

Public comments pertaining to the review of the Pinelands Comprehensive Management Plan

(updated as of November 5, 2012)

JUL 31 2012

Pinelands Commission
Mr. Paul Leakin
PO Box 359
New Lisbon NJ. 08064

30Jul12

Re: Pinelands Review Plan

We have lived in the beautiful Pinelands for 15 years in Leisuretowne Southampton NJ. We are happy we made this move from Springfield, Pa. HOWEVER AS WE GROW OLDER we find it very difficult to get to the local stores. Yes, there are a few food stores in the Pinelands but none close to the over 55 communities. Yes, we have a bus to take us to the stores but you can only carry a few items. The restrictions have help make the Pinelands beautiful but we feel its time to relax some of the restrictions to permit more food stores. There is surely plenty of room and with the baby boomers soon to be seniors more over 55 communities will be growing and needed.

We do hope you will take this request into consideration. Now seems to be the atime to do this important step for the many seniors living there and those living here in the near future.

Thank You
Jack Daniels
Jeannette & Jack Daniels
105 Dorchester Dr.
Southampton, NJ 08088
(609) 859 5468

From: Grace Sinden <glsinden@comcast.net>
To: <Info@NJPines.State.NJ.US>
Date: 8/9/2012 3:50 PM
Subject: Pinelands Comprehensive Management Plan - Public Comments

To: The New Jersey Pinelands Commission

Although we are unable to attend your public meetings, we enthusiastically support the Pinelands Preservation Alliance recommendations regarding the Pinelands Comprehensive Management Plan. We have seen their 10 point list of recommendations and feel they are worthy of your positive consideration and action.

Thank you for your efforts to preserve the Pinelands and its critical water and other resource for New Jersey and beyond.

Sincerely,

Grace & Frank Sinden
120 Ridgeview Circle
Princeton, NJ 08540



Chris Christie
Governor

Kim Guadagno
L. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PLAN REVIEW COMMITTEE (PRC) MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15C Springfield Road
New Lisbon, New Jersey

August 10, 2012 – 11:00 AM

Public Comment

1) **Jeff Tittel** (Director, New Jersey Sierra Club)

Mr. Tittel recognized the challenges of balancing the protection of Pinelands resources with the needs of the region. He expressed concern regarding the effects of the recent Memorandum of Understanding (MOU) between the New Jersey Department of Environmental Protection (NJDEP) and the Pinelands Commission regarding sewer service areas. Mr. Tittel suggested that new sewer service areas would accelerate growth, raise builders' expectations of property value, and create an incentive for municipalities to consider major development applications as a means to establish sewer service infrastructure in an area where sewer service is not currently available but is permitted. He added that the State Strategic Plan considers Pinelands Villages and Pinelands Towns to be growth areas, which may inappropriately open such areas for growth. Mr. Tittel stressed that the water quality in the Pinelands is directly linked to the health of Barnegat Bay. He urged the Committee to reevaluate how and where growth occurs and to continue to protect the core values of the Pinelands.

2) **Peter Ferwerda** (Warren Grove, NJ resident)

Mr. Ferwerda discussed the impacts of gravel and sand mining on the natural resources of the Pinelands. He suggested that stricter enforcement guidelines may be needed to encourage mine operators to adhere to the temporary and permanent restoration requirements as a mining operation ceases operations in one area and expands into another. Mr. Ferwerda stressed the important role the Pinelands plays in providing water quality protections for Barnegat Bay.

3) **Fred Akers** (Administrator, Great Egg Harbor Watershed Association)

Mr. Akers stated that wetland science has changed significantly since the incorporation by reference of the May 1985 "Buffer Delineation Model for New Jersey Pinelands Wetlands" in the Pinelands Comprehensive Management Plan (CMP). He recommended that the existing Model be reevaluated and revised or replaced to be more consistent with current scientific knowledge and practice.

Tomasello Winery

A NEW JERSEY CORPORATION

August 12, 2012



Mr. Paul Leakan
The New Jersey Pinelands Commission
P.O. 359
New Lisbon, New Jersey 08064

Re: Review of CMP

Dear Mr. Leakan,

As per our discussion last week, I am writing you to address an issue which I believe had been over looked by the CMP for over thirty-three years. I am pleased to learn that you have launched your fourth in-depth review of the CMP and I have the opportunity to address this issue.

There are six indigenous Native American Grapes vines which have a very long history and have been written about going back five centuries. They are *Rotundifolia*, *Aestivalis*, *Riparia*, *Labrusca*, *Mustangensis* and *Repertris*. Here in the North Eastern part of the United State we have the Indigenous grape called "Labrusca growing wild in every forest and wetlands in New Jersey. These vines grow wild and in many cases especially this time of the year you can find ripe grapes on them. Some of the cultivars were produced four hundred years ago from Labrusca grapes. They have very common names such as the Indian name "Catawba." There are other varieties which are popular today to many such as Niagara, Ives, Fredonia, Noah and the very famous variety which is known all over the world from our area, Concord.

You will find these indigenous Labrusca grapes everywhere there is wild vegetation in the Pinelands. In some cases these wild grapes growing in the woods can cause a grape farmer some problems with drawing in the Grape Berry Moth. This pest is usually found in the wild weeks before it arrives in cultivated vineyards in New Jersey. Today thankfully Rutgers and Cornell have developed a model to determine the arrival of the Grape Berry Moth based on a number of factors one being the tracking this pest in the wild in forests and wetlands in the New Jersey Pinelands.

Today many grape farmers in New Jersey are growing another type of Grape which are not indigenous to New Jersey. These are wine grapes known as "*Vitis Vinifera*." The most common of these grapes are Cabernet Sauvignon, Merlot and Chardonnay. However every winery and grape grower in the Pinelands continues to grow Labrusca varieties and the popularity of Native American wines continues to grow.

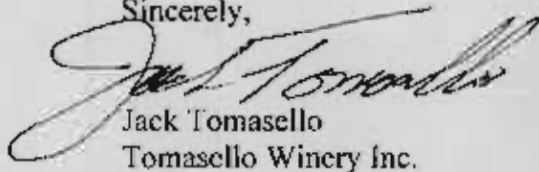
Tomasello Winery

A NEW JERSEY CORPORATION

The Pinelands Comprehensive Management Plan from its inception back in 1978/1979 recognized Blueberries and Cranberries as fruits from indigenous plant life but overlooked *Vitis Labrusca* Grapes. I am requesting to the Commission an amendment to the CMP to include *Vitis Labrusca* Grapes better known as "Native American Grapes" be included as Indigenous Plant life in the Pinelands. *Labrusca* varieties which grow extremely well in their native Pinelands should be permitted as do Blueberries and Cranberries to grow in Pineland Wetlands areas. Native *Labrusca* varieties unlike *Vinifera* do not require the need for irrigation and are best suited for lower elevation.

Please advise me if you have any questions regarding any of the above information. I am certain there is a fair amount of information about *Vitis Labrusca* Grapes on the Internet. I have been a grape farmer for over thirty years and have been studying grape varieties for decades. I would also suggest speaking with experts on this subject to confirm my data. There are a number of professors from Rutgers who I am certain will agree with me. Once again thank you for allowing me to participate in your review. I would be happy to answer any questions or address the Commission on this matter.

Sincerely,



Jack Tomasello
Tomasello Winery Inc.

cc. Peter Furey
Executive Director New Jersey Farm Bureau



New Jersey Forestry Association

**PO Box 367
Flemington, NJ 08822
908-832-2400
908-832-7534(fax)
www.NJForestry.org**

New Jersey Pinelands Commission
P. O. Box 359
New Lisbon, NJ 08064

Attention: Mr. Paul Leakan

Re: Review of Pinelands Comprehensive Management Plan

Dear Commissioners:

On behalf of the New Jersey Forestry Association which represents private landowners engaged in forest management activities, we wish to submit comments and recommendations which we believe will strengthen the Plan through future amendments to the CMP pertaining to “forestry”, and result in the improved health of our forests in the Pinelands Region.

Simply stated, we urge the Commission to change the definition of forestry from “development” to “agriculture or horticulture”, as both Federal and State statutes required and envisioned.

Forest Management ensures public values such as improved forest health, wildlife habitat enhancement, public safety through hazardous fuel-load reduction and restoration of habitat for threatened and endangered plants and animals which are achieved through various silvicultural techniques.

Forestry does not create a “change in use” of the landscape!

By defining “forestry” as development, private landowners are required to submit a full application as a development activity, which includes: Application fee; Printed maps vs. digital maps; a list of adjoining properties; fees for giving public notice to the media and notifying adjoining properties; considerable time discussing the project with staff, when the Pinelands Commission currently does not have any professional foresters on staff; approval by the municipality; and presentations before two (2) Pinelands Commission meetings.

Comments by New Jersey Forestry Association

Currently, DEP must submit a forestry application to the Pinelands for review and approval. In the past, these reviews have taken a minimum of 210 days to complete in spite of DEP staff approval by professionally trained foresters, and agreement of project activities.

We are aware that in 2009, the Pinelands Commission adopted forestry rules that were supposed to streamline the permitting process, but the result has been neither efficient nor effective. We are also aware that discussions began in 2009 to have one MOU developed that would include all of the current MOUs as well as forest management activities. The goal was to implement a simplified approval process both for planned land management activities on public and private lands as proposed by DEP and for private sector forest stewardship plans, *provided there was no resulting change in land use.*

Discussions regarding the most recent MOU ceased in June 2011!

The New Jersey Pinelands covers approximately 1.1 million acres – two-thirds of which are privately owned. Those privately owned acres have gone almost 30 years without being properly managed such as the ability to conduct *thinning, harvesting or for the control of pests and pathogens – such as the Southern Pine Beetle.* This is caused primarily because of the time-consuming bureaucratic red tape and the costs associated with forestry being defined as “development”.

The New Jersey Forestry Association urges the Commission to change the definition of forestry to *agriculture or horticulture* as State and Federal statutes intended. Failure to do so will result in the further decline of *forest health* in the Pinelands.

Thank you for your consideration.

Sincerely,

Richard Conley
President

From: Dennis Galway <dgalwaydsl@verizon.net>
To: "info@njpines.state.nj.us" <info@njpines.state.nj.us>
Date: 8/16/2012 1:03 PM
Subject: definition of forestry

To Members of the Pinelands Commission

The idea of defining or should I say re-defining "Forestry" as development is not only ludicrous, incorrect, and irresponsible but will weaken the protection of the unique ecosystem. We (residents of NJ and forest conservationists everywhere) all want the Pinelands to endure through active participation in conserving the resources for generations to come to enjoy and utilize. The Federal and State statutes creating the Pinelands define forestry as an agricultural or horticultural use, and that forestry is to be protected and enhanced in the Pinelands. The NJDEP Department of Agriculture (NJDA) defines forestry as an "agricultural use". The NJ Division of Taxation defines forestry as an "agricultural use" and exempts its products and services from sales tax. The Society of American Foresters (SAF) in the "Dictionary of Forestry" forestry is defined as 'the profession embracing the science, art, and practice of creating, managing, using, and conserving forests resources and associated resources for human benefit and in a manner to meet desired goals, needs, and values - the broad field of forestry consists of those biological, quantitative, managerial, and social sciences that are applied to forest management and conservation'.

The tending of forests for food and fuel has been going on since the beginning of man and is mentioned in the bible many times. Formal forestry practices were developed by the Visigoths in the 7th century when, faced with the ever increasing shortage of wood, they instituted a code concerned with the sustaining of oak and pine forests. The use and management of many forest resources has a long history in China, dating from the Han Dynasty more than 200 years Before Christ (BC). Families like the Haines and Lees have been conserving forest resources in the Pinelands for many generations and have received national, state, and local recognition and awards for their work and achievement!

Forests are dynamic and not static they are constantly changing and evolving as all living things do. If you want to have healthy forests and protect and conserve certain habitats and species, and provide clean water, clean air, recreational uses, and jobs for future generations to enjoy and benefit from you have to tend and nurture and manage the forests. This is what foresters, wildlife biologists, and other natural resource specialists do with great love and concern for both the forest resources and the people who live and work and visit the Pinelands.

The Pinelands is there for all to enjoy because of man not despite him.

However, if you handcuff and burden tree farmers, foresters, and other land managers and specialists with the added language that includes forestry as "development" in the Comprehensive Management Plan, requiring a full application as a development activity you are jeopardizing the health, sustainability, and existence of the resources you wish to protect and conserve. These requirements for forestry of a full application as a development activity, application fee; printed maps; list of adjoining properties, fee to provide public notice in media and notify adjoining properties; considerable time in discussing any forest management activity with staff; and presentations before two Pinelands Commission meetings put both a financial and time consuming burden on the very families doing the work to protect and conserve the natural resources and health of the Pineland ecosystem. In the past, this process would take minimally 210 days to complete and many instances of well over a year! In a year a forest could be wiped out by southern pine beetle or gypsy moth. In a year forest fuel build-up could cause forest fires that will destroy the forest, homes and businesses of families that live and work in the Pinelands, and habitat and species we are trying to protect.

Much of the application process is redundant as processes are already in place to insure sustainable forest resource management in the Pinelands. Forest management Plans approved by the State Forester

are good for 10-years and make recommendations for annual activity that already takes in to consideration all the special situations of the Pinelands including, Threatened & Endangered (T&E) species, Rare or special habitats, heritage or legacy sites, fire history and potential, exotic species, deer populations, and water resources just to name a few. The plans are updated every ten years more than adequate to stay constant with new science.

The State Forester, Lynn Fleming is in charge of all the forests within NJ and takes her responsibility to conserve and ameliorate this resource with the utmost professionalism and dedication as do her regional foresters that work in the Pinelands.

Last but not least is the consultant foresters and forest landowners that live and work in the Pinelands. The foresters abide by a code of ethics and have dedicated themselves to a profession that takes care of our forests and all the natural resources and the people and communities within. The forest landowners many of which their family have lived in the Pinelands for many generations have deep rooted ties to the land and this is further reinforced by their commitment in securing professional advice and implementing approved and sustainable forest management practices that benefit all who live, work, visit, and play in the Pinelands. These people define the Pinelands not obtuse restrictions that only alienate and burden the people who are actually taking care of the natural resources you adamantly say you want to protect! I ask you to change the definition of "forestry" from development to agriculture or horticulture in the Comprehensive Management Plan.

Sincerely,

Dennis Galway - Approved NJ Consultant Forester

From: <reelboysrm@yahoo.com>
To: "info@njpines.state.nj.us" <info@njpines.state.nj.us>
Date: 8/18/2012 5:03 PM
Subject: woods lover

Dear board member after living in the pines and enjoying the wood for 45 years and three generations hunting and 4 wheeling dirt biking with my sons and grandsons has made us happy to live in southjersey / closing the woods will destroy the things we love most the pinebarrens. Thanks R Meelheim bayville NJ

From: PHILLIP ABBOTT <fencelizard@comcast.net>
To: <info@njpines.state.nj.us>
Date: 8/18/2012 9:03 PM
Subject: PPA Action plan

I am a 48-year-old motorcycle enthusiast residing in Wall Township. I have lived in New Jersey my whole life. For the last 20 years I have enjoyed on average 8-12 hours per month of recreational riding in the state forests of New Jersey on road-legal, insured motorcycles. New Jersey's state forests have thousands of miles of sand roads which are extremely enjoyable to explore and enjoy on a motorcycle, and it's one of my favorite aspects of living near the Pine Barrens of New Jersey.

Riding sand roads on a motorcycle is a challenging endeavor, requiring certain equipment to do so in a safe manner. Operating a motorcycle on soft sand roads requires what some view as an "off road vehicle." The motorcycles I ride are road registered and insured. I operate them in a responsible fashion, ever mindful of my surroundings. The proposed rule changes will prohibit appropriate motorcycles from operating on these public unimproved roads. As a tax-paying New Jersey resident, I feel state lands should be available for use and enjoyment by the public. Prohibiting the only class of motorcycle capable of using these public roads will unfairly prevent thousands of law-abiding, tax-paying New Jersey residents from enjoying their state forests.

The argument that the very same motorcycles I enjoy responsibly are often used irresponsibly, and thus should be prohibited, is unfair. It's like prohibiting prescription medications because some people abuse them. That is not the answer. The result of this type of management is to exclude the responsible, law-abiding users while the illegal abusers continue unabated.

In the same fashion, prohibiting perceived "off road vehicles" from using the public unimproved roads of the New Jersey state forests will do nothing to remove illegal, unregistered, uninsured off road vehicles from the woods. These people will continue to ride illegally because they can. There is simply no way to effectively patrol the state forests due to their large size. The proposed rule changes will only remove law-abiding users, who are not the problem.

Please do not punish the law-abiding, responsible enthusiasts with these rule changes.
Sincerely
Phil Abbott

From: John Castaldi <jcastaldi@capemaytech.com>
To: <info@njpines.state.nj.us>
Date: 8/21/2012 8:32 AM
Subject: recommendation #10 from the PPA

Please register my opposition to this proposed change. The whole purpose of the special use permit process is to have an activity that is well thought out and planned and inspected to prevent any environmental issues. A mileage fee for the length of the trail and any applicable fees are currently paid to cover all costs of review.

This is just another attempt by the PPA to throw up roadblocks to the already red-tape laden process of obtaining a legal permit. The legal off road events are not the groups creating illegal trails, it is the "weekend warriors" that come out and tear up the landscape. The legal enduro and dual sport events are carefully planned and reviewed.

John Castaldi
Cape May County Technical School District
Director of Technology and Network Operations
609-465-2161 X 636 Fax 609-465-2050

From: "Les Alpaugh" <lesalpaugh@comcast.net>
To: <info@njpines.State.NJ.US>
Date: 8/21/2012 1:57 PM
Subject: Comment on CMP Rules

To the Pinelands Commission - I am a Forester that has been involved with policy for and practice in New Jersey's forests for about 50 years. I was employed by the NJ Forest Service in 1978 when the Federal Act was passed and in 1979 when the Commission was formed. My State service culminated as State Forester. I am currently a consulting forester and Christmas tree farmer. Over the years I interfaced with the Commission on various projects, served on a PC "blue ribbon" panel focusing on forestry standards and have been subjected to the sometimes daunting process of obtaining a permit for a forestry activity.

The purpose of my comment is to go on record in support of changing the category of forestry from "development" to "agriculture"!

In my opinion placing forestry in the development category has set back progress towards preserving, protecting and enhancing the natural resources of the Pinelands. Insisting that landowners meet administrative reviews and processes similar to those required for development has delayed and many times discouraged timely implementation of forestry activities designed to sustain Pinelands ecological values and culture.

The price for the burdensome administrative process has been a restrictive cost to landowners wanting to continue legitimate use of their land, a loss of time and taxpayer's money by the State Forest Service trying to implement sustainable forestry practices and negative resource impacts such as increased fire danger, loss of early successional habitats and increased insect and disease outbreaks that thrive on less diverse, homogeneous forest ecosystems.

Additional reasoning and comments made by the New Jersey Forestry Association in behalf of their members are supported and will not be reiterated here.

Les Alpaugh

PO Box 211

Stockton, NJ 08559

609-397-0615

609-397-1686 Fax

From: Tom Gafgen <tpgcabs@aol.com>
To: <info@njpines.state.nj.us>
Date: 8/21/2012 6:55 PM
Subject: Legal enduros in the NJ State Forests

I am a 53 year old self employed woodworker and have lived in Robbinsville NJ my entire life . I have enjoyed riding motorcycles in legal Enduros held in various NJ state forests for the past 30 years or so .I would like to state that I am strongly opposed to the oppressive attempts by the PPA to make holding an Enduro in state forests any more difficult than it already is .

Thanks
Tom
Thomas P. Gafgen Cabinetmakers
609-915-6710 www.TPGCABS.com



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PLAN REVIEW MEETING TO RECEIVE PUBLIC COMMENT

Hamilton Township Municipal Building
6101 Thirteenth Street
Mays Landing, New Jersey

August 22, 2012 – 7:00 PM

Public Comment

1) **Dr. Richard Colby** (Sierra Club; Egg Harbor City Planning Board; Atlantic County Environmental Commission)

Dr. Colby addressed the importance of using the results of the multi-year Kirkwood-Cohansey Aquifer (K-C) study to guide water supply analysis and regulation in the Pinelands. Referring to the saltwater intrusion issues being faced in Cape May, Dr. Colby discussed his concerns with regard to the limited carrying capacity of the K-C aquifer to support the ever-increasing human population and uses. He suggested that water supply standards should be added to the Pinelands Comprehensive Management Plan (CMP); these standards should take into consideration how water supply affects growth potential and should allow for case-by-case (well- or municipality-specific) determinations.

2) **Margit Meissner-Jackson** (Sierra Club)

Ms. Meissner-Jackson discussed the rapid growth which has occurred in some Pinelands Regional Growth Areas. She expressed concern that the growth may not have been appropriately planned for, and cited the availability of potable water – an international human rights issue – as a resulting potential issue. Ms. Meissner-Jackson described a workshop held in 2007 by the Department of Community Affairs Office of Smart Growth for environmentalists, planners and municipal and county officials which highlighted the potential use of a Transfer of Development Rights (TDR) Program to focus growth in town centers while protecting outlying forested areas with larger lot size requirements. Lastly, Ms. Meissner-Jackson addressed the direct effect of the health of Pinelands ecosystems on the health of Barnegat Bay. She suggested that Ocean County and Monmouth County both illustrate the impacts of poorly planned development leading to excessive growth in areas with a limited water supply, which may lead to saltwater intrusion in these areas.

3) **Mary Hunt** (Elwood Village, Mullica Township resident)

Ms. Hunt stated that her Township Committee had recently voted 4-1 to allow sewer service in the Village of Elwood. She is concerned about what this increased sewer service would mean for the character of the Village of Elwood. Ms. Hunt indicated that such a sewer service plan is problematic in terms of maintaining the larger lot size requirements that Mullica had approved in

order to retain residents' quality of life. She expressed concern that the availability of sewer service in Elwood would eliminate the larger lot size requirements, drawing in developers and excessive growth. She hopes that the Commission will continue to support the chosen way of life of Pinelands residents through any proposed revisions.

4) **Mark Demitroff** (Richland Village, Buena Vista Township resident)

Mr. Demitroff introduced the topic of redevelopment and issues that he has had in addressing violations of state redevelopment statutes by Buena Vista Township. He initially approached the Department of Community Affairs (DCA), whose representatives indicated that a Memorandum of Understanding between DCA and the Pinelands Commission granted jurisdiction over development in the Pinelands Area to the Pinelands Commission. When Mr. Demitroff approached the Pinelands Commission with his concerns, the Commission responded that the Commission lacked authority to enforce the state redevelopment statutes and directed him to contact the Local Finance Board. The Local Finance Board indicated that the Pinelands Commission has jurisdiction over redevelopment in the Pinelands Area and suggested he contact a New Jersey Deputy Attorney General (DAG) for guidance. The DAG considered Mr. Demitroff's question and consulted with the Attorney General (AG), Paula Dow. Attorney General Dow made the determination that all development in the Pinelands, including redevelopment, must comply with the CMP. However, the CMP contains no provisions to give the Commission authority to review violations of the state redevelopment statute. As a result, Mr. Demitroff suggested that redevelopment be addressed in the CMP, to the effect that redevelopment should not be permitted in the Pinelands.

5) **Fred Akers** (Great Egg Harbor Watershed Association; Buena Vista Township resident)

Mr. Akers discussed compliance with and enforcement of the CMP. He supported the suggestion of assessing an application review fee specific to applications intended to resolve violations, but indicated that is not enough. Mr. Akers is concerned that strict compliance with the CMP is being eroded, in part by an increase in the number of Memoranda of Agreement which permit a deviation from one or more of the CMP standards. He urged the Commission to reduce the number of MOAs being issued and to enforce the language and intent of the CMP.

6) **Trevan J. Houser** (Land Resource Solutions; Marlton, Evesham Township resident)

Mr. Houser provided comment regarding N.J.A.C. 7:50-6.75 (landfill closure) and N.J.A.C. 7:50-6.79 (land application of waste). He expressed concern over whether the "progress" seen in the Pinelands in recent decades would be seen as such by John McPhee, and whether Pinelands culture was being preserved. Regarding, N.J.A.C. 7:50-6.75, Mr. Houser indicated that the rule as currently written requires all landfills in the Pinelands be impermeably capped, which was the prevailing best practice in the 1980s when the rule was written. However, a cap is only installed over the top of the landfill, which raises the question of how the groundwater beneath the landfill is protected. Since the 1980s, many legacy landfills have been evaluated, and current information suggests that many landfills may not benefit from an impermeable cap. Installing an impermeable cap requires significant financial expenditures, which many Pinelands municipalities cannot absorb. Mr. Houser suggested that the Commission review the currently ongoing landfill studies carefully. He urged that the rule (6.75) be revised to allow for data collection, evaluation and remedial decision-making on a case-by-case basis in order to determine the treatment most appropriate for each individual landfill.

Mr. Houser then discussed N.J.A.C. 7:50-6.79, which restricts the land application of waste products. The impermeable cap requirement is not the only costly aspect of proper landfill

closure; the combination of all of these costs often makes landfill closure unmanageable for municipalities and undesirable for redevelopers. Defining “redevelopment” as finding an intelligent use for land which can’t be used for other purposes (in this context, due to potential or actual contamination), Mr. Houser indicated that soil is needed for the capping and grading which is typically needed for redevelopment of landfills. As New Jersey has a multitude of piles of contaminated or otherwise undesired soil throughout the state, Mr. Houser suggests that these unwanted stockpiles could be used for landfill redevelopment where needed, solving two problems in one. Many stockpiles contain natural materials (soil) that slightly exceed NJ’s strict thresholds for contaminants. He urged the Commission to think openly about opportunities for flexibility to reuse materials in a beneficial way.

7) **Don Lentz** (Buena Vista Township resident)

Mr. Lentz is a long-time resident of Atlantic County and self-described Piney. He is concerned with the erosion of open space and large residential lot sizes. He shared his perception that the CMP, which is intended to protect Pinelands culture and the residents’ way of life, is being eroded from what it once was. Residents choose to live in the Pinelands because of the open space and rural character of the municipalities. He questioned the establishment of sewer service areas if the need for sewer service is not anticipated. Mr. Lentz stressed the importance of protecting the rural character of the Pinelands and the residents’ way of life.

8) **Joe Venezia** (Mayor, Estell Manor City)

Mayor Venezia expressed his preference that the Commission had consulted with his municipality before signing the MOU with NJDEP which designated sewer service areas within his municipality. He suggested that a municipal resolution should have been sought to indicate whether the municipality was on board. Mayor Venezia shared his concern that sewer service is inappropriate for Estell Manor, and felt that the state issues mandates without also supporting the municipality financially. Mayor Venezia stated that he will seek a resolution from the municipality so the Commission can have his comments in writing. The mayor also indicated that a landfill evaluation was nearing completion in Estell Manor City; the data thus far seemed to demonstrate that an impermeable cap is not necessary. He expressed optimism that the Commission will take that into consideration when reviewing Estell Manor’s landfill closure proposal. Mayor Venezia suggested that the Commission look at the results of all of the Pinelands landfill studies and prioritize appropriate landfill remediation/closure starting with the sites of highest contamination.

9) **Diane Caucci**

Ms. Caucci inquired about the status of the Pinelands Commission; Chairperson Ashmun replied that the Pinelands Commission is a stand-alone entity operating under a strict statute. Ms. Caucci indicated that she would like to see larger building envelopes permitted for commercial lots served by public sanitary sewer.

10) **Katie Farley** (Weymouth, Hamilton Township resident)

Ms. Farley shared her concerns regarding the impacts of increasing development on the water quality of the Pinelands. She urged the Commission to consider the balance of water withdrawals and aquifer replenishment.

From: Carl Gulbish <ism409@gmail.com>
To: <info@njpines.State.NJ.US>
Date: 8/23/2012 1:09 PM
Subject: PPA recommendation #10

RE: PPA recommendation #10

To whom it may concern,

I am opposed to PPA recommendation #10. Enduro clubs go through a rigorous process to acquire a special use permit, get the entire course reviewed, and pay all the fees required to put on an event. It is a well thought-out and planned event with environmental impacts all taken into consideration.

The proposal to require all special use applications for off-road motorized events to submit a bond to cover potential damages from illegal trails and to pay for the actual costs for the commission staff time to review these applications is unfair and unjust. We already pay per the mile of course which is supposed to cover these review costs.

In my opinion this is the latest attempt to keep law-abiding, taxpaying, motorcyclists from enjoying the forest. Enduro clubs are stewards of the forest. We hold annual forest clean ups, we consistently work with the forest superintendents, we discourage illegal riding activity.

By pricing us out of the forest you are losing a large and valuable group of people who love and *USE* the woods.

Very Truly Yours,

Carl Gulbish



NJOA * Box 655 * Belmar, NJ * 07722 * PH: 732-332-9800 FX: 732-332-9696

August 18, 2012

The Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Dear Sirs:

As you may know, the New Jersey Outdoor Alliance (NJOA) and its council of prominent outdoor organizations strongly support pending Forestry Bill (S1085) for purposes of forest stewardship. The NJOA is committed to the promotion of forestry practices that simulate natural occurrences and meet or exceed well-established ecological standards. To this end, we accept as our obligation to practice active forestry in order to create and maintain forest habitats that will support a diverse plant and wildlife community.

The original intent of the Pinelands Protection Act was to encourage the production of trees and forest products, and was considered agricultural or horticultural use in the Act. The transformation of the original intent of forestry from agriculture or horticulture to "development" has compromised forest health.

Clearly, forestry activities are not "development". In fact, classifying forestry activities as development has greatly diminished the opportunity to actively manage this natural resource, and as a consequence has created an injurious environment for plants, wildlife, and people. Forests are renewable natural resources, and if managed properly, will provide the basis for bio-diversity; a reflection of a healthy environment.

Please give much needed deliberation to the above comments as you move forward with revising the Pinelands Comprehensive Management Plan.

Sincerely yours,

Leonard Wolgast, Ph.D.
Professor Emeritus, Wildlife Ecology
Rutgers University
Vice President, NJOA

Cc: Anthony P. Mauro, Sr.
Chairman, NJOA

From: Paul Ruga <pruga7@gmail.com>
To: <info@njpines.state.nj.us>
Date: 8/26/2012 8:07 AM
Subject: Enforcement

Dear Sir/Madam,

Hi. I would like to suggest a voluntary local resident enforcement aid. There are many local residents in Pineland areas (who own registered and insured ATV's). My suggestion is to setup a program whereby these locals can be approved to enter their local Pineland areas to monitor for illegal or suspicious activities and report such to the proper enforcement authorities. This would give many more eyes to the enforcement authorities who are already limited in their resources.

I believe most citizens believe in the preservation of the Pinelands and that many locals would participate in a program such as this.

Please consider.

Thank you.

From: <jristsurfs@comcast.net>
To: <info@njpines.state.nj.us>
Date: 8/27/2012 2:56 PM
Subject: No development of pinelands

Hello,

I would like to request no further development consideration of the pinelands. We have enough development. When is enough enough?

Please do not give permission for any further development or even any type of future chance of development.

Thank you
Joanne Rist

From: "Albert Horner" <hornerad2@verizon.net>
To: "Pinelands Commission" <info@njpines.state.nj.us>
Date: 8/27/2012 7:23 PM
Subject: CMP review comments

Dear Commissioners:

Much of the land within the Pinelands National Reserve is publicly owned land by way of state forest and game management areas. Many areas and roads within these public lands are used, and in some cases even controlled, by a culture of motor vehicle sport enthusiast using H.D. 4x4 motor vehicles and dirt bikes designed to "tame" or "conquer" the land. The vehicles used by these enthusiast with their oversized ground grabbing tires, winches, exhaust stacks, loud mufflers and H.D. gearing are not compatible with our Pineland's extremely sensitive ecology. Weekend after weekend hundreds of vehicles, either or dirt bikes, and some ATV's converge on the Pinelands from other states and regions in loose groups and organized clubs to ride roughshod over our Pinelands. They do so because they can, there is very little enforcement of the laws already governing the use of the Pinelands. They don't do so in their own states because it is not permitted.

There are many permits issued for various motorized events each year in the Pinelands but the sponsors are not required to provided a bond to insure against damages, damages that automatically have to occur due to the nature of the vehicles they use for these events. These off-road motorized events are supported by large groups and manufacturers to derive profits from the sale of the vehicles and equipment and they gain these profits because they are not responsible for what goes on in our public lands. If events are not banded altogether there should be strict bonding requirements and/or licensing fees imposed on these events.

The destruction that has been carried out by the use of these land conquering vehicles is evident in all areas of the publicly held land. Miles and miles of sand road are unusable by the general public due to the abuse the roads have taken by the over zealous motor sport culture. Hundreds of acres of ecologically sensitive lands have been permanently damaged in area such as "1/4 Miles" in the Hampton Furnace area, the entire face of Jemime Mount has been eroded away from the tires on these hill climbing vehicles, Most of the Rockwood Rd, off Rt. 206 in Hammonton, is impassable and much of the area adjoining it has been destroyed, and who knows how many vernal pools have been destroyed all for the enjoyment of "mudding" in a truck. All of this destruction is verifiable, and highly visible, I myself have much of it photographed and videoed.

This motor sports culture of destruction has on more than one occasion expressed that "the land is barren so what is wrong with running over it, it has no use, no purpose". A sensitive area like our Pinelands should not, in any way, be subjected to this type of motor vehicle abuse it is totally counter to its preservation.

Albert D. Horner, Landscape Photographer
196 McKendimen Rd.
Medford Lakes, NJ 08055
609-953-0486
www.pinelandsimagery.com
albert@pinelandsimagery.com

From: "Fontanazza, Wayne" <Wayne.Fontanazza@drs.com>
To: <info@njpines.state.nj.us>
Date: 8/30/2012 10:35 AM
Subject: PPA Recommendation #10

I am a motorcycle enthusiast who enjoys the NJ forests with my family and have been a NJ resident my whole life. We belong to a non-profit club which holds events in the forest for recreation and to raise money for charitable causes. We also hold forest clean-ups where we have removed everything from beer bottles to car tires and boats left behind by abusers of the forest.

We are against the proposed requirement for special use permit applicants to submit a bond to cover potential damages. Our club already pays a by-the-mile-fee for our course approval and special use permits. Our courses steer clear of all wetlands and only traverse existing fire cuts and sand roads. By utilizing these Forest Service built fire cuts for our course, we are maintaining the fire breaks by clearing them of dead falls and brush to make them passable for our event at no charge to the state. This is much better and with less impact than the state cutting new fire breaks when the old are clogged with debris.

Our event is also supported by the local Boy Scout Troop who use the event weekend for camping and providing food for our membership and participants. We also subsidize the scouts each year with the monies earned from our event. We have donated thousands of dollars to St Jude's Children's hospital that was raised from our event.

The proposed Bond requirement will do nothing to end the damage incurred by the illegal, unregistered, uninsured off road vehicle users who abuse the forests.

Please do not punish the law-abiding, responsible enthusiasts with this change. Attempts to eliminate Enduros which have been run thru NJ forests for over 75 years will not deter the illegal abusers of the forest. Please stop considering the Enduro enthusiasts as part of the problem, we are taxpaying lovers of the forest resources who do our part for charity, the forest and local community.

Thank You,

Wayne Fontanazza

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27 August 2012

New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064



Attn: **Ms. Nancy Wittenberg**  
**Executive Director**

Dear Executive Director Wittenberg:

First, please allow me to thank you for your efforts since taking the reins at the Pinelands Commission. The culture has shown a marked change since your appointment, and in my opinion, it has made the Commission a stronger and more effective organization. I would also like to thank you for your cooperation and that of your staff as relates to my favorite topic – Landfills. The staff has shown open-mindedness and a willingness to consider alternatives to long-held beliefs and regulatory mandates, which may not prove best in accomplishing the Pinelands mission. You and staff are to be commended.

