themselves with a report card that we can all use to move forward and do better in protecting this unique natural treasure.

This annual review of select actions or inactions of the last 12 months is the most comprehensive account of public policy actions that affect the Pinelands National Reserve.

We applied six criteria in assessing each action –namely, whether each 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 aquifers and surface waters;
4. insures the integrity of the water supply for people and the ecosystem;
5. enhances the cultural and historic resources of the area; and
6. advances education about the Pinelands.

Where a government agency followed its rules and took appropriate action we gave the agency a *thumbs up*. In cases where the agency drifted from its regulatory mandate and took an action that, in our opinion, was detrimental we gave the agency a *thumbs down*.



Photo by Michael Neuhaus

*The Pinelands Preservation Alliance depends on private donations from concerned citizens just like you. You make it possible for us to advocate for the Pinelands each and every day. Thank you for making our work possible!*

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Dear Friends of the Pinelands,

For nearly a decade, the Pinelands Commission has been in a funk. A combination of poor staff leadership and a depleted and divided Commission board caused the agency to devote its energies to approving bad natural gas pipelines (failing in one case, succeeding in another) and restricting public participation rights, while taking no action on critical policy reforms endorsed by its own planning process. The latest consequences of this long period of disfunction are set out in this report.

In the last month, the governor, the U.S. Secretary of the Interior and Camden County all appointed new members to the Commission, bringing the body to 14 of its statutory requirement of 15 members. There is more for the governor to do to get the Commission back to a full complement of dedicated Commissioners, and the Commission needs to complete its search for a new Executive Director. But the newly invigorated Commission can now turn things around, revive the conservation spirit of its first 30 years, and start getting things done.

The Commission should start by adopting several reforms to the Comprehensive Management Plan (CMP) which have been in various stages of progress for years now. Our entire list of recommended CMP reforms and descriptions can be found on our website [www.pinelandsalliance.org](http://www.pinelandsalliance.org). Necessary reforms include:

1. Protections for groundwater supply
2. Restoring public participation and appeal rights
3. Protection for the Black Run Headwaters in Evesham
4. Adopting procedures and criteria to protect threatened and endangered wildlife
5. Protections for public land from illegal Off-Road Vehicle use
6. Adopting climate change mitigation and adaptation policies

It is critical that the Pinelands Commission take proactive steps to better protect the Pinelands National Reserve now, instead of being caught flat-footed and having to react to crises as they arise. Development projects have increased dramatically in the last six months. Solar, wind and warehouse projects are taking place all across New Jersey. Climate change impacts are accelerating each year. There is no excuse for further delay in preserving our water supplies, embracing public involvement, protecting critical wildlife, restoring public lands being damaged by illegal off-roading, and coming to grips with climate change impacts.

Best wishes,



Carleton Montgomery  
*Executive Director*





# Issues Spotlight – Diversity, Equity, Inclusion, Justice in the Pines

Opportunities to enjoy nature across the 1.1 million acres of the Pinelands National Reserve seem endless. The largest forested area on the mid-Atlantic seaboard, a UNESCO-designated bioserve, threatened and endangered plant and animal species, not to mention the 17 trillion-gallon Kirkwood-Cohansey aquifer, are all contained in the southern half of the most densely populated state in the country. Yet, the Pinelands is, historically and today, underutilized by some groups of people, and marginalized communities are not well represented by those making decisions for this place.

Public lands within the Reserve provide opportunities for hiking, fishing, picnicking, paddling, cultural tours and so many other activities. What is stopping some people from recreating in the Pines, or engaging with PPA? To find out, we asked. Our blog post, “We Are Listening”, and a virtual town hall we hosted sparked meaningful conversations with people from different racial and ethnic groups about how to make the Pinelands more welcoming for all. We hosted virtual town halls focused on increasing accessibility of natural areas for people with disabilities. And we’re working with a Rutgers professor and our partners to develop a survey to identify the ways and reasons people use – and just as important, don’t use – public lands.

The public lands within the Pines belong to all of us. Not only are these spaces fun for recreation, they are also vital for our physical and emotional health. Countless studies point to the beneficial effects that natural spaces have on health. Time spent in nature contributes to lower blood pressure, reduced production of stress hormones and cognitive benefits, especially for kids. Trees provide shade on dangerously hot days. A pristine environment can provide healing beyond just reducing risk of lead exposure or respiratory problems.

We are exploring strategies on how to ensure our shared public land and other resources are managed in a way that includes EVERYONE. Some of the best examples of open spaces that have withstood development and vandalism pressure and boast high numbers of visitors have programs and amenities that were developed with considerable community input and participation. These places then become a part of the community, universally loved to the extent that closure, development or destruction doesn’t stand a chance. This kind of consideration needs to be at the forefront of actions taken by those responsible for its protection and use.

As stewards and managers of our shared public lands and water, the state legislature, the Department of Environmental Protection and the Pinelands Commission can and should do more. To start, the DEP needs to address the lawlessness of individuals who drive illegally through our state’s public lands and wreak havoc on wetlands and critical habitat and drive out individuals that fear confrontation. Also, the Pinelands Commission can take part in addressing climate change in a meaningful way that can actually benefit marginalized communities rather than focusing on solar installations on landfills.

We would be remiss if we didn’t take a look at our own organization. Like many other environmental organizations, our staff, board, and supporters don’t represent the full diversity of people who live within or enjoy the Pinelands. As a result, we have a gap – a lack of perspectives brought into the mix when we set goals, strategize and decide on actions to achieve our mission of protecting the Pine Barrens ecosystem, promoting wide public engagement in its preservation, and advancing land acquisition for preservation. We are also missing a critical opportunity to bring more people onto our team of partners, volunteers, members and participants in our programs. There is strength in numbers, and the more people who care about the Pines, the more people will fight for protections, and the closer we get to our goals. PPA must, and will, do more to recognize and acknowledge the inequities that exist in the enjoyment of public lands, to listen to and amplify the voices that have not traditionally held the microphones, and to work towards breaking down the barriers that have separated people from nature. We will continue to advocate to the powers that be about this inclusivity, because at the end of the day, a truly inclusive Pinelands will benefit us all – and the cause of Pinelands protection.

## The Governor

**Expectations:** *The governor should propose and support statewide and regional initiatives that have a positive impact on the Pinelands and its environs. It is imperative that the governor appoint people to the Pinelands Commission who believe in the bedrock environmental mission of the Pinelands. The governor should not use his authority and power to bypass Pinelands protections or make exceptions for special interests.*

### PILOT Funding Restored

PILOT, which stands for Payment in Lieu of Taxes, was started in 1970 to help municipalities off-set their loss in real estate tax revenue from open space acquisitions. Many municipalities in the Pinelands have large tracts of open space. PILOT has helped for several decades to meet these towns' revenue needs and provide an incentive to local governments to support preservation. Over time, though, the legislature has reduced budget allocations for the PILOT program, and the State "froze" payments at 2010 rates, resulting in some municipalities receiving no payments in compensation for more recent land acquisitions. In 2021, the allocation was \$6.6 million for the program, but the budget for 2022 includes an increase to \$9.9 million. Thanks to the Governor and legislative leaders for increasing funds for such an important program. More work needs to be done to restore the program, but this is a step forward.

### Office of Climate Action & Green Economy

Governor Murphy signed Executive Order 221 in February, establishing the Office of Climate Action and the Green Economy to focus on addressing climate change, ensuring NJ's clean energy future and transitioning to a green economy while prioritizing equity and environmental justice. This office also oversaw the creation of the NJ Council on the Green Economy, which includes members from state agencies, chambers of commerce, environmental justice communities, organized labor, academia, industry, environmental advocacy, small businesses, utilities and workforce development. The wide

variety of perspectives and experience will be vital to achieving the goals.