As requested during the recent Plan Review Committee meeting, I attach for your consideration a summary of the comments I presented at the August 22, 2012 meeting in Hamilton Township. As you know, we have spent several years with staff on the issue of landfill closures and we believe strongly that amendments to the Comprehensive Management Plan (CMP) are in order. We believe the beneficiaries of a flexible approach to landfill closure will often be the environment and municipal landfill owners. Both can always use the help.

We again renew our commitment to working with the Commission to improve the CMP and make appropriate amendments to better achieve the mission of protection of the resources of the Pinelands. We too are big fans of the environment. Please let me know of ways we can assist.

For  
**LAND RESOURCE SOLUTIONS, LLC**

A handwritten signature in blue ink, appearing to read 'Trevan J Houser'.

Trevan J Houser  
President

**Pinelands Commission - Plan Review Committee Meeting - August 22, 2012**

**Comments of Trevan J Houser, President of Land Resource Solutions, LLC**

**Comments Regarding CMP Section 7:50 - 6.75 - Landfills**

- In general, this section of the CMP requires landfills to be covered with impermeable final cover systems. Most of the landfills in the Pinelands fall into the category of Sites requiring impermeable cover systems.
- I commend Pinelands Commission staff for their efforts over the past several years in discussing alternatives to traditional landfill closure and new research and understanding related to landfill dynamics. The body of knowledge regarding landfills has increased significantly since the CMP was originally drafted and an understanding of the new information is critical in making informed landfill closure decisions. Our work will not be done however until the CMP reflects these alternative approaches as viable and equal to traditional methods.
- Science is the key to an understanding of landfills. Pinelands Commission staff have heard about new scientific approaches to landfill closure and how it relates to CMP requirements for landfill closures. Current science indicates that an impermeable cover system may not always be appropriate for the types of landfills in the Pinelands. These systems are expensive and resources to cover landfills are limited, therefore these decisions should be based upon the best available science. Protection of the resources of the Pinelands may be better accomplished through alternative methods, given proper data collection and evaluation.
- We strongly recommend that as the Commission continues to evaluate the issue of landfill closures within the Pinelands, that flexibility in the regulations be maintained to allow for traditional as well as alternative approaches to landfill closure, as long as it is supported by the Site data and valid science. LRS looks forward to continuing to work with Pinelands staff to develop the appropriate regulatory approach.

**Comments Regarding CMP Section 7:50 - 6.79 - Land application of waste or waste derived materials**

Comments on this section relate somewhat to my prior comments, because these comments are also related to landfills and their proper closure.

- Most landfills require soils be imported as part of the landfill closure for either installing a final cover system or for general site shaping and grading as part of a redevelopment project.

- NJ is also famous for having many piles of dirty dirt. This dirt is not always contaminated by a release of chemicals, but may simply be naturally occurring material that happens to exceed the very stringent NJDEP standards for soils. These types of materials are currently being removed from the NJ Turnpike widening project currently underway in NJ. In addition, many municipalities struggle with costs for management of organic waste, which when composted, can be blended to make a tremendous material for landfill cover, providing many benefits over the organic-deficient sands that predominate in the Pinelands.
- Since landfills are already contaminated places, it seems to me that placement of modestly contaminated materials on them is a good fit and better than spreading the materials all over the state under parking lots and other construction projects. In fact, by blending materials with amendments such as composted food wastes or lawn waste, materials uniquely suitable for landfill cover can be made that can aide in landfill closures. However, these materials must be managed in proximity to the point of use to allow economic forces to work for these projects.
- We again strongly recommend that as the Commission continues to evaluate the issue of landfill closures within the Pinelands, that flexibility be maintained in the regulations to allow for placement of certain waste-derived soils on landfills as cover materials, as long as it is supported by sound data and science.

## **BOROUGH OF WOODBINE**

### **Mayor's Office**

*Municipal Building  
501 Washington Avenue  
Woodbine, NJ 08270  
(609) 861-5301*

*Fax: (609) 861-2529*

*<http://www.boroughofwoodbine.net>*



*William Pikolycky  
Mayor*

*Lisa Garrison  
Clerk*

August 24, 2012

Nancy Wittenberg  
Executive Director  
NJ Pinelands Commission  
15 Springfield Road  
New Lisbon, NJ 08064

Dear Ms. Wittenberg:

As Mayor of Woodbine as well as Chairman of the Pinelands Municipal Council, I am writing on behalf of our members to say that we would like a more proactive voice in any proposed changes to the Pinelands Comprehensive Management Plan, which we understand is under way at the present time. Our representatives are particularly interested in issues having to do with economic well-being, development opportunities, permitting, regulatory changes stemming from or related to any modification to the CMP, and your vision for the distribution of population and jobs in this region. These issues are defined in more detail as follows.

In 2008, as part of its long-term economic monitoring program, the Pinelands Commission prepared a document entitled a "Municipal Fiscal Health Special Study." This document which aimed to re-examine the 1996 New Jersey Municipal Distress Index, was released in draft form but was never adopted by the Commission. Yet, it provided a very revealing look at the fiscal and economic well-being of many of our Pinelands municipalities. According to this draft report, for example, eight Pinelands communities are among the most distressed municipalities in New Jersey, including my own community, Woodbine. In addition, twenty-nine Pinelands municipalities fall in the top two tiers of municipal distress. These are significant findings and ones that have serious implications for the future of our region.

We believe the Commission needs to revisit this Special Study and make recommendations that include economic well-being as an integral element of the CMP. There are many economic and job generating activities related to outdoor recreation and ecotourism for instance that are very compatible with the environmental sensitivity of our region. We need to find ways to work together to identify and invest in these opportunities. A concerted effort in this regard by local and regional stakeholders to identify suitable locations for these activities and funding sources to assist in their development would help enhance prosperity in our Pinelands municipalities.

Of course, there are other areas where more traditional types of economic development can occur and should be encouraged. Pinelands Towns and growth regions, like Woodbine, have the capacity to accommodate new businesses such as light manufacturing, warehousing and distribution, food processing, and new technology companies. We are interested in the implications associated with the designation of DEP sanctioned "Sewer Service Areas" as they relate to the long-term growth and development of the region. What, for example, is the relationship between these SSA's and the revisions anticipated for the CMP? Will the designation of SSA's and the possibility to accommodate denser development activity within SSA's encourage the Pinelands Commission to place additional development restrictions on lands outside of these areas? How is the distribution of population growth envisioned in communities that now have officially designated SSA's? Will there be an opportunity for communities with SSA's to increase the development capacity in these areas in exchange for additional conservation measures elsewhere? These are important issues that warrant a full and frank exchange of information and perspectives and we would like to be a partner in those discussions.


Regarding the revisions to the CMP in general, it would be useful to establish a dialogue with the Commission members, staff, and Pinelands Municipal Council that identifies those issues that are most important to all parties. While we have gotten a chance in the past to comment on drafts and proposed changes to the CMP, we believe that the Municipal Council should be viewed as a full partner in the visioning process that occurs as potential issues are identified and changes to the CMP are proposed.

Finally, we would like to discuss the process of securing permits for development projects in appropriately authorized areas of the Pinelands. This issue remains a very difficult and time consuming process and there must be ways to accelerate it that are acceptable to both the Pinelands Commission and prospective developers.

We certainly recognize and respect the obligations that the Commission has for protecting and preserving this nationally significant region. Our Council members share those goals. We live here. We value our environmental heritage, which is another reason we would like a more formal voice in defining the future of this region.

We thank you for your attention to these matters. We look forward to your consideration and the opportunity to discuss them in more detail. In the interim, as you know, I am available any time to meet and review these matters with you. We will be discussing these issues at our September Pinelands Municipal Council Meeting, and we hope to see you there as well.

Very truly yours,

  
William Pikolycky  
Mayor of Woodbine  
Chairman of the Pinelands Municipal Council

Cc: Karen Vaccaro, Secretary PMC

**From:** Joe <joedints@yahoo.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/4/2012 2:37 PM  
**Subject:** Pinelands Comprehensive Management Plan - Public Comments

To: The New Jersey Pinelands Commission

I am a 48 year old South Jersey Resident; I have lived in Medford Township since the age of 10, after moving from the inner city of Philadelphia I immediately feel n love with the new and very different area I had moved to. I enjoy many different activities within the boundaries of the Pinelands with my wife, 12 year old son and 10 year old daughter. We together have canoed and kayak the rivers within the pinelands, hiked miles and miles of trails, camped in Wharton, Bass River and Brendan Byrne State Forests, volunteered our time to do clean ups with many different groups and pedaled our bikes along some for the roads and trails within the pinelands and State Forests. I myself for the past 30 years have been involved in more then a few various events, both as a participant and as a volunteer worker for organizations and clubs I belong to and many I do not. I have been a member of the South Jersey Enduro Riders for 25 years and the East Coast

Enduro Association for 30 years. In fact, I have sat in your waiting area many times back in the 1990's waiting for our Pinelands Permit from Donna to drive down to Batso to show it to the Ranger incharge to obtain our permit from them. I am a member of the New Jersey Trail Lovers Coalition, we are a group of different forest users that united to together to educate and promote the proper use of the forest in a responsible manner. We included users of many types, enduro riders, hikers, equestrian riders, mountain bikes, kayakers and canoers, dual sport riders, 4wd and jeep enthusiasts (which started the group), photographers and environmentalists to name a few. I have been a scout leader whom for a few years started with a group of 6 year old boys out and cleaned up trash around the Atsion Mansion. First off I would like to comment on Albert Horners letter dated 8/27/2012 to your commission. As I am sure you are aware, Mr. Horner is a member of the Pinelands Preservation Alliance and his views are no more then to push the agenda of the PPA. Mr Horner was also a member of the NJTLC, until it became evident that he and the PPA were not going to control the NJTLC and turn it into a "Land Closure/Exclusionary Group" to rubber stamp the wished and desires of the PPA as a "motorized users group". After that realization, Mr Horner and some other PPA members abruptly quit without notice and refused to respond to inquiries of their departure. I mention this as I am opposed to the PPA's recommendation #10, as it is no more then just another attempt to exclude the law abiding, Pineland Commission, NJDEP and NJ State Police permitted and approved events from being held. I know I do not have to mention the process that each event application

must go through for approval, as it is your procedure, I do not have to mention the cost per mile we pay to ensure the system will not harm or effect a sensitive area or interrupt a specific matting cycle or endanger an inhabitant of the Pinelands, as again, it is your policy for this fee. I do not have to mention the approval process for the GPS submission of requested system and the work your commission does to award the approved permit. Just as I am sure you are aware that each event also seeks a permit from the NJDEP, where approval is based on the same basic criteria to protect and ensure the well being of the ecosystem within the Pinelands Reserve and State Forest system.

Furthermore and to the actual effect of recommendation #10, this attempt to price the non-profit clubs holding these events out of the Pinelands and State controlled forest will have no effect on the illegal and destructive off trail activities. Why will it have no effect, because the people whom do this destruction are not the ones entering the sanctioned, approved and permitted events. Those people whom joy ride where they should not be and destroy at will what we want to protect will not comply to the rules, regulations and code that the Pinelands Comm, NJDEP or any governing body adopt or approve. The PPA's recommendation #10 and the proposed code change to NJDEP for designation of banned vehicles will have no effect to those whom just don't care now, it will not keep them out of the woods, it will do nothing

but punish those who play by the rules and encourage responsible use. Not quite the American way.

NEW JERSEY PINELANDS,,, PRESERVE AND PROTECT, DO NOT PROHIBIT

Joseph D'Intino  
533 Fairview Road  
Medford, New Jersey



**From:** <jamie@powersealusa.com>  
**To:** <Info@NJPines.State.NJ.US>  
**Date:** 9/5/2012 1:15 PM  
**Subject:** Pinelands Comprehensive Management Plan, Public Comment

Please note my opposition to recommendation #10 of the Pinelands Comprehensive Management Plan. I have enjoyed the use of New Jersey's State Forest System in a responsible, legal manner for over 30 years. Targeting responsible, legal user groups who promote events and participate in projects bettering the forests will not achieve the goal, which is to protect the forest from illegal, thoughtless individuals and groups. Please respect the responsible organizations who have hosted events in and contributed to the betterment the of forests for decades.

Thank you for considering my request.

Jamie Theurkauf  
1016 Nantmeal Road  
Elverson, PA 19520

**From:** tammey may <tammey2006@yahoo.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/7/2012 10:00 AM  
**Subject:** Proposed Changes

Dear Sir/ Madam,

I write to you today to oppose changes that would require a bond for our enduro events. As you are aware the NJ Enduro Clubs already pay a \$5 per mile charge to have our course reviewed. A bond would strain the finances of many clubs and prevent them from holding their event. Our event attracts many people to our state who spend money here in New Jersey and this helps out our economy.

I have attended numerous enduro events over the past few years with my husband who is a life time motorcycle rider. At each of these events I have witnessed the care and concern of club members and riders in keeping the footprint as small as possible. After each event there is always a group of riders "sweeping" the area to make sure there is not any trash left behind. Each club marks the trail to make sure riders are not off the trail and harming any foliage. We keep fire cuts, made by the Forest Fire Service, clear so that in the event of forest fire they can get through. We pick up trash left behind by irresponsible people, many of them hikers and/or campers. We always have an EMS and Fire Crew on hand, we make a donation to each of them for their services. We pay for permits from any township we may be riding through along with what we pay the DEP and PPA. We do all of the above to protect our forests. We do it because we care just as much as

you do My humble opinion is, more damage is caused with a "controlled burn" than with a 4 hour event held a few times a year. Our enduro clubs do so much more than just ride our motorcycles through the woods.

In closing I ask that the bond request for enduro events be eliminated from proposed changes.

Thank you,

Tammey and Brian May314 New RoadNorthfield, NJ 08225

**From:** Lou Green <greenbunch@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/7/2012 11:59 AM  
**Subject:** PPA proposed changes

RE: Enduro bonding.

I am opposed to PPA's bonding requirement for Enduro's held within NJ parks and forest. This is recommendation #10. I am an active member in an Enduro club I see firsthand the rigorous process that enduro clubs go thru to hold these events. We are already required to spend large amounts of time and money to get the green light when preparing an events.

The review process already takes into consideration environmental impacts to the targeted terrain. Our efforts to hold these events are now being jeopardized simply by the increase in money expenditures and time and we can't afford any more.

The Enduro clubs of New Jersey are very responsible users and are an asset to NJ State forests and parks. We hold annual forest clean ups, we consistently work with state forest managers and we ride legally. We also provide income to the state forests and parks by renting campsites and permit fees. The local economy's also are fueled by our riders and support people buying goods and services. Unfortunately, increased costs and regulations have cut event participation in half. Please do not place further burden on a great part of the culture and economy of southern NJ.

Regards,

Louis M. Green

20 White Birch Dr.

Millstone Twp., NJ 08510

**GARDEN STATE OUTDOOR, L.L.C.**  
**1616 Pacific Avenue, Suite 500**  
**Atlantic City, New Jersey 08401**  
**Telephone: (609) 340-0040**  
**Fax: (609) 340-8830**

September 7, 2012

**Via Overnight UPS, E-mail to [planning@njpinestates.com](mailto:planning@njpinestates.com) & Fax to #609-894-7330**

Ms. Nancy Wittenberg  
Executive Director  
The Pinelands Commission of New Jersey  
15-C Springfield Road  
New Lisbon, NJ 08064

RE: The Pinelands Comprehensive Management Plan as it Deals with Outdoor Advertising

Dear Ms. Wittenberg:

It has come to our attention that there is presently a review going on of The Pinelands Comprehensive Management Plan. We wish to suggest that a change be made as to the regional growth zones within the Comprehensive Management Plan as to the rules concerning outdoor advertising.

We recommend that the NJDOT regulations as to the location of outdoor advertising and the local zoning ordinances of the municipalities wherein regional growth zones exist are sufficient to control outdoor advertising. As you are aware, DOT permits for outdoor advertising are limited to industrial and/or commercially zoned land. This limits the location of billboards dramatically, and we believe is sufficient control for these regional growth zones. In addition, the municipalities have their own zoning ordinances which further control the location of billboards. To add a layer of the need for a sign transfer credit to this mix makes it nearly impossible to get a billboard approved. The regional growth zones need advertising to be viable. The demand for advertising exists, and businesses shouldn't be restricted from using this important medium to aid their ventures.

In summation, we think you should remove the section that requires sign transfer credits for Pinelands regional growth zones.

Thank you for your attention to this matter. If you need any more information, please contact us.

Very truly yours,

Adam Burkett  
Managing Member

AB/jh

cc: Mr. Charles M. Horner, P.P.  
Director of Regulatory Programs

MARK DEMITROFF  
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

## RE: PINELANDS VILLAGES

August 23, 2012  
The Pinelands Commission  
Box 359  
New Lisbon, NJ 08064

Re: Comprehensive Management Plan Review

Dear Pinelands Commissioners,

Facets of redevelopment in Villages do not comport (comply) to the Pinelands Comprehensive Management Plan (CMP). Their presence is yet another way to allow more development than would normally occur under existing Pinelands rules. Redevelopment contains tools like eminent domain and public subsidies to private development, features that are not addressed in the CMP. Richland Village redevelopment has eminent domain. All development within the Pinelands National Reserve (PNR) must comport/comply to the CMP, and that the CMP has to have been adopted in accordance with the Pinelands Protection Act (NJ Attorney General Paula Dow, November 23, 2011). The Pinelands Commission has control over all PNR development. Redevelopment is a form of development. The Pinelands Commission has limited control over redevelopment since it is not addressed in the CMP (Stacey Roth, Pinelands Commission Senior Counselor, May 12, 2010 & September 24, 2010 & June 24, 2011). Limited control is not sufficient enough to preserve and protect the Pinelands resources.

Another problem is that when things go wrong there is no place to turn to for due process. I tried to find an entity who had jurisdiction over Pinelands redevelopment when pursuing multiple statute violations that occurred in Richland Village. Not a single person could, or can even today, tell me where to go, including councils for the Pinelands Commission, the Department of Community Affairs, and the Local Finance Board – nor could New Jersey's Attorney General. Attached is testimony sent to the Office for Planning Advocacy that lays out my case for the CMP hearing.

Everyone seems to associate redevelopment with run-down neighborhoods and dilapidated structures. That is no longer an accurate description of the term. The designation has become much more liberal as to what can be deemed in need of redevelopment. In a *Planning & Environmental Law* article titled "Has the *Mount Laurel* doctrine delivered on Smart Growth," Kinsey (2008: 7) wrote:

"A 2003 amendment to the Local Development and Redevelopment Law used the term 'smart growth principles' to add an absurdly vague criterion for designation of an 'area in need of redevelopment' that could potentially trigger the exercise of local government's power of eminent domain."

Anything within a Pinelands Village can now be redeveloped, including historic structures, wetlands, and habitat with documented threatened and endangered species. Resolution No. 118-2005 stated,

"the proposed Richland Village Redevelopment Area is suitable for commercial and residential development and due to existing conditions where lands have remained vacant and underutilized for a period of ten or more years cannot likely be developed through the instrumentality of solely private capital..."

Here is a list of some other dubious reasons for land in Richland Village was deemed in need of redevelopment (Geubtner, 2008).

*"Criterion "e" is clearly applicable for the following reasons: a significant portion of the land is unimproved land and has remained so for well over ten (10) years and perhaps even longer. The location of land mass, lack of mean access to the interior of the site, conditions of soil, wetlands and habitat render the site unlikely to be developed solely by private capital without assemblage and public sector incentives.*

- 1) There was a lack of roadways servicing the site (*i.e.*, undeveloped);
- 2) Soils were too poor for development (*i.e.*, Pine Barrens);
- 3) Wetlands were present (*i.e.*, the 52-acre package plant property);
- 4) Critical habitat (an ecological area inhabited by a particular species of flora or fauna) existed.

So what are “Redevelopment” and “Smart Growth?”

- According to the New Jersey Redevelopment Authority, "Our mission is to provide a unique approach to revitalization (a) efforts in New Jersey's cities (b). We develop programs and resources to improve the quality of life by creating value in urban communities (c)."

- According to the Department of Community Affairs, "What is Smart Growth? Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources (d)."

(a) How do you revitalize something that was never there in the first place?

(b) This is not city space, but State and Federally protected reserve lands.

(c) These locations are urban wilderness, not urban blight.

(d) As currently planned, these schemes are antithetic to underlined Smart Growth goals.

In a request dated 1/9/12 I asked Ms. Wittenberg, “What do you mean by “Smart Growth?” That request has yet to be fulfilled. Still the term “Smart Growth” is repeatedly invoked by the Pinelands Commission:

“The Pinelands Commission has pioneered many smart-growth planning concepts”

<http://www.state.nj.us/pinelands/landuse/>

“Robert W. McIntosh, who has served as the federal representative on the Commission since 1995, lauded Stokes as a leader and innovator in smart growth.”

[http://www.state.nj.us/pinelands/images/pdf\\_files/press/PR\\_PinelandsDirectortoRetire.pdf](http://www.state.nj.us/pinelands/images/pdf_files/press/PR_PinelandsDirectortoRetire.pdf)

I cannot find any reference to "smart growth" within the Comprehensive Management Plan, nor can I find anywhere else a definition of what the Pinelands Commission considers as "smart growth."

Apparently the term is confounding in a New Jersey sense. For example:

- 1) Down (2005: 368), "Smart Growth does not mean the same thing to everyone. In reality, it has almost come to stand for 'whatever form of growth I like best' in the opinion of whoever is speaking."
- 2) Ye *et al.* (2005), "A 'smart growth' agenda has been adopted by many different organizations. The label thus may have lost any clear-cut meaning due to the divergent perceptions and agendas of organizations using the term."
- 3) Kinsey (2008: 4), *in New Jersey*, "Definitions of 'Smart Growth' are myriad and conflicting, often reflecting the agenda of the definer."

- Downs, A., 2005: 'Smart Growth: Why We Discuss It More than We Do It.' *Journal of the American Planning Association*. **71**: 4, 367—378.
- Kinsey, D.N., 2008: 'Has the Mount Laurel Doctrine Delivered on Smart Growth?' *Planning & Environmental Law*. **60**: 6, 3—9.
- Ye, L., Mandpe, S., and Meyer, P.B., 2005: What is "Smart Growth?" —Really? *Journal of Planning Literature*. **19**: 301—315.

The Commission has done a poor job of defining and regulating Redevelopment and Smart Growth, yet routinely approves both forms of development. Redevelopment and Smart Growth should not be invoked within the Pinelands National Reserve until these issues are resolved. The CMP must address all aspects of Pinelands development.

Sincerely,

Mark Demitroff

SEE ATTACHED 10-PAGE LETTER (DATED 3/26/2012) FOR OTHER REDEVELOPMENT DETAILS



MARK DEMITROFF  
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

## RE: PINELANDS VILLAGES

March 26, 2012  
Dr. Gerry Scharfenberger,  
Director, Office for Planning Advocacy  
PO Box 820  
Trenton, NJ 08625-0820

Priority Investment Areas Designation

Dear Dr. Scharfenberger,

Please include this document as testimony for the draft Final State Strategic State Plan, pursuant to State Planning Rules, N.J.A.C. 5:85-5.1.

### ABSTRACT

Pinelands Villages cannot be included as an Office of Planning Advocacy (OPA) Priority Growth Investment Area since “significant” redevelopment is the preferred tool to achieve the State’s Strategic Plan’s goals. The Pinelands Commission (PC) is responsible for all development within its jurisdiction. Redevelopment is development, yet the PC’s ability to review redevelopment is limited in scope. This can’t be. Additionally the PC lacks authority to determine if redevelopment parcels meet the standards of “land in need of redevelopment.” Normally, the Department of Community Affairs (DCA) performs that duty, but by Memorandum of Agreement (MOA, 1999) with the PC, neither the DCA of has no say over Pinelands redevelopment. Also, the 1999 MOA indicated the SPC (*also* DCA, OPA) must "rely on the adopted plans and regulations of the PC to achieve objectives of the [State Development and Redevelopment Plan] SDRP," and not the other way around. Also troubling, when things go wrong, there doesn’t appear to be an entity to turn to for help. Significant conflicts exist between redevelopment and legal requirements of the Comprehensive Management Plan (CMP). The very planning mechanism sought is in itself flawed within its Pinelands National Reserve (PNR) context.

## DISCUSSION

- 1) PINELANDS HAS AUTHORITY OVER DEVELOPMENT – One of the environmental controls of the CMP is that *all* PNR development is under the purview of the PC. This is true even if jurisdictions overlap, as in the case of Coastal Area Facility Review Act (CAFRA) regulations. According to Attorney General Dow (2011, *see addenda*), “N.J.S.A. 13:18:A-23 and N.J.A.C. 7:7E-3.44 ... provides that ‘[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications.’” Redevelopment is a State-constitution authorized land-use management designation. In extension, it seems reasonable that the PC also has management powers over redevelopment (a specific form of development).
- 2) REDEVELOPMENT IS DEVELOPMENT – According to the *Oxford English Dictionary* (2009), redevelopment is defined as “The action or an act of developing again (in various senses),” *specifically* “The redesigning and rebuilding of an urban area, typically after the demolition of existing buildings. (The usual current sense.)” In fact, redevelopment is a form of development. According to the CMP (7:50-2.11 Definitions), *Development* means “change of or enlargement of any use or disturbance of any land...”
- 3) ALL DEVELOPMENT MUST COMPORT TO THE CMP – Herein lies a dilemma. According to Attorney General Dow (2011), “The New Jersey Pinelands Commission’s ... role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the ...CMP ... adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 *et seq.*” According to the *Oxford English Dictionary* (2009), comport means to agree or endure, so redevelopment must coincide in all and any respect to the CMP. In implementation redevelopment does not agree (*i.e.*, harmonize or accord) in all its respects with the CMP.
- 4) THE STATE PLANNING ACT DOES NOT APPLY TO THE PINELANDS – Hartkopf (2010) noted that the State Planning Act (NJSA 52:18A-196 *et seq.*), which governs the SDRP, was “adopted by the State Legislature in 1985 in response to Mount Laurel II (Fair Housing Act, NJSA 52:27D-301 also passed in 1985)..... [but] The State Planning Act

does not apply (NJSA 52:18A-206) to lands within the federally designated Pinelands (see Pinelands Protection Act, NJSA 13:18A-23 *et seq.*)” Hence compliance with the Sate Plan is not a PC *obligation*, just as COAH requirements are not a PC *obligation* (also Kinsey, 2008: 4 & 6, P.L. 1987, c. 267; N.J.S.A. 13:18A-12.b. and -15). It is also worth noting that this also means the PC is not *obligated* to turn Pinelands Villages into sewerred growth zones as suggested by Leaken (*see* Donio, 2011).

- 5) REDEVELOPMENT IS INCHOATELY REVIEWED – The PC can at best provide a partial examination of a redevelopment plan, their role limited to portions that are covered under the CMP. Also, pursuant to N.J.S.A. 40A:12A-8b&c, which is cited as statute in current Pinelands redevelopment plans, a redevelopment plan cannot be effected until State approval (when the SPC makes a determination that a redevelopment parcel meets their standards of “land in need of redevelopment).” Yet, as stated earlier in #4, the SPC (also DCA, OPA) has no jurisdiction over Pinelands redevelopment. Outside the Pinelands the State Planning Commission (SPC) reviews and endorses redevelopment plans, making recommendations to enhance plan efficiency and effectiveness to insure redevelopment implementation is consistent to Smart Growth plans under the *State Development and Redevelopment Plan* (Hartkopf, 2010). Again, there is a deficiency in that no one performs that function in the Pinelands.
- 6) ONLY PC PLANS AND REGULATIONS CAN BE USED TO REACH SDRP OBJECTIVES – According to MOA (1999: 2, II. D) between the PC and SPC (also DCA, OPA), it was recognized that “the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP.” Redevelopment is a tool of the SPC, and not the PC. This is inconsistent with current MOA applicability, and is another reason that redevelopment should not be used in the PNR.

D. This MOA acknowledges the statutory treatment of the New Jersey’s Pinelands under the Pinelands Protection Act and the State Planning Act and recognizes that the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP .

(above) Excerpt from MOA (1999: 2).

7) REDEVELOPMENT LACKS OVERSIGHT – Additionally, there doesn't seem to be an entity that has oversight of Pinelands redevelopment law. PC plan endorsement only provides an illusion of due process. In actuality, State redevelopment statutes can be cited but then can be ignored with impunity within the PNR. For example I use Richland Village, where redevelopment was touted as “a prototype for the immediate region as well as the State” (Karabashian/Eddington Planning Group, 2006: 1). The Township began redevelopment at least two-years before the PC gave the municipality permission to move forward. In response to violations in State redevelopment statutes (*e.g.*, issuance of bonds and accumulating real property before they had a plan), I tried to find an entity who had jurisdiction over Pinelands redevelopment. Not a single person could, or can, tell me where to go, including councils for the PC, the Department of Community Affairs (DCA), and the Local Finance Board (LFB). Examples of their responses are provided below:

a – *On multiple occasions the PC indicated they had no such authority;*

The third reason for your appeal request is alleged deficiencies by Buena Vista Township under the New Jersey Local Redevelopment and Housing Law. The Pinelands Commission has no authority to enforce the requirements of this Law. The Commission's authority is limited to its enabling act, the Pinelands Protection Act. The Executive Director's recommended approval

(*above*) Excerpt from a letter by Pinelands Senior Counselor S. Roth to M. Demitroff denying his appeal to the Office of Administrative Law, May 12, 2010, even though I lived within 200-feet of the parcel in question and was not notified pursuant to N.J.S.A. 40:55D-12.

With respect to the question concerning the review and enforcement of local redevelopment and housing laws, the Executive Director would only submit that the Pinelands Commission's authority is limited to determinations of whether municipal redevelopment plans are consistent with the Pinelands Protection Act and the Comprehensive Management Plan. The Commission does not have the authority to review or enforce local redevelopment and housing laws. To the

(*above*) Excerpt from CMP Policy & Implementation Committee Meeting, September 24, 2010.

Permitting, of this comment. Public Comment: Additional comments regarding “redevelopment lands” and authority of the Township Engineer to proceed with developing Sawmill Park were offered by the commentor. Staff Response: These matters are not regulated by the Commission.

(above) Excerpt from Pinelands Commission Report on an Application for Public Development, June 24, 2011.

b – *The DCA indicated it has no authority to review or enforce Pinelands redevelopment rules;*

In addition, you inquired as to whether the Office of Smart Growth was aware of six points relating to the project. While we are aware that you have concerns regarding the process by which the Township has conducted their redevelopment activity, that issue must be addressed at the local level. The Office of Smart Growth has not been actively involved in assisting Buena Vista Township in its redevelopment efforts, and as a result is unable to comment on their activities.

(above) Excerpt from DCA's Acting Executive Director, D. Rendeiro, Office of Smart Growth, response to M. Demitroff's query, October 1, 2009.

c – *The NJ LFB indicated it has no authority to review or enforce Pinelands redevelopment rules;*

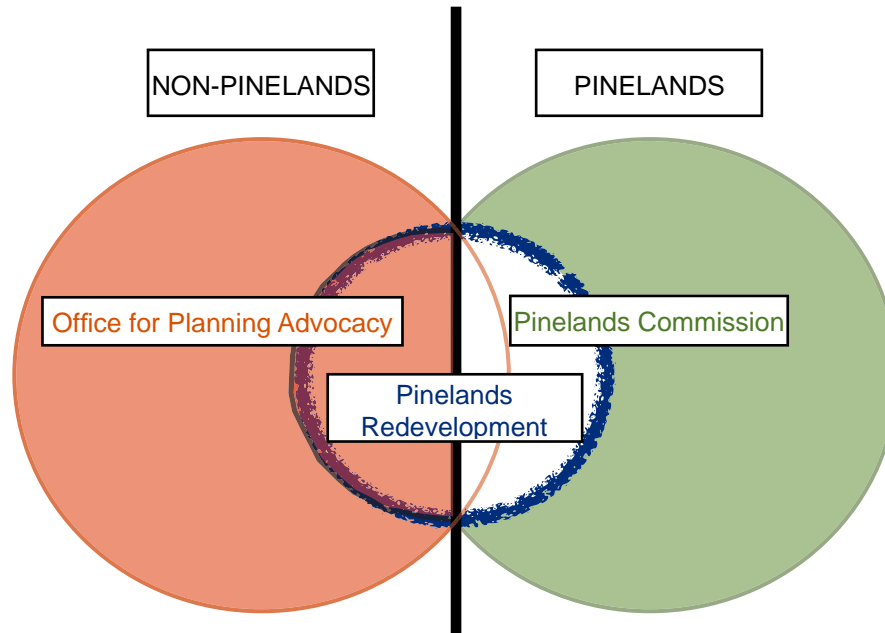
was secured, (or attempted to be secured). Please also be advised that the Board has no jurisdiction over the Pinelands Commission, the Local Redevelopment and Housing Law or the Municipal Land Use Law. It is suggested that you speak to a private attorney concerning the possibility of filing civil action to represent your interests in a court of law.

(above) Excerpt from NJLFB Chair, T. Neff, response to M. Demitroff's query, February 28, 2011.

## SYNTHESIS

Redevelopment is a powerful tool for the land-use planner, and it must be used wisely and fairly. The NJ State Comptroller recently expressed his concern about historical evidence of corruption of the redevelopment process (Boxer, 2010: 6, 13). Many redevelopment ordinances are written by the developer (Boxer, 2010: 16). Boxer indicated that more County and other officials should be “involved at earlier stages of the redevelopment process” and that there should be “fulsome public discussion” of redevelopment dynamics that goes beyond the “modicum of public notice” (Boxer, 2010: 22).

Municipal land-use applications within the PNR cannot have less oversight and jurisdictional accountability than areas outside the Pinelands. As it stands, it appears that only the redeveloper (the municipality) is minding the hen-house (*see #4–7 above*). Reforms are needed so that the mechanism properly fits the PC’s mission to preserve, protect, and enhance the environmental and cultural environment of the Pinelands. Heed NJAPA’s (2006) warning, that “planning professionals should exercise extreme caution when advising clients regarding redevelopment practices.” Redevelopment can be rife with controversy (*e.g.*, eminent domain). We, the Pinelands residents, are the PC’s primary clients - not the developers, and the PC must fully safeguard our individual and societal rights, as well as the Pinelands cultural and environmental ecosystem.



## CONCLUSION

Redevelopment cannot be used anywhere in the Pinelands, until it becomes abundantly clear which entity oversees and which entity enforces Pinelands redevelopment. Not even the Office of the Attorney General was able to resolve those issues (*see attached*). According to the CMP (7:50-1.4 Applicability), “It shall be unlawful for any person to carry out any development in the Pinelands Area which does not conform to the minimum standards of this Plan.” Redevelopment does not comport to the CMP (*e.g.*, eminent domain). The 1999 MOA does not provide equal or greater protection to Pinelands resources, nor does it allow the use of non-PC land-use tools. This is important, since the PC, through the CMP, has effectively managed growth, while the SPC (*also* DCA, OPA) has not (Kinsey, 2008). While I am not an attorney, the “hole” story, one of less - not equal or greater protection, points out very real conflicting legal requirements that must be resolved.

Sincerely,

Mark Demitroff

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State of New Jersey  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 093  
TRENTON, NJ 08625-0093

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

PAULA T. DOW  
Attorney General

ROBERT M. HANNA  
Director

November 23, 2011

**Via Regular & Certified Mail**

Mark Demitroff  
822 Main Ave.  
Vineland, NJ 08360-9346

Re: September 23, 2011 Correspondence to the Office of  
the Attorney General

Dear Mr. Demitroff:

I am in receipt of your September 23, 2011 correspondence to the Office of the Attorney General. You asked for a determination as to "who has authority over redevelopment within the Pinelands National Reserve."

As noted in the August 1, 2011 correspondence sent to you by DAG Julie Cavanagh, this office is unable to provide you with legal advice or assistance.