### Pinelands Commission Nominees

For the third year, Governor Murphy's nominees to the Pinelands Commission stalled in the state Senate. The former Senate President bears primary responsibility for blocking the confirmations, but the Murphy Administration also failed to prioritize this issue over the past year. Then during the lame duck session, without warning or explanation, the Governor nominated three new people to the Pinelands Commission. All three were slated to replace proven environmental advocates who had served on the Commission for years. One of those nominations was withdrawn, but the other two were successfully confirmed by the Senate, ending the tenures of Rick Prickett and D'Arcy Rohan Green. While we look forward to the governor's newest nominees proving their commitment to the Pinelands, they did not need to replace two Pinelands stalwarts. They could have been assigned to other seats on the Commission without the loss of any of our proven reliable conservationists.

### Commissioner Lettman Confirmed

One silver lining of the Pinelands Commission nominee saga of 2021 was that Theresa Lettman was finally confirmed by the state Senate! Theresa was first nominated by Governor Murphy in early 2019 and a last-minute push by the Governor allowed for her confirmation to move forward during the lame duck session. Her lengthy career monitoring development and preservation efforts in the Pinelands, and her expert knowledge of Pinelands regulations make her an ideal Commissioner.

#### Justice, Equity, Diversity & Inclusion

The staff and trustees of Pinelands Preservation Alliance recognize the importance of achieving justice and genuine community among the people of our region, and pledge to work toward that end. Fighting racism is essential to the success of PPA's mission and that of other environmental activists.

## 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 enforce federal environmental laws, 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).

## PFAS Regulation

The Environmental Protection Agency (EPA) took several steps in 2021 to address the seemingly omnipresent threat of per- and polyfluoroalkyl substances, or PFAS, contamination. These persistent chemicals are found in a wide range of industrial and consumer products and exposure has been linked to serious health problems. Even if they are phased out of manufacturing use, their release into the environment has contaminated drinking water to such an extent that some researchers estimate most or all major water supplies in the United States contain detectable levels of PFAS, many far beyond what most experts believe to be safe. Several states, including New Jersey, have begun to regulate PFAS in their water quality standards, but the federal government has not moved to do so until very recently. Finally, early in 2021 the EPA announced that it would be issuing regulatory determinations for key PFASs under the Safe Drinking Water Act, beginning the process of nationally regulating these substances in drinking water. The EPA also announced plans to regulate PFAS in wastewater discharges from manufacturers of the chemicals. The agency also established an "EPA Council on PFAS" devoted to research and coordination among various government levels. While the federal government undoubtedly needs to move faster to address PFAS, the EPA's steps this year are positive.



*Edwin B. Forsythe National Wildlife Refuge is a popular place to watch wildlife along the Pine Barrens Byway. Photo credit Dick Gouldey.*

## National Scenic Byways Designation

The Pine Barrens Byway was designated as a National Scenic Byway by the U.S. Department of Transportation. The Pine Barrens Byway, designated by New Jersey in 2005, is a suggested route for visitors to travel that takes them through classic Pine Barrens forests along wetlands and rivers as well as to Pinelands villages and important historic sites. The Pinelands Commission prepared the application to obtain the National Scenic Byway designation and is overseeing the administration of the 130-mile route, which is located predominantly in the lower third of the Pinelands region. The Pine Barrens Byway traverses roadways in Atlantic, Burlington, Cape May, Cumberland, and Ocean counties. This designation brings national attention to the Pinelands and allows visitors a new way to appreciate this unique and beautiful place.



## Federal Pinelands Commission Appointee 👍

Secretary of the Interior Deb Haaland has appointed Jonathan Meade to serve on the Pinelands Commission. The federal seat had been vacant since 2017, during which time the Commission was missing a critical national perspective. Mr. Meade is the Associate Regional Director for Resource Stewardship and Science at the National Park Service, based in Philadelphia. He previously served as Director of Watershed Programs for Pennsylvania Environmental Council, the Executive Director of the Pennsylvania Organization for Watersheds and Rivers, and the Executive Director of the PA Highlands Coalition.

## 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.*

## SRL Pipeline Decisions 👎

In an incredibly disappointing move, the New Jersey Appellate Division ruled in favor of the Board of Public Utilities, the Pinelands Commission, and New Jersey Natural Gas (NJNG) in affirming the agency approvals of the unnecessary, destructive Southern Reliability Link (SRL) pipeline. The various appeals filed by PPA and others challenged numerous aspects of the approval process, ranging from compliance with the Pinelands Comprehensive Management Plan to administrative hearing rights of those impacted by the SRL, several of whom were denied the opportunity to present their cases before regulators. At every step of the way in its decisions,



*New Jersey Natural Gas SRL pipeline construction on Tobias Avenue in 2019. Photo credit Agnes Marsala, People over Pipelines.*

the court unquestioningly deferred to the agencies, despite all the evidence and arguments brought to bear by those challenging the SRL. After NJNG caused accidents in 2020 that impacted wetlands and destroyed a resident's home, PPA and our partners moved to introduce evidence of the spills in court. This was critical evidence for the court to consider, particularly because advocates and experts had warned the agencies about these precise types of incidents occurring. Inexplicably, the court opted not to accept any evidence of these events, effectively ignoring the facts on the ground and later issuing its final decisions in a factual vacuum.

PPA and some affected residents have petitioned the Supreme Court of New Jersey to review the Appellate Division's rulings on whether one of the Pinelands Commissioners had a conflict of interest, and what administrative hearings the impacted residents were entitled to. We await a decision on whether the Supreme Court will hear the case.



## 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.*

## Public Lands Management

Despite its public promises, the DEP has failed to embark on any strategy to protect public access, natural beauty, and the ecological integrity of the Pinelands from illegal off-roading. For years, leadership in Trenton has disempowered its best longtime employees and stewards who know the land and what is needed, sending the message that public lands are open territory for trucks, quads and motorcycles to wreak ever more damage. The result is a decline in reliable public access to public lands, a general state of disrepair in our State Parks and Wildlife Management Areas, habitat destruction, and an underserved public. While today's Commissioner of Environmental Protection is trying to get the agency to grapple with this decades-old problem, the proof will only come with real change in the woods.

## Climate Change Resiliency Strategy

In line with other efforts to prepare New Jersey for current and worsening impacts of climate change, the DEP has released its statewide Climate Change Resilience Strategy, focusing on the economy, communities, infrastructure and natural resources. The strategy was developed by the Interagency Council on Climate Resilience, which is made up of 22 state agencies, and promotes mitigation, adaptation and resilience. The strategy is a framework for policy, regulatory and operational changes, and includes 125 recommended actions across 6 priority areas.

## Northern Pine Snake Mitigation

Two parcels of pine forest and seasonal wetlands along highway 37 in Ocean County, sometimes known as the old Walmart site and the old asphalt plant site, are still at risk. These sites have had a history of permit applications and proposals for development that are not in accordance with the regulations for this tract of Pinelands habitat. They are home to endangered and charismatic species, such as Pine Barrens tree frogs and Northern pine snakes along with other protected species. These animals are uniquely adapted to live here and have nowhere else to go if the forests are destroyed. The developers for each site, in an attempt to deal with the presence of the state threatened Northern pine snake, proposed creating new habitat for the wildlife at separate, disconnected locations. This approach is unproven, speculative, and unlikely to succeed in maintaining local populations; however, DEP has inexplicably approved one of the applications. The areas suggested for restoration are not within the natural range or within realistic access for the local populations of these species. Recreating wildlife habitat for a targeted species is not as easy as "if you build it they will come", as the developers, and unfortunately the DEP, think. This is not a sensible solution to mitigate for the destruction of these forests and wetlands.



*The Northern pine snake is threatened in the state of New Jersey. This constrictor snake is common throughout the Pinelands.*

## Settlement with NJNG

In the latest of it's extremely disappointing and inexplicable handling of the Southern Reliability Link (SRL) pipeline, DEP caved in and agreed to a settlement with New Jersey Natural Gas (NJNG) over fines for the spills that NJNG caused during SRL construction. The fines are now so low they don't even amount to a slap on the wrist. Not only is the settlement ridiculously low, but DEP also denied any opportunity for public review and discussion before signing on the bottom line.