That being said, the New Jersey Constitution authorizes redevelopment. N.J. Const., art. VIII, § III, ¶ 1. Municipal redevelopment is primarily governed by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which gives municipalities the authority to designate "areas in need of redevelopment." N.J.S.A. 40A:12A-5. The New Jersey Pinelands Commission's ("Commission") role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the Pinelands Comprehensive Management Plan ("CMP") adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. See N.J.A.C. 7:50-4.11 et seq. (development in municipalities not certified in compliance with the CMP); N.J.A.C. 7:50-4.31 et seq. (development in municipalities certified in compliance with the CMP). The Commission has no authority to implement the New Jersey Local Redevelopment and Housing Law.



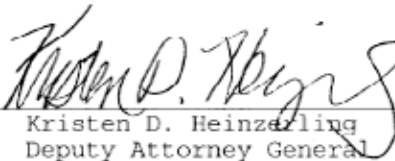
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November 23, 2011  
Page 2

Finally, it should be clarified that, since your letter asks who has authority over redevelopment in the "Pinelands National Reserve," the Commission's authority is limited to the "Pinelands Area" as defined by N.J.S.A. 13:18A-11. See also N.J.S.A. 13:18A-3; N.J.S.A. 13:18A-8. Although the CMP constitutes the management plan called for by the National Parks and Recreation Act of 1978, 16 U.S.C. §471i(f), the Commission's jurisdiction is limited to those portions of the Pinelands National Reserve that overlap with the Pinelands Area. The New Jersey Department of Environmental Protection has primary jurisdiction over those portions of the Pinelands National Reserve located outside the Pinelands Area within the Coastal Area. See N.J.S.A. 13:18A-23 and N.J.A.C. 7:27E-3.44 which provides that "[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications."

Sincerely yours,

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Kristen D. Heinzl  
Deputy Attorney General

C: AAG Kevin Auerbacher  
AAC Robert H. Stoloff  
DAG John Renella  
DAG Christine Piatek

**Paul Leakan - Opposition To #10 on the CMP Plan!**

---

**From:** Dave Nash <adnash1@verizon.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/10/2012 3:48 PM  
**Subject:** Opposition To #10 on the CMP Plan!

---

Please register my opposition to item #10 regarding PPA's suggestion of requiring special use permit holders to post a bond prior to holding their event.

The enduro community has been holding their events without incident in the Pine Barrons for over 75 years. We provide maps and course descriptions to the necessary authorities; while paying a per mileage fee to insure it complies with the requirements of specific land use. The organized enduro community has always been champion stewards of the Pine Barrons! We respect, love and clean the forest annually with hundreds of active members participating!

This "recommendation" is an ill conceived answer to the law enforcement/land use problem of non-legal users of the Pine Barrons. The PPA refuses to accept the fact that non-legal riders would leave the forest if the state would deliver on its promise to develop three (or more) LEGAL riding areas. If the DEP/Pineland Commission opened these promised areas the "weekend warriors" would have a LEGAL place to ride; and legislation could be written to deter illegal use in the forests. Instead of working together with the legal stewards of the forest, it's clear to see the PPA only desires to introduce draconian policies that punish the responsible law abiding users of the land!

Saddling the enduro community with this "suggestion" is like asking a hiking/ bird watcher group to post a bond to cover the damage from illegal usage on the Batona trail.

---

David Nash

Princeton Jct.

New Jersey

**From:** <scottmccollumwells@hotmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/10/2012 4:07 PM  
**Subject:** Opposition To #10 on the CMP Plan!

Sir, Please register my opposition to item #10 regarding PPA's suggestion of requiring special use permit holders to post a bond prior to holding their event. Please see my opposition points below.

The enduro community has been holding their events without incident in the Pine Barrons for over 75 years. We provide maps and course descriptions to the necessary authorities; while paying a per mileage fee to insure it complies with the requirements of specific land use. The organized enduro community has always been champion stewards of the Pine Barrons. We respect, appreciate, and clean the forest annually with hundreds of active members participating. The PPA proposal is an ill conceived answer to the law enforcement/land use problem of non-legal users of the Pine Barrons. The PPA proposal fails to address this issue, rather it unfairly targets responsible law abiding users of the land. Saddling the enduro community with item #10 is akin to asking a hiking or bird watching group to post a bond to cover the damage from illegal usage on the Batona trail.

Scott Wells

New Jersey Pinelands Commission  
P. O. Box 359  
New Lisbon, NJ 08064

Re: Comments for the Pinelands Comprehensive Management Plan

Dear Commissioners:

I am writing to urge you to remove the practice of forestry from its current inclusion under the definition of development. I have a hard time understanding how the term forestry could have ever been construed in such a way that it was included under this definition in the first place. Not only does it seem intuitive to me that forestry is in no way comparable to development, but elsewhere in the Pinelands Comprehensive Management (CMP) this distinction is clearly made. The CMP defines forestry as:

“the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning.”

Clearly, all aspects of this definition involve growing trees and improving forest health – not developing a property. Furthermore, there are six examples listed under the forestry definition explaining what shall *not* be defined as forestry. Example number three is:

“Removal of trees necessitated by the development of the parcel as otherwise authorized by this Plan”.

It would seem that according to the CMP definition of forestry, there is a clear distinction between trees harvested in association with a development plan, and growing trees for wood products or forest health, and that development is not forestry. It goes to reason that forestry and development are not interchangeable, and should not be treated the same in the eyes of the Commission.

To further make this distinction, I point to the CMP definition of “agricultural and horticultural uses”. This definition includes “cultivating trees and forest products”, which we have learned is forestry. How then, can forestry be included as an agricultural use *and* development? It is simply not possible. Most importantly because development creates a permanent land use change, and there is no land use change in the practice of forestry.

Requiring landowners who are attempting to manage their forests for wood products and / or forest health to undergo the same review process as developers, is extremely onerous considering that these landowners are the very people attempting to maintain the pinelands forest ecosystems that we all value. In short, forestry should not be considered development, and it should not be subject to the same type of permitting. Thank you for your consideration.

Sincerely,

Don Donnelly  
NJ Approved Forester  
NJ Certified Tree Expert #376.

**From:** <chairbreaker7@comcast.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/11/2012 10:52 AM  
**Subject:** Opposition to DEP 01-12-06

Hello I am a 25 year old motorcyclist and outdoor enthusiast and have become concerned over proposed changes set forth in DEP Docket Number: 01-12-06 Proposal Number: PRN with the classification of off road motorcycles. As a lifelong resident of the great state of New Jersey, when I need some time away from work as an auto technician, there is nothing that I love more than to be able to go for a ride through the Pine Barrens with my fellow enduro riders. With these proposed changes street legal, specially designed motorcycles would be banned from using the forest, excluding a large responsible ridding community.

Now I understand that the proposed changes are aimed at the illegal riding that occurs in the woods, but by placing a ban on all motorcycles that appear to be mx style (not inspected by the state for on road usage, registered and insured), a large user group would be cut out of the forest simply because we appear to be riding the same motorcycles. The enduro riding community all ride street legal, registered, inspected, and insured motorcycles that are built to meet the demanding challenged of riding the thousands of miles of unimproved sandy roads. As a taxpaying resident of the state I feel that state lands should be available to all users, not just some. Simply banning all motorcycles from the woods would do nothing to stop illegal riding. There will always be those that will ride illegally simply because the vast area that the state forests covers is so great, that it could not be patrolled.

The majority of responsible users of the forest should not be unfairly punished because of the actions of the minority.

Thank you for taking this into consideration.

Aaron H. Carley

Long Branch, New Jersey

**From:** R B <subluxinc@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/11/2012 12:35 PM  
**Subject:** Proposed Changes

Dear Sir/Madam,

Since I am from NY, I reckon my statements won't bear much weight in this NJ-centric discussion, but I think it is my duty, so I will act:

I am a 41-year-old construction project manager, husband, and father of two. I have responsibly ridden various types of motorcycles my whole life.

For the past 3-4 years, I have spent the majority of my activity in New Jersey.

This has primarily been either at New Jersey Motorsports Park in Millville, or participating in organized off-road enduro events held in the New Jersey State parks and forest (i.e. Pine Barrens).

There is a substantial financial commitment that I make every time I visit New Jersey for these events.

Fuel, tolls, dining, lodging, and- quite frequently, retail merchandise shopping at the local stores.

On a typical riding day, I can spend anywhere from \$200-500.

And it is my pleasure to do so. New Jersey is a great place.

The various clubs that host these events (for example- Motorcycle Competition Inc.) are well-organized groups that strictly enforce responsible utilization of the Pine Barrens.

Furthermore, the folks that make it all happen are not doing it for personal/financial gain. I'm certain that club dues & event entry fees barely allow them to cover the current fees/costs with hosting these enduro events.

All organizers and staff are volunteers that appear to genuinely care about the responsible use of the land, in addition to maintaining symbiotic relationships with the local residents and authorities.

I am opposed to PPA's bonding requirement for Enduro events held within New Jersey State parks and forests.

Best regards,  
Rossano Baldassarra  
Hartsdale, NY

**From:** roy Howard <rlhoward47@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/11/2012 1:27 PM  
**Subject:** PPA Action Plan

My name is Roy Howard, I reside at 45 Berrel Av Trenton NJ 08619.  
I oppose the Action Plan proposed by the Pinelands Preservation Alliance  
for the following reasons.

1) Enduro Clubs presently pay \$5 per mile for the DEP to review their maps  
for enduros.

2) Asking clubs to post a bond for a special event permit is discriminatory  
and ripe for abuse by groups with hidden agendas to drag the Enduro Clubs  
down a legal rabbit hole.

The off road motor cycle community as represented by the East Coast  
Motorcycle Association and the American Motorcycle Association are a group  
of legal, insured, registered, and responsible group of men and women who  
are trying to follow a policy of service and stewardship of NJ public lands  
and forests. We donate time, labor, and fellowship to the park service in  
order to preserve our right to ride. Our posture is cooperative not  
confrontational. We are the largest user group in the forest after the  
hunting community. In many of the communities from which we base our off  
road events we are the largest source of commerce for the year.

I find the allegations by the PPA that we are a bunch of irresponsible  
hooligans tearing up the forest highly insulting. Why have I never seen  
any of their members in the forest doing a trash clean up project. Why  
have I never seen any of their members trimming hiking trails or clearing  
fire cuts of brush and dead fall. Where was the PPA when the Bass River  
Park Service asked volunteers to repair bridges and spread stone on Nature  
Trails. Perhaps the best description of the PPA is "Do as we say, not as  
we do."



**From:** "Merle Compton" <whoops101@verizon.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/11/2012 5:27 PM  
**Subject:** Public Comments - 4th Review of CMP

September 11, 2012

Dear Members of the NJ Pinelands Commission,

As you begin the process of your fourth in-depth review of the Comprehensive Management Plan, I would like to request that you keep an "open mind" to suggestions or comments made by those with "narrow or closed minds" in regards to recommendations made for amendments to the Comprehensive Management Plan concerning off-highway vehicles and events.

I have been a user of many areas of the Pinelands - mainly via an off-highway motorcycle - and participate in off-highway motorcycle events (a.k.a. "enduros") within the state forests in New Jersey. I am an officer of the East Coast Enduro Association and South Jersey Enduro Riders. I am also a congressperson for the American Motorcyclist Association for Off-Road (District 2). Needless to say, I do my best to ensure that both my riding, and those who partake in any off-highway motorcycling events within the confines of the Pinelands, do so in a responsible, law-abiding manner.

One of my main objectives is to perpetuate the historical sport of enduro riding for my descendants to experience and enjoy. As I am sure, they will (as they should) follow the same guidelines and rules as myself and the organizations of which I belong to do now and have in the past.

My mission, as shared with the Pinelands Commission, is to preserve and protect the Pinelands and also to encourage compatible economic and other human activities consistent with that purpose.

If you have questions or concerns in regards to off-highway events or motorcycling, I ask you to reach out to those who are educated and involved with these recreational events' procedures and permitting processes. I would be happy to refer you to the proper individuals who could provide accurate and knowledgeable information in that respect. You may contact me at (609) 261-0251, ecea.secy@verizon.net or look for me in your regular meeting audience.

Merle Compton  
Secretary  
East Coast Enduro Association &  
South Jersey Enduro Riders

Congressperson  
Off-Road - District 2  
American Motorcyclist Association

**From:** <wills2wheels@comcast.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/14/2012 10:52 AM  
**Subject:** enduro bonding

I oppose your the changes you are proposing. This would unfairly punish long time user group's of the pineland's  
The enduro community has long acted as stewards for the forest. , We do yearly cleanup's, report illegal activity and other problem's seen. We already pay enough fee's to put on our event's.  
After being a legal user of the pineland's for over 20 year's. I would not like to see certain group's excluded.  
Who's next, bird watcher's, boy scout's. Soon the general public will have to apply for a permit to enter the pinelands  
Thank you Wil Lane

Pine Barons Enduro Riders  
Joseph Springer, PE  
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September 16, 2012  
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Attachment: proposed addendum to the PCMP regarding Enduros

Objective – Propose an addendum to the Pinelands comprehensive master plan that deals specifically with enduros.

The objective of this proposal is to have the Pinelands Commission further define and clarify the legitimate use of the Pinelands public lands for conducting enduros in accordance with the historical practices since the inception of the Pinelands Commission. We seek this re-affirmation of the enduro heritage in the pinelands as off road motorcycle forest use increasingly comes under attack.

We would like to first express our appreciation of the Pinelands Commission stewardship of the forest. Without the Pinelands Commission today we may not have had the open ground that we have used over the years. Since about 1981, the Pinelands Commission has been monitoring and approving the conduct of the enduros and that use is documented in the Applications that are on file. Special use permits enable the enduros. The permit files show the routes and approvals of all the events and the historical practices are readily seen from these files. We have enjoyed a mutually respectful relationship over the years and would very much like to continue that deep tradition.

An Enduro is a timekeeping sport with competitors riding motorcycles.. The objective of the event is to have riders traverse a secret course on roads and dirt trails within the forest at designated speeds within specified distances. The challenge is to negotiate the course while keeping time. The enduro uses secret check locations to monitor the times that the competitors pass the checkpoints. The riders then try to ride through the checks closest to the computed time for that check. A technically difficult course, meaning narrow, twisting trails is employed to make rated speeds difficult to achieve by all but the very best riders.

Enduros are part of the South Jersey traditions and are part of the fabric of the community and date back 75 years. Many Pinelands residents and their families adopt enduros as their sport of choice. It is at once, physically and mentally challenging. It is an amateur sport where anyone can participate and should be a welcome and encouraged diversion from the iPad game playing culture.

We would like the Pinelands Commission to once again reaffirm the legitimacy of enduro events and remove any doubt. In order to accomplish that end, we would propose to amend the Pinelands Comprehensive Master Plan with an addendum that re-adopts the original wording in the Pinelands Comprehensive Master Plan of 1978 and adds to that wording that specifically says that enduro trails, plow lines, fire cuts and woods roads, tracks, and other roads may be used as approved by the Pinelands Commission enduro reviewer.

The addendum titled “Enduro addendum to the Pinelands Comprehensive Master Plan” contains a reprint of the original 1978 Pinelands comprehensive master plan as it relates to the legitimate use of the public lands for the sport of enduros as well as additional information added regarding the nature of the sport. The addendum is meant to clarify enduros as a permissible use and to encourage the continuation of the sport. We request that the addendum be incorporated into the master plan. The addendum also includes recommended additions to the Pinelands Comprehensive Master Plan so that there is no confusion in what is necessarily required in the conduct of an enduro.

Yours truly,  
Joseph Springer (for the PBER)

## Enduro Addendum to the Pinelands Comprehensive Master Plan

The following paragraphs and table are excerpted from the original Pinelands Comprehensive master plan of 1978. These paragraphs document the use of the Pinelands on publicly owned property. This very brief treatment must be necessarily augmented by the added paragraphs in order to protect continuation of enduros by clearly delineating the legitimate processes involved in conducting enduros.

### Trails

There are many opportunities within the Pinelands area for hiking, bicycling, horseback riding, and organized enduro events. A good deal of present trail use is undertaken on the countless unmarked sand roads and trails which are found throughout the Pinelands. Some of these routes are well-known and lead to scenic vistas, such as the views from Apple Pie Hill or the Forked River Mountains, or to the several state fire towers. Others may lead to historic sites. However, many of the roads and trails go nowhere in particular. Unless the user knows the route, it may produce more of an experience than was anticipated.

Table 4.21 summarizes for each activity and by county the number of miles for each category of trail use. As the table shows, the number of miles of motorcycle enduro trails far exceeds the number of other trail activities. The enduro trails are used seasonally by chartered member groups of the East Coast Enduro Association. These trails are on both private and public land and are concentrated within the Preservation Area. They are marked only on the day of the enduro event, and the markers are removed the same day.

The most visited trail in the Pinelands is the 39-mile Batona Trail, maintained by the Batona Hiking Club. This trail runs between Org's Hat and the Route 583 crossing of the West Branch of the Wading River in Burlington County. The trail connects the Lebanon State Forest with the Wharton State Forest, the Pinelands' two largest state forests. There are active plans to extend the Batona Trail to Bass River State Forest in Burlington County and eventually to the bay in Ocean County.

156

**Table 4.21—Pinelands Trail Categories**  
(in miles)

|                           | Atlantic | Burlington | Camden | Cape May | Cumberland | Gloucester | Ocean | Pinelands Total |
|---------------------------|----------|------------|--------|----------|------------|------------|-------|-----------------|
| Bicycle Route             | 65       | 92         | 18     | 31       | 4          | 1          |       | 211             |
| Bicycle Route to Seashore | 41       | 54         | 7      | 41       | 8          | 12         | 4     | 163             |
| Hiking Trail              | 15       | 105        | 23.5   | 6        | —          | —          | 17    | 149.5           |
| Hiking—Nature Trail       | 9        | 7          | —      | —        | —          | —          | —     | 16              |
| Hiking—Batona Trail       | —        | 39         | —      | —        | —          | —          | —     | 39              |
| Hiking/Horse Trail        | —        | 16         | —      | —        | —          | —          | —     | 16              |
| Enduro Trail              | —        | 238        | —      | 7        | 169        | —          | 236   | 651             |

Source: Comitta/Frederick Associates, 1980

An enduro is an amateur event sponsored by a non-profit club. The New Jersey enduro clubs are part of a national organization and the Pinelands are frequently host to national championships with competitors coming from across the nation. Enduro sponsoring clubs provide detailed maps of the course to be followed. The Commission encourages the sponsoring clubs to submit the maps as early as possible because changes may be required and then coordinated with other agencies after the Pinelands Commission makes changes. The applications include insurance with the Pinelands commission as additionally insured. The sponsoring club also coordinates with the State police, DEP forest service, emergency medical services (EMT), fire service, and governments of the townships through which the enduro passes.

Enduro trails are in areas deemed suitable for that use by the Pinelands Commission. The trails are subject to inspection by the pinelands commission personnel. The trails are groomed in advance of the enduro to remove debris and tree falls so that the riders can stay on the trails. Before submission of maps the sponsoring club physically rides the trails to ensure their continued suitability for an enduro

The sponsoring club assumes responsibility for the safe conduct of the event and rides the trail in advance of the first rider in the event to ensure that there are no new barriers, changed or vandalized signage, or other such interference or problems with the event. The sponsoring club ensures all event participants have safely left the forest facilitating any emergency rescues and as removal of stranded motorcycles. The trail style motorcycles competing are licensed and insured. All riders are required to show their license and liability insurance before they can enter the event.

Enduros have been part of the fabric of the South Jersey communities since 1934. Many South Jersey residents have chosen this as their sport of choice. These residents know that the sport requires responsible use of the forest and volunteer for its care maintenance. The residents live in close proximity to the pinelands because of the presence of enduros and contribute to the economy of the region by their presence and support of businesses that depend on the sport.

The enduro community is encouraged to promote club membership so that novice riders have an experienced group to guide them in the responsible use of the Pinelands.

This addendum encourages the responsible continuation of the enduros as one of the multiple use of the Pinelands.

# **FAIR FOREST ACCESS FOR TRADITIONAL ENDUROS**

**GOOD FOR NEW JERSEY  
GOOD FOR THE PEOPLE  
GOOD FOR THE ECONOMY  
GOOD FOR THE FOREST**

## **FAIR FOREST ACCESS FOR TRADITIONAL ENDUROS**

- **ENDUROS – A PROUD NEW JERSEY TRADITION FROM 1934**
- **A TIMEKEEPING MOTORCYCLE SPORT IN THE FOREST**
- **PART OF THE SOCIAL FABRIC OF SOUTH JERSEY**
- **APPROVED BY THE PINELANDS COMMISSION**
- **ACCOUNTS FOR \$4,100,000 IN ANNUAL NJ COMMERCE  
(EQUIVALENT TO 80 WELL PAYING JOBS)**



# ENDURO OVERVIEW

## ENDUROS ARE ABOUT

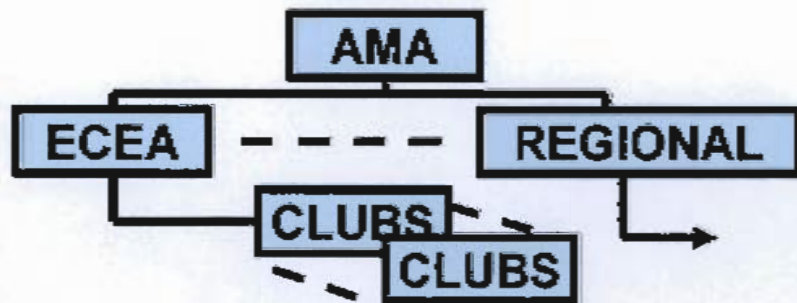
- TIME KEEPING
- PHYSICAL ENDURANCE
- MOTORCYCLE RIDING ABILITY

## ENDUROS ARE NOT

- RACES
- IRRESPONSIBLE JOY RIDES

## ENDUROS ARE RUN BY

- LOCAL CLUBS UNDER
- REGIONAL NJ ORG - ECEA
- NATIONAL ORGANIZATION - AMA



## STATE OVERSIGHT

### ENDUROS ARE REGULATED BY

- TOWNSHIPS
- FORESTRY SERVICE
- STATE POLICE
- PARK POLICE
- PINELANDS COMMISSION
- SPECIAL USE PERMIT
- RACING COMMISSION

# THE EVENT

## AN ENDURO IN A NUTSHELL



## MANY SECRET CHECKS



## THE AGENCY REVIEWS

- PINELANDS COMMISSION - MOST COMPREHENSIVE:  
TRAIL APPROVALS / TOWNSHIP, POLICE, FIRE, EMT
- FORESTRY SERVICE – TRAIL APPROVALS – MOST RESTRICTIVE
- TOWNSHIPS – TRAIL APPROVALS
- RACING COMMISSION – MOTORCYCLE REQUIREMENTS:  
LICENSE / INSURANCE / REGISTRATION
- STATE POLICE HIGHWAY USAGE TIMES
- COMMON REQUIREMENTS –  
EVENT INSURANCE & DESCRIPTIONS / CLUB CONTACTS

**FORESTRY SERVICE – SLOWLY KILLING ENDUROS**

# THE MASTER PLAN

- PINELANDS COMPREHENSIVE MASTER PLAN EXCERPT**

Table 4.21—Pinelands Trail Categories  
(in miles)

|                           | Atlantic | Burlington | Camden | Cape May | Cumberland | Gloucester | Ocean | Pinelands Total |
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| Hiking/Horse Trail        | —        | 16         | —      | —        | —          | —          | —     | 16              |
| Enduro Trail              | —        | 239        | —      | 7        | 169        | —          | 236   | 651             |

Source: Committee/Frederick Associates, 1980

**Enduro Trail**

**651 MILES**

- THE PINELANDS COMMISSION HAS ALWAYS APPROVED TRAILS**

**WHY DOES THE FORESTRY SERVICE SAY THAT THE MASTER PLAN DOES NOT AFFECT THEIR RULES?**



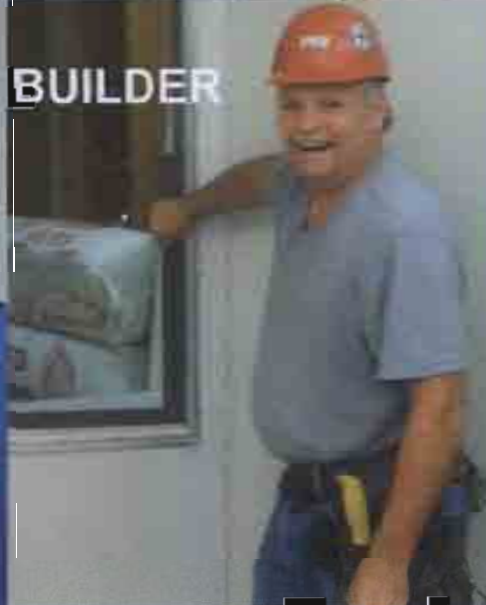
**BIOCHEMISTRY  
PROFESSOR**

**LOCKHEED  
MARTIN  
AWARD  
WINNING  
ENGINEER**

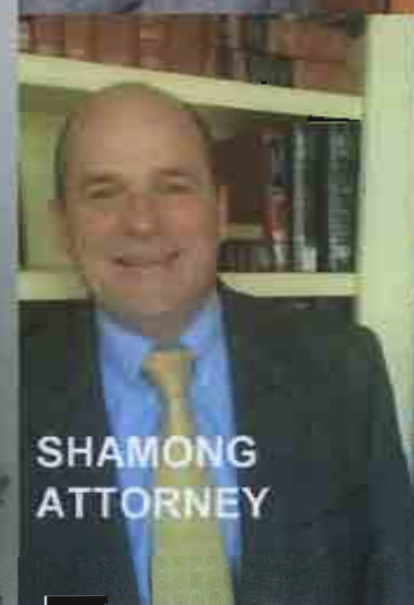
**PINELANDS  
MAYOR**



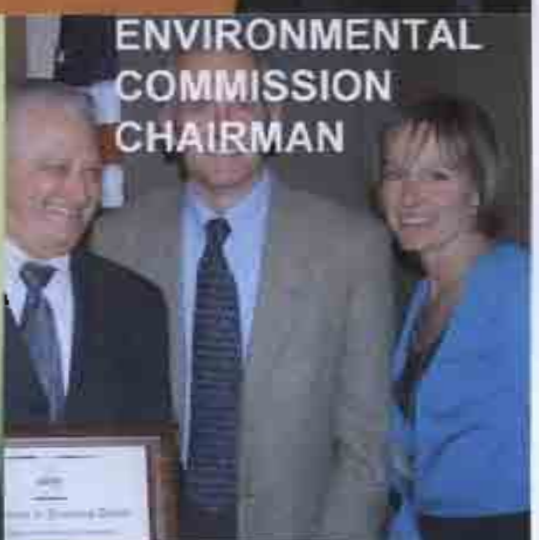
**DENTIST**



**BUILDER**



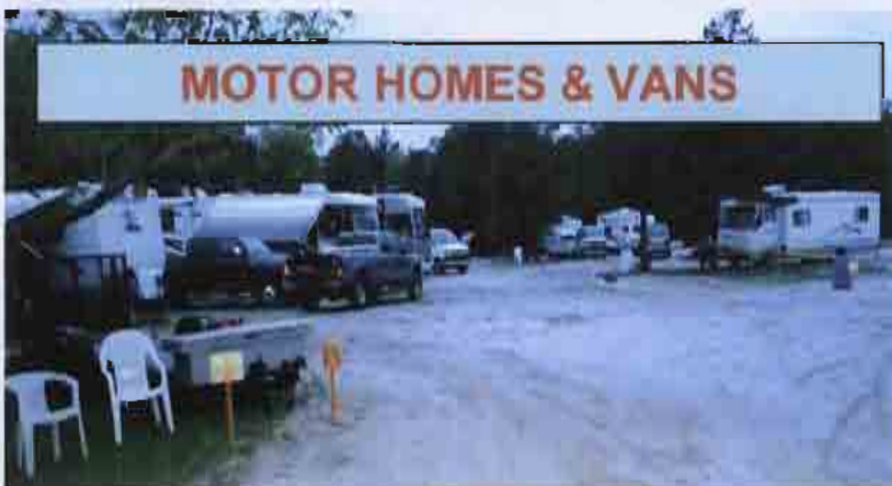
**SHAMONG  
ATTORNEY**



**ENVIRONMENTAL  
COMMISSION  
CHAIRMAN**

**THE PEOPLE – ENDURO RIDERS ALL**

## THE IMPACT ON ECONOMY



### IT'S NOT ALL MOTORCYCLES

- IT'S RESTAURANTS
- IT'S GARAGES BEING BUILT
- IT'S HARDWARE STORES
- IT'S TOURISM

**•IT'S PROMOTING NEW JERSEY**

## THE IMPACT ON THE FOREST

ENDURO  
TRAIL



BATONA  
HIKING  
TRAIL

YOU BE THE JUDGE

## **ENDURO RELATED ECONOMIC BENEFIT**

- ANNUAL COMPETITION ENTRIES 3600**
- ENTRY FEES (SMALLEST EXPENSE) \$180,000**
- TOTAL "PER EVENT" COSTS TO RIDERS,  
(NOT INCLUDING ENTRY FEES) \$1,126,000**
- TOTAL ENDURO RIDERS YEARLY COSTS  
(BIKES / VANS / MOTORHOMES / MAINTENANCE  
CLUB ACTIVITIES / AWARDS BANQUETS / STORAGE) \$2,900,000**
- NOTE (A CURRENT COSTS SURVEY IS IN PROGRESS.  
IT APPEARS THAT \$4,200,000 IS A LOW FIGURE .)**

**TOTAL ECONOMIC BENEFIT \$4,200,000**



## THE RETURN ON INVESTMENT

|                                    |             |
|------------------------------------|-------------|
| • PINELANDS ENDURO TRAILS          | 651 MILES   |
| • AVERAGE TRAIL WIDTH              | 2 FEET      |
| • TOTAL ACREAGE DEVOTED TO TRAIL   | 158 ACRES   |
| • ENDURO RELATED ECONOMIC ACTIVITY | \$4,200,000 |
| • ECONOMIC ACTIVITY PER ACRE       | \$26,500    |

### COST TO THE STATE IS MINIMAL

- NO TRAIL MAINTENANCE COST
- FORESTRY WORK OFFSET BY USER FEES
- CLUBS PAY FOR EMT AND FIRE DEPT

## THE MISPERCEPTIONS

**MOTORCYCLE DAMAGE?  
OBVIOUSLY NO.  
THEN WHY CONFLATE?**



### ENDURO TRAIL REALITY

- PINELANDS REGULATIONS
- NO WETLANDS
- NO THREATENED & ENDANGERED SPECIES
- NO SENSITIVE AREAS

# **THE FUTURE**

## **OPTION 1- KILL ENDUROS**

- KILL A TRADITION**
- KILL A PHYSICALLY AND MENTALLY CHALLENGING SPORT**
- KILL THE EQUIVALENT OF 80+ WELL PAYING JOBS**

## **OPTION 2 – PROMOTE ENDUROS**

- FOLLOW THE EXAMPLE OF OTHER STATES**
- LET NJ CLUBS COMPETE, BE THE ENVY OF THE NATION AGAIN**
- BOOST THE ECONOMY**
- HELP THE FOREST BY DIRECTING RIDERS TO THE CLUBS**



## PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088  
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

September 14, 2012

Candace McKee Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

### **Re: Plan Review 2012 Recommendations**

Dear Commissioner Ashmun,

Pinelands Preservation Alliance (PPA) is submitting comments for the Pinelands Commission 2012 Plan Review for consideration by the Commission. PPA asks the Commission to pursue ten important reforms. All have been researched and discussed by the Commission over the past several years, but have not advanced to a resolution. All aim to address environmental and planning problems which the CMP does not address, or has not addressed effectively in light of current experience.

The CMP is the foundation of Pinelands protection, and it is vital that the Commission uses this process to further improve the Plan. It is our hope that the Commission will move forward on the following recommendations, since the Commission has devoted a significant amount of time and resources on these issues and has expressed the need to improve the language and policies of in the CMP on these issues.

The following are all important changes and are not listed in an order of priority:

1. Protection of the Headwaters of the Black Run Watershed in Evesham
2. Pinelands Development Credit changes
3. Kirkwood-Cohansey Aquifer protection
4. Stormwater rules reform, including low impact development (LID) requirements
5. Public comment procedures reform
6. Amendment of the Intergovernmental MOA Provisions of the CMP
7. Vegetation standards and roadside protections
8. CMP threatened and endangered plant list reform
9. Sustainable growth fixes
10. Applications for enduros and similar events

Attached to this cover letter is a more detailed discussion of each recommendation. Some of the material includes specific CMP rule changes with supporting material as needed. Again, PPA urges the Commission to carefully consider and move forward to implement these

recommended changes. The Commission regularly notes that it has few staff and limited resources, so this should provide an even greater incentive to complete the investment of work from years past.

For any questions or clarifications on the attached recommendations, contact either Carleton Montgomery or Jaclyn Rhoads at 609-859-8860.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carleton Montgomery". The signature is fluid and cursive, with a large initial "C" and "M".

Carleton Montgomery  
Executive Director

## **1. Protection of the Headwaters of the Black Run Watershed in Evesham**

More than ten years ago, the Pinelands Commission identified the Black Run watershed in Evesham Township as an extraordinary resource worthy of greater protection. The watershed exhibits pristine water quality and intact habitats despite lying at the very edge of the Pinelands, and the middle section of the watershed is already conserved as part of the township-owned Black Run Preserve. The Commission recognized, however, that the headwaters of this watershed are highly developable, but if developed as current zoning permits would lose the pristine water quality and natural resource values of the downstream Preserve.

Since then, the Commission has devoted considerable effort to advancing revisions to the CMP to protect the headwaters of the watershed. The Commission and township have created excellent plans to accomplish this goal, but for a variety of reasons these plans have not been implemented. The past three years have seen increased public attention to the Black Run Preserve, the creation of a Friends of the Black Run Preserve group, and renewed interest on the part of the township council and planning board in preserving this resource. The Plan Review provides an excellent opportunity to bring past conservation plans to fruition.

The headwaters area is designated as Rural Development Area by the CMP, and current zoning permits one housing unit per 3.2 acres. The Sub-Regional Resource Protection Plan for Southern Medford/Evesham Townships, completed by the Commission, Medford and Evesham Townships and DEP in 2006, demonstrated that the scale of headwaters development permitted by existing zoning would result in the loss of today's exceptional water quality, along with the loss of native habitats and plant and animal communities which water quality loss entails in the Pine Barrens.

Evesham Township recently adopted zoning amendments to institute the cluster development requirements of the CMP for its Rural Development Area. In an initial effort to discourage development of the headwaters area, the amended zoning ordinance provides an incentive for a developer to build a cluster development outside the watershed boundary by reducing the "bonus density" a developer can get in proportion to the amount of building placed inside the watershed. This incentive could prove a useful tool, but its use is optional, and there is no assurance a future developer will find the incentive sufficient to design the development around protecting the watershed.

In order to ensure the watershed is protected from excessive headwaters development, it is necessary to do so through the CMP and accompanying revisions to the municipal zoning ordinances. There is more than one way to do this. We recommend an amendment that:

- a. Places the Black Run headwaters area in the Forest Area.
- b. Where a developer owns contiguous land both inside and outside the headwaters area, the number of units it may build in the Rural Development Area outside the watershed shall be calculated treating all the contiguous land (or, better, uplands) as if zoned at the same density as the land outside the boundary. That is, the headwaters

land in common ownership would contribute to the developer's yield in the development taking place outside the watershed boundary as if it was still Rural Development Area.

- c. The township may petition to convert a pre-planned and approved section of land outside the watershed boundary as Regional Growth Area if it wishes to do, sewer infrastructure is available to serve the area, the area is sized to accommodate and absorb no more than the amount of development as provided by existing Rural Development zoning for the area, and development of the new Regional Growth Area is conditioned on concomitant conservation of the remaining headwaters land in common ownership (unless that land has previously been transferred to the township or a conservation agency).