At least nine unpermitted discharges of drilling sludge led up to the highly publicized and devastating destruction of an Upper Freehold home in June 2020 before the DEP could be persuaded to act, and the suspension of NJNG's permit only lasted a few months. No financial penalties were issued at that time, nothing to motivate NJNG to change their behavior - the DEP simply took NJNG's word that no more spills would occur. Predictably, three more spills occurred within weeks of resuming work. Once again, the DEP allowed construction to continue. Only once the pipeline was complete did the DEP calculate fines, a total of \$270,000. Given that NJNG had already gone to the Board of Public Utilities to raise their customers' rates \$165 million annually to recoup costs for the SRL, the fines seemed wholly inadequate. However, the settlement agreement for \$108,125 is downright unacceptable. It is unclear whether this reduced amount applies only to the Freshwater Wetlands violations, or all penalties originally assessed against NJNG. Regardless, it conveys a clear message that the DEP will not stand up for natural resources or the people of New Jersey but will work with large companies to make sure their pipelines get built and their shareholders get paid.

## Off-Road Vehicle Violations

For almost two decades, PPA and our partners have advocated for changes in fines, laws, and enforcement of illegal off-road vehicle activity causing rampant destruction on public lands. In 2009, legislation passed that increased fines and penalties for this illegal activity. Unfortunately, since then the fines were kept at a mere \$74 per offense which is a just a slap on the wrist for these users. Our organizations continued push the NJ Department of Environmental Protection (DEP) and the

NJ Attorney General's office to implement requirements of the 2009 law. Finally, the Administrative Office of the Court updated the violations bureau schedule this year. The Off Road Vehicle penalties are now \$249 plus court fees. More work is needed but this is a good first step in deterring this illegal activity that causes so much destruction to sensitive Pinelands habitats.

## Plant Protections

The Pinelands is very well known for its impressive diversity of plants. Pitch pines dominate the landscape with mixed oak species and Atlantic white-cedar and red maple swamps, but it is also home to a plethora of unique and endangered species that make most of their home in select areas of the Pinelands and in some cases are found nowhere else in the world. Protection of species and habitat in the Pinelands has traditionally focused on protecting entire tracts of land, and protecting and managing land for game species, wetlands, or threatened animals. However, many state and federally listed plant species have received little to no attention. Plants seem to always take a back seat to animals. The allocation of funds and size of DEP staff devoted to plant protections is so much smaller than the resources devoted to wildlife. Plants play a critical role, and obviously animals can't thrive without plants. While the DEP has at least a dozen people that are considered biologists, there are only two



*Pinelands bogs are full of wildflowers like Goldencrest and Dragon-mouth orchid in the spring.*



to three people with considerable experience in botany. There is a dire need to create and enforce sensible action plans and to devote financial and staff resources to protect these treasures of 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.

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 on 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:** Jonathan Meade. **Gubernatorial Appointees:** Theresa Lettman, Edward Lloyd, Mark Lohbauer, Laura Matos (Chair), Davon McCurry and Gary Quinn. One seat is vacant. **County Appointees:** Jerome Irick (Atlantic), John Holroyd, Jr. (Camden), William Pikolycky (Cape May), Jane Jannarone (Cumberland), Daniel Christy (Gloucester), Alan Avery, Jr. (Vice-Chair, Ocean), and Shannon Higginbotham (Burlington). The Acting Executive Director is Susan R. Grogan, who reports to the commissioners.

## Stormwater Regulations

Last year, DEP released updated stormwater regulations which they called their green infrastructure rule. The agency stepped up its efforts to address stormwater pollution by codifying better ways to manage stormwater through green infrastructure techniques. The Pinelands Commission was also required to update its rules to match

in part the DEP rules. The Pinelands Commission's new rules, which went into effect in early 2022, now exceed DEP's standards regarding nitrogen removal and require minor development to meet many of the standards.

### PINELANDS ADVENTURES

Pinelands Adventures has taken thousands of young people, their teachers and leaders on great nature trips.

For more information, please contact Charles Johnson III, Director of Education, at [charles@pinelandsadventures.org](mailto:charles@pinelandsadventures.org) or (609) 268-0189.

Learn more [www.PinelandsAdventures.org](http://www.PinelandsAdventures.org).



## Pinelands Educational Programs

The Pinelands Commission continues to offer high quality public education programs despite the challenges of the pandemic. The Commission has assembled a large collection of programs offered throughout the year on their YouTube channel including ten in depth discussions about the Pinelands and its natural resources to celebrate the 40th anniversary of the Pinelands Protection Plan. Visit their website at [www.nj.gov/pinelands](http://www.nj.gov/pinelands) to sign up on their email list so you get information about their 2022 Pinelands Speaker Series.

## Stalled CMP Amendments

Yet another year has passed without the Commission adopting critical, common-sense amendments to the CMP. The absence of these reforms becomes increasingly glaring as the impacts of climate change make their way into life in the Pinelands. Protections for the Kirkwood-Cohansey aquifer and conservation of the Black Run headwaters have been discussed, presented by staff to the public and Commissioners, and even have draft language. But the Commission has not taken any action to adopt these positive changes to the Pinelands rules. As part of a decade-long campaign by Commission staff to suppress and discourage public involvement in its decision making, the Commission, incredibly, asked the Courts to negate the only formal means of public comment on private development applications built into the CMP, and the Court obliged. Now the Commission's new leadership needs to fix the massive gap it has created in its own procedures. Nor has the Commission adopted a process for reviewing applications exempt from local approvals, another gap the Commission created for itself in its single-minded focus on approving the South Jersey Gas and New Jersey Natural Gas pipelines. It hasn't acted on studies, including the Kirkwood Cohansey Aquifer studies and the pond study that identified damage from off-road vehicles carried out by its own scientists. This refusal to respond to scientific evidence or to even take a vote on amendments already drafted leaves the Pinelands vulnerable to pollution, damage and development pressure while cutting out the voice of the public.

### PINELANDS ACTION NETWORK

Pinelands Action Network (PAN) is an activist network run by PPA. The goal is to help you get involved and make a difference. We keep you up to date on important issues and help you advocate for Pinelands protections.

To join the Pinelands Action Network and get updates on important actions contact Rhyen at [RhyenG@PinelandsAlliance.org](mailto:RhyenG@PinelandsAlliance.org).

## 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 protects and enhances environmental richness and diversity in New Jersey and the Pinelands.*

## Stalled Pinelands Commission Nominees

Votes in the Senate Judiciary Committee and then the full Senate are required to confirm the Governor's nominees to the Pinelands Commission, but a small handful of individual Senators abused their power to prevent this democratic process for the last three years. Two Senators declined to "sign off" on the excellent nominees from their districts, using "Senatorial courtesy," a formality, to single-handedly block two of the nominees. The other two were deliberately kept off the agenda of the Senate Judiciary Committee by the former Senate President, again preventing the rest of the Senators from having their voices heard. The rushed confirmation of three Pinelands Commissioners in the lame duck session does not erase three years of a hobbled Pinelands Commission plagued with vacancies, nor the stringing along and ultimate expiration of the nominations of highly qualified people who were willing to serve.

## Stalled Rare Plant Protection Bill

A5201, Rare Plant Protection Bill, was introduced last year in the State Assembly by Assemblymen Conaway and Rooney. Before retiring this year, Senator Bateman introduced a Senate companion of the bill. Over 35% of New Jersey's plant species are imperiled, and our current laws only protect certain species in the Pinelands, Highlands and flood hazard areas. The "endangered" provision given to plants is a measure that only recognizes species when they are at the closest to extinction in the state. Under this bill, plants can also be categorized by a "threatened" status that provides more opportunity to



protect a species before their numbers have dwindled down significantly. We need a legislative champion who recognizes the benefits of plants in our ecosystem and will fight for their survival.