## 2. Pinelands Development Credit Changes

As currently structured, the Pinelands CMP's transfer of development rights program requires developers to purchase PDCs as a condition of building at *higher* densities. This structure provides a financial incentive to build at lower density and provides no incentive to adopt any other beneficial design feature in a development plan. Thus, the current structure encourages exactly the kind of sprawl development that makes inefficient use of growth areas and causes more than necessary harm to environmental, scenic and cultural values. The current system has also been slow to generate demand for PDCs in some growth areas, as builders have stuck with lower density subdivision designs.

PPA supports amending the PDC rules to reverse these incentives and to make the PDC system a positive incentive to build in a more efficient, sustainable and environmentally beneficial fashion. The Commission has already developed an extensive amendment to the PDC program that was fully reviewed by the Commissioners and the public. PPA supports moving forward with these previously identified changes.

In general terms, we support the program that a developer:

- a. must buy more PDCs to build at *low* density or with a reduced wetlands buffer as defined by the buffer delineation model;
- b. need not buy PDCs, or must buy a lower number of PDCs, if a developer builds using design features such as the following:
  - retain a 300-foot buffer to wetlands,
  - manage stormwater using only non-structural stormwater strategies, and/or
  - have multi-use structures.

We also hope that the original amendment for applying the PDC program to include non-residential (essentially commercial) structures to create incentives for reducing impervious

coverage will still be included for consideration in plan review. This change would only apply in a small number of cases.

For details of our original comments see the PPA Memo in Appendix A: Proposal for Revision of PDC Program To Encourage Better Community Design, November 18, 2004.

### **3. Kirkwood-Cohansey Aquifer Planning**

The Pinelands Commission has placed a high value on the Kirkwood-Cohansey aquifer system since the Commission's inception. The Pinelands Comprehensive Management Plan (CMP) permits diversions from the Kirkwood-Cohansey system only for agriculture, or where there is no alternative source and it is demonstrated that no adverse ecological impact will occur as a result of the diversion. The CMP also requires that such allocations be accompanied by conservation measures, but this provision has not been enforced. When water is obtained from the Kirkwood-Cohansey, the Commission has also acted to control transfers of water between watersheds from water supply distribution and/or centralized wastewater systems. In addition, State legislation (N.J.S.A. 58:1A-7.1) prohibits the exportation of surface and groundwater beyond ten miles from the boundary of the Pinelands National Reserve.

The Commission's concern with the Kirkwood-Cohansey system is amply justified. Since this shallow aquifer provides from 80 to 95 percent of baseflow to streams and associated wetlands within the Pinelands, removal and distribution of water from this aquifer can measurably reduce streamflow and negatively impact wetlands and aquatic species.

Several findings and episodes illustrate the vulnerability of the Kirkwood-Cohansey and associated habitats to excessive water withdrawals or poorly-located wells.

- In February 1987, the Camden County Municipal Utilities Authority prepared a 208 water quality management plan for Chesilhurst Borough, Waterford Township, and Winslow Township. The proposal called for the transfer of sewage from the Region Growth Areas of these Pinelands townships, to the Delaware Basin. It was determined that if the Kirkwood-Cohansey aquifer was used for water supply, the interbasin transfer of all of the wastewater to the Delaware River Basin would impact the flow of streams entering Wharton State Forest (Pinelands Commission Report, May 1988).
- The Pinelands Commission found that the use of the Kirkwood-Cohansey aquifer to supply water for projected buildout of the Regional Growth Areas in Hamilton Township and portions of Galloway Township would significantly deplete stream flows, if wastewater was exported out of the area via sewers (Pinelands Commission Report, August 1990).
- In Berlin Township, Camden County, approval for a municipal water supply well was rescinded when it was determined that withdrawals from the Kirkwood-Cohansey was impacting Swamp Pink, a plant that is federally listed as threatened pursuant to



the Endangered Species Act (Water Allocation Permit Modification, Berlin Borough, January 2004).

- During 2003, a private water company's request for a 20 percent increase in allocation from the Kirkwood-Cohansey aquifer was thwarted when it was determined that there would be a loss of stream flow, and associated impacts to Knieskern's beaked-rush, a Federal and New Jersey listed threatened wetlands plant. Seeing no alternative, the water company installed a new well to a depth of 1225 feet in a deeper aquifer (Water Allocation Permit Modification, Crestwood Village Water Company, April 2006).

In 2001, the State provided \$5.5 million in funding through the "Gibson Bill," N.J.P.L. 2001 c. 165, to study the aquifer, and the federal government subsequently provided additional funds to the project. The study came about in response to two growing concerns: the increasing demand for water to serve growth in South Jersey, and the recognition that while the Kirkwood-Cohansey is a readily available source to help meet this demand, it is also critical to the surface ecology of the region.

Based on the numerous reports completed to date as part of the study and the findings from the Pinelands Science-Policy Forum on the Kirkwood-Cohansey aquifer, PPA recommends that the findings of the Kirkwood-Cohansey Study be a major part of plan review, with specific scientific based amendments to the CMP to protect the Pinelands environment as an outcome. PPA recommends that the following be part of the Plan Review discussion.

***a. Rules for Controlling Impacts of New or Increased Allocations:***

- For potential impacts to streams and rivers: Institute ecologically-based thresholds for new or increased allocations from the Kirkwood-Cohansey Aquifer by using low flow margin, percent of 7Q10, or percent of drought of record, but with the ecological passing flow as a floor or limit in all cases.
- For potential impacts on wetlands: Require species-specific and Pinelands pond-specific criteria for judging acceptable versus unacceptable impacts of withdrawals on wetlands.
- Require quantifiable water conservation measures in the same sub-watershed to offset expected impacts of new and increased withdrawals.
- Incentivize all water conservation measures as part of permitting for new or increased allocations.
- Set a regulatory trigger that suspends new or increased allocations, or reduces existing allocation limits, in a watershed when a trend of increasingly severe impacts of current withdrawals shows the modeling on which permits are based is inaccurate.

- Require recipients of allocations to monitor and report streamflow and water table changes in the future.
- Permit no reductions of existing wetlands for applications for a new or increased allocation from the Kirkwood-Cohansey aquifer.
- Require all applicants to show that other sources are not available before using the Kirkwood-Cohansey aquifer.

***b. Water Supply Planning:***

- Set targets for total withdrawals from the aquifer in each basin/sub-basin and provide suggested water supply alternatives.
- Using available information from the New Jersey Geological Survey regarding water withdrawals, uses, transfers, and discharges, set limits on total withdrawals from the aquifer in each basin and identify required water supply alternatives.
- Design plans to maintain current ecological functions and restore natural flow and water levels where existing withdrawals have already reduced flows or water levels.
- Set explicit criteria for determining when each potential alternative source will be considered available, desirable and required for consideration by purveyors.
- Incorporate water supply alternatives into targets, limits and options for those basins where the aquifer is already stressed.
- Incorporate impacts to and withdrawals from connected aquifers, such as the Atlantic City 800-foot Sands in all planning.

**4. Stormwater rules reform, including low impact development (LID) requirements**

Improper management and treatment of stormwater pollutants continue to impair the water quality of Pinelands waterways as a result of major flaws in the stormwater rules and the lack of NJDEP and municipal enforcement of the rules. NJDEP has convened stakeholder groups to discuss changes to the stormwater management rules, but appears to be headed down the path of weakening the rules, not strengthening them.

The Pinelands Commission has within its authority to protect the Pinelands waterways and the Kirkwood-Cohansey aquifer. Specific stormwater provisions are provided in the CMP that are more protective than DEP regulations. Nevertheless, these CMP standards have proven insufficient, as shown by the Commission's ecological monitoring program and other scientific findings because simple detention basins do not treat stormwater as needed to attenuate the addition of excess nitrogen and other contaminants to the aquifer and associated surface waters. In addition, the Commission has shown that a large percentage of detention basins do not even

function as intended due to poor construction or maintenance; reducing the quantity of stormwater through non-structural means helps alleviate these practical problems.

To protect Pinelands waters, the Commission must respond to the evidence that current standards, while innovative at the time they were adopted, have proven insufficient to protect the special chemistry of Pine Barrens aquatic habitats. A necessary step is to make changes to the stormwater section of the CMP to address A) nonstructural stormwater management strategies and B) stormwater runoff quality standards, specifically:

#### **A. Nonstructural stormwater management strategies**

- Stormwater standards in N.J.A.C. 7:8-5.4 and 5.5 shall be met by incorporating all of the nine nonstructural stormwater management strategies at N.J.A.C. 7:8 – 5.3 into the design of the project.
- Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces – show a minimum of 25% disconnection.
- Restore compacted soils in a manner that is consistent with native flora and soil types.

#### **B. Stormwater runoff quality standards**

- Stormwater management measures shall also be designed to reduce the post-construction nutrient (including both nitrogen and phosphorous) load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in N.J.A.C. 7:8-5.4 and 5.5. Loadings reductions will be required to remove post-construction nutrient load in freshwater areas by 90% and remove groundwater post-construction nitrogen load by 90%.

### **5. Public Comment Procedures Reform**

PPA appreciates the Commission's restoration of public comments for public development applications at Commission hearings, but still has some suggestions for improvement of the public comment process.

The CMP outlines procedures for meetings, hearing and written public comment. Although these procedures have allowed the public to provide input at various opportunities, the Commission has also transformed its meeting schedules, which provides the public limited opportunities for participating. In light of these operations, the public would be better served by restoring some evening Commission meetings and allowing all public comments, hearing and meeting notifications to be provided within a 30 day window.

In particular, the sections of the CMP that should be updated to have a uniform 30 day comment or notification period include: N.J.A.C. 7:50 – 1.12, 4.52, and 4.53. These sections detail provisions for meetings, hearings, and procedures, public development general requirements and submission requirements, respectively.

Public comment is vital to public development applications and the operation of agencies. It is critical that the public is kept informed and provided ample opportunity to comment and participate in these matters.

## **6. Amendment of the Intergovernmental MOA Provisions of the CMP**

The Commission should replace the existing CMP procedure for using intergovernmental Memoranda of Agreement (MOAs) to waive or reduce CMP environmental standards for individual development projects with a revised procedure for public facility plans. Using long-term planning for public facilities would enable the Commission to address the special issues raised by public development while avoiding the enormous risks and organizational burdens which individual intergovernmental MOAs have brought over the past several years. (MOAs could still be used to coordinate agency actions, as in areas of overlapping jurisdiction with DEP, and for other administrative and procedural purposes.)

The current approach of using intergovernmental MOAs to modify CMP standards on a case-by-case development basis invites inappropriate proposals, brings the Commission into making *ad hoc* and inconsistent deals one project at a time, and leads the Commission into the very dangerous waters of negotiating private, for profit development deals outside the normal regulatory application process. The use of intergovernmental MOAs to waive CMP protections has created the impression that you can avoid environmental standards if you are powerful or wealthy enough to pressure the Commission into such special deal making.

Our proposal would shift the approach to a facility-based process based on long-term planning for each public facility that, by virtue of its size or complexity, requires plans tailored to the facility in order for it to meet public needs. We believe this kind of process will bring better results from a planning and an environmental perspective. We also believe this approach would enable the Commission to avoid getting pulled into controversies over what is or is not a “public purpose” in a private development, to avoid becoming a party to the negotiation of profit-making development contracts, and thereby to maintain its integrity as a regulatory agency that treats private developers and landholders in a consistent and even-handed fashion – while also answering the legitimate needs of genuine public facilities that happen to be located in the Pinelands.

This approach would enable the Commission to solve the legitimate challenges that genuine public development can raise in the Pinelands, while avoiding the pitfalls of the current procedure.

Specifically, we propose the following amendment:

## PART IV-PUBLIC DEVELOPMENT

### 7:50-4.51 Purpose

This Part establishes procedures and standards designed to assure that public development in the Pinelands Area is in conformance with the goals and provisions of this Plan.

### 7:50-4.52 General requirements

(a) Conformance with minimum standards: All development within the Pinelands Area by any state or local public agency shall be in conformance with the minimum standards set out in N.J.A.C. 7:50-4.16 and all other standards and guidelines contained in this Plan, except as otherwise provided by ~~a public facility plan memoranda of agreement between the Commission and such agency a state agency plan~~ approved by the Commission pursuant to (e) below. All development within a Military and Federal Installation Area shall be in substantial conformance with the minimum standards and guidelines contained in this Plan, except where incompatible with national defense mission or other national security requirements as provided in (d) below.

(b) Commission approval required: Except as provided in ~~an~~ public facility plan or intergovernmental agreement, no development shall be initiated by any state or local public agency prior to conferring with and obtaining the approval of the Commission pursuant to the procedures established by this Part. Except as provided in ~~an~~ public facility plan or intergovernmental memorandum of agreement, the Commission shall review development within a federal military installation or development by another federal agency only where a state or local permit is required by Federal law or regulations. Such reviews shall be in accordance with the provisions of Part VII of this subchapter.

(c) Intergovernmental agreements:

1. The Commission may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities without securing individual development approval from the Commission under this Part, provided the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6.

~~2. The Commission may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of this Plan is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through a strict application of the standards of this Plan. Any intergovernmental memorandum of agreement relating to waste management shall be consistent with the standards and provisions of N.J.A.C. 7:50-6.80.~~

~~23.~~ Prior to the execution of any intergovernmental memorandum of agreement by the Commission, the Executive Director shall set the date, time and place of a public hearing for consideration of the agreement. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.3.

(d) Exceptions for national defense are as follows:

1. Notwithstanding any provision of this Plan, if the commander of a military installation determines that compliance with the provisions of this Plan, the installation master plan or a memorandum of agreement with a military installation would be incompatible with the installation's mission, safety or other national defense requirements, the installation commander shall notify the Commission in writing.

2. Upon receipt by the Commission of such notification compliance with any provision of this Plan shall be deemed to be waived.

3. In time of war or when war is imminent or a national emergency is declared by Congress or the President, nothing in this Plan shall modify or limit any other provisions of law granting emergency powers to the President, the Secretary of Defense, or persons possessing such authority by delegation from the President or Secretary of Defense, to include but not be limited to acts of using property, mobilizing and training personnel, or acquiring property.

(e) Public facility~~State agency~~ plans:

1. Any agency of the State of New Jersey or federal government, or any county or local government agency, may apply to the Commission for designation of any facility or land it owns as a public facility within the terms of this section. Public facilities may include publicly owned lands or facilities used by or for the benefit of the public, such as existing public college and school campuses, state developmental centers, public buildings, military installations, and publicly owned and managed airports. The Commission may approve such application if, in its discretion, it determines that the facility in question justifies regulation through a public facility plan due to its size, complexity, and significance to the public. This provision may not be used to facilitate the creation of new public facilities that would violate the Minimum Standards for Land Uses and Intensities set forth in Subchapter 5 of this Plan.

2. Any agency of the State of New Jersey or federal government, or any county or local government agency, may submit to the Commission for review and approval a comprehensive plan of its existing and planned land use, resource management and development activities within the Pinelands on any designated public facility it owns. Such plans shall:

i. Be based upon a current and comprehensive inventory and analysis of the Pinelands natural resources. ~~The Commission's natural resource inventory may be used as a basis for this purpose;~~

ii. Set forth the character, location and magnitude of development within the Pinelands;

iii. Be adequate to ensure that all development of land in the Pinelands is carried out in conformance with N.J.A.C. 7:50-5 and 6;<sup>5</sup> provided, however, that alternative or additional techniques may be included if they are consistent with the goals and objectives of this Plan, eliminate or minimize variations from the standards of this Plan to the maximum extent feasible consistent with meeting the public purposes of the facility, and include measures which, when taken as a whole, bring about an enhancement of the natural resources of the Pinelands;

iv. Prescribe standards for capital improvement siting, design and construction, including those necessary to ensure that adequate and necessary support facilities will be available to serve permitted development and proposed uses of lands;

v. Identify resource management practices which conform to the objectives of this Plan, the Pinelands Protection Act, and the Federal Act;

vi. Be compatible with surrounded land uses and certified municipal and county master plans; and

vii. Be otherwise consistent with and contain all provisions necessary to implement this Plan.

3. Prior to the Commission acting to approve or disapprove such plan, the Executive Director shall set the date, time and place of a public hearing for consideration of the plan. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.3.

42. Upon Commission approval of such plan, the Commission shall review any proposed development in accordance with the standards of this Plan as modified by specified provisions of the approved agency plan.

53. Each agency and the Commission may propose amendments to an approved plan from time to time. Such amendments shall be approved in the manner provided in this part, including the holding of a public hearing, and such amendments shall not require the revision or approval of the plan as a whole.

## 7. Vegetation Standards and Roadside Protections

The Commission should adopt revisions that protect existing habitats along roadsides and prevent the unnecessary creation of turfed areas in place of native vegetation in development projects. There are a number of references to vegetation standards and roadside protections in the Commission's list of Plan review suggestions. These are summarized as follows:

- Revision of the CMP at Section 6.24-6.26 to change native vegetation "guidelines" to native vegetation "requirements" to use trees, shrubs, and herbaceous species native to the Pinelands National Reserve where commercial availability of these species allows.
- The addition of a Section 6.24(d) to address post-construction road work and to require using native plant and seed material, using native, clean fill from a comparable soil formation, reusing excavated native soils, etc.
- The addition of a Section 6.23(c) to require the use of clean fill from a soil formation matching pre-development conditions and/or the reuse of native soils excavated from the site for landscaping and backfill outside of permanent lawn and turf areas.

Section 7:50-6.21 of the Comprehensive Management Plan (the "Purpose" of the Vegetation section) explicitly states that "The continued integrity of the Pinelands vegetation is essential to the preservation and maintenance of the essential character of the Pinelands... landscaping materials employed in the Pinelands must be compatible with native vegetation in order to preserve the visual and ecological character of the Pinelands."

PPA fully supports the suggestion to change native vegetation guidelines into requirements. There already exist commercial sources for many Pinelands plants, and adding this requirement to the CMP will likely motivate local plant nurseries to further increase their availability of natives. Requiring the use of native vegetation is one of the best ways to preserve

the ecological character of the Pinelands. The Commission should expand the list of appropriate native shrubs and trees at 7:50-6.25 and add a separate list of native herbaceous species.

PPA also supports the addition of any language that will appropriately address the treatment of roadsides before, during, and after disturbance due to road work, development, or infrastructure installation. A major ongoing problem in the Pinelands is the mismanagement of roadside soils and vegetation. We have seen several cases in which a disturbed roadside is treated with non-native fill containing non-native plant seeds and with higher pH and nutrient levels than the native Pinelands soil it has replaced. Such practice predictably results in the transition of the roadside from a native Pinelands plant community to one colonized by non-native weeds. These altered roadsides serve as routes of entry for non-native species into the Preservation areas within the Pinelands. The Commission should consider requiring that post-disturbance roadside work uses native fill originating at and stockpiled from the disturbance site or locally-obtained soil with comparable physical and chemical properties of the disturbed site. Additionally, where re-seeding is desired, only native Pinelands roadside grasses and herbaceous species should be permitted. The CMP lists suggested grass species for revegetation in 7:50-6.26, but this list is in great need of revision as it currently includes several non-native or otherwise inappropriate species. Additional explanation and suggestions for appropriate species for landscaping and roadside revegetation are included here in Appendix B. In many situations, vegetative stabilization may not even be necessary on disturbed roadsides, and natural regeneration of the native biota should be encouraged.

Additionally, the Commission needs to create a more discrete policy for roadside management. It is now common knowledge that Pinelands roadsides, when not covered with non-native soil and seeded with non-native plants, are valuable habitat for early-successional native plant species. Roadsides also serve as one of the most visible aspects of the Pinelands for those passing through the Reserve. Although the Commission has entered into an MOA with Burlington and Atlantic Counties which requires these county roads be maintained using the Roadside Best Management Practices in exchange for streamlined approval of road projects, we are finding time and time again that roadside managers are not actually following the BMPs laid out in the MOAs. Since the Commission has been remiss to enforce the requirements of the MOA (or otherwise retract the streamlining benefits afforded to the entities that do not hold up their end of the agreement), PPA suggests adding a section to the CMP requiring that Pinelands roadsides are managed under the guidelines of the Roadside BMPs. Such requirements would result in much improved native plant habitat and will benefit both common and rare roadside plants by limiting the extent and timing of mowing.

## **8. CMP threatened and endangered plant list reform**

The overriding purpose of the Pinelands Protection Act and the CMP is to conserve the Pinelands' natural resources. Both the Act and the CMP recognize that conservation of characteristic Pinelands resources includes protection of endangered and threatened flora and fauna. The CMP recognizes this policy specifically through its prohibitions on development at 7:50-6.27, "Development prohibited in the vicinity of threatened or endangered plants." This



section reads, “No development shall be carried out by any person unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of those plants designated by the Department of Environmental Protection as endangered plant species pursuant to N.J.A.C 7:5C-5.1 as well as the following plants, which are hereby found and declared to be threatened or endangered plants of the Pinelands” and is followed by a list of 54 plant species. The background story of how these protections came to be is too complex to briefly summarize here, but the main point we would like to make is that without protecting all of the plant species occurring in the Pinelands which are tracked by the New Jersey Department of Environmental Protection’s Natural Heritage Program and therefore classified by the Natural Heritage Program as “endangered” plant species and plant “species of concern,” the CMP is not providing the environmental protections it was enacted to provide.

Currently, the CMP does not protect all threatened and endangered species of plants, because the list of species in the CMP omits a number of Pinelands species that the State of New Jersey recognizes as threatened. Though the Natural Heritage Program uses the phrase “species of concern” rather than the word “threatened,” these species of concern are indeed understood to be threatened. The Federal Endangered Species Act defines “threatened species” as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” As defined in New Jersey’s Endangered Plant Species Program rules, “Plant Species of Concern” serves as the official “working list for transition of species to and from the Endangered Plant Species List,” and thus fits the federal model of “threatened” on which the CMP’s use of the term is based. All Plant Species of Concern at issue in the Pinelands are ranked S1 (critically imperiled), S2 (imperiled), or S3 (rare and may soon become imperiled if current trends continue), with a small number designated SX (determined or presumed to be extirpated) or SH (historically present but no extant occurrences known). These rankings clearly fall under the definition of “threatened” and these species should therefore be protected under 7:50-6.27 which prohibits development “in the vicinity of threatened or endangered plants.”

We propose that section 7:50-6.27 be amended to read, “No development shall be carried out by any person unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of those plants listed by the New Jersey Natural Heritage Program as ‘Endangered Plant Species and Plant Species of Concern’.” Doing so would bring the Pinelands protections into alignment with the Highlands protection standards, which call for protection of *all* listed plant species of concern. This is the only sensible approach from a conservation perspective. Additional information regarding the history of the Pinelands plant protection process is provided in Appendix C.

## **9. Smart Growth Fixes**

The CMP currently prescribes the pace, quantity and location of growth. However, to continue to successfully fulfill its mission into the future, the Plan should give equal weight to the quality of development to ensure that natural resources are still well protected and

communities designated to accommodate growth are also inviting, well-designed places where people readily prefer to live.

Improved community design is included in recommendations from the Pinelands Commission Housing Task Force report and Water Quality White Paper which promote efficient use of land through greater residential densities and less impervious surface thereby reducing development impact on water quality.

Below are two sections within the CMP that should be revised to complement the changes to the PDC rules as well as any improvement to the stormwater rules.

(1) Minimum Standards for Land Uses and Intensities – Part I – Standards of General Applicability

7:50 – 5.1 (c) “Unless expressly permitted in a certified municipal land use ordinance, no more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, and on agricultural lands, recreation development.

*Prohibits mixed use and should be changed to promote more than one principle use on one lot assuming that the mixed use would be in accordance with the character of the management area and community.*

(2) 7:50 – 5.28 Minimum standards governing the distribution and intensity of development and land use in Regional Growth Areas

(a) 3. The land use element of a municipal master plan and land use ordinance shall reasonably permit development to occur within a range of densities provided that the total amount of residential development permitted in (a)1 above is exceeded by at least 50 percent through the use of PDCs; that a reasonable proportion of the density increase permits the development of single family detached residences; and that the residentially zoned districts in which the ranges are established are reasonably expected to be developed within the assigned density ranges.

*Promotes single family detached dwelling in RGAs. This language should be removed and should encourage mixed-use zones and multiple types of dwellings such as town homes, apartments, twins, rows, etc.*

Although the Commission staff is open to and encourages smart growth, mixed-use development, the language in the CMP needs to reflect these principles.

## **10. Applications for enduros and similar events**

Off-road vehicles (ORVs) have caused significant damage throughout the state-owned lands in New Jersey. NJ DEP estimated in 2001 that over 300,000 acres are damaged in New Jersey every year, and funds are not available for restoration. Evidence of such damage exists in the Pinelands, for example Wharton State Forest.

ORVs include a variety of vehicle types, such as motorcycles, trucks, quads and dirt bikes. Enduro events are sanctioned events that are allowed to occur on state land with a permit. The Pinelands Commission spends an enormous amount of time reviewing dozens of enduro/motorcycle race permits for natural resource impacts. Typically, these permits have been granted for NEW trails, and do not require review by anyone on the commission staff or by state forest staff following the race to ensure that the maps were followed and damages were not incurred.

There is plenty of evidence to show that enduro event trails are continuously used throughout the year after events have ended. There is also evidence that trails are sometimes expanded beyond the race permit allowances.

The CMP provides little to no guidance on enduro events in N.J.A.C. 7:50-6.143 and needs to be strengthened to prevent these activities from occurring outside of the permitted events and to protect the habitats that are being destroyed or damaged.

The CMP should be revised to:

1. Require all permits to secure a bond with the county or municipality where the event is occurring.
2. Increase fees to cover staff time in reviewing applications and conducting a site inspection following the recreation event.
3. Limit the creation of new trails and allow events to occur only on existing trails or fire roads or paths needed for fire department/safety.
4. Require municipalities to adopt ordinances which strengthen enforcement of existing laws on ORV use on public and private land. We attach a model ordinance as Appendix D.

These revisions would hopefully deter the illegal creation and/or expansion of trails and would cover the costs associated with any damages.



## PINELANDS PRESERVATION ALLIANCE

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### **Appendix A: Proposal for Revision of PDC Program To Encourage Better Community Design**

November 18, 2004

The goal is to change the PDC purchase requirements for developers in order to provide financial incentives to do on-site clustering, provide 300 foot wetlands buffers and implement other desirable community design features. Doing so would reverse the existing financial incentive to build large lot, more sprawling designs, which is built into the current PDC regime. We do not know how to scale such revised PDC requirements to maintain the current market price, so this proposal uses somewhat hypothetical numbers.

1. Municipal zoning densities stay the same as current certified densities for residential zones.
  - This heads off municipal concern that new incentives would cause urbanization of suburban areas, foster higher school and other municipal costs, etc.
2. Developers of subdivisions would be required to buy PDCs based on the following clustering and wetland buffer standards:
  - a. Clustering – PDC obligation is based on lot size. For example, in a current 1-acre residential zone in Egg Harbor Township, the standard might be:
    - 1 acre or larger: 2 rights per unit
    - 0.33 to <1 acre: 1 right per unit
    - <0.33 acre: 0 rights per unit
  - b. Wetlands buffer – PDC obligation is based on adherence to 300-foot buffer. For example:
    - 300-foot buffer: 0 rights per unit
    - <300-foot buffer: 1 right per unit within 300-foot boundary
3. Reductions from the PDC obligation could be provided for adopting additional good design features. (If this is done, it might make sense to impose a minimum starting PDC obligation for all qualifying subdivisions of, say, 0.2 PDCs per unit regardless of clustering and wetlands buffers.) Such design features to reward might include:
  - Innovative stormwater design, or contribution to larger-scale stormwater management project for the neighborhood.
  - Multi-use development in appropriate transportation nodes.
  - Providing units that meet the municipality's COAH obligations.

## Appendix B. Suggested changes to the list of plant species for landscaping and revegetation at 7:50-6.26

Current species list:

1. “Fescue species” is utterly vague. There are many fescue 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*.) Otherwise, this listed category includes non-native species.
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 we are unable to find any evidence that any of them are native to New Jersey.
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. Therefore, this is an inappropriate species for the Pinelands.
4. “Little Bluestem” (so long as we are referring to *Schizachyrium scoparium* var. *scoparium*) is a good species for this list, although 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, while not a wetland obligate, it 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. Therefore, this is an inappropriate species for this list.
6. “Red top” is a vague common name that is applied mostly to *Agrostis gigantea*, a species not native to the US. This is therefore not a Pinelands native and should be removed.
7. “Switch grass” is the common name used for *Panicum virgatum*, which is an acceptable though not ideal species for this list. This species (represented by dozens of non-local ecotypes and cultivars) has become a very popular plant, but it is being over-used in the Pinelands. Stone’s book, *The Plants of Southern New Jersey*, 1911, which is the best baseline 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.

Suggested species additions to the list of graminoids:

1. Broom Sedge (*Andropogon virginicus*)
2. Gray's Sedge (*Cyperus grayi*)
3. Hemlock Rosette Grass (*Dichanthelium sabulorum*)
4. Matting Rosette Grass (*Dichanthelium meridionale*)
5. Pennsylvania Sedge (*Carex pensylvanica*)
6. Pine Barren Sedge (*Cyperus retrorsus*)
7. Roundseed Panic-grass (*Dichanthelium sphaerocarpon*)
8. Silky Wild Oat Grass (*Danthonia sericea*)
9. Slender Fescue Grass (*Vulpia octoflora* var. *octoflora*)
10. Slender Three-awn (*Aristida longespica*)
11. Starved Panic-grass (*Dichanthelium depauperatum*)
12. Ticklegrass (*Agrostis hyemalis*)
13. Umbel-like Sedge (*Carex tonsa* var. *tonsa*)
14. Wild Oat Grass (*Danthonia spicata*)

Additional herbaceous/groundcover species suggestions:

1. Bearberry (*Arctostaphylos uva-ursi*)
2. Blue Curls (*Trichostema dichotomum*)
3. Blue Toad-flax (*Nuttallanthus canadensis*)
4. Blunt-leaved Milkweed (*Asclepias amplexicaulis*)
5. Bushy Aster (*Symphotrichum dumosus*)
6. Butterfly-weed (*Asclepias tuberosa*)
7. Coastal Blue-eyed-grass (*Sisyrinchium atlanticum*)
8. Cow-wheat (*Melampyrum lineare* var. *pectinatum*)
9. Downy Goldenrod (*Solidago puberula*)
10. Dwarf Dandelion (*Krigia virginica*)
11. Fern-leaved False Foxglove (*Aureolaria pedicularia*)
12. Field Goldenrod (*Solidago nemoralis*)
13. Fragrant Goldenrod (*Solidago odora*)
14. Frostweed (*Helianthemum canadense*)
15. Goat's Rue (*Tephrosia virginiana*)
16. Grass-leaf Blazing-star (*Liatris pilosa*)
17. Hairy Boneset (*Eupatorium rotundifolium* var. *ovatum*)
18. Hairy Hawkweed (*Hieracium gronovii*)
19. Hudsonia (*Hudsonia ericoides*)
20. Hyssop-leaved Boneset (*Eupatorium hyssopifolium*)
21. Late Purple Aster (*Symphotrichum patens*)
22. Maryland Golden-aster (*Chrysopsis mariana*)
23. Narrow-leaved White-top Aster (*Sericocarpus linifolius*)
24. Oblong-fruited Pinweed (*Lechea racemulosa*)
25. Orange-grass (*Hypericum gentianoides*)

26. Pearly Everlasting (*Anaphalis margaritacea*)
27. Pine Barren Sandwort (*Minuartia caroliniana*)
28. Purplish Cudweed (*Gnaphalium purpureum* var. *purpureum*)
29. Pyxie (*Pyxidantha barbulata*)
30. Rattlesnake Root (*Prenanthes serpentaria*)
31. Showy Aster (*Eurybia spectabilis*)
32. Slender Aster (*Eurybia compacta*)
33. Slender Goldenrod (*Solidago erecta*)
34. Stiff-leaved Aster (*Ionactis linariifolius*)
35. Sweet Everlasting (*Gnaphalium obtusifolium* var. *obtusifolium*)
36. Tall Lettuce (*Lactuca canadensis*)
37. Teaberry (*Gaultheria procumbens*)
38. Thread Agalinis (*Agalinis setacea*)
39. Trailing Tick-trefoil (*Desmodium rotundifolium*)
40. Vein-leaf Hawkweed (*Hieracium venosum*)
41. Venus' Looking-glass (*Triodanus perfoliata*)
42. White Boneset (*Eupatorium album*)
43. White Goldenrod (*Solidago bicolor*)
44. White-top Aster (*Sericocarpus asteroides*)
45. Wild Indigo (*Baptisia tinctoria*)
46. Wrinkle-leaved Goldenrod (*Solidago rugosa* var. *rugosa*)
47. Yellow Stargrass (*Hypoxis hirsuta*)

Please note that the above species lists are appropriate for landscaping and revegetation along roadsides and droughty, nutrient-poor sites. We encourage the Commission to add Pinelands native species lists appropriate for landscaping and revegetation in mesic and wet sites as well.

## **Appendix C. Background information regarding Pinelands plant protections.**

**Some of the strongest protections in New Jersey for rare, threatened, and endangered species are embodied in the New Jersey Pinelands Comprehensive Management Plan (CMP). Even so, many of this region's imperiled plant species are NOT officially protected by the regulations. In order to understand how this happened and what we can do about it, we need to review the history.**

The CMP currently protects all state-listed endangered plant species and a number of species identified by name which the regulation says "are hereby found and declared to be threatened or endangered plants of the Pinelands." What follows is the original list of fifty-four species that was included in the CMP at its adoption in 1981, based on a report furnished in 1980. Actually, the authors of that report, Nicholas Caiazza and David E. Fairbrothers, indicated a need to protect *seventy-one* species. There being no official state status for plants at that time, the authors, on the basis of their research and professional judgment, considered twenty species to be "endangered," thirty-four "threatened," and seventeen "undetermined."

The Caiazza and Fairbrothers report (as well as the version of that report that had been previously published in R. Forman (ed.), *Pine Barrens: Ecosystem and Landscape*, 1979) indicated that, in addition to the plant species that were designated as "endangered" and "threatened," plant species designated "undetermined" were also considered imperiled. It was only the degree of imperilment that was undetermined. On the basis of this uncertainty about whether they were threatened, endangered, or possibly even extirpated, the Pinelands Commission inappropriately excluded all seventeen of them from the list it formally adopted.

In 1981, The Conservation and Environmental Studies Center, supported by the U.S. Fish and Wildlife Service, published a document written by David B. Snyder and V. Eugene Vivian, titled *Rare and Endangered Vascular Plant Species in New Jersey*. The authors conducted a thorough literature search and reviewed pertinent specimens at the Chrysler Herbarium at Rutgers University and at the herbarium of the Philadelphia Academy of Natural Sciences. In collaboration with twelve other experts, they conducted extensive field research to collect data and develop a final report.

The Snyder and Vivian report documents over 180 plants of conservation concern within the broader Pinelands region (including peripheral areas, the coastal zone, and Cape May County). About fifty-seven of those species were historically documented within the general area now designated as the Pinelands Protection Area. Eleven of them were characteristic Pine Barrens plants that had been designated "undetermined" by Caiazza and Fairbrothers in the afore-mentioned report, and were, as yet, unprotected under the CMP.

In 1984, the New Jersey Natural Heritage Program was established. The mission of the Heritage Program is primarily to identify conservation priorities for the state and develop programs to monitor and conserve valuable natural resources. It uses an internationally recognized and widely accepted methodology developed, initially, by The Nature Conservancy.



Beginning in 1984, the Heritage Program staff made recommendations to the Pinelands Commission staff that the CMP plant list should be expanded. This recommendation was based largely upon the data that Snyder, Vivian, and their collaborators had gathered over the previous five years.

The Heritage Program staff continued to investigate the state's flora as to the abundance, distribution, and condition of the populations of each known taxon, and it confirmed that many more imperiled species were known from the Pinelands region than were under the protection of the CMP. The Heritage Program staff continued to recommend to the Pinelands Commission that the CMP list of protected plants should be expanded in accordance with the most up-to-date information, but the Commission did not make any changes.