## Neonic Ban

Neonicotinoids or “neonics” are neurotoxic pesticides that contaminate soil and water across much of the nation, drive massive bee population declines, and are increasingly linked to mass losses of birds and fish, water contamination, and human health risks. A2070/S1016 addresses neonic pollution in New Jersey by prohibiting its largest source—lawn and garden uses. Neonics are the world’s most widely used insecticides, and incredibly toxic to insects—just one square foot of grass treated with a typical neonic lawncare product can contain enough neonics to kill one million bees. The bill passed the legislature and was signed into law during the lame duck session. Thanks to the many Assembly bill sponsors including Clinton Calabrese, Raj Mukherji, and Daniel Benson and the Senate sponsors, Bob Smith, Kip Bateman and Shirley Turner, for introducing this bill.



*Bees play a critical role in agriculture. At PPA's Rancocas Creek Farm we use a variety of flowering cover crops like red clover pictured here to give food, forage and habitat to native pollinators and beneficial insects who help control agricultural pests.*

## Bypass of Local Approvals

S3926 was signed into law this year, allowing certain wind energy projects that are approved by the Board of Public Utilities (BPU) to bypass local review procedures. PPA supports wind development, but we also believe local voices must be heard and given respect in the review of such major projects. While wind energy is certainly a crucial step in the fight against climate change, this law is just the latest assault on voices of residents who are affected by development projects. A series of forestry bills proposed this year would have eliminated municipal approval of stewardship plans, but at least these bills are currently stalled in the legislature. And of course the Pinelands pipelines, after receiving BPU approval, were also exempt from local review. Additionally, the Pinelands Commission has taken the position that projects like these fall into a “gap” in the Pinelands regulations -- without the evidentiary hearing step at the local level, the Pinelands Commission does not create an opportunity for sworn testimony, submitted evidence and cross-examination. The result is an incomplete record that is easily manipulated by applicants and compliant agency staff, and an inability for the public to fully understand all implications of a project.

## Recycled Content Law

The recycled content bill, S2515, was passed and signed into law at the end of the legislative session. The law establishes recycled content requirements starting in 2024 for certain plastic, glass and paper packaging, and it bans polystyrene packing peanuts. Starting in 2024, rigid plastic containers must contain at least 10% postconsumer recycled content, and plastic beverage containers at least 15%. These percentages will increase each year until both contain at least 50% postconsumer recycled content. It also establishes recycled content standards for glass bottles, paper bags and plastic bags. While more work is needed to reduce plastic consumption overall, this is a critical first step towards reducing plastic pollution in New Jersey.

## 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).

### Camden County 👍

The Camden County representative to the Pinelands Commission, Jordan Howell, stepped down this year after lending his experience as an environmental science professor to the Pinelands. Camden County ran an application process where any interested Camden County resident could throw their hat in the ring. At their January meeting, the Camden County Commissioners appointed John Holroyd to the Pinelands Commission. Mr. Holroyd has served for many years on the Winslow Township Environmental Commission. We commend the County for holding open applications, welcome Commissioner Holroyd and hope that he brings a strong conservation ethic to fill Dr. Howell's shoes.

### Burlington County 👍

In late 2020, Burlington County Commissioners appointed Shannon Higgenbotham to serve on the Pinelands Commission. A local farmer and business owner, Ms. Higgenbotham is a thoughtful and engaged Commissioner. She joined the Climate Committee and lends her agricultural perspective to the decisions and direction of the agency. For many years, Burlington County's representative on the Commission was more interested in advancing development than conserving the Pinelands' resources, but Ms. Higgenbotham has shown that she takes her responsibility to protect and preserve the Pines seriously.

## Local Government

**Expectations:** There are 56 municipalities entirely or partly 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 have flexibility with implementation of 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.

### Waterford Township 👍



*Atco Raceway sign.*

After a months-long process of hearings, the Waterford Township Joint Land Use Board denied an application by Insurance Auto Auctions to convert the current Atco Dragway site, on the edge of the Mullica

River and Wharton State Forest, into a facility holding thousands of total-loss vehicles to be auctioned off. Much of the debate centered around whether the proposed use was more akin to a car sales business or a salvage yard operation, the distinction being important for local zoning purposes. The community and PPA held serious concerns about the impact of the proposed operation on water quality, particularly because IAA proposed to store its vehicles on gravel. Thousands of damaged cars could be sitting directly above the Kirkwood-Cohansey aquifer, without any barrier between any leaking fluids and the water table. Many people in the region also feared losing a historic and popular recreational facility. Ultimately, the Board found that the proposed use did not qualify as a conditional use, because of the environmental risks involved in the operation in this environmentally sensitive area, the apparent risk of water quality degradation, and the applicant's failure to comply with various standards in the applicable zone.



## Evesham Township 👍

Evesham Township won an Inclusive Healthy Communities grant from the NJ Department of Human Services to work with people with disabilities to create an Inclusion Component of the Township's Master Plan based on a comprehensive assessment of its residents' needs and concerns. This is the same grant program that launched PPA's initiative, The Pinelands Is for Everyone, to make natural areas more accessible for people with a range of different disabilities and for their families. Evesham's effort to build plans to serve those with disabilities into its Master Plan will help the town make its exceptional preserves in the Pinelands more accessible and should serve as an inspiration for more towns to do so.

## Egg Harbor City 👍

In late 2021, a grassroots effort in Egg Harbor City changed the minds of elected officials, and a beloved public park was saved from development. The city had taken aim at the 400-acre Egg Harbor City Lake Park by declaring it an "area in need of redevelopment", the first step towards building a warehouse and commercial operation in the middle of the wooded park. This plan conflicted with a 150-year-old deed restriction that specified the park was to remain forever public. Led by a coalition of determined and passionate residents, more than 100 advocates for the park testified in front of the City Council at a special meeting in December, and presented a petition signed by more than 2400 people. The City Councilors heard the voices of their

constituents, and they voted unanimously to deny the redevelopment application! This victory demonstrated the power of organizing and was an example of true democracy in action.

## Non Governmental Organizations

### New Leaders at New Jersey Conservation Foundation 👍

The New Jersey Conservation Foundation is PPA's foremost partner on Pinelands conservation and is an essential statewide leader in protecting land, advancing good environmental policies, and helping people enjoy the benefits of natural areas wherever they live. Michele Byers, NJCF's long-time executive director and one of the founders of PPA, retired at the end of 2021. This would be a blow to all who love New Jersey's environment but for two facts. One is that Michele is staying with us in New Jersey and will remain a leader in her retirement. The other is that NJCF has decided to hand the reins of the organization to three outstanding people who will be co-directors: Jay Watson, Alison Mitchell and Tom Gilbert. We at PPA have worked with all three of the new co-directors for many years, and they are all great friends of the Pinelands. Congratulations to Michele on an amazing career, and to Jay, Alison and Tom on stepping up together.

### LOOKING TO VOLUNTEER IN THE PINE BARRENS?

Contact Public Lands Advocate Jason Howell ([Jason@PinelandsAlliance.org](mailto:Jason@PinelandsAlliance.org)) to get involved.

Volunteers help to restore damaged areas, protect the forest from ORV abuse, clean up trash and assist with monitoring projects.





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The 2022 *State of the Pinelands Report* was released to our members and the public in February 2022 and covers actions that took place over the course of 2021.

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Cover Photos by:

Main Image - Henry Bossett

L to R - Karl Jonsson, John Giatropoulos, Robert Ferguson II



Photo by Debra Feddin

## The Pinelands Preservation Alliance

The Pinelands Preservation Alliance is the public's leading voice for protecting the water, forests, plants and wildlife of the Pinelands. Founded in 1989, PPA has championed the effort to protect the Pinelands by:

- Fighting bad policies and developments
- Taking legal action when necessary
- Promoting smart growth to help existing communities thrive
- Getting people involved in the cause
- Taking people of all ages into the Pine Barrens to discover its wonders.

Our members are the most important source of support for the preservation of the New Jersey Pinelands.

Members receive a yearly subscription to our newsletter, discounts on Pinelands Adventures field trips, rentals and merchandise, and invitations to members' only events.

To join call us at 609-859-8860 or visit us on the web at [PinelandsAlliance.org](http://PinelandsAlliance.org).