In 1989, the state enacted the Endangered Plant Species List Act, which authorized the DEP to create and maintain a list of endangered plant species. Nearly half the species that had been designated as "undetermined" by Caiazza and Fairbrothers in the 1980 report now became officially listed as endangered in the state. The Heritage Program staff continued to recommend to the Commission staff that the CMP should be revised to include all plants in need of protection, but the Commission did not make any revisions.

In 2003, PPA began a sustained effort to encourage the Pinelands Commission to revise its protected plant list. PPA's advocacy was stimulated and guided by the testimony of a large and broad informal coalition of local conservationists, biologists, and ecologists, including personnel with the DEP's Office of Natural Lands Management and the local office of the U.S. Fish and Wildlife Service.

In 2005, the Commission amended the CMP to include protection for the state list of endangered plants. This was a positive move, in that it broadened the scope of plant protection. However, it fell short of accomplishing what the state's experts had recommended, i.e., that, in addition to the state-listed endangered plants, all the plants deserving "threatened" status should be protected.

Although New Jersey does not have an official "threatened" status for plants, it effectively recognizes plant species at this level of conservation concern through the list of Plant Species of Concern maintained by the Heritage Program. As defined in the Endangered Plant Species Program rules, Plant Species of Concern serves as the official "working list for transition of species to and from the Endangered Plant Species List." Thus this designation coincides with the federal model of "threatened" on which the CMP's use of the term is based.

Most of the Plant Species of Concern in the Pinelands are ranked S1 (critically imperiled—most of these also have the official state status of endangered), S2 (imperiled), or S3 (rare and may soon become imperiled if current trends continue). A smaller number are designated SX (determined or presumed to be extirpated) or SH (historically present but no extant occurrences known). Both conceptually and in practical application of conservation measures, "Plant Species of Concern" is synonymous with "threatened plant species."

PPA, local plant experts, and other conservation organizations have continued to recommend to the Pinelands Commission what the Heritage Program has been recommending to the Commission staff since 1985: that the CMP should expressly protect all of the Endangered Plant Species and Plant Species of Concern known to occur in the region. By disregarding this recommendation, the Pinelands Commission has stood alone in contrast to the consensus opinion of the entire community of botanists and ecologists involved in Pinelands research and conservation.

## **Appendix D: Model ORV Ordinance**

### **Section 1: PURPOSE**

The purpose of this Ordinance is to control and regulate off-road vehicles, as defined in Section 2, entitled "Definitions," in order to preserve the public peace and order, protect the health, safety and welfare of the general public, and protect the natural resources in our environment in the Township of X.

### **Section 2: DEFINITIONS**

As used in this chapter, the following terms shall have the meanings indicated:

Public Highway - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Public Lands - Any and all real property which is owned or controlled by a governmental entity.

Off-Road Vehicle - means a motor vehicle, designed to travel over any terrain, of a type possessing between two and six tires and includes but is not limited to dirt bikes, trail bikes, mini-bikes, motor scooters, go-carts, all-terrain vehicles, swamp buggies, mopeds, and snowmobiles, and any other motor-driven vehicles which are not authorized to be licensed by the State of New Jersey, Department of Motor Vehicles, for use upon the public highways.

### **Section 3: OPERATION and USE RESTRICTIONS**

A. Public Lands. It shall be unlawful for any person to operate or permit to or suffer to be operated an off-road vehicle, as defined herein, on any public grounds or property, including playgrounds and recreational areas.

Limited Access Highways. No person shall operate an off-road vehicle upon limited-access highways or within the right-of-way limits thereof.

Public Streets or Highways. No person shall operate an off-road vehicle upon the main traveled portion of any public street or highway or within the right-of-way limits thereof except as follows:

- 1) Properly registered off-road vehicles may cross, as directly as possible, public streets or highways, except limited access highways, provided that such crossing can be made in safety and that it does not interfere with the free movement of vehicular traffic approaching from either direction of such public street or highway. Prior to making any such crossing, the operator shall bring the off-road vehicle to a complete stop. It shall be the responsibility of the operator of the off-road vehicle to yield the right-of-way to all vehicular traffic upon any public street or highway before crossing the same.

2) Wherever it is impracticable to gain immediate access to an area adjacent to a public highway where an off-road vehicle is to be operated, it may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This subsection shall apply to the operation of an off-road vehicle from the point where it is unloaded from a motorized conveyance to the area where it is to be operated or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity to the area of operation without causing a hazard to vehicular traffic approaching from either direction on said public highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area or operation.

B. Agricultural Purposes: All-terrain vehicles strictly used for agricultural purposes on farmland, roadways, and public and private land, with permission, are exempt from this ordinance. When these vehicles are found operating in a manner not for agricultural purposes, the rider and owner of the vehicle shall be subject to the same restrictions, fines and penalties as set forth in this ordinance.

C. Private Property: All-terrain vehicles/off-road vehicles used on private property with permission from the owner are exempt from this ordinance, except for the written consent requirements below.

D. WRITTEN CONSENT.

1) No person shall operate a motorcycle or off-road vehicle on the property of another without receiving the consent of the owner of the property or the person who has a contractual right to the use of such property.

2) No person shall continue to operate an off-road vehicle on the property of another after consent has been withdrawn.

3) The consent as required by Subsection D (1) and (2) above shall be by the written consent of the owner of the property or the person who has contractual right to the use of such property.

E. HARSH, OBJECTIONABLE or UNREASONABLE NOISE. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle in such manner as to cause a harsh, objectionable or unreasonable noise so as to disturb or interfere with the peace and quiet of other persons.

F. CARELESS, RECKLESS, or NEGLIGENT OPERATION. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle in a careless, reckless or negligent manner so as to endanger the safety or property of any person.

G. PROTECTIVE HELMETS. It shall be unlawful for any person to operate to permit or suffer to be operated, or to ride as a passenger on, any off-road vehicle without wearing a protective helmet approved by the Director of the Division of Motor Vehicles in the Department of Law

and Public Safety of the State of New Jersey. Any such helmet shall be of a type acceptable for use in conjunction with motorcycles as provided in NJSA 39:3-76.7 through NJSA 39:3-76.10.

H. HEADLIGHTS, TAILLIGHTS, BRAKES and MUFFLERS. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle that is not equipped with working headlights, taillights, brakes and proper mufflers as supplied by the motor manufacturer for the particular model without modifications.

I. PURSUIT of WILDLIFE. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle at any time and in any manner intended or reasonably to be expected to harass, drive, injure, or pursue any wildlife.

J. LIGHTED HEADLIGHTS AND TAILLIGHTS. It shall be unlawful for any person to operate or permit to be operated any off-road vehicle without lighted headlights and lighted taillights.

K. RAILROADS. It shall be unlawful for any person to operate or permit or suffer to be operated an off-road vehicle upon railroad or right-of-way of an operating railroad, except railroad personnel in the performance of their duties.

L. RULES and REGULATIONS. It shall be unlawful for any person to violate any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

#### **Section 4. AGE REQUIREMENT.**

No person under the age of fourteen (14) years shall operate or be permitted to operate any off-road vehicle on public lands or upon a public highway.

#### **Section 5. VIOLATIONS AND PENALTIES.**

A. Any police officer may at his discretion:

Impound any off-road vehicle alleged to be operated or permitted or suffered to be operated, in violation of this chapter.

Impound any off-road vehicle operating on the public roadways in violation of any then-applicable State Statute or any Regulation validly promulgated by any State agency having jurisdiction.

The period of any impoundment shall be from the date of the alleged violation until the disposition of the alleged offense by such court of competent jurisdiction as shall hear the same, and the owner thereof shall pay the reasonable cost of said removal and storage constituting impoundment, which cost is as set forth in Chapter X. The expense of impoundment shall be in addition to any other fine or penalty levied or collected under the terms of this chapter.

B. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or at a minimum a fine of One Thousand (\$1000.00) Dollars, or both.

C. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

D. Any person under the age of eighteen (18) years who shall violate any of the provisions of this chapter shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

E. In addition to the penalties described in Section 5.B., if the violation for which an Operator of an

Off-road vehicle has been convicted has caused damage to real or personal property, the Operator so convicted, as well as the registered owner(s) of the vehicle involved, if such vehicle was in the possession of the Operator with the permission of any owner(s), may also be ordered by the Court to pay restitution for the full amount of such damage.

## **Section 6. VALIDITY**

Validity. If any section, subsection, paragraph, clause, phrase or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any part thereof.

## **Section 7. REPEALER**

Repealer. Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Chapter are hereby repealed to the extent of their inconsistency provided, however, that the adoption of this Chapter shall not prevent or bar the continuance or institution of proceedings for offenses heretofore committed in violation of any existing Ordinances of the Township of X or violation of NJSA 39:1-1 et. Seq.

## **Section 8. EFFECTIVE DATE**

Effective Date. This chapter shall take effect immediately upon its final passage, publication and filing with the County Planning Board in the manner prescribed by applicable New Jersey Statutes.

**From:** "Tally, Todd (AME)" <toddt@atlantic-me.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/14/2012 5:17 PM  
**Subject:** OPPOSE #10 on CMP PLaN

Please note my strong opposition to the proposed recommendation # 10 to the CMP.

It is unjust to impose the proposed restrictions on a single responsible user group, particularly when the result will not achieve objectives as it does not address the problem of the irresponsible and illegal activity that causes problems.

The legitimate use of the state land by the Enduro clubs, which are comprised overwhelmingly of civically and environmentally responsible members, should not face any additional costs or obstacles to hold their events.

They are already generating revenue in, and to the state of NJ to cover their events in addition to giving back to their communities through the proceeds and other charitable contributions they participate in.

I am disappointed that the PPA does not have the foresight to understand the ramifications of this recommendation.

Todd M. Tally

102 W Greenbush Rd

New Gretna, NJ 08224

**From:** Patricia Burke <briantricia@aol.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/15/2012 10:09 AM  
**Subject:** Fwd: PPA

-----Original Message-----

From: Patricia Burke <briantricia@aol.com>  
To: info <info@njpines.state.nj>  
Sent: Tue, Sep 11, 2012 5:56 pm  
Subject: PPA

I'm emailing in opposition to the proposal to require all special use permits for off-road motorized events to submit a bond to cover potential damages from illegal trails and pay for the actual cost for the commission staff to review these applications. I'm a 49 year, self employed father of four and I enjoy legal trailriding in New Jersey's parks and forrests. My off-road motorcyle is insured, registered and eqipped with all the necessary noise and spark control equipment, and I'm a licensed operator. The proposal put forth is simply a clever of way shut down access to riders like myself by choking us financially. I find it personally insulting when I get deemed a second-class citizen becasue of what type of recreation I enjoy. When I ride in New Jersey I stay overnight in a local hotel, eat at the local retaurant, gas up at the local gas station and get all my various supplies for the local stores. It all goes into the local economy. I would like the people that are making this proposal to come to an event and meet the people they are trying to criminalize. They'll find doctors, policemen, dentists, accountants, all the walks of life that they encounter everyday. This is a bad idea and I encourage the Commission to work with the people who enjoy riding in these areas to preserve these areas for all parties interested in their preservation - that includes us.

best, Brian Burke

All the



**Peter Ferwerda  
14 Ferwerda Lane  
Warren Grove, NJ 08005**

Pinelands Commission  
Mr. Paul Leakin  
PO Box 359  
New Lisbon NJ- 08064

Re: Pinelands Review Plan

Dear Mr. Leakin:

I am writing you based upon experiences and training as a resident of the Pinelands Village of Warren Grove for the last fifty-five years. I am a retired Professional Engineer, Land Planner, and Surveyor. I have 44 years of Engineering and Planning experience in municipal and civil engineering projects. I was the Mayor's representative for my Township of Little Egg Harbor and played a role in the development of the original Comprehensive Management Plan and related technical studies (the science of the Pines) in 1980. I am displeased as to the failure of the Commission to be aggressive in making the plan work and its efforts to avoid achieving the goal of preserving the unique part of the Pinelands National Reserve, known as the Preservation Management Area. One of the predators that are destroying the unique dwarf and pigmy forest within the Preservation Zone is the Resource Extraction Industry and its incidental accessory land use of material processing.

I am of the opinion that the vision of the Reserves Creators requires you to be aggressive in protecting the health and safety of the endangered species within this region, one of which is known as humankind. Humankind is reliant upon the surface water springs within the Kirkwood Cohansey aquifer for his subsistence and the Great and Barnegat Bay's eco-systems. The creation of artificial lakes and stream channel enlargements alterations involves altering the volumes of surface water flowing from the Delaware to the Bays. Man's extractive industry exposes his artificially created water bodies to the airborne pollutions. These pollutions are the substances generated by the industrialized regions to the West of the National Reserve. Resource extraction results in only 69 percent of the water consumed being returned to their source. Another adverse condition created by resource extraction is the elimination of the natural filtration mediums provided by our indigenous flora and fauna. Finally, the water that is captured by the porous soils of the National Reserve to flow towards the Bays was protected from evaporation by a dense forest cover. Resource extraction eliminates that protective natural protective cover and exposes the water to be evaporated before it reaches the Bays.

Late in 1979, the Governor's Pinelands Committee determined that one of the major predators causing the total and irreversible destruct of the Pigmy and Dwarf forest within the Egg Harbor Plains is the Resource Extraction Industry. The Washington District of the United States Court system examined the horrible results of resource extraction by dredge in the Tulloch decision to wit it reinforced the meaning and standing of the 1891 Rivers and Harbors and the recent Clean Water Act.. The actions of the commission and its pursuit of its duties as an oversight agency as to the local enforcement of the CMP is unacceptable situation of allowing this predatory land use from expanding without obtaining permission pursuant to the Municipal Land Use Law and the views of our Nation's Legislators in establishing the National Reserve. It is this feeling of losing the beauty and solitude values of the Pinelands that my brought my parents here to Warren Grove. It is my desire to insure that the opportunity to enjoy those family values will be available to my grandchild., In pursuit of that mission I am sharing with you my professional views of the CMP and areas that need to be clarified and reinforced to achieve the goals that I was given when the to be commission was drafting its first CMP.

I hope final Commission work product of this planning exercise and de novo review will provide:

- A certification from the municipal or county engineer stating "He has carefully examined an applicant's application and exhibits and he has found it to conform to the provisions of the local health and safety rules including those of the CMP.
- A clarification of the area of the mine definition per the Department of Labor and Workplace Development will replace the fiction term "area to be mined" with the "area of the mine" being the land that is delineated on a Site Plan approved by the local government prior to the December 30, 1985, and

- The elimination of a 3.2 acre requirement for the development of a single family residence within the Pineland Villages and mandate a septic system that complies with the public health and those of the U.S. Environmental Protection Agency standards, and
- Ensure that the pre-1985 Site Plan is complied with as to the final site closure requirements for Resource Extraction within the Preservation Management Area, and
- A lake management plan be part of the requirements for the issuance<sup>3</sup> of “Certificate of Filing” and copies of all permits and supportive documents be submitted to commission prior to the issuance of the “No Call Up” letter, and
- NO enlargement of a pre-1985 tract being mined is permitted if the enlargement area was not part of lands that had a non-conforming status. Applicants claiming status as a pre-existing land use should provide credible proof of their claim before a “Certificate of Filing” is issued.
- Clear roadside standards adopted by the “American Association of Highway and Transportation Officials” be incorporated within the CMP to promote the protection of wildlife that feeds along side of our rural roads and needed sight abilities for the driver to avoid killing wildlife, and
- Reduction of liability exposure from regulatory takings resulting from the providing of wetland buffers involving land that is not owned by an applicant but are required to provide the 300 ft buffer mandated by the NJ Fresh Water Statute, and
- Copies of all permits and licenses required by Federal and State laws are obtained prior to the issuance of a “No Call Up” letter.
- Other measures mentioned in the following basis for needed changes and additions to the CMP.

My comments are as follows:

NJAC 7:50-4.2 should have a conformance review certification item V(a) added to it. This insertion should say the following:

I, (the municipal or county engineer of the host political subdivision), does hereby certify that I have performed a compliance review on the attached application and I do find that it does conform to the requirements of the CMP, all necessary regulatory permits/licenses have been obtain that are applicable thereto.

Signed, sealed and dated.

In no case shall this certification be executed more than 30 days before the date of receipt of the development application or request for a “Certificate of Filing.” The applicant shall also provide to the commission copies of all permits and related exhibits for its oversight conformance review for conflicts with the provisions with the CMP.

NJAC 7:50-5.28 (b.2) should be amended to permit a single family dwelling unit or any other non-residential use having a waste treatment system that meets the standards of the U.S. Environmental Protection Agency and State Public Health rules.

NJAC 7:50-6.6 should be amended to say that no artificial/man-made pond/lake or stream channel alteration will result in the necessity of the taking of adjacent land or property, not owned by the applicant or land owner of the water body enlargement, be restricted from otherwise permitted land uses due to the requirements of NJAC 7:7A . This rule should apply to all aquatic eco-systems that are made by man including those waters of the State that are defined as “Category One” waters. Normally a 300-foot aquatic eco-system transition zone is required to satisfy the conservation restrictions such as those set forth in NJAC 7:50-6.14 and 6.27. The perpetrator alerting of the indigenous natural eco-system shall eliminate all potential conservation restrictions upon adjacent lands. The requirement of this conservation easement can and could result in a regulatory taking of lands belonging to parties that have not granted permission to the predator of causing this violation. This reduction of title rights of the adjacent landowner is unacceptable due to the Federal and State conservation easement regulations.

NJAC 7:50-6.23 should be amended to state that all development seeking a “Certificate of Filing” shall, with each and every application, provide a current existing conditions plan showing all disturbances, restoration

work including the planting of indigenous plant species at the pre-development density and fauna habitat. Plans and related exhibits shall be updated to reflect a re-evaluation of site conditions and alterations to provide for the protection of the public health and safety. Of special importance is that pre-certificate of filing inspection to determine if promises restoration and temporary site erosion stabilization has been completed and found to be compliant with the CMP.

All applications for "Certificates of Filing" shall be accompanied by a certification signed and sealed by the local government engineer saying that all temporary and permanent restoration and pollution control measures have been completed and provided in a manner consistent with the CMP. The plan submitted does indicate this work and where it has been done and proposed work avoids disturbance of fish and wildlife habitats while providing essential breeding environments for fish and other indigenous Pinelands fauna.

All land disturbances greater than 5,000 s.f. shall be stabilized with temporary measures such as temporary tent structures for material waste piles to prevent airborne or water generated erosion of soil before the issuance of a "Certificate of Filing." The prevention of airborne erosion is a health measure to prevent adjacent human residence from obtaining spots on their lungs and silicious. These are off site health problems generated by soil removal activities and procedures.

The licensing authority shall release NO surety or guarantee issued to satisfy site remediation requirements until the Commission has inspected and approved all permanent and temporary methods required.

NO "Certificate of Filing" for a new or renewal of a mining license shall be issued until all approved pollution control measures and site safety work is completed and accepted.

NJAC 7:50-6.65(b) shall be deleted and replaced with the following:

In no case shall resource extraction be permitted in the Preservation Area nor shall any non-conforming land use have an area of the mine that exceeds the definition of "mine" as defined by N.J.S. 34:6-98.2 or the applicant presenting a certificate of a non-conforming land use for the lands to be mined. This certificate shall apply for those upon which mining was being conducted as a principal land use that was in existence prior to February 7, 1979.

**NJS 34:6-98.2. Defines as follows:**

"Mine" includes any mines within the State, whether on the surface or underground and any mining plant, material, equipment or explosives on the surface or underground, which may contribute to the mining or handling of ore or other metalliferous or nonmetalliferous products. The term "mine" shall also include quarry, sand pit, gravel pit, clay pit and shale pit.

It does not have a definition to set the limits on the "area to be mined."

The basis or foundation for this correction is the failure of numerous OPRA request for file examinations of the technical and administrative records has disclosed any fact basis for the establishment of the area of extraction or "acreage to be mined" by the NJ Department of Labor and Industry now Labor and Workplace Development. Therefore, the Commission's staff's opinion as to the "acreage to be mined" seems to be a decision that may be based upon a fictional fact and not in the best interest of the health and safety of the mines adjacent human inhabitant's nor the unique eco-systems of the Groves of Cedars surrounding the Village of Warren Grove. The limit of mining by the Labor and Workplace Development is a local zoning function and they collect their fee based upon the actual tonnage of material mined through their permit process. This procedure seems to always been their practice due to the difficulties in getting as-built surveys to determine the volumes of material mined by using engineering measurement practices.

NJAC 12:185-11.1 & .2 explains this for a license period. This rule was in effect in 1979. Therefore, this creates suspicion as to the credibility of our oversight agency in using the "area to be mined" term. This term was used to generate an enlargement of a 170-acre mine to over 700 acres. This was done in defiance of the

zoning provisions of the Municipal Land Use Law. It further raises suspicion as to the staff member being interested in allowing this to be a governing criterion if it is in fact, fiction.

“Certificates of Filing” should be only permitted for the lands that were described by a valid legal description prior to February 7, 1979. In addition, the validity of the applicant’s claims of being a non-conforming land use should be authenticated and the area indicated cannot be enlarged or altered by the transfer of title rights that result in an enlargement of the “mine.”

NJAC 7:50-6.68(a)8 relative to resource extraction standards says that: [Resource Extraction] will not involve excavation the first geological formation that restricts ground water permabilibity below the natural surface of the ground existing prior to excavation unless it can be demonstrated that a depth greater will result in no significant adverse impact relative to the proposed final use or on off-site areas;

In addition to this requirement should be language to mandate that the applicant and the local government having jurisdiction approve a excavation management plan and time tables to indicate the compelling reasons that the granting of excavation below the first geological formation restricting ground water permabilibity will not adversely affect the adjacent lands nor the downstream eco-systems that are dependant upon the water being disturbed. Geotechnical investigations should report all restrictive formations that inhibit or prevent ground water flows or permabilibity such as formations of sand stone, clay, shale, bog iron etc. The report shall provide the foundation and science conclusions that penetrating these formations will not result in off-site impacts will occur and that the adjacent eco-systems will continue to evolve naturally.

Deep mine excavations into the water table will not create any FEMA Flood Hazard Area determination necessitating or being defined as Fresh Water Wetlands by the NJ Statute for the manmade pond/lake. These bodies of the State’s waters require an environmental transition zone or easement be provided for exception waters of the state such as the FW-1 classification or the waters of the Pinelands National Reserve of at least 300 feet in width from any property line.

All restoration work and completion schedules shall be indicated on the exhibits submitted for obtaining a “Certificate of Filing.” This work shall comply with the Site Plan approved prior to December 30, 1985 by the local authority (municipal planning board). In the case of a conflict with those approved designs, the measures that result in a higher standard of protecting the adjacent lands shall govern. New regulations will be indemnified to prevent adjacent lands from being taken by these regulations if the adjacent property owner did not grant an use easement or other permission endorsing the use of his/her land by the mining organization.

All temporary and permanent soil stabilization measures should be completed and accepted by the Commission before performance or improvement bonds/guarantees are released by the municipality. bonding or performance guarantees shall be in the amount to cover the cost of completing work delineated on the pre-1985 Site Plan, removing unwanted machinery and structures plus the cost for insurance, engineering, and contract administration.

NJAC 7:50-5-69(6) is amended to read:

Any body of water created by the resource extraction operation shall have a shoreline not less than three feet above and three feet below the projected average water table elevation. The shoreline both above and below the surface water elevation shall have a slope of not less than five feet horizontal to one foot vertical. This requirement shall apply to any water body or portion of a water body created.

A suitability analysis consisting of an assessment and technical investigation of the natural on site flora and fauna’s habitat, US Dept of Agriculture’s Soil Survey, investigation and determination of ground water sub-aquifers within the Kirkwood-Cohansey aquifer to determine the influence of mining and their habitat and condition. In addition, an analysis should be made about the impacts of any surface or ground water allocation to determine the losses of water returned after mining, processing, evaporation, removal from the site, and the

Mr. Paul Leakin  
Pinelands Commission  
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Page 5 of 5

relationship of the returned water to the subsurface ground water volumes and flows, surface stream flows, influence on downstream consumers such as wetland species, bay species etc.

A lake or pond management plan should be submitted to insure the environmental compatibility of the artificial body of water or stream channel enlargement prior to the commencement of any final site closure work. This document shall provide for a long-term authority responsible for the application of the management plans tasks and that there is sufficient funding of this work to avoid using hard earned taxpayer dollars.

The problem that results from resource extraction and material grading processing is that has been determined by the USGS that a 31 percent loss in water consumed results as a consumptive use. The plan should include any special treatment of the non-consumptive water returned to the source to make sure that a polluted body of water is not the result of mining.

NJAC 7:50-6.68 (a)10 should include a provision that says:

Temporary and permanent restoration or soil stabilization measures shown on a license plan and the pre-1985 Site Plan shall be completed within 30 days of the cession of mining.

NJAC 7:50-6.33 should provide regulatory and design tools to protect wildlife from road kill. Language should be provided that mandates the compliance with the National safety standard for a clear zone or recovery area that is denuded of vegetation that provides a food source for wildlife and provides for enhanced vision for the motorist of potential wildlife crossing that could result in road kill.

A major effort should be made by the Commission to have the numerous abandoned, registered and unregistered, resource extraction sites remediated to remove them from a communities list of toxic real property assets.

I trust that your staff will contact me to obtain a more detailed foundation from me as to why these are recommendations that will provide for the protection of the Pinelands National Reserves eco-systems.

Sincerely,



Peter Ferwerda 3<sup>rd</sup>

**Peter Ferwerda 3<sup>rd</sup>**  
**14 Ferwerda Lane**  
**Warren Grove, NJ 08005**

September 20, 2012

Candace McKee Ashmun  
Chair, Pinelands Management Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Re: Pineland Management Plan Review  
2012 Recommendations

Dear Commissioner Ashmun,

I am submitting comments for the Pinelands Commission 2012 Plan Review for consideration by the Commission. I approve of the goal of the enabling legislation to provide for sound management practices to protect the consumption of the eco-systems of our New Jersey Pinelands National Reserve.

Previously, I submitted the attached comments and Administrative Code changes for consideration and incorporation into its regulations. Forthwith, I am submitting the basis for these views. Many of these considerations have been researched and discussed by the Commission's staff over the past several years, but have not advanced to a resolution.

These considerations concern enforcement, compliance, environmental, and planning problems that the CMP or the Commission's staff does not address and provide for compliance solutions based upon my years of engineering, planning and code enforcement tasks.

In 1980, as the Mayor representative for Little Egg Harbor Township many of my subsequent concerns were to be addressed by the Commission's staff applying science to manage the goals of the National Pinelands Reserve to protect the eco-systems of the Pinelands from destruction by humankind.

Over the years, I have been an advocate of protecting our water resources from the results of man's greed. Profit without providing for responsible management of the eco-systems, has resulted in the Pollution that threatens our existence. The Pinelands National Reserve, the New Jersey Pinelands Act regulates a portion of this internationally important ecological region, of over 1.1 million acres in size and occupies 22% of New Jersey's land area. It is the largest body of open space on the Mid-Atlantic seaboard between Richmond and Boston and is underlain by aquifers containing 17 trillion gallons of some of the purest water in the land. The Phoenix Pinelands Corporation is permitted to divert and consume of 3.2 billion gallons of water from surface ponds and streams within the Pinelands Region.

Science Studies by the USGS indicates that only sixty nine (69) percent of the water withdrawn under the authority of a NJ DEP Water Allocation Permit is returned to its originating source. In addition, the enlargement of the Cedar Bridge Branch results in an area of about 200

acres consisting of lands mined after February 7, 1979 having about 121 million gallons of water evaporated each year. Finally, this consumption could create serious environmental problems if the natural factors of safety are violated by resource extraction industry.

It has been said that the Pinelands is the conduit of providing for the three-quarters of the Wetlands in South-eastern New Jersey that provides for the habitat for species of fish, crabs, tourist, and birds. In addition, these habitats would suffer in providing an abundant supply of crabs and flounder for human consumption. If the water's of the New Jersey Pinelands (especially that found in the Preservation Area) were to fail, their natural function of allowing for the percolation of naturally filter rainwater and its transmission to our bays in the hydrologically restrictive geological formations that make up the Kirkwood-Cohansey aquifer would be harmful to humankind.

Mining is the extraction of valuable minerals or other geological materials from the earth, from an orebody, lode, vein, (coal) seam or reef, which forms the mineralized horizon and package of economic interest to the miner.

To gain access to the mineralized package within the lease area (aka Mining Rights Lease) it is often necessary to mine through (to create access, artificial lakes, shafts, addits, ramps) or remove to the side waste material which is not of immediate interest to the miner. The total movement of ore and waste, which includes the removal of soil is the process of mining. At some mine sites, the resource extraction process has additional and incidental processing of the mined material by fix and moveable equipment. Depending on the nature, attitude, and grade of the orebody, it is often the case that more waste than ore is mined during the course of the life of a mine. The waste removal and placement is a major cost to the mining operator and to facilitate detailed planning the detailed geological and mineralization characterization of the waste material forms an essential part of the geological exploration program.

The materials of economic interest (aka as ore) recovered by mining include base metals, precious metals, iron, silica, bog iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash. Mining is required to obtain any material that cannot be grown through agricultural processes, or created artificially in a laboratory or factory. Mining in a wider sense comprises extraction of any non-renewable resource (e.g., petroleum, natural gas, or even water).

Mining of stone and metal has been done since pre-historic times. Modern mining processes involve prospecting for ore bodies, analysis of the profit potential of a proposed mine, extraction of the desired materials

and finally reclamation of the land to prepare it for other uses once the mine is closed.

The nature of mining processes creates a potential negative impact on the environment both during the mining operations and for years after the mine is closed. This impact has led to most of the world's nations adopting regulations to moderate the negative effects of mining operations. Safety has long been a concern as well, though modern practices have improved safety in mines significantly.

A problem with the clearing process of a site to be mined is the huge amounts of destroyed vegetation and fauna habitats . The miner's most practical solution is to find the cheapest place to dispose of this material. Many times the material is burned to become smoke and soot. In other situations, the material is just buried and allowed to rot and pollute the ground water. Another problem with selective consumption of excavated materials is the huge amount of waste or unusable product. This product is stored at the site with no real plans of disposal or making it suitable for use in restoration or final build out plans. The waste material resulting from the processing of extractive material originally could have contained small amounts of toxic substances that are now allowed to accumulated to become a pollution hazard. It is not a common practice for mining companies to do the necessary rehabilitation of these materials to become compliant to a higher standard than that standard established by the natural processes.

Environmental issues can include erosion, formation of sinkholes, loss of biodiversity, and contamination of soil, groundwater and surface water by chemicals from mining processes and polluted rain water. In some cases, additional forest logging is done in the vicinity of mines to increase the available room for the storage of the created debris and soil. This results in a loss of habitat for indigenous species and the removal of the natural pollution filtration systems that nature provided. Contamination resulting from leakage of chemicals can also affect the health of the local population if not properly controlled.<sup>[29]</sup> Extreme examples of pollution from mining activities include coal fires, which can last for years or even decades, producing massive amounts of environmental damage.

It is the environmental damage resulting from resource extraction and related processing plants that resulted in the Governor's Pinelands Committee's strong recommendation that the Preservation Zone be protected from the predatorily practices of this industry to facilitate greed through bullying. In the Tulloch decision the issue of harm to surface waters was examined at length by the District of Washington Court. In off the record negotiations, the EPA in conjunction with the Army Corps of Engineers had the State of New Jersey require a 300 foot upland buffer for all bodies of water. It is the practice of the resource extraction



industry to avoid public health, safe drinking water, requirements for the advancement of greed.

Therefore, I have requested that the resource extraction industry comply with Site Plan approval conditions be complied with rather than using license actions to circumvent health and safety determinations. Especially when these issues were presented to the Superior Court and upheld as being a valid use of the Planning Process to protect the health and safety of a community from the destructive and life endangering results from resource extraction. Some of the health impacts are acidity in surface water and silica dust for the enjoyment of the lungs of humankind.

Another problem with the Planning of the Land Uses within the Preservation and Forest Areas of the NJ Pinelands National Reserve is the fixing abandoned mines. These sites are toxic land assets of the local government that need to be repaired (restored) for suitable future land uses. However, due to the offensive and unhealthy aspects of the waste transfer and the recycling facilities I would not want them in my Pinelands Village as a permitted land use nor allow them to be a tool for fixing the harm to the landscape that results from resource extraction and subsequent abandonment due to criteria of the Doctrine of Greed.

The present rules relative to these types of facilities being located within a mile of our major population densities, 200,000 people or 1,300 people per square mile, is a reasonable criteria to provide for better trash management while not providing an environment for development sprawl due to the existence of these facilities. This industry and that of the operators of resource extraction or soil removal facilities want to locate beyond the present one-mile limitation to avoid problems with regulatory oversight and related compliance task due to poor management practices that produce excessive profits for the investment based interest.

The plan does not provide for criteria to protect the waters of the Pinelands that maybe polluted by the nature of the infrequent operation of transfer and recycling facilities. These facilities should be located at least 3 miles away from any Pinelands body of water consisting of streams, lakes, ponds and artificial no flow water bodies to protect them from continuation such as we are discovering in our coastal bays.

In many cases, the waters of the Pinelands are the source of sustaining life in the coastal bays. The benefits of fishing, recreation and beauty are to be protected. The permission to allow facilities on illegal mine sites due to abandonment to be the future site of a transfer station or recycling center is inviting environment trouble. In Ocean County it has been reported that over 49 such sites exist and more are expected due to the lack of adequate bonding for final site restoration and closure. These

industries continually tell the host municipality that they will never leave and that they provide for necessary tax dollars. In the case of tax dollars, we should remember the words of our Casino Industry and its sudden abandonment of paying when they had an opportunity to file and succeed with a tax assessment appeal.

These views are based upon my 44 plus years of first hand experience to the massive amounts of environmental damage, pollution of surface and immediate subsurface water systems resulting from resource extraction or mining. What I have seen done, is in conflict with science and the harmonious use of our environment for the balance between man's greed and the natural predatory relationship between the earth inhabitants. It is my intent to change the forces of greed into a team player in becoming a resource for eco-system restoration and a protector of my potable water source that produced the previously submitted amendments and comments via email. This letter is written to provide you with the foundation of considerations that resulted in that submission.

Another problem with the current process of issuing approvals for land developments is the problem of the lack of transparency by the applicant. This lack of disclosure of existing conditions and circumstances results in the prudent compliance reviewer being required to investigate the credibility of the applicant's exhibits. The prudent compliance reviewer must additional work to protect humankind's health and in some cases safety. Steep Slope issues in the case of the resource extraction industry is a concern of the reviewer in making a determination that the land use will not result in off-site adverse impacts.

Another problem with the current state of land use by the resource extraction industry is the huge piles of material that are stockpiled or are waste products that have not found a suitable disposal site. These so call structures that a located at practical locations may not be in the most feasible place. The result is the erosion by wind and water of this material that is the causation of Silicious or another form of the Black Lung disease to produce new health hazards for the nearby inhabitants. These inhabitants are usually people that work, pay taxes, love their children and do not fill the jails of our State. Corrective measures are required for this defiance of protecting humankind's health and that of the surrounding ecosystems.

There are a number of mechanisms to enforce good environmental standards. These generally relate to financing standards such as local enforcement rather than taxation enrichment principles, mine operators applying science developed health and safety measures, environmental standards, and criteria for Socially responsible investing. Mining companies have used industry oversight and economic benefit arguments to acquire some level of self-policing, however with my own eyes I see it does not work. They

continue to using bullying tactics in their acts of destruction of the forest, pollution of the water, and the practice of only returning 61 percent of the water consumed for material processing back to the source from which it was obtained.

I hope that the final Commission work product of this planning exercise and de novo review will provide:

- A certification from the municipal or county engineer stating "He has carefully examined an applicant's application and exhibits and he has found it to conform to the provisions of the local health and safety rules including those of the CMP.
- Disposal of waste products, resulting from resource extraction material processing, stored on the site. Prolonged disposal may become a source of toxic materials. This is due to the accumulation of small quantities of substances becoming a large concentration. This material should be properly disposed of prior to the issuance of a NO CALL UP letter.
- Rules requiring an applicant to provide evidence that the use is a lawful land use or that the applicant has a valid certification that the land use is a lawful non-conforming land use based upon special reasons that there is no detriment to the public good, public health, and safety. The continued use of the land use is inherently beneficial, and will not impair or endanger the health and safety of humankind or the adjacent land uses.
- A clarification of the area of the mine definition per the Department of Labor and Workplace Development will replace the fiction term "area to be mined" with the "area of the mine" being the land that is delineated on a Site Plan approved by the local government prior to the December 30, 1985, and
- The elimination of a 3.2 acre requirement for the development of a single family residence within the Pineland Villages and mandate a septic system that complies with the public health and those of the U.S. Environmental Protection Agency standards, and
- Ensure that the pre-1985 Site Plan is complied with as to the final site closure requirements for Resource Extraction within the Preservation Management Area, and
- A lake management plan be part of the requirements for the issuance<sup>3</sup> of "Certificate of Filing" and copies of all permits and supportive documents be submitted to commission prior to the issuance of the "No Call Up" letter, and
- NO enlargement of a pre-1985 tract being mined is permitted if the enlargement area was not part of lands that had a non-conforming status. Applicants claiming status as a pre-existing land use should provide credible proof of their claim before a "Certificate of Filing" is issued.

- Clear roadside standards adopted by the "American Association of Highway and Transportation Officials" be incorporated within the CMP to promote the protection of wildlife that feeds along side of our rural roads and needed sight abilities for the driver to avoid killing wildlife, and
- Reduction of liability exposure from regulatory takings resulting from the providing of wetland buffers involving land that is not owned by an applicant but are required to provide the 300 ft buffer mandated by the NJ Fresh Water Statute, and
- Copies of all permits and licenses required by Federal and State laws are obtained prior to the issuance of a "No Call Up" letter.
- Elimination in the changing of topography and vegetation alters the ability of indigenous Pinelands species to live and perform their functions as a pollution elimination mechanism and transmitter of quality water to our bay. The quality of the ecosystems of our region's bays and beaches serves to employ large portions of our residents in the fishing and tourism industries. These jobs must be protected by good Pinelands Management protection policies.

I thank you for your attention to these matters. I look forward to an opportunity to discuss them in more detail. In the interim, as you know, I am available any time to meet and review these matters with you.

Sincerely,



Peter Ferwerda 3<sup>rd</sup>

Attached is a photo of an adjacent resident with assisted breathing device to treat a problem of spots or scars on her lungs. Lung scars and nodules could be caused by Silica Dust.

In addition, attached is a aerial photo from Google Maps showing the staining of soil from mined material processing.





Certificate No. \* 1429

### REGISTRATION CERTIFICATE

Issued to: Mr. Holly Concrete Co.

Location: Route 539 (Pineland Materials)  
Miner's number or see list and check number

Warren Grove Ocean

Industry: Mining Expiration Date: March 31, 1981

Issued pursuant to the provisions of N.J.S.A. 34:6-88.1 et. seq. Failure to comply with the provisions of the Act, and the Rules promulgated thereunder, shall be good cause for the revocation of this Certificate.

*John J. ...*  
Commissioner

THIS CERTIFICATE MUST BE POSTED AT ALL TIMES.

ES-148 (11-3-78)

#### 34:6-98.2. Definitions relative to mine safety

As used in this act:

"Approved" means approved by the commissioner.

"Commissioner" means the Commissioner of Labor and Workforce Development or any of his authorized representatives.

"Department" means the Department of Labor and Workforce Development.

"Excavations" or "workings" means shafts, tunnels, entries, winzes, raises, stopes, open cut and any and all working places and parts of a mine, either above ground or underground, excavated or being excavated, whether abandoned or in use.

"Face" means the advancing breast of any place of work.

"Mine" includes any mines within the State, whether on the surface or underground and any mining plant, material, equipment or explosives on the surface or underground, which may contribute to the mining or handling of ore or other metalliferous or nonmetalliferous products. The term "mine" shall also include quarry, sand pit, gravel pit, clay pit and shale pit.

"Operator" means the person, firm, association, company, corporation or any officers or agents thereof, in immediate possession of any mine or mining claim or its accessories as owner or lessee and, as such, responsible for its management and condition.

"Section" means the mine safety section within the Department of Labor and Workforce Development.

"Superintendent" means the person who has immediate supervision of a mine for an operator.

Words used in the singular shall include the plural, and the plural shall include the singular.

## **New Jersey Concrete and Aggregate Association**

*101 South Warren Street, Suite C*

*Trenton, NJ 08608*

Comments by New Jersey Concrete and Aggregate Association

September 20, 2012

Good afternoon, my name is Bill Layton and I am the Executive Director of the New Jersey Concrete and Aggregate Association. The NJCAA is comprised of over 110 members of the Ready Mixed concrete and sand, stone and gravel producers in the State of New Jersey. The NJCAA employs over 10,000 people and is a 2.1 billion dollar industry.

Today, I am with Doug Ruhlin of Resource Management Associates, Doug is the Chairman of our Environmental Committee. Doug will be discussing two key points with the commission today.

1. The Pinelands Commission should reconsider the blanket 300 foot buffer for wetlands and take the NJDEP's gradual approach. Where the wetland depending on the quality of it can be 50', 100' or 150'.
2. Removal of the 1 mile restriction pertaining to the permitting of recycling facilities at Sand and Gravel operations.

Attached please find our comments.

**New Jersey Concrete and Aggregate Association**

**Phone: 609-393-3352**



**HAND CARRIED TO THE PINELANDS COMMISSION ON THIS DATE**

September 14, 2012

Nancy Wittenberg, Executive Director  
The Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Re: NJCAA Requested PCMP Amendment, Per 5-Year Review

Dear Ms. Wittenberg:

On behalf of the New Jersey Concrete and Aggregates Association (NJCAA), and this firm and our clientele, I wish to make the following comments with respect to the 5-year PCMP review ongoing at this time, and to request the PCMP amendment as outlined herein.

**Background:**

The PCMP presently allows several types of waste management facilities in several different types of management areas of the Pinelands, in accordance with the the specific presently approved uses within specific management areas.

The specific standards related to recycling centers are provided at Section 6.76 of the CMP.

The specific management area approved uses are provided at Section 5.22 through 5.40 of the CMP. When the CMP was previously amended to allow recycling centers within the Pinelands Area, the NJCAA requested that recycling centers accessory to an existing lawful resource extraction (mining) or asphalt or concrete manufacturing facility be permitted in all management areas; this was adopted by the Commission in 1996. Thereafter, further CMP amendments additional restrictions on the possible location of recycling centers in the Pinelands Area - it is these additional restrictions that I request be amended today. It is our understanding that these additional restrictions were adopted due to the Commission's concerns that without them, "recycling centers would spring up at every mining site, concrete plant, and asphalt plant within the Pinelands". My testimony here today will address this misconception.

At present, CMP Section 5.22 (Preservation Area standards) states that optional permitted uses in the Preservation Area (at the option of the municipality in question) include (NJAC 7:50-5.22(b)11.iv):

*Recycling centers accessory to an existing lawful resource extraction operation or asphalt or concrete manufacturing facility in accordance with NJAC 7:50-6.76(d), provided the existing*



*resource extraction operation or manufacturing facility is located within one mile of a Regional Growth or Pinelands Town;*

It is this arbitrary, unnecessary, and environmentally impacting requirement of being within one mile of a Regional Growth or Pinelands Town that we respectfully request the Commission considering eliminating, for the reasons that follow.

This restriction is also present at Section 5.23 (Forest Area standards), using the identical language. It is noted that this arbitrary limit of 1 mile is NOT present within the standards for any other Pinelands Management Area.

It is also noted that our primary interest is only in the recycling of "Class B recyclable materials", which is an NJDEP term used to describe source separated recyclable materials which are subject to NJDEP (as well as Pinelands) approval prior to receipt, storage, processing, or transfer at a recycling facility in accordance with the NJ Solid Waste Regulations (as administered by the NJDEP Division of Solid Waste), and which includes: source separated concrete, asphalt, brick and block, wood, and other materials. The full scope of Class B materials includes recyclable tires, asphalt roofing shingles, and non-hazardous petroleum contaminated soils. Our comments herein are focused on recycling centers that process source separated concrete, asphalt, brick and block, and wood – and NOT at recycling centers that might process tires, roofing shingles, or petroleum contaminated soil. Should the Commission see fit to consider amending the CMP in accordance with our request, we would be happy to restrict the definition of recycling centers subject to this change to those that recycled concrete, asphalt, brick and block, and wood materials only. We do not seek this change on behalf of any other materials.

#### **Requested Change:**

It is the request of the NJCAA, and the entire mining, concrete, asphalt, and recycling communities of this state that this arbitrary and unnecessary restriction of 1 mile be removed.

#### **Discussion:**

- Presently, there are only a small handful of approved recycling centers, located sporadically within the Pinelands Area and mostly on the outer edges of the Pinelands Area.
- There is a strong need for additional recycling in the State of New Jersey.
- The recycling of concrete and concrete products, asphalt, and brick or block is very dependent upon trucking. These materials are heavy and costly to transport. Transporting these materials long distances is not feasible, is highly costly, comes with increased environmental impacts (emissions associated with trucking, fuel usage, increased traffic, increased infrastructure wear and tear), and is not generally done by smaller contractors and homeowners – who DO live and work within the Pinelands Area. Often, this leads to illegal dumping of these materials in

locations such as back roads of the Pinelands (to be removed and recycled elsewhere at taxpayer expense, subject to all of the associated impacts from trucking mentioned above).

- As a result, it makes sense to have more, rather than less, availability for recycling, subject to sensible regulation that preserves and protects the environment of the Pinelands Area.
- The industry identified as resource extraction (mining), concrete and asphalt are exactly the types of companies and facilities suited to conduct this type of recycling – as evidenced by their approvability in all Pinelands management areas except the Preservation and Forest Areas. These facilities:
  - Are generally located somewhat removed from population areas due to the nature of their operations and local zoning requirements.
  - In particular, mining sites tend to be located outside of those management areas which contain most population, with nearly 2/3 of mining sites located in the Preservation or Forest Areas of the Pinelands.
  - These types of facilities make ideal locations for this type of recycling. Operators of these facilities typically already handle these materials (concrete at concrete plants, asphalt at asphalt plants, aggregate materials at mining sites), and they have the knowledge, equipment, know-how, and customer base to operate successful recycling centers.
- The restrictions placed arbitrarily due to this 1-mile limit can significantly impact on the State's (and Pineland Area's) ability to locate new recycling centers – at precisely the locations that we should encourage these types of operations.
  - By permitting recycling centers in all Pinelands Areas, we might potentially allow for recycling at facilities located further away from the more populated areas of the Pinelands, such as Regional Growth Areas or Towns. However, these are typically the locations that citizens, municipal agencies, County Solid Waste Management Committees, and the NJDEP do not want to see recycling centers locate in – in other words, not locating a recycling center near population centers. In fact, County agencies (including Burlington County) have identified that they do not want to see recycling centers in populated areas, they would prefer to see them further away (which would typically correspond to the Preservation or Forest Areas in most of the Pinelands).
- It is also noted that there is no rationale for this 1-mile limit. As far as we know, there was no justification for 1 mile, such as corresponding to environmental impacts, trucking restrictions, the distance noise carries, etc. The 1 mile limit was arbitrarily chosen – it could have otherwise been 2 miles, 10 miles, 20 miles. Or, no restriction at all.
- This restriction also ignores the reality of the Class B recycling center permitting process, which is long and arduous to say the least.
  - The average time to obtain approval for a Class B recycling center in NJ is approximately 12 – 24 months (this does not include the Pinelands approval process, which alone can add several months more to this timeframe), and can cost several tens of thousands of dollars. The fee for a Class B recycling center alone is over \$14,000 per year.

- If a recycling center is approved by the Pinelands, it must then seek municipal approval, followed by County Solid Waste Management Plan approval from the host County's Solid Waste Advisory Committee and Board of Freeholders, and finally from the NJDEP. To suggest that "recycling centers might spring up at every mining site, concrete plant, and asphalt plant in the Pinelands Area" is not logical in light of this very difficult and time-consuming process.
- However, one of the largest detriments to the location of recycling centers comes from the Counties themselves. As part of their Plan Inclusion process, they are obligated to consider whether or not there is a demonstrated need for the proposed recycling center in the County – not based on environmental factors or land use considerations, but on solid waste and recyclable materials flows. In other words, a proposed recycling center must obtain approval from experts in recycling centers in their respective counties based on the need for that facility.
- Therefore, to consider that this change may open the floodgates for rampant recycling in the Pinelands Area does not consider the reality of the permitting process or of the nature of recycling itself. Additional recycling centers may be approved – and perhaps should be approved – in the Pinelands Area, but to think that unrestricted recycling center activity will commence is unrealistic.
- But what of the environmental impacts of a Class B recycling center recycling concrete, asphalt, or brick or block?
  - First off, it must be recognized that the entire permitting process, including the Pinelands approval process which takes place for proposed recycling centers now in all management areas except the Preservation and Forest Areas, followed by the municipal, County and NJDEP approval processes, are strongly focused on considering, addressing, and preventing environmental impacts. This includes wetlands and wetlands buffer protection, stormwater runoff quality and quantity, endangered and threatened species protection, air quality concerns, noise impacts, traffic impacts, and much more. If a recycling center makes it through this intense permitting process of multiple agencies, it is highly doubtful that any real environmental impact would occur. And in fact, the record of appropriate operated recycling centers in NJ is very good with respect to environmental impact. It should also be noted that recycling centers in NJ receive monthly inspections from the NJDEP and/or the County Health Inspector, which is more than nearly any other type of regulated facility in New Jersey.
  - Typically, a recycling center for concrete, asphalt, brick and block operates only very infrequently. It is not cost-effective to operate the recycling equipment more than occasionally, and in fact most recycling centers do not even house the equipment to recycle at their site (or may not even own it). Instead, the mobile portable equipment is brought into the site to process only when needed – which may be as infrequently as 1-2 times per year, for a few weeks at a time. When not actually processing (recycling), a recycling center for concrete, asphalt, brick and block at a mining, concrete or asphalt site looks little different than the normal operations at that plant – material is stored in

a stockpile on site – exactly like the sand and stone stockpiles present on those sites anyway. So there is actually little difference in operations most of the time. Material is processed (recycled) only when there is enough to justify bringing in the equipment.

- o Recycling centers in NJ have a strong record of lack of environmental impact. I am unaware of any credible reports of water quality impacts to surface or groundwater or other typical environmental impacts.
- With these multiple layers of strong environmental regulation and safeguard, the question could be raised that why are recycling centers located in all management areas of the Pinelands except the Preservation and Forest Areas? If the safeguards and standards placed in the areas where people live and food is raised are deemed sufficient, shouldn't we also take comfort that they are sufficient for existing mining, concrete and asphalt sites located in the Preservation and Forest Areas?

**Summary:**

The NJCAA, and the entire mining, concrete, asphalt and recycling industry of NJ request that the 1-mile limitations present under the Preservation Area (CMP Section 5.22(b)11.iv) and the Forest Area (CMP Section 5.23(b)8.iv) be removed; and instead be amended to permit (at the option of any municipality) a recycling center be allowable accessory to any lawfully existing resource extraction, concrete or asphalt facility in the Preservation Area or Forest Area.

Should you have any questions or comments, please feel free to contact me.

Sincerely,



Douglas Ruhlin  
Principal Environmental Consultant

DER:ae

pc: William Layton, Executive Director, NJCAA

**From:** Dave Uth <jungleuth@yahoo.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/17/2012 10:42 AM  
**Subject:** 2012 Pinelands Comprehensive Management Plan Review

Dear Commissioner Ashmun,

I am writing to you as a deeply concerned citizen of New Jersey. Please do not include the PPA's suggestion number 10 and Appendix D in your updated Pinelands Comprehensive Management Plan. Additionally, I would like to see the Pinelands Commission continue to recognize the 75 year heritage of Enduro events and trails in the New Jersey Pinelands as you have done in all previous CMPs.

There are enough existing laws protecting the Pinelands against illegal off-road use and damage. The NJDEP has the ability to assess fines and does so routinely. Requiring bonds for Enduro events is discriminatory. I believe this suggestion number 10 is nothing more than a thinly veiled attempt by the PPA to position themselves for attacking family orientated, non-profit enduro clubs with frivolous lawsuits.

The problem of damage to the Pinelands can only be eliminated by giving the NJDEP, NJ State Park Police and other law enforcement agencies what they need to enforce existing laws. Not by financial attacks and propoganda campaigns by single-minded, well-funded groups.

Thank you for your consideration.

Sincerely,

David Uth  
South Jersey Enduro Riders

**To:** <info@njpines.state.nj.us>  
**Date:** 9/17/2012 12:43 PM  
**Subject:** CMP review

**From:** Joe <joedints@yahoo.com>

Joseph D'Intino

533 Fairview Rd  
Medford, NJ 08055  
September 17, 2012

Pinelands Commission  
PO Box 359  
15 Springfield Road  
New Lisbon, New Jersey 08064  
Phone: (609) 894-7300 Fax: (609) 894-7330  
info@njpines.state.nj.us

I am writing this letter, my second, to once again express my opposition to the views and proposals expressed by the Pinelands Preservation Alliance. In the letter dated Sept 14, 2012 they continue to make claims of exaggeration and deception that have no basis of support and paint the picture that each and every person of motorized recreation is some sort of uncontrollable manic. This pattern has been evident for many many years now and continues to this day. These views are documented in the many "letters to the editor" that have been written over the years, their views expressed numerous times at your very own public meetings and by aligning, supporting and inviting obvious anti-access/exclusionary speakers to their organized events and "town hall" type meetings. They have used the local media as out outlet for sympathy and to broadcast their opinions to gather support for their own agenda.

Please see my bullets below.

"Off-road vehicles (ORVs) have caused significant damage throughout the state-owned lands in New Jersey. NJ DEP estimated in 2001 that over 300,000 acres are damaged in New Jersey every year"

That statement is a completely fabricated number, it is grossly inaccurate, has no basis of proof and it the origin of this statement is in question. Although it is quoted as a number published by the NJDEP, it is unclear where exactly it was first devised. In inquires to NJDEP they will not take ownership to this number as they say it was determined by an outside source and used. In multiply conversations with a former PPA employee asking about the number and questioning it's legitimacy he would only deferred to the NJDEP statement and expressed that the PPA would continue would use it to their publications and offered nothing to support this claim. The Wharton State Forest, the largest single tract of land within the NJ State Park System and 100% within the jurisdiction of the Pinelands Commision is 122,463 acres, this amounts to 40% of the claimed damage. So what the PPA is saying is that the total amount of lands damaged each year is 2.5

times the size of Wharton State Forest. Based on this claim, since 2001, NJ has experienced 3,300,000 acres of damage, soon to climb to 3,600,000 acres. More then 3 times the size of the 1.1 million acres of the Pinelands Reserve that your commision oversees. Which also would, through basic mathamatics support that ORV usage has destroyed 66% of New Jersey since 2001, as that New Jersey is a total of 5,015,020 land acres in size. You would figure that damage to this magnetude would be highly visable from the air and extremely easy to point out.

Typically, these permits have been granted for NEW trails

It has been a very, very long time since NEW trails have been allowed, in fact it has been more then a decade since most existing trails have been permitted for use, as you are aware most events are on

established woods roads and fire cuts/ plow lines only in recent years. We would like to see the Pinelands Commission reaffirm the legitimacy of enduro and dual sport events within the CMP and re-adopt the original wordings of the CMP Master Plan of 1978 and add to that wording that specifically says that enduro trails, plow lines, fire cuts and woods roads, tracks, and other roads may be used as approved by the Pinelands Commission enduro reviewer. Please refer to letter from Joseph Springer, Professional Engineer dated 9/16/2012 for complete information to this request.

There is plenty of evidence to show that enduro event trails are continuously used throughout the year after events have ended. There is also evidence that trails are sometimes expanded beyond the race permit allowances.

The enduro clubs of New Jersey do not condone the reuse of approved trails after an event, we clearly state this on all event flyers, entry forms and display this at the event the day of. We have adopted rules and circumstances prohibiting the use of GPS devices during events to deter reuse of approved trails and prevent the broadcasting of the routes on the internet to attract others. The PPA has for years tried to create the illusion that all those that enjoy motorized recreation are all "Thrill seekers" (a term used in many "letters to the editor" by employees of the PPA over the years) with disregard to the environment. This would be no different than saying all people concerned with environmental causes are the same as the radicals Eric McDavid and Daniel McGowan both convicted conspiracy to commit eco-terrorism and participation in an arson and Earth First, the radical eco-terrorist environment advocacy group that emerged in 1980.

Who used tactics of Tree spiking, Arson and bombings in the name of Mother Nature.

**From:** Lee Snyder <pinelands1@hotmail.com>  
**To:** Joel <info@njpines.state.nj.us>, Lee Snyder <pinelands1@hotmail.com>  
**Date:** 9/20/2012 1:27 PM  
**Subject:** review of Pinelands CMP

NJ Pinelands Commission,

The Pinelands Commission stated in it's release for the review of the CMP that it will 'analyze it's past actions and identify ways to strengthen the Plan'. A good way to strengthen, actually maintain the strength, of the CMP is to not enter into MOA's (memorandum of agreement) which violate normal protection rules. The pro-sprawl MOA's issued recently have only weakened the Plan and reduced protections for the Pinelands.

Key to Pinelands integrity is, in the words of Pinelands Commission literature, '17 trillion gallons of some of the purest water in the land'. Please don't make the water less pure by weakening the rules that protect the New Jersey Pinelands.

Some closing suggestions are that there be no reductions in stream and wetlands buffers, and no additional growth in Pinelands Preservation Areas or Forest Areas.

Thank you,  
Lee Snyder  
Medford, NJ



**From:** Tom Hedden <tomhedden@me.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/20/2012 4:06 PM  
**Subject:** Public Comment - 2012 CMP Review

Dear Commissioners:

I am writing to strongly oppose the inclusion of a bond requirement for permitted events within the Pinelands in the revised CMP. This suggestion from the Pinelands Preservation Alliance is not in the best interest of the forest and will do nothing to mitigate the damage the PPA is citing as justification for the proposal. It is actually just another step in a cynical attempt by the PPA to eliminate enduros from the State Forests by financial means. As you are well aware, the process of obtaining a Special Use Permit includes a thorough review of the route map by the NJDEP and your Commission. As evidence for the bonding requirement, the PPA often points to the damage at 1/4 Mile and Jemima Mount. This damage is not done by those filing for permits and using trails that you, the Pinelands Commission, approve. The PPA is pointing out illegal activity that should be stopped but it has nothing to do with Enduros. You know this to be true because you have final say over the course routes and neither you nor the State would ever dream of allowing the path of an enduro to pass through one of these sensitive areas. Forcing a bond to accompany each Special Use Permit will do nothing to prevent further illegal damage to 1/4 Mile or any other environmentally sensitive area.

Sadly, this proposal is solely intended to increase the financial burden of holding an event in the Pinelands. The goal, which is being accomplished bit by bit with each financial hurdle, is to force the clubs holding these events to raise the entrance fees and thereby diminish the number of participants. At a time of financial hardship not seen since the 1930's, this is a cruel and mean-spirited method of stopping events that the PPA has heretofore been unable to prevent through other means. Certainly this is regressive and directly targets the poor but perhaps the saddest aspect of this financial strangulation is that it won't work to the PPA's desired effect. While they may succeed in killing organized events that are currently planned in collaboration with your Commission and the State Forest Staff, they won't stop people from riding in the woods. The riding will just take place in an uncontrolled manner and you will lose your say about where and when. Beyond that, these riders will be fueled righteous indignation. The long standing and culturally important recreation that they once enjoyed will have been stopped by "the environmentalists" and it will, no doubt, create an angry backlash. Instead of protecting the forest, the PPA will have tied your hands, removed the moderate voices from the conversation and radicalized a whole new group of once law-abiding forest users. This bonding proposal is ill-conceived and will serve only to increase the vulnerability of the forest ecosystem.

Alternatively, the enduro clubs could be used as a resource and an asset. They represent a very large membership of people who really love the State Forests. Working in concert with the Superintendents and the Forest Fire Service, the routes of the enduros could be rotated to ensure that the fire breaks are kept clear and effective (this used to be the norm). Trail maintenance tasks could be assigned to the clubs as part of their route preparation. Their large well of volunteer manpower could be called upon for targeted clean-ups and vandalism repair. A working relationship with the enduro clubs is there to be cultivated but the cynics at the PPA have fought hard to get you to take an adversarial stance regarding enduros. That's unfortunate for everyone involved but it is most unfortunate for the forests. Please take a positive step for our forests and decline to include the bonding proposal as part of the CMP revision.

Thank you for your thoughtful consideration,  
Tom Hedden  
Chairman, New Jersey Trail Lovers Coalition

NJTLC.org

September 21, 2012



For consideration by the Pinelands Commission,

The NJTLC strongly opposes the PPA's proposal to revise The Comprehensive Management Plan by requiring all permitted events to also secure a bond with the county or municipality where the event is occurring. While obvious from the context of the proposal that the PPA is targeting motorcycles, the likely practical application of this revision would unfairly impact any groups applying for Special Use Permits: equestrians, educational groups, scouts...

The PPA justifies their proposal with three key points:

- "Off-road Vehicles have caused significant damage throughout the state-owned lands..."
- "The Pinelands Commission spends an enormous amount of time reviewing dozens of enduro/motorcycle race permits for natural resource impacts. Typically, these permits have been granted for NEW trails, and do not require review by anyone on the commission staff or by state forest staff following the race to ensure that the maps were followed and damages were not incurred."
- "There is plenty of evidence to show that enduro event trails are continuously used throughout the year after events have ended."

They conclude with "These revisions would hopefully deter the illegal creation and/or expansion of trails and would cover the costs associated with any damages."

While their first point may be true, this has **NOTHING** to do with the motorcycle events that are covered by Special Use Permits. These events (when they are run and what route they follow) are thoroughly reviewed by the Pinelands Commission and the NJ DEP. The courses are simply not allowed to enter sensitive areas.

The second point is totally untrue. There are probably only between eight and twelve applications for Special Use Permits filed in any given year for motorcycle events. The State Forest staff and the Park Police are present during the events (often this includes the Superintendent) and they do check that the host organization has done a thorough clean up after the event is over.

The third point is also untrue. Prior to an enduro, the hosting club does ride the course to ensure that it is safe and clearly marked. However, there are very specific rules in place preventing riders from other clubs from "practicing on the course" or carrying a GPS unit to map the course so they could return later. Not only is this strictly enforced as a competition rule, it's part of the culture of the sport to keep the courses off-limits during the rest of the year. Much of the enduro world has to rely on an honor system and this point is one of its key facets. While there may be people riding old enduro courses, they are not likely to be a part of the permitted hosting club or even enduro riders. It is more likely that they are simply trail-riding and have no connection to any organized event.

In truth, this proposal would actually have the exact opposite effect from the stated "hope" of The PPA.

- Bonding will force the clubs to increase fees to cover costs and liabilities. Forcing the fees for events to increase will drive riders from participating and encourage them to ride independently, seeking new trails on their own. The NJTLC's position is that there will be a far smaller environmental impact from 300 riders on one approved trail than from five or six riders on sixty different trails which they find themselves.
- It appears that the PPA is trying, through financial hardship, to eliminate enduros from the Pinelands. While they may not care that this plan is regressive and cruelly targets the poor and unemployed first, they should note that stopping organized riding will also remove the Pinelands Commission and the NJ DEP from the planning process and encourage independent riding. This will, without question, "increase the creation and/or expansion of trails".

The second aspect of the PPA's conclusion contains an uncomfortable implication for both the enduro clubs and impacted counties and municipalities. The assessment of blame for "damages" could be quite subjective and create justification for lawsuits. This is completely unfair to the counties and municipalities and by extension the taxpayers who fund them and pay their legal fees. The real "hope" of the PPA would appear to be offsetting the positive economic impact of the commerce generated by enduros with the possibility of increased legal fees to township and county solicitors. In the opinion of the NJTLC, that would be the reason for suggesting that these entities (who have no say in the course planning or jurisdiction over any clean up or remediation) hold the bond.

Organized, permitted events are **NOT** the problem. The NJTLC encourages The PPA to focus their efforts on steps that would *actually* mitigate the damage being done by illegal and irresponsible activity.

**From:** Louise Barton <windwalker732@yahoo.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/22/2012 1:28 AM  
**Subject:** Preserving the Pinelands

I agree with the Pinelands Preservation Alliance's views on the following issues:

Black Run Watershed protection in Evesham.  
Pinelands Development Credit (PDC) changes. (Pinelands Commissions 2009 Rule Proposal).  
Kirkwood-Cohansey Aquifer protection.  
Stormwater rules reform, including low impact development (LID) requirements.  
Public comment procedures reform.  
Intergovernmental memorandum of Agreement (MOA) rules reform.  
Vegetation standards and roadside protections.  
Amending CMP threatened and endangered plant list.  
Sustainable growth fixes for the CMP.  
Special applications for endures and similar events.  
Louise Barton  
4A Hancock Drive  
Whiting, NJ 08759



New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Via email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

September 18, 2012

To whom it may concern:

I am writing to respectfully request that the New Jersey Pinelands Commission work with any and all government agencies to assess whether certain sections along Route 70 in the towns of Manchester, Lakehurst, Pemberton, and Medford may be designated as Safe Corridors; particularly at mile markers 21 and 41. This request stems from a conversation Alliance staff had with Ms. Tara Cunningham. Tragically, Ms. Cunningham's sister, Ms. Tina Rambo, died in a crash at mile marker 21 along Route 70 on August 1, 2011. You may read more about this tragic event by clicking <http://abclocal.go.com/wpvi/story?section=resources/traffic&id=8282023>.

The mission of the Brain Injury Alliance of New Jersey is to support and advocate for individuals affected by brain injury and raise public awareness through education and prevention. The Alliance respects the mission of the New Jersey Pinelands Commission to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve. It is the Alliance's hope that a proper balance between these values can be found that will protect the lives of New Jerseyans and natural and cultural resources.

According to an archived press release in the Office of the Governor's website, the Safe Corridors law authorizes the Commissioner of Transportation to designate segments of state highways as "Safe Corridors" based upon accident rates, fatalities, traffic volume, and other highway traffic safety criteria. Fines are doubled for motor vehicle violations, such as speeding and reckless driving, committed within the corridors. In addition, the law increases fines for out-of-state overweight trucks and requires truckers to complete a special driver education class to restore a suspended Commercial Driver License. Half of all "Safe Corridor" fines collected will be deposited in a Highway Safety Fund. Funds would be used exclusively for highway safety projects and programs, and will be made available to State Police and municipal police departments for education, enforcement, and related measures that foster highway safety. (Source: <http://www.state.nj.us/transportation/newsletter/2003/aug/corridors.shtm>)

I advocate that New Jersey Pinelands Commission work any and all government agencies to assess whether certain sections along Route 70 in the towns of Manchester, Lakehurst, Pemberton, and Medford may be designated as Safe Corridors; particularly areas at mile markers 21 and 41. Should it be determined that these sections do meet the requirements to become a Safe Corridor, I further advocate that the Commission work with any and all relevant government agencies to implement any and all projects related to said designation. One more preventable death or disability on Route 70 is one too many. The Commission and other State government entities must act responsibly.

Thank you for your attention to this concern.

Very truly yours,

Barbara Geiger-Parker  
President & CEO

**Paul Leakan - RE: CMP**

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**From:** "Archambault, Gloria L" <gloria.l.archambault@exxonmobil.com>  
**To:** "info@njpines.state.nj.us" <info@njpines.state.nj.us>  
**Date:** 9/24/2012 11:23 AM  
**Subject:** RE: CMP  
**CC:** "ppa@pinelandsalliance.org" <ppa@pinelandsalliance.org>, "jerdevil@comcast.net" <jerdevil@comcast.net>, "gatorkeeper@hotmail.com" <gatorkeeper@hotmail.com>, "trixiesam@msn.com" <trixiesam@msn.com>

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Members of the Pinelands Commission,

**You are allowing too much infringement into the Pinelands area.**

I am **ashamed that the Members of this Commission are permitting infringement at the rate you have.**

You are **selling out the native New Jersey flora, fauna, and people, betraying the Trust that we had in you to protect our beloved Pinelands.**

Although there is no taking back what you have ALREADY PERMITTED, **you can STOP ADDITIONAL INFRINGEMENT INTO THIS FRAGILE ECOSYSTEM.**

**Please consider the following recommendations seriously:**

1. **Black Run Watershed protection in Evesham.** The CMP should be amended to prevent intensive development in the headwaters of this pristine watershed at the edge of the Pinelands. (PPA web site: [www.pinelandsalliance.org/exploration/blackrunpreserve/](http://www.pinelandsalliance.org/exploration/blackrunpreserve/))
2. **Pinelands Development Credit (PDC) changes.** The rules for PDC use should be changed to provide a financial incentive for more efficient use of land in the Regional Growth Areas that are slated to absorb the demand for housing and business development. (See [Pinelands Commissions 2009 Rule Proposal](#))
3. **Kirkwood-Cohansey Aquifer protection.** Require applicants for new and additional water withdrawals to account for hydrologic impacts of groundwater diversions from the Kirkwood-Cohansey aquifer on stream flows and wetland water levels. Incorporate into the CMP language requiring applicants to use the findings of the Commissions Kirkwood-Cohansey study to identify the probable ecological impacts of induced streamflow and groundwater-level changes on aquatic and wetland communities. (PPA website: [www.pinelandsalliance.org/ecology/water/groundwaterandaquifers](http://www.pinelandsalliance.org/ecology/water/groundwaterandaquifers))
4. **Stormwater rules reform, including low impact development (LID) requirements.** Because stormwater runoff carries pollution from developed land into the aquifer, streams and wetlands, it is critical that Pinelands rules be reformed to require the most effective methods for designing buildings, parking lots and stormwater treatment systems. (PPA presentation Nov 13th: [www.pinelandsalliance.org/exploration/lowimpact](http://www.pinelandsalliance.org/exploration/lowimpact))
5. **Public comment procedures reform.** Public review and comment of Pinelands Commission actions is absolutely critical to the success, and the credibility, of the Commission in meeting its conservation mission. The Pinelands Commission has changed its public comment procedures in the past few years, fixed some problems in its procedures, and made some problems worse. The rules governing public comment need a comprehensive

overhaul and clarification. (Inside the Pinelands: [www.pinelandsalliance.org/support/about/news/](http://www.pinelandsalliance.org/support/about/news/) click issue Feb/Mar 2001)

**6. Intergovernmental Memorandum of Agreement (MOA) rules reform.** The MOA procedure allows the Commission to enter contracts that promote development in violation of normal protection rules. This process has become a real Trojan Horse that is weakening the Commission and the CMP from within. The procedure needs to be eliminated, or at least reformed to ensure it is only used for genuinely public projects. (Pinelands Watch: [www.pinelandsalliance.org/protection/watch](http://www.pinelandsalliance.org/protection/watch), click Issue #32 and #55)

**7. Vegetation standards and roadside protections.** Improve the CMP's weak language regarding landscaping and re-vegetation that consist only of "guidelines" for planting native plant species, the use of soil and fill matter, and the use of fertilizer and liming agents to requirements and explicit restrictions. The list of native plant species must be updated as well to exclude non-natives and promote local varieties that are available on the market. (Pinelands Watch: [www.pinelandsalliance.org/protection/watch](http://www.pinelandsalliance.org/protection/watch), click Issue #48)

**8. Amending CMP threatened and endangered plant list.** The CMP's list of threatened, and therefore protected, plant species is outdated and very incomplete. The list of protected plants needs to include all plant species occurring in the Pinelands that are listed as "species of concern" by the NJ DEP Natural Heritage Program. (Pinelands Watch: [www.pinelandsalliance.org/protection/watch](http://www.pinelandsalliance.org/protection/watch) , click Issue #44)

**9. Sustainable growth fixes for the CMP.** Remove the CMP's endorsements and promotions for the development of single family sprawling dwellings. Several areas of the CMP must be updated to promote and incentivize compact, mixed-use development that will ultimately provide greater protection to Pinelands natural resources. (Pinelands Watch: [www.pinelandsalliance.org/protection/watch](http://www.pinelandsalliance.org/protection/watch), click Issue #36)

**10. Applications for enduros and similar events.** Require all special use applications for off-road motorized events to submit a bond to cover potential damages from illegal trails and to pay for the actual costs for the Commission staff time to review these applications. Otherwise, illegal trails and use of state land will continue to occur by off-road vehicle riders. (PPA website: [www.pinelandsalliance.org/protection/hotissues/ecological/offroadvehicles](http://www.pinelandsalliance.org/protection/hotissues/ecological/offroadvehicles))



Thank you.

Gloria Archambault  
311 California Trail  
Browns Mills, N.J. 08015

**Tara Cunningham | 8 Huntington Ct | Toms River, NJ 08753 | tarajcunningham@gmail.com**

Mark S. Lohbauer, Chairman  
Nancy Wittenberg, The Executive Director  
Pinelands Commission  
15 Springfield Rd  
New Lisbon, NJ 08064

September 23, 2012

Dr Mr Lohbauer and Ms Wittenberg:

In Spring of 1992, I was the keynote speaker at an environmental panel with members of NJ Senate and Assembly. I was very proud the following day to see my face on the cover of the Asbury Park Press stating emphatically that the NJ Legislature must do everything in its power to stop unnecessary development.

My love of the environment continues today, and I am proud to count as my friends and colleagues, Bill Drayton, founder of Ashoka, and former Assistant Administrator of the Environmental Protection Agency under President Carter, Ashoka Fellow Johannes Hengstenberg of co2online, and Herb Barrack, former Asst. Regional Administrator for Policy and Management Region 2 of the EPA.

Today, I am asking the Pinelands Commission to adapt the Comprehensive Management Plan (CMP) to allow for the creation of NJDOT Cross Median Accident Prevention and Safe Corridor designation through the lands under your remit for Route 70.

I state clearly and emphatically, this designation and road upgrade is not an unnecessary development.

It could not be more necessary.

On August 1, 2011, the week of her 10<sup>th</sup> wedding anniversary and two days before her baby's 3<sup>rd</sup> birthday, my baby sister, Ocean County Detective Tina Rambo kissed her husband Roy, and her 2 year old baby Brody goodbye.

For the last time.

Tina then gave her six year old son Roy a big kiss and hug as she put him on his school bus.

For the last time.

While driving to work just 20 minutes later, on mile marker 21, a reckless driver crossed into her lane, killing Tina instantly.

Had there been a median, the reckless driver would have only succeeded in injuring herself. And that same reckless driver would have been very lucky to have my sister on site immediately as a first responder. My sister's co-workers in the Ocean County Prosecutors Office would attest, she was always ready to protect and serve the public, having just the day before, celebrated her 10 years of service.

In less than one year, four other people have died as a result of fatal car accidents in the exact same place.

What makes the situation more horrifying still, is the fact that people will continue to die on Route 70. As recently as last Tuesday, another innocent person was killed on Route 70 from a cross median accident. How many more people have to die unnecessarily?

Please look at this interactive map of severe and fatal accidents since 2010.

<http://goo.gl/maps/4YzOg>

Other people's friends, families, co-workers, even you, members of the Pinelands Commission are at a daily risk—that is until this road is made safe.

The Pinelands Commission have done an invaluable job in protecting the environment. Today, I urge the Pinelands Commission to alter the CMP to facilitate sustainable road upgrades, inclusive of medians, so you can protect both the environment and the people who enjoy her.

Sincerely,  
//signed//  
Tara Cunningham



**FOR IMMEDIATE RELEASE (Sunday, September 23)**

The joint police forces of Medford, Pemberton, Lakehurst and Manchester support the Liston and Rambo family's call on the Pinelands Commission to adapt the Comprehensive Management Plan (CMP) to allow for the creation of NJDOT Cross Median Accident Prevention and / or Safe Corridor through the lands under the Pinelands Commissions remit, specifically for Route 70.

"Too often our policemen and women are called out to fatal and severe accidents along Route 70. The very real fact is Route 70 needs barriers. The long, unlit, narrow, non-center medium road is a major contributor to many of these accidents. Route 70 is one of the most dangerous roads in the State", stated Patrolman Doug Higgins, Traffic Safety Officer at Manchester Township.

Pemberton Chief David Jantas stated, "People need to take personal responsibility for driving safely on our roads-- maintaining the speed limit, ensuring everyone in the car is wearing seatbelts, passing only when safe to do so, and not using cell phones while driving. However many innocent people die by unsafe drivers due to centerlane crossover accidents. These accidents, like the one that killed Ocean County Detective Tina Rambo on milepost 21, can be drastically reduced by the erection of barriers and the widening of the roads."

Medford Police Chief Meder, stated "Since 2009, there have been approximately 422 accidents on Route 70, of those 88 had injuries ranging from complaint of pain to severe injuries. The town has seen three fatal accidents on Route 70 since 2003. Those are three too many."

Lakehurst Police Chief Higgins called on the Pinelands Commission to take the context of human life and to weigh that up against an environmentally sustainable solution.

The NJDOT Cross Median Accident Prevention Program identifies locations where excessive numbers of cross-median head-on collisions have occurred. NJDOT then provides median barriers designed to prevent such occurrences at identified locations.

The NJDOT Safe Corridor designation is based upon crash rates, fatalities, traffic volume and other highway traffic safety criteria. Fines for motor vehicle offenses such as speeding, reckless driving, and failing to stop at a stop sign are doubled within Safe Corridors. Funds collected from fines within Safe Corridors are disbursed equally to municipalities that contain Safe Corridors. The funds may be used for education, enforcement, and capital projects that promote highway safety.

<<ENDS>>

For more information, please contact Jeanine Liston at [jeanine.liston@yahoo.com](mailto:jeanine.liston@yahoo.com) 732.503.3057; or Tara Cunningham at [tarajcunningham@gmail.com](mailto:tarajcunningham@gmail.com).

Tara Cunningham lives in Ireland and can be reached on 011.353.87.247.3486.

- Pemberton, Chief David Jantas and Lt Brian Wechkus, 609.894.3308
- Lakehurst, Chief Higgins, 732.657.7811
- Medford, Chief Meder, 609.654.7805
- Manchester, Patrolman Doug Higgins will be in Pennsylvania

**Tara Cunningham | 8 Huntington Ct | Toms River, NJ 08753 | tarajcunningham@gmail.com**

Mark S. Lohbauer, Chairman  
Nancy Wittenberg, The Executive Director  
Pinelands Commission  
15 Springfield Rd  
New Lisbon, NJ 08064

September 23, 2012

Dr Mr Lohbauer and Ms Wittenberg:

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My love of the environment continues today, and I am proud to count as my friends and colleagues, Bill Drayton, founder of Ashoka, and former Assistant Administrator of the Environmental Protection Agency under President Carter, Ashoka Fellow Johannes Hengstenberg of co2online, and Herb Barrack, former Asst. Regional Administrator for Policy and Management Region 2 of the EPA.

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I state clearly and emphatically, this designation and road upgrade is not an unnecessary development.

It could not be more necessary.

On August 1, 2011, the week of her 10<sup>th</sup> wedding anniversary and two days before her baby's 3<sup>rd</sup> birthday, my baby sister, Ocean County Detective Tina Rambo kissed her husband Roy, and her 2 year old baby Brody goodbye.

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In less than one year, four other people have died as a result of fatal car accidents in the exact same place.

What makes the situation more horrifying still, is the fact that people will continue to die on Route 70. As recently as last Tuesday, another innocent person was killed on Route 70 from a cross median accident. How many more people have to die unnecessarily?

Please look at this interactive map of severe and fatal accidents since 2010.

<http://goo.gl/maps/4YzOg>

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The Pinelands Commission have done an invaluable job in protecting the environment. Today, I urge the Pinelands Commission to alter the CMP to facilitate sustainable road upgrades, inclusive of medians, so you can protect both the environment and the people who enjoy her.

Sincerely,  
//signed//  
Tara Cunningham



*"I am not afraid, I was born to do this"*  
*Joan of Arc*

September 20, 2012

Pinelands Commission  
P.O. Box 359  
15 Springfield Road  
New Lisbon, NJ 08604

Dear Commissioners:

This letter is being written in support of the efforts of Tara Cunningham and others to bring attention to the very dangerous conditions that exist on State Highway 70. Ms. Cunningham and her family have endured the loss of a dear family member and state public servant, Detective Tina Rambo of the Ocean County Prosecutor's Office to a highway fatality on Route 70.

As you are aware, there have been many motor vehicle accidents contributed to the construction of the roadway and that safety improvements are needed to prevent the needless loss of life. It is the effort of our organization and many other law enforcement agencies to help call attention to this dangerous situation. We hope that your Commission will take into consideration the critical need to allow improvements to the road take place and find a way to strike a balance between protecting the environment and protect the lives of all motorists that travel on Route 70.

Sincerely,

The Executive Board  
New Jersey Women in Law Enforcement

New Jersey Women in Law Enforcement  
P.O. Box 414 Cream Ridge, NJ 08514



This petition has collected  
782 signatures  
using the online tools at [iPetitions.com](http://iPetitions.com)

Printed on 09-23-2012

# Make Route 70 in New Jersey Safe

Sponsored by: Ocean County Prosecutor Detective Tina Rambo died on Rt 70 on August 1, 2011. Tina was Tara Cunningham's baby sister. The Pinelands Commission is going through their 4th review since being formed, so this is our opportunity. Please sign the petition today and urge your friends and co-workers to as well. Thank you!

## About the petition

Every single year, there are 5-10 fatal car accidents, 50-70 severe accidents and close to 200 accidents on the two lane, unlighted road, which is the main artery between Philadelphia / Western New Jersey and the Jersey Shore. This road has been virtually unchanged since the 1930s so is inappropriate for use in 2012.

Visit this google map to get an idea of the accident clusters from 2005 to present.

<http://goo.gl/maps/4YzOg>

However, the creation of Safe Corridors along Rt 70 has not made it into the New Jersey Transportation Investment Candidates for a Federal Transportation Infrastructure Stimulus Package "wish list" or the Draft FY 2011 Transportation Capital Program New Jersey Department of Transportation Projects. Safe Corridors will widen the roads, put up barriers, create traffic trees, educate the public and install solar powered street lights.

Sign this petition today, and urge your friends to, in order to find a sustainable solution to make Rt 70 safe.

## Signatures

1. Name: Tara Cunningham on Aug 20, 2012  
Comments: Do it today!

---

2. Name: Denise Rambo-ruiz on Aug 20, 2012  
Comments: My sister in law was killed on this rd as many other have been. Something needs to change so more people don't get killed!!!!!!!

---

3. Name: Peter Flanagan on Aug 20, 2012  
Comments: God Bless Detective Tina Rambo

---

4. Name: Julia Applegate on Aug 20, 2012  
Comments: the statistics are not surprising, as this is very obviously a dangerous road

---

5. Name: Jeanine Liston on Aug 20, 2012  
Comments: Tina was my daughter. Stop more people from dying.

---

6. Name: John Liston on Aug 20, 2012  
Comments: Please find a sustainable solution!

---

7. Name: Kathy Roberts on Aug 20, 2012  
Comments:

---

8. Name: Jeanine Liston on Aug 20, 2012  
Comments: upgrades to this road are long overdue and NECESSARY!!!

---

9. Name: Nancy Kleyman on Aug 20, 2012  
Comments:

---

10. Name: Nancy Cavanaugh Kleyman on Aug 20, 2012  
Comments:

---

11. Name: Ed Licht on Aug 20, 2012  
Comments:

---

12. Name: Shannon Gold on Aug 20, 2012  
Comments: Detective Tina Liston Rambo was my cousin and not a day goes by where I don't think about her. Rt. 70 needs to have an over-haul.

---

13. Name: Jennifer Grundulis on Aug 20, 2012  
Comments: The stats don't lie. People are dying on this road and you can do something to fix it. please support saving lives and fund these upgrading!

---

14. Name: Scott Maltzman on Aug 20, 2012  
Comments:

---

15. Name: ANNE K. PANICCIA on Aug 20, 2012  
Comments: WHAT IS THE DEPARTMENT OF TRANSPORTATION WAITING FOR? A POLITICIAN TO GET HURT?

---

16. Name: Donna Vandegrift on Aug 20, 2012  
Comments:

---

17. Name: Terrence Hughes on Aug 20, 2012  
Comments:
- 
18. Name: Catherine O'Grady on Aug 20, 2012  
Comments:
- 
19. Name: Sue Geel on Aug 20, 2012  
Comments:
- 
20. Name: Manuelle Ratte on Aug 20, 2012  
Comments: I hope this petition will make route 70 safer in New Jersey.
- 
21. Name: Deborah Tortorello on Aug 20, 2012  
Comments: I personally know two persons who each lost children in separate accidents on this dangerous road. Widen it and make it safer.
- 
22. Name: Michelle Barretta on Aug 20, 2012  
Comments:
- 
23. Name: Al Tortorello on Aug 20, 2012  
Comments:
- 
24. Name: Matthew Kretiv on Aug 21, 2012  
Comments:
- 
25. Name: Cathy Mc Nulty on Aug 21, 2012  
Comments:
- 
26. Name: Sharon Goldstein on Aug 21, 2012  
Comments: All of these improvements would be awesome if we could actually get them to happen. I live in Browns Mills and it's horrible driving home at night after picking my daughter up from my parents who live in Toms River on unlit roads.
- 
27. Name: Anthony Zembrzuski on Aug 21, 2012  
Comments:
- 
28. Name: Michael P McSherry on Aug 21, 2012  
Comments:
- 
29. Name: James Flanagan on Aug 21, 2012  
Comments:
- 
30. Name: Michele Colacioppo-Cerasuolo on Aug 21, 2012  
Comments:
- 
31. Name: John T Flanagan on Aug 21, 2012  
Comments:
- 
32. Name: Thomas Liston on Aug 22, 2012  
Comments: Det Tina Rambo will be missed.
- 
33. Name: Amanda Liston on Aug 22, 2012  
Comments:
- 
34. Name: Brian Liston on Aug 22, 2012  
Comments: Please, please listen to the people for those who've died on this Route, including my late cousin.... :(
-



35. Name: Laura Craig on Aug 22, 2012  
Comments:
- 
36. Name: Jimmy J. Silva on Aug 22, 2012  
Comments:
- 
37. Name: Kristy on Aug 22, 2012  
Comments:
- 
38. Name: Jeannine Verdon on Aug 22, 2012  
Comments:
- 
39. Name: Kathleen Liston on Aug 22, 2012  
Comments: this road was the one that my cousin, sister.. was killed on- we were 9months apart... I drove this Rd for a year, and was unnerved every time! please widen and make a SAFER driving area for all!! thank you... the Liston Family!!
- 
40. Name: William P. Liston on Aug 22, 2012  
Comments:
- 
41. Name: John Liston on Aug 22, 2012  
Comments: Lets get this done!
- 
42. Name: Rebecca Liston on Aug 22, 2012  
Comments:
- 
43. Name: Tudy Thompson on Aug 22, 2012  
Comments:
- 
44. Name: Greg Coleman on Aug 22, 2012  
Comments: I've lost a friend and a family member to this roadway.
- 
45. Name: Jared Vichko on Aug 22, 2012  
Comments:
- 
46. Name: Jennifer Vichko on Aug 22, 2012  
Comments:
- 
47. Name: Jennifer on Aug 22, 2012  
Comments: make the lights along 70 e/w longer. so there is less stop and go traffic
- 
48. Name: Jolene Venditti on Aug 22, 2012  
Comments:
- 
49. Name: Adrienne Imai on Aug 22, 2012  
Comments:
- 
50. Name: Adrienne Imai on Aug 22, 2012  
Comments:
- 
51. Name: Geralyn Harty on Aug 22, 2012  
Comments:
- 
52. Name: Kyle Butrymowicz on Aug 22, 2012  
Comments:
-

53. Name: Suzanne Penna on Aug 22, 2012  
Comments: my co-worker was killed on her way to work while driving on route 70
- 
54. Name: Jennifer Barone on Aug 22, 2012  
Comments:
- 
55. Name: Lisa on Aug 22, 2012  
Comments:
- 
56. Name: Jennifer Thompson on Aug 22, 2012  
Comments:
- 
57. Name: Gina Leone on Aug 22, 2012  
Comments:
- 
58. Name: Vance Bodziak on Aug 22, 2012  
Comments:
- 
59. Name: Marisa Halpern Malts on Aug 22, 2012  
Comments:
- 
60. Name: Anonymous on Aug 22, 2012  
Comments: I would love to see this road made safe for all
- 
61. Name: John Richardson on Aug 22, 2012  
Comments: It's a crazy, hugely busy commercial highway, not the country road it used to be.
- 
62. Name: Gina Leone on Aug 22, 2012  
Comments:
- 
63. Name: Sarah Bernick on Aug 22, 2012  
Comments:
- 
64. Name: David Collinworth on Aug 22, 2012  
Comments: make the roads as safe as you can. If it were your family member it would have happen already. Think about it
- 
65. Name: Jillian Mc Nulty on Aug 22, 2012  
Comments: RIP Tina Rambo
- 
66. Name: Francis Valloor on Aug 22, 2012  
Comments:
- 
67. Name: Patrick Clark on Aug 22, 2012  
Comments:
- 
68. Name: Gina Polizzotto on Aug 22, 2012  
Comments:
- 
69. Name: Brad King on Aug 22, 2012  
Comments:
- 
70. Name: Miriam Brabazon on Aug 22, 2012  
Comments:
- 
71. Name: Caterina Simonsen on Aug 22, 2012

Comments:

---

72. Name: Neil Pope on Aug 22, 2012  
Comments:

---

73. Name: Heather McKittrick on Aug 22, 2012  
Comments:

---

74. Name: Patricia Terlitz on Aug 22, 2012  
Comments:

---

75. Name: Tracy Spencer on Aug 22, 2012  
Comments: GOOD LUCK

---

76. Name: Karyn Burnett on Aug 22, 2012  
Comments:

---

77. Name: Donna Gavin Vandegrift on Aug 22, 2012  
Comments:

---

78. Name: Kristin Pezzuti on Aug 22, 2012  
Comments:

---

79. Name: Kevin Liston on Aug 22, 2012  
Comments:

---

80. Name: JAMEY LAYNE on Aug 22, 2012  
Comments:

---

81. Name: Noel O'GRADY on Aug 22, 2012  
Comments:

---

82. Name: Heather Dover on Aug 22, 2012  
Comments:

---

83. Name: Mary Mc Nulty on Aug 22, 2012  
Comments:

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84. Name: Sandra Walsh on Aug 22, 2012  
Comments:

---

85. Name: Robert Busch on Aug 22, 2012  
Comments:

---

86. Name: Sonya Liebold on Aug 22, 2012  
Comments:

---

87. Name: Michelle Verechia on Aug 22, 2012  
Comments:

---

88. Name: Colleen Brewer on Aug 22, 2012  
Comments:

---

89. Name: Alicia W on Aug 22, 2012  
Comments:

- 
90. Name: Christie Decker on Aug 22, 2012  
Comments:
- 
91. Name: Karen Dolbow on Aug 22, 2012  
Comments:
- 
92. Name: Lynda Pestritto on Aug 22, 2012  
Comments:
- 
93. Name: Peter McElwee on Aug 22, 2012  
Comments:
- 
94. Name: Jessica Newport on Aug 22, 2012  
Comments:
- 
95. Name: Shannon O'Brien on Aug 22, 2012  
Comments:
- 
96. Name: Nadine on Aug 22, 2012  
Comments:
- 
97. Name: Veronica Fleming on Aug 22, 2012  
Comments:
- 
98. Name: Sultana Costas on Aug 22, 2012  
Comments:
- 
99. Name: Shannon Miller on Aug 22, 2012  
Comments:
- 
100. Name: Kaylee Martinelli on Aug 22, 2012  
Comments: Tina was my neighbor and my friend. it's still hard to believe she is really and i beleve if the road is widened it eill stop tragic accidents likethis onegone
- 
101. Name: Lisa on Aug 22, 2012  
Comments:
- 
102. Name: Scott Rogers on Aug 22, 2012  
Comments:
- 
103. Name: Emily Seibert on Aug 22, 2012  
Comments:
- 
104. Name: Janine Morrison on Aug 22, 2012  
Comments: RIP Tina
- 
105. Name: Judith A Berg on Aug 22, 2012  
Comments: I agree with this petition. this should never have happened to a wife and mother of 2 children.
- 
106. Name: Michele Motorna on Aug 22, 2012  
Comments:
- 
107. Name: Heidi Jetter on Aug 22, 2012  
Comments:

- 
108. Name: Anonymous on Aug 22, 2012  
Comments:
- 
109. Name: Heidi Jetter on Aug 22, 2012  
Comments:
- 
110. Name: William Butrymowicz on Aug 22, 2012  
Comments: ive had 3 close friends die in car accidents on rt 70.
- 
111. Name: William Butrymowicz on Aug 22, 2012  
Comments: ive had 3 close friends die in car accidents on rt 70.
- 
112. Name: Jennifer Shields on Aug 22, 2012  
Comments:
- 
113. Name: Jen Strockbine on Aug 22, 2012  
Comments:
- 
114. Name: Paula Bednarcik on Aug 22, 2012  
Comments:
- 
115. Name: Terri McNulty on Aug 22, 2012  
Comments:
- 
116. Name: Joyce Gerity on Aug 22, 2012  
Comments:
- 
117. Name: Dawn Lynch on Aug 22, 2012  
Comments:
- 
118. Name: Lori Glass on Aug 22, 2012  
Comments: This is to help all the loved ones that have been hurt or sadly lost...!
- 
119. Name: Kristin Chapman on Aug 22, 2012  
Comments:
- 
120. Name: Jaime Reilly on Aug 22, 2012  
Comments: My fiancé drives this road every night to work. Please do something!!!
- 
121. Name: Kevin Meeks on Aug 22, 2012  
Comments:
- 
122. Name: Christina Seder on Aug 22, 2012  
Comments:
- 
123. Name: Sherri on Aug 22, 2012  
Comments:
- 
124. Name: Debbie Krauszer on Aug 22, 2012  
Comments:
- 
125. Name: Lynn Kelly on Aug 22, 2012  
Comments:
-

126. Name: Debra Harrison on Aug 22, 2012  
Comments:
- 
127. Name: Michelle LaFage Barretta on Aug 22, 2012  
Comments:
- 
128. Name: Colleen Lynch on Aug 23, 2012  
Comments: tina would be proud
- 
129. Name: Naomi Cipolla on Aug 23, 2012  
Comments: Wishing you the best of luck in reaching your goal.
- 
130. Name: Naomi Cipolla on Aug 23, 2012  
Comments: Wishing you the best of luck in reaching your goal.
- 
131. Name: Shell Maher on Aug 23, 2012  
Comments:
- 
132. Name: Diane Dreisigaker on Aug 23, 2012  
Comments: Please make this road safe so others won't have to suffer the same consequences. Thank you
- 
133. Name: Anonymous on Aug 23, 2012  
Comments:
- 
134. Name: Alex Flipse on Aug 23, 2012  
Comments: need to widen this road and keep the accident to a minimal. it's a shame a petition has to be signed in order for the county/state to do the right thing!!!
- 
135. Name: Harrise Niemczak on Aug 23, 2012  
Comments:
- 
136. Name: Emily Martinelli on Aug 23, 2012  
Comments: widen the road, I lost someone special and the most you could do is protect others
- 
137. Name: Grace Edwards on Aug 23, 2012  
Comments:
- 
138. Name: Santina Morello on Aug 23, 2012  
Comments:
- 
139. Name: Lisa Mcconnell on Aug 23, 2012  
Comments:
- 
140. Name: Anonymous on Aug 23, 2012  
Comments:
- 
141. Name: Regina Foody on Aug 23, 2012  
Comments:
- 
142. Name: Greg Senior on Aug 23, 2012  
Comments:
- 
143. Name: Debbie Wunsch Vencius on Aug 23, 2012  
Comments:
-

144. Name: Anonymous on Aug 23, 2012  
Comments:
- 
145. Name: Sam Rodriguez on Aug 23, 2012  
Comments:
- 
146. Name: Heather Campbell Delia on Aug 23, 2012  
Comments:
- 
147. Name: Debbie Vencius on Aug 23, 2012  
Comments:
- 
148. Name: Nina Anastasia on Aug 23, 2012  
Comments:
- 
149. Name: Matthew Gaston on Aug 23, 2012  
Comments:
- 
150. Name: Sharon O'Donnell Devanney on Aug 23, 2012  
Comments:
- 
151. Name: Lauren Morrison on Aug 23, 2012  
Comments:
- 
152. Name: Dana Giorgianni on Aug 23, 2012  
Comments:
- 
153. Name: Anthony Zembrzusi on Aug 23, 2012  
Comments:
- 
154. Name: Beth Franchi on Aug 23, 2012  
Comments:
- 
155. Name: Melissa Bianchini on Aug 23, 2012  
Comments:
- 
156. Name: Debra Krauszer on Aug 23, 2012  
Comments:
- 
157. Name: Maegen Alt on Aug 23, 2012  
Comments:
- 
158. Name: Danielle DeGeorgio on Aug 23, 2012  
Comments: I totally agree. That road is an archaic nightmare in addition to Tina's tragic death. I hope this petition works.
- 
159. Name: Nicole Clement on Aug 23, 2012  
Comments: hope this goes through!!
- 
160. Name: Anonymous on Aug 23, 2012  
Comments:
- 
161. Name: Michelle Cappello on Aug 23, 2012  
Comments: Please fix this road so no more precious lives are lost.
- 
162. Name: Maureen Tyhanic on Aug 23, 2012

Comments:

---

163. Name: Santina Morello on Aug 23, 2012  
Comments:

---

164. Name: Kelly Groves on Aug 23, 2012  
Comments:

---

165. Name: Anonymous on Aug 23, 2012  
Comments:

---

166. Name: Joan Hamilton on Aug 23, 2012  
Comments:

---

167. Name: Claire Murphy on Aug 23, 2012  
Comments: You owe to the the people of New Jersey to improve the safety sandards of this stretch of road. It has taken too many good people already. In 2012 it seems wreckless to have a dual carriageway, unlit with such a high concertration of users AND no lighting on the road???? What are peoples taxes going towards?

---

168. Name: Patti Conley on Aug 23, 2012  
Comments:

---

169. Name: Veronica Fogarty on Aug 23, 2012  
Comments:

---

170. Name: Kathryn Oshea on Aug 23, 2012  
Comments:

---

171. Name: Jennifer on Aug 23, 2012  
Comments:

---

172. Name: Roberta Pudney on Aug 23, 2012  
Comments:

---

173. Name: Dara Hogan on Aug 23, 2012  
Comments: Well done Tara - a fitting memorial for Tina.  
  
Dara

---

174. Name: Dani Nicole Polowski on Aug 23, 2012  
Comments:

---

175. Name: Donna on Aug 23, 2012  
Comments: LONG OVERDUE!!!!

---

176. Name: Liz Hickey on Aug 23, 2012  
Comments:

---

177. Name: Mark Cunningham on Aug 23, 2012  
Comments:

---

178. Name: Susan Brindley on Aug 23, 2012  
Comments:

---

179. Name: Lara Hanlon on Aug 23, 2012  
Comments:



- 
180. Name: Nick McGivney on Aug 23, 2012  
Comments: Good cause. Good luck.
- 
181. Name: Steph on Aug 23, 2012  
Comments:
- 
182. Name: Steve Reilly on Aug 23, 2012  
Comments:
- 
183. Name: Maila Acampora on Aug 23, 2012  
Comments:
- 
184. Name: Tara Kraenzlin on Aug 23, 2012  
Comments:
- 
185. Name: Helen Silverwood on Aug 23, 2012  
Comments:
- 
186. Name: Dan Hall on Aug 23, 2012  
Comments:
- 
187. Name: Heather McKittrick on Aug 23, 2012  
Comments:
- 
188. Name: Donna Hale on Aug 23, 2012  
Comments:
- 
189. Name: KEVIN JOHN ALLEN on Aug 23, 2012  
Comments: Every effort to improve public safety should be taken. The obligation to preserve safety trumps all other investments, such as putting money behind casinos...
- 
190. Name: Kim Faustino on Aug 23, 2012  
Comments:
- 
191. Name: Sue Cheadle on Aug 23, 2012  
Comments:
- 
192. Name: Pauline Cerchio on Aug 23, 2012  
Comments:
- 
193. Name: Lauren Wilson on Aug 23, 2012  
Comments:
- 
194. Name: Jennifer Cressman on Aug 23, 2012  
Comments:
- 
195. Name: Cheryl Rogers on Aug 23, 2012  
Comments:
- 
196. Name: Anonymous on Aug 23, 2012  
Comments:
- 
197. Name: Jack Redemption on Aug 23, 2012  
Comments:

- 
198. Name: Jack Redemption on Aug 23, 2012  
Comments:
- 
199. Name: Lorraine Cunningham on Aug 23, 2012  
Comments:
- 
200. Name: Kevin A Liston on Aug 23, 2012  
Comments:
- 
201. Name: Alice Meeks on Aug 23, 2012  
Comments:
- 
202. Name: Stuart McLaughlin on Aug 23, 2012  
Comments:
- 
203. Name: Lindsey Fannelli on Aug 23, 2012  
Comments:
- 
204. Name: John Argento on Aug 23, 2012  
Comments: Rt.70 needs to be a four lane road!
- 
205. Name: Nahum Samuel on Aug 23, 2012  
Comments:
- 
206. Name: Kathleen Kaelin on Aug 23, 2012  
Comments: keep us all safe....all roads
- 
207. Name: Lindsay Spatola on Aug 23, 2012  
Comments:
- 
208. Name: Heather Aspras on Aug 23, 2012  
Comments:
- 
209. Name: Wendy Viers on Aug 23, 2012  
Comments:
- 
210. Name: Sue Campbell on Aug 23, 2012  
Comments:
- 
211. Name: Debra J Higbee on Aug 23, 2012  
Comments:
- 
212. Name: Leah Montgomery on Aug 23, 2012  
Comments:
- 
213. Name: Stanley Kot on Aug 23, 2012  
Comments: Long time coming
- 
214. Name: Brendan P Liston on Aug 23, 2012  
Comments: Route 70 is a disaster just around the corner,someone will die again and again if this road isn't widened.We have street light cameras in just about every town in N.J.Why not on this roadway the full length should have at least cameras to monitor traffic patters.
- 
215. Name: Phyllis Bronzino on Aug 23, 2012

Comments:

---

216. Name: Jennifer Trevisan on Aug 23, 2012  
Comments:

---

217. Name: Deb Budrow on Aug 23, 2012  
Comments: I use Route 70 practically every weekend since I moved to Mount Laurel for work but my family remains in Toms River. The 295/195b corridor takes me too far out of the way: Rt. 70 brings me directly to TR's Route 37. I try to not travel Route 70 after dark because of the wildlife, lack of lighting on the road, and it only being 2 lanes with no real alternate route if God forbid there's a bad accident. Widening it would be wonderful! Thank you for your consideration.

---

218. Name: Susan Cowan on Aug 23, 2012  
Comments:

---

219. Name: Gillian Sheridan on Aug 23, 2012  
Comments:

---

220. Name: Kathy on Aug 23, 2012  
Comments: Tina Rambo was a neighbor and a friend, a wonderful mother and wife. How many other precious people have to end their lives too soon? Please make this happen !

---

221. Name: Gina Cordelle on Aug 23, 2012  
Comments:

---

222. Name: Jeanne Oleynek on Aug 23, 2012  
Comments: How many more have to die before it's worth it?

---

223. Name: Monica Lord on Aug 23, 2012  
Comments:

---

224. Name: Michele Brown on Aug 23, 2012  
Comments:

---

225. Name: Anonymous on Aug 23, 2012  
Comments:

---

226. Name: Sharon Vard on Aug 23, 2012  
Comments: Remembering the Liston Fily

---

227. Name: Anonymous on Aug 23, 2012  
Comments:

---

228. Name: Anonymous on Aug 23, 2012  
Comments:

---

229. Name: Mary on Aug 23, 2012  
Comments:

---

230. Name: Maryellen Covely on Aug 23, 2012  
Comments:

---

231. Name: John Covely on Aug 23, 2012  
Comments:

---

232. Name: Stephanie Zoltek on Aug 23, 2012  
Comments:

- 
233. Name: Jeanine Liston on Aug 23, 2012  
Comments: This is a very dangerous rode. It needs to be fixed before more people die. I lost my daughter on this road last year and last month my co-worker lost his daughter in a car accident on this road. Rt. 70 needs to be fixed to save lives.
- 
234. Name: Jill on Aug 23, 2012  
Comments:
- 
235. Name: Rose Dringus on Aug 23, 2012  
Comments:
- 
236. Name: Jennifer Greenhall on Aug 23, 2012  
Comments:
- 
237. Name: Kelly Amato on Aug 23, 2012  
Comments:
- 
238. Name: Nancy L.Craig on Aug 23, 2012  
Comments:
- 
239. Name: Geraldine Dunn on Aug 23, 2012  
Comments:
- 
240. Name: Marie Skinner on Aug 23, 2012  
Comments:
- 
241. Name: Donald Cucuzzella on Aug 23, 2012  
Comments:
- 
242. Name: Michael Taynor on Aug 23, 2012  
Comments:
- 
243. Name: David Haines on Aug 23, 2012  
Comments:
- 
244. Name: Jessica Ehrlich on Aug 23, 2012  
Comments:
- 
245. Name: Jeffrey Ehrlich on Aug 23, 2012  
Comments:
- 
246. Name: Roy Rambo on Aug 24, 2012  
Comments:
- 
247. Name: Ann Morello on Aug 24, 2012  
Comments:
- 
248. Name: Erin Lynch on Aug 24, 2012  
Comments:
- 
249. Name: Colette O'Sullivan on Aug 24, 2012  
Comments: Tara and her family are an inspiration. Happy to sign and spread the word
- 
250. Name: Angela Cucuzzella on Aug 24, 2012  
Comments:

---

251. Name: Edel Kennedy on Aug 24, 2012  
Comments:

---

252. Name: Jo Ayers on Aug 24, 2012  
Comments:

---

253. Name: Rosanne Cuje on Aug 24, 2012  
Comments: make our roads safer!

---

254. Name: Gail Klein on Aug 24, 2012  
Comments:

---

255. Name: Barbara Donnelly on Aug 24, 2012  
Comments:

---

256. Name: Sheamus Smith on Aug 24, 2012  
Comments:

---

257. Name: Sal Colucci on Aug 24, 2012  
Comments:

---

258. Name: Elizabeth Heinemeyer on Aug 24, 2012  
Comments:

---

259. Name: Ilona Broadhead on Aug 24, 2012  
Comments:

---

260. Name: Randy Bianchi on Aug 24, 2012  
Comments:

---

261. Name: Lucy Bianchi on Aug 24, 2012  
Comments:

---

262. Name: Joseph Morello on Aug 24, 2012  
Comments: If it can save life, why wait. Please lets prevent another fatal accident.

---

263. Name: Joan Colucci on Aug 24, 2012  
Comments: Let's protect our drivers.

---

264. Name: Anonymous on Aug 24, 2012  
Comments: Any interventions which can make citizens journeys safer seems to make good sense to me.

---

265. Name: Briana on Aug 24, 2012  
Comments:

---

266. Name: Lori Melillo on Aug 24, 2012  
Comments:

---

267. Name: Douglas Hynoski on Aug 24, 2012  
Comments: Too many lives have been lost on this road. Something needs to be done NOW.

---

268. Name: Polly Tunick on Aug 24, 2012  
Comments:

---

269. Name: Stacy Sanders on Aug 24, 2012  
Comments:

---

270. Name: Glenn Kalina on Aug 24, 2012  
Comments:

---

271. Name: Richard Vacca on Aug 24, 2012  
Comments: For a little money, maybe we can save some lives

---

272. Name: Pamela Lyons on Aug 24, 2012  
Comments: please fix Rt 70

---

273. Name: Pat Wyckoff on Aug 24, 2012  
Comments: one life lost is one too many. this road is horrible and worse at night, unlit, deer

---

274. Name: Carly Fanslau on Aug 24, 2012  
Comments:

---

275. Name: Michael Pallen on Aug 24, 2012  
Comments:

---

276. Name: Gregory J. Guito on Aug 24, 2012  
Comments: PLEASE DO SOMETHING ABOUT THIS NOW!!

---

277. Name: Karen Husenica on Aug 24, 2012  
Comments:

---

278. Name: Lucy Cardone on Aug 24, 2012  
Comments:

---

279. Name: Kristin Gutowski on Aug 24, 2012  
Comments:

---

280. Name: Kim Kearney on Aug 24, 2012  
Comments:

---

281. Name: Don Hewitt on Aug 24, 2012  
Comments: we do not need anymore lost lives on this dangerous road.

---

282. Name: Anonymous on Aug 24, 2012  
Comments:

---

283. Name: Nancy Hourigan on Aug 24, 2012  
Comments:

---

284. Name: Carmela M Luccarelli on Aug 24, 2012  
Comments:

---

285. Name: Gail Zaycek on Aug 24, 2012  
Comments: too many deaths have happened on this highway

---

286. Name: Carol Lane on Aug 24, 2012  
Comments:

---

287. Name: Barbara Warehime on Aug 24, 2012

Comments: In the names of Tara Liston and Elizabeth Hynoski

---

288. Name: Albin Cervinka on Aug 24, 2012  
Comments: in memory of Tina Liston and Elizabeth Hynoski

---

289. Name: Barbara Ruth on Aug 24, 2012  
Comments:

---

290. Name: Barbara Ruth on Aug 24, 2012  
Comments:

---

291. Name: George Ruth on Aug 24, 2012  
Comments:

---

292. Name: Andrea Fritz on Aug 24, 2012  
Comments:

---

293. Name: Brianne DiGiore on Aug 24, 2012  
Comments:

---

294. Name: Susan Foytlin on Aug 24, 2012  
Comments: This is a terribly dangerous road that needs to be corrected!!!

---

295. Name: Susan Foytlin on Aug 24, 2012  
Comments: This is a terribly dangerous road that needs to be corrected!!!

---

296. Name: Nancy Ross on Aug 24, 2012  
Comments:

---

297. Name: Joanne Fedchin on Aug 24, 2012  
Comments:

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298. Name: Anonymous on Aug 24, 2012  
Comments: My husband is a NJ State Trooper and takes Rt. 70 from Brick to the Red Lion Station ever day he works. It is important to me and my three young sons that our husband/dad comes home safe. Please improve this road by every means. Thank you.

---

299. Name: Katie Ohara on Aug 24, 2012  
Comments:

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300. Name: Lynn Brattan on Aug 24, 2012  
Comments:

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301. Name: Joanne Casselli on Aug 24, 2012  
Comments: Please widen the roads to help prevent future accidents.

---

302. Name: Julie Lanza on Aug 24, 2012  
Comments:

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303. Name: Vito Colucci on Aug 24, 2012  
Comments:

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304. Name: Cathy Christie on Aug 25, 2012  
Comments:

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305. Name: Steve Eccles on Aug 25, 2012

Comments:

- 
306. Name: Steve Eccles on Aug 25, 2012  
Comments:
- 
307. Name: Deborah A. Walton on Aug 25, 2012  
Comments:
- 
308. Name: Karen SHIFFER on Aug 25, 2012  
Comments: When I was younger I would drive on this road 4x a week with my family from Toms River to the Evesham area where I would practice roller skating competitively. I remember back then thinking how dangerous this road was. Now, as an adult I can't believe it is still the same. Recently, I have been close to people who have lost family members in head-on collisions.
- 
309. Name: Patricia Keenan on Aug 25, 2012  
Comments:
- 
310. Name: Theresa Luell on Aug 25, 2012  
Comments:
- 
311. Name: Deborah Couture on Aug 25, 2012  
Comments: This is a death trap and always has been.
- 
312. Name: Karen Rodgers on Aug 25, 2012  
Comments:
- 
313. Name: William Young on Aug 25, 2012  
Comments:
- 
314. Name: Andrea M Sorensen on Aug 25, 2012  
Comments:
- 
315. Name: Edward Doran on Aug 25, 2012  
Comments:
- 
316. Name: Donna Donovan on Aug 25, 2012  
Comments: We NEED to make Route 70 a safer road to travel upon....too many innocent lives have been lost :(
- 
317. Name: Andrea M Sorensen on Aug 25, 2012  
Comments: I ride this road at least once a month and I am a nervous wreck. First, people are always swerving over the line into oncoming traffic, and, the fact that it isn't 4 lanes is a disgrace. People get stuck behind someone doing well UNDER the speed limit, and they try to pass. This is NOT safe. I don't understand how this state has allowed this stretch of road to remain like this. How many more lives have to be lost before it's changed? The room is there to widen it. It doesn't make sense that it is still a 2-lane highway. Make this road safe!
- 
318. Name: Nicole Sprague on Aug 25, 2012  
Comments: a friend of mine was involved in an accident on rt 70 about 2 years ago. I think widening the road will help to make it safer.
- 
319. Name: Alyson Adams on Aug 25, 2012  
Comments:
- 
320. Name: Kathleen Traina on Aug 25, 2012  
Comments:
- 
321. Name: Brianne Whitney on Aug 25, 2012  
Comments:
-



322. Name: Donna Taub on Aug 25, 2012  
Comments:
- 
323. Name: Joyce O'Neill on Aug 25, 2012  
Comments:
- 
324. Name: Lori Shan-Alagna on Aug 25, 2012  
Comments:
- 
325. Name: Francine Mastrangeli on Aug 25, 2012  
Comments:
- 
326. Name: Kathleen Gough on Aug 25, 2012  
Comments:
- 
327. Name: Santina Morello on Aug 25, 2012  
Comments:
- 
328. Name: Axel Sorensen on Aug 25, 2012  
Comments: The road MUST be made 4 lanes with a wall in between lanes. It's been a nightmare for WAY too many years...countless deaths and injuries. Forget the PINE SNAKES...build the road...forget the PINELANDS commission... Just do the right thing for HUMANS. Thanks.
- 
329. Name: Kelly Solares on Aug 25, 2012  
Comments:
- 
330. Name: Robert Solares on Aug 25, 2012  
Comments:
- 
331. Name: Deborah Duffield on Aug 25, 2012  
Comments:
- 
332. Name: Keli Lehman on Aug 25, 2012  
Comments: PLEASE LISTEN TO THE PEOPLE!!! WE NEED BETTER ROADS.....SAFER ONES!!! WE ARE PRECIOUS CARGO
- 
333. Name: Carla Friedman on Aug 25, 2012  
Comments: Please widen this road. To many deaths have ocured here.
- 
334. Name: Anonymous on Aug 25, 2012  
Comments:
- 
335. Name: Lynn Perlmutter on Aug 25, 2012  
Comments: Very Important
- 
336. Name: Maria S. Keohane on Aug 25, 2012  
Comments:
- 
337. Name: Lydia Hull on Aug 25, 2012  
Comments:
- 
338. Name: Gerry Pizzi on Aug 25, 2012  
Comments:
- 
339. Name: Melissa Jubert on Aug 25, 2012  
Comments:
-

340. Name: Anonymous on Aug 25, 2012  
Comments: Time to save lives!
- 
341. Name: Deidre Krok on Aug 25, 2012  
Comments:
- 
342. Name: Ruth Stewart on Aug 25, 2012  
Comments:
- 
343. Name: Anthony Dispoto on Aug 25, 2012  
Comments: Do this, before more innocent lives are needlessly lost!
- 
344. Name: Jason Vescovi on Aug 25, 2012  
Comments:
- 
345. Name: Anonymous on Aug 25, 2012  
Comments: It is a much travelled road and becoming dangerous with such a narrow roadway... I am usually for saving trees, but we need to save people!
- 
346. Name: Nadia Herman on Aug 25, 2012  
Comments:
- 
347. Name: Christine Jadelis on Aug 25, 2012  
Comments: widen the road to save lives!
- 
348. Name: Mary Pupazzoni on Aug 25, 2012  
Comments: We support this bill
- 
349. Name: Eileen Walash Subai on Aug 25, 2012  
Comments: keep the roads safe. should also widen Route 9!
- 
350. Name: Eileen Casement on Aug 25, 2012  
Comments:
- 
351. Name: Anonymous on Aug 25, 2012  
Comments:
- 
352. Name: Kristin Colucci on Aug 25, 2012  
Comments:
- 
353. Name: MICHAEL L. MINOTTO on Aug 25, 2012  
Comments:
- 
354. Name: DIANNE MINOTTO on Aug 25, 2012  
Comments:
- 
355. Name: Kelly Winters on Aug 25, 2012  
Comments:
- 
356. Name: Marci Applegate on Aug 25, 2012  
Comments:
- 
357. Name: Marilyn Hauenstein on Aug 25, 2012  
Comments: Rt. 70 is a treacherous road. Making it safer must be a priority since it's the most direct route from the Jersey shore to Philadelphia and the NJ Turnpike South.
-

358. Name: Charlotte Johnson on Aug 25, 2012  
Comments:
- 
359. Name: Susan Nelson on Aug 25, 2012  
Comments:
- 
360. Name: Anonymous on Aug 25, 2012  
Comments:
- 
361. Name: Denise on Aug 25, 2012  
Comments: my friend's daughter was in a fatal accident on this road,
- 
362. Name: Judith Novack on Aug 25, 2012  
Comments: My relative also died on this treacherous stretch of road and she was robbed of her life, dying in her twenties.
- 
363. Name: Barry Novack on Aug 25, 2012  
Comments: My relative was killed on this road as well--she was young.
- 
364. Name: Theresa Reynolds on Aug 25, 2012  
Comments: This is a very dangerous road due to the one lane in each direction. Many seniors travel this road and go far below the speed limit and cars that try to pass are always in danger with such a narrow road.
- 
365. Name: Anonymous on Aug 25, 2012  
Comments:
- 
366. Name: Anonymous on Aug 25, 2012  
Comments:
- 
367. Name: Sharon Klalo on Aug 25, 2012  
Comments:
- 
368. Name: Julie Ferry on Aug 25, 2012  
Comments: FIX IT!!!
- 
369. Name: Frank Ferry III on Aug 25, 2012  
Comments:
- 
370. Name: Jackie Bradley on Aug 26, 2012  
Comments: Please pass this so no other innocent person loses their life!!
- 
371. Name: Gail Martin on Aug 26, 2012  
Comments:
- 
372. Name: Katy Bruce Hoh on Aug 26, 2012  
Comments:
- 
373. Name: Katy Hoh on Aug 26, 2012  
Comments:
- 
374. Name: Dora Giannetti on Aug 26, 2012  
Comments:
- 
375. Name: Anonymous on Aug 26, 2012  
Comments:
-

376. Name: Mary Anne Andreoli on Aug 26, 2012  
Comments:

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377. Name: Anonymous on Aug 26, 2012  
Comments:

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378. Name: Anonymous on Aug 26, 2012  
Comments:

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379. Name: Anonymous on Aug 26, 2012  
Comments:

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380. Name: Jill Sands on Aug 26, 2012  
Comments:

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381. Name: Stephanie Tomasco on Aug 26, 2012  
Comments:

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382. Name: Jonathan Tomasco on Aug 26, 2012  
Comments:

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383. Name: Kathy Eagan on Aug 26, 2012  
Comments:

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384. Name: JENNIFER JONES on Aug 26, 2012  
Comments:

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385. Name: Jennifer Walsh Jones on Aug 26, 2012  
Comments:

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386. Name: David Marowitz on Aug 26, 2012  
Comments: Due to so many accidents and resulting deaths on Route 70 in Ocean County, a sustainable solution needs to be found and implemented before further accidents and deaths take place.

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387. Name: Linda Pramov on Aug 26, 2012  
Comments:

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388. Name: Todd Pramov on Aug 26, 2012  
Comments:

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389. Name: Jen Shalaway on Aug 26, 2012  
Comments:

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390. Name: Melissa Morello on Aug 26, 2012  
Comments:

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391. Name: Judith Connor on Aug 26, 2012  
Comments:

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392. Name: Anonymous on Aug 27, 2012  
Comments:

---

393. Name: Anonymous on Aug 27, 2012  
Comments:

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394. Name: Jessica Lyons on Aug 27, 2012  
Comments:
- 
395. Name: Liz Martello on Aug 27, 2012  
Comments:
- 
396. Name: Regina Perez on Aug 27, 2012  
Comments: make roads safer for our children, our future...
- 
397. Name: Helen Krzywonos on Aug 27, 2012  
Comments: Please do this for us (human beings). God Bless
- 
398. Name: Rachel Lewis on Aug 27, 2012  
Comments:
- 
399. Name: Agnes Christos-O'Gorman on Aug 27, 2012  
Comments:
- 
400. Name: Linda Downing on Aug 27, 2012  
Comments: Long overdue.
- 
401. Name: Elizabeth Ritacco on Aug 27, 2012  
Comments:
- 
402. Name: Lynn Spina on Aug 27, 2012  
Comments:
- 
403. Name: Kelly Somma on Aug 27, 2012  
Comments:
- 
404. Name: Karen Seems on Aug 27, 2012  
Comments:
- 
405. Name: Donna Hudson on Aug 27, 2012  
Comments:
- 
406. Name: Margaret Smith on Aug 27, 2012  
Comments: PLEASE, please widen this road. Every time I drive on it, I see dangerous passing situations and near accidents. Not to mention how frustrating it is to be stuck behind a very slow driver. This is long over due and worth however much it would cost.
- 
407. Name: Leslie Garibaldi on Aug 27, 2012  
Comments:
- 
408. Name: Eileen Merigian on Aug 27, 2012  
Comments:
- 
409. Name: Donna DiPolvere on Aug 27, 2012  
Comments:
- 
410. Name: Dawn Radetich on Aug 27, 2012  
Comments:
- 
411. Name: Cristina Shaffery on Aug 27, 2012  
Comments:
-

412. Name: Liz Hull on Aug 27, 2012  
Comments:

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413. Name: Scott on Aug 27, 2012  
Comments:

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414. Name: John Dotto on Aug 27, 2012  
Comments:

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415. Name: Meghan O'Neill on Aug 27, 2012  
Comments:

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416. Name: Charles A. Kuyl on Aug 27, 2012  
Comments: As a former New Jersey State Police officer and now Chief of Detectives, Ocean County Prosecutors Office I frimly believe that Route 70 needs to be made safer in drive. I've encounter many serious accidents along Route 70 in my 48 years of police work with a number being fatals. Over the years traffic activity has steadily increased causing dangerous encounters in specific areas that need reconstruction and review

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417. Name: Carol Froberg on Aug 27, 2012  
Comments:

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418. Name: Jason Steele on Aug 27, 2012  
Comments:

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419. Name: Susan Grabowski on Aug 27, 2012  
Comments:

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420. Name: Mary Beth Congilose on Aug 27, 2012  
Comments:

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421. Name: Sandy G on Aug 28, 2012  
Comments:

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422. Name: Tracy Westog on Aug 28, 2012  
Comments:

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423. Name: Leslie Rosenberg on Aug 28, 2012  
Comments:

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424. Name: Carolyn Morello on Aug 28, 2012  
Comments: Let's please do something so this could never happen again.

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425. Name: Carolyn Morello on Aug 28, 2012  
Comments:

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426. Name: Patricia Keenan on Aug 28, 2012  
Comments: Please do whatever you can to make Rt. 70 safer for drivers.

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427. Name: KIMBERLY TRUJILLOTOVAR on Aug 28, 2012  
Comments:

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428. Name: Erin Lecki on Aug 28, 2012  
Comments:

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429. Name: Theresa Durst on Aug 28, 2012  
Comments:

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430. Name: Anonymous on Aug 28, 2012  
Comments:

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431. Name: Betty V. on Aug 28, 2012  
Comments:

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432. Name: C. Lord on Aug 28, 2012  
Comments:

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433. Name: Thomas Tiernan on Aug 28, 2012  
Comments:

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434. Name: Bill Scharfenberg on Aug 28, 2012  
Comments:

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435. Name: Marjorie Herr on Aug 28, 2012  
Comments:

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436. Name: Raymond Gardner on Aug 28, 2012  
Comments:

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437. Name: Laura Moore on Aug 28, 2012  
Comments:

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438. Name: Joseph Moore on Aug 28, 2012  
Comments:

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439. Name: Heidi Newman on Aug 28, 2012  
Comments:

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440. Name: Joseph Aulisi on Aug 28, 2012  
Comments: As a former fatal accident detective I have witnessed to many fatals on this narrow road. It needs to be widend and dividers put in. I am afraid to drive it.

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441. Name: JOHN ARGENTO on Aug 28, 2012  
Comments: WE LOVE YOU 35-31

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442. Name: Joe Mitchell on Aug 28, 2012  
Comments: T

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443. Name: Michael Cecchini on Aug 28, 2012  
Comments:

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444. Name: Lilla Morello on Aug 28, 2012  
Comments:

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445. Name: John Joseph Doran on Aug 28, 2012  
Comments: This shouldn't be on a wish list. This needs to be on a &quot;Must Do List.&quot;

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446. Name: Anonymous on Aug 28, 2012  
Comments:

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447. Name: Gretchen Varelli on Aug 28, 2012  
Comments:

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448. Name: Alex Bromley on Aug 28, 2012  
Comments:
- 
449. Name: Ed Gorman on Aug 28, 2012  
Comments:
- 
450. Name: Joe Aulisi on Aug 28, 2012  
Comments: How many more people have to die before you do something. It is 50 years overdue
- 
451. Name: Anonymous on Aug 28, 2012  
Comments:
- 
452. Name: Donna L. Prestia on Aug 28, 2012  
Comments:
- 
453. Name: Jill Cuzzo Holowach on Aug 28, 2012  
Comments:
- 
454. Name: Barbara Hojnowski on Aug 28, 2012  
Comments: Please consider adding Safe Corridors Rt. 70 to your 2013 transportation project. My beautiful 20 year old niece was recently killed in a traffic accident on this road and many other lives have been lost each year. This is a much needed project and before you spend money on other projects please review this request. Thank you.
- 
455. Name: James P. Gilligan on Aug 28, 2012  
Comments:
- 
456. Name: Bridget Coughlin on Aug 28, 2012  
Comments:
- 
457. Name: Kelley Madensky on Aug 28, 2012  
Comments:
- 
458. Name: Lisa Simone on Aug 28, 2012  
Comments:
- 
459. Name: James Hill on Aug 28, 2012  
Comments:
- 
460. Name: David Margentino Jr. on Aug 28, 2012  
Comments:
- 
461. Name: Jamie Margentino on Aug 28, 2012  
Comments:
- 
462. Name: John Steinhauer Jr. on Aug 28, 2012  
Comments:
- 
463. Name: Mara Brater on Aug 28, 2012  
Comments:
- 
464. Name: Terry Cunningham on Aug 28, 2012  
Comments:
- 
465. Name: Rita M. O'Connor on Aug 28, 2012



Comments:

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466. Name: LORI GATHMAN on Aug 28, 2012  
Comments:

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467. Name: Elizabeth Fewkes on Aug 28, 2012  
Comments:

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468. Name: Marguerite Haugh on Aug 29, 2012  
Comments: Let's improve safety!

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469. Name: Celeste Bontempo on Aug 29, 2012  
Comments: Route 70 has been a danger since it was originally widened, but unfortunately whoever designed it and approved it, didn't see far enough in the future to realize they were not widening enough. All they did was make it more dangerous to travel and create a bottleneck.

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470. Name: Kelly Backle on Aug 29, 2012  
Comments:

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471. Name: Joelle Siek on Aug 29, 2012  
Comments:

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472. Name: Morgan Witten on Aug 29, 2012  
Comments:

---

473. Name: Brittanica Gaspar on Aug 29, 2012  
Comments: Rest in peace, Liz

---

474. Name: Christina Tremper on Aug 29, 2012  
Comments:

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475. Name: Zach Hynoski on Aug 29, 2012  
Comments: In honor of my sister.

---

476. Name: Taylor Jacob on Aug 29, 2012  
Comments:

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477. Name: James Smith on Aug 29, 2012  
Comments:

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478. Name: Jessica Gottmann on Aug 29, 2012  
Comments:

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479. Name: Michael Granatelli on Aug 29, 2012  
Comments:

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480. Name: John Marsicano on Aug 29, 2012  
Comments:

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481. Name: Kaitlyn Keegan on Aug 29, 2012  
Comments:

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482. Name: Jose Martinez on Aug 29, 2012  
Comments:

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483. Name: Ashley Manno on Aug 29, 2012  
Comments:

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484. Name: Brayndi Grassi on Aug 29, 2012  
Comments:

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485. Name: Catherine Hynoski on Aug 29, 2012  
Comments:

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486. Name: Linda Lloyd on Aug 29, 2012  
Comments:

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487. Name: Patrick Dow on Aug 29, 2012  
Comments:

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488. Name: Amir Zayed on Aug 29, 2012  
Comments:

---

489. Name: Kaitlyn Cohen on Aug 29, 2012  
Comments:

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490. Name: Thomas Lanza on Aug 29, 2012  
Comments: I know of four families that have been affected, three tragically, by accidents on this road, one particular stretch in general. Please do what needs to be done to make this a safer roadway for us all to travel.

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491. Name: Kimberly Vogel on Aug 29, 2012  
Comments:

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492. Name: William King on Aug 29, 2012  
Comments:

---

493. Name: Anonymous on Aug 29, 2012  
Comments:

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494. Name: Elsa Maize on Aug 29, 2012  
Comments: stop the danger condition. help Liz's death have a purpose

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495. Name: Darleen McGlaughlin on Aug 29, 2012  
Comments:

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496. Name: Jessica Valenti on Aug 29, 2012  
Comments:

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497. Name: Ashley Tito on Aug 29, 2012  
Comments:

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498. Name: Barbara Anne Corbett on Aug 29, 2012  
Comments:

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499. Name: Ashlie on Aug 29, 2012  
Comments:

---

500. Name: Anonymous on Aug 29, 2012  
Comments:

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501. Name: Jason Setti on Aug 29, 2012  
Comments:
- 
502. Name: Anonymous on Aug 29, 2012  
Comments: Make 70 safe!
- 
503. Name: Michelle Huttemann on Aug 29, 2012  
Comments:
- 
504. Name: Nita Witten on Aug 29, 2012  
Comments:
- 
505. Name: Brittany Binderoff on Aug 29, 2012  
Comments:
- 
506. Name: Karen Doble on Aug 29, 2012  
Comments: This stretch of road has been treacherous for too long. I saw the aftermath of a head-on collision on Rt. 70 many years ago before police arrived on the scene. People try to pass when behind an usually slow driver which sets the stage for deadly accidents.
- 
507. Name: Christal Bartholomew on Aug 29, 2012  
Comments:
- 
508. Name: Susan Ryan on Aug 29, 2012  
Comments:
- 
509. Name: Anonymous on Aug 29, 2012  
Comments:
- 
510. Name: Steven Henry on Aug 29, 2012  
Comments:
- 
511. Name: Katie Accinni on Aug 29, 2012  
Comments:
- 
512. Name: Linda Rondinone on Aug 29, 2012  
Comments: I would love to see Rt. 70 a four lane highway to make it a safe route to travel. The way Rt. 70 is right now it's very antiquated and not a safe road to travel!
- 
513. Name: Vanessa Martin on Aug 29, 2012  
Comments:
- 
514. Name: Mary Bowen on Aug 29, 2012  
Comments:
- 
515. Name: Liz Castro on Aug 30, 2012  
Comments:
- 
516. Name: Erin Ewasko on Aug 30, 2012  
Comments:
- 
517. Name: Elizabeth Sleight on Aug 30, 2012  
Comments:
- 
518. Name: Anonymous on Aug 30, 2012  
Comments:

- 
519. Name: Nicole Barnes on Aug 30, 2012  
Comments:
- 
520. Name: Mary Rasor on Aug 30, 2012  
Comments:
- 
521. Name: Andrea Yeash on Aug 30, 2012  
Comments:
- 
522. Name: Robert Dozier on Aug 30, 2012  
Comments:
- 
523. Name: Lori Brandimarto on Aug 30, 2012  
Comments:
- 
524. Name: Chelsea on Aug 30, 2012  
Comments: Seriously, it's a wreck.
- 
525. Name: Michael Cruz on Aug 30, 2012  
Comments:
- 
526. Name: Thomas MacWilliams on Aug 30, 2012  
Comments:
- 
527. Name: Jennifer Kane on Aug 30, 2012  
Comments: One of my close friends lost her life on this road over the summer. In order to prevent this tragedy from happening again to countless other friends and family, please take whatever steps are necessary to make this road safer. (i.e. adding more lights, expanding the road, etc.)
- 
528. Name: Sharon Falkowski on Aug 30, 2012  
Comments:
- 
529. Name: Mary Fajardo on Aug 30, 2012  
Comments:
- 
530. Name: Nicholas J Murray on Aug 30, 2012  
Comments: As a responsible and safe driver, I had my only accident to this day on Rt. 70. While doing 10 below the speed limit I skidded almost 60 feet due to the extremely slick road surface (due to severe tire wear) into the back of a truck. I was given a ticket for careless driving, when in fact the state should have been at fault for poorly maintain road surfaces. Overall, the roads are in need to repaving and better lighting.
- 
531. Name: Alexandra on Aug 30, 2012  
Comments: One of my friends was killed on that road this year. This one's for you, Liz.
- 
532. Name: Shawna Kastin on Aug 30, 2012  
Comments:
- 
533. Name: Leslie M. on Aug 30, 2012  
Comments:
- 
534. Name: Kerri Russo on Aug 30, 2012  
Comments:
- 
535. Name: Marty Andersen on Aug 30, 2012  
Comments: good job Tara !!

- 
536. Name: Lys Sa on Aug 30, 2012  
Comments:
- 
537. Name: Linda Camarda on Aug 30, 2012  
Comments:
- 
538. Name: Michelle Bertolino on Aug 30, 2012  
Comments:
- 
539. Name: Morgan Nina on Aug 30, 2012  
Comments:
- 
540. Name: Susanne Voelker on Aug 31, 2012  
Comments:
- 
541. Name: Len Werner on Aug 31, 2012  
Comments:
- 
542. Name: Stephanie O'Leary on Aug 31, 2012  
Comments: it is disgusting that the state has not done anything about this road yet. Many people lose their lives to the many many many car accidents that happen on this road. You'd think year after year of so many accidents they'd have done something a long time ago. We don't need any more deaths on this road.
- 
543. Name: Michael Proto on Aug 31, 2012  
Comments:
- 
544. Name: Anonymous on Aug 31, 2012  
Comments:
- 
545. Name: Leslie M on Sep 01, 2012  
Comments:
- 
546. Name: Melissa Stives on Sep 01, 2012  
Comments:
- 
547. Name: Samantha Smith on Sep 01, 2012  
Comments: lost a friend in a fatal car accident on this road
- 
548. Name: Debra DeBenedetto on Sep 02, 2012  
Comments:
- 
549. Name: Andrew Hoehn on Sep 02, 2012  
Comments:
- 
550. Name: Patricia ONeill on Sep 02, 2012  
Comments:
- 
551. Name: Michael Steinhauer on Sep 02, 2012  
Comments:
- 
552. Name: Chris Eppolito on Sep 02, 2012  
Comments:
- 
553. Name: Anonymous on Sep 02, 2012

Comments: Rest in peace, sister...

---

554. Name: Anthony Gramiccioni on Sep 02, 2012  
Comments:

---

555. Name: Steven Michalkowski on Sep 02, 2012  
Comments: Make it 4 lanes, add lights

---

556. Name: Kelly Mullins on Sep 02, 2012  
Comments: Never Forgotten

---

557. Name: Kristin O'Connor on Sep 02, 2012  
Comments: As a former student at Georgian Court University, our travels took us along Route 70 several times a month. The fact that there have been multiple incidents in that area means action must be taken NOW before another life is lost.

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558. Name: Ronald Petrella on Sep 02, 2012  
Comments:

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559. Name: John T Harbourt on Sep 02, 2012  
Comments: make it happen

---

560. Name: JOHN SCORDATO on Sep 02, 2012  
Comments:

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561. Name: Robert Dovi, Jr on Sep 02, 2012  
Comments: this is long over due this road needs major improvements for safety.

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562. Name: Anonymous on Sep 02, 2012  
Comments:

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563. Name: Kevin R Schaal on Sep 02, 2012  
Comments: RIP Tina

---

564. Name: Roy Bucci on Sep 02, 2012  
Comments:

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565. Name: Nancy Frasca on Sep 02, 2012  
Comments:

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566. Name: Barbara McFarland on Sep 02, 2012  
Comments: Please allocate the necessary resources to make Rt. 70 safer.

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567. Name: Cherie Howard on Sep 02, 2012  
Comments: this needs to be done ASAP

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568. Name: Suzanne on Sep 02, 2012  
Comments:

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569. Name: Jazmin Felder on Sep 02, 2012  
Comments:

---

570. Name: Jim Zuber on Sep 02, 2012  
Comments:

---

571. Name: Yvonne Wilson on Sep 02, 2012

Comments:

---

572. Name: Kary Duff on Sep 02, 2012  
Comments:

---

573. Name: Andrew on Sep 02, 2012  
Comments: we must always honor those who have served & make sure the families are well taken care of...

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574. Name: Angelica Belenski on Sep 02, 2012  
Comments: My heart and prayers go out to her family. For everyone who wears a badge, or wore a badge (those of us retired) we will always be family. Sisters & Brothers in BLUE. If anyone needs anything -please use my email. I will come running

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575. Name: Heather A. Ollendorf on Sep 02, 2012  
Comments:

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576. Name: DIANA SAHLBERG on Sep 02, 2012  
Comments:

---

577. Name: Teri Sandin on Sep 02, 2012  
Comments: Please make this so. God Bless ALL in Blue and Everyone Else!

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578. Name: Lucia Koenig on Sep 02, 2012  
Comments:

---

579. Name: Lucia Koenig on Sep 02, 2012  
Comments:

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580. Name: Cheryl Hendershot on Sep 02, 2012  
Comments: Very dangerous highway. I live right next to mile marker 21. There aren't any street lights or traffic lights at any of the busy intersections (Big Hill Rd).

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581. Name: Rich HOwe on Sep 02, 2012  
Comments:

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582. Name: Dana Kurpat on Sep 02, 2012  
Comments: make it a 4 lane road

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583. Name: John Shive on Sep 02, 2012  
Comments:

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584. Name: Shannon Cutrona on Sep 02, 2012  
Comments:

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585. Name: Deborah Karfs on Sep 02, 2012  
Comments:

---

586. Name: Carol Stoffers on Sep 02, 2012  
Comments:

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587. Name: Edwin Ramirez on Sep 02, 2012  
Comments:

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588. Name: Susan Schmitt on Sep 02, 2012  
Comments: fix the problem.....

---

589. Name: Carolyn Morello on Sep 02, 2012  
Comments:

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590. Name: Raymond Castro & Rowena Hodges on Sep 02, 2012  
Comments: Such a tragedy...Thank you for trying to do something to prevent others.

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591. Name: Patricia Lykes on Sep 03, 2012  
Comments:

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592. Name: Alex Mizenko on Sep 03, 2012  
Comments:

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593. Name: Marcellina Prudente on Sep 03, 2012  
Comments:

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594. Name: Maria Rinaldi on Sep 03, 2012  
Comments:

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595. Name: Colleen Curren on Sep 03, 2012  
Comments:

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596. Name: Rebecca Komperud on Sep 03, 2012  
Comments:

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597. Name: Kristen Feeney on Sep 03, 2012  
Comments:

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598. Name: James DeRosario on Sep 03, 2012  
Comments:

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599. Name: Megan Reese on Sep 03, 2012  
Comments:

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600. Name: Anonymous on Sep 03, 2012  
Comments:

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601. Name: Mary Amzler on Sep 03, 2012  
Comments: Do something!!!!

---

602. Name: Karen Casella on Sep 03, 2012  
Comments:

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603. Name: Judy Toft on Sep 03, 2012  
Comments:

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604. Name: Susan Curren on Sep 03, 2012  
Comments: Rt. 70 is a horror through Ocean County in particular!

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605. Name: Kelli-Ann Riley on Sep 03, 2012  
Comments:

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606. Name: Deborah McNish on Sep 03, 2012  
Comments:

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607. Name: Pamela Reinheimer on Sep 03, 2012



Comments:

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608. Name: Alexis Becht on Sep 04, 2012  
Comments:

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609. Name: Sheryl on Sep 04, 2012  
Comments:

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610. Name: Laura Carrozza on Sep 04, 2012  
Comments:

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611. Name: Mike Nevil on Sep 04, 2012  
Comments: Please make Route 70 safe

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612. Name: Christine Smith on Sep 04, 2012  
Comments:

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613. Name: Joseph Rpbert Aulisi on Sep 04, 2012  
Comments: If there was a make shift memorial for everyone that died on that road it would look like going into Atlantic City. What is it going to take a Politicians child or family member to die before we see some changes in this death trap of a road

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614. Name: Myrtle Arthur on Sep 04, 2012  
Comments:

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615. Name: Dawn Stelman Gluck on Sep 04, 2012  
Comments: Please widen Route 70

---

616. Name: Adam Sennick on Sep 05, 2012  
Comments:

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617. Name: William Ihrig on Sep 05, 2012  
Comments:

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618. Name: JoAnn McGuirk on Sep 06, 2012  
Comments:

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619. Name: Shauna Weir on Sep 06, 2012  
Comments: Hope this makes a difference

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620. Name: Liam Lawton on Sep 06, 2012  
Comments: I hope this genuieny makes a difference Tara

---

621. Name: Chelsey Peak on Sep 06, 2012  
Comments: Although I haven't lived in New Jersey since 2004, I know how awful this stretch of road is and something needs to be done to make it safer. Hopefully this petition will prevent future tragedies on Rt. 70.

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622. Name: Jean Reardon on Sep 07, 2012  
Comments: For Santina

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623. Name: Diane Wendell on Sep 07, 2012  
Comments:

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624. Name: Christie Cruz on Sep 07, 2012  
Comments:

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625. Name: David Jantas on Sep 07, 2012  
Comments:

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626. Name: Joanne Brush on Sep 07, 2012  
Comments: Good idea

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627. Name: Anne Todd on Sep 07, 2012  
Comments:

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628. Name: Susan Todd on Sep 08, 2012  
Comments:

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629. Name: John Morello on Sep 10, 2012  
Comments:

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630. Name: Tahryn Nicastro on Sep 10, 2012  
Comments:

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631. Name: Aidan Cunningham on Sep 10, 2012  
Comments:

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632. Name: Bob Sabatino on Sep 10, 2012  
Comments:

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633. Name: Ben Cunningham on Sep 10, 2012  
Comments:

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634. Name: Yvonne Cunningham on Sep 10, 2012  
Comments:

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635. Name: Frank S. Scarantino on Sep 10, 2012  
Comments: Ocean County recognizes the need to audit and address safety upgrades to the State Highway Route 70 corridor.

---

636. Name: Michelle Finney on Sep 10, 2012  
Comments:

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637. Name: Frank S. Scarantino on Sep 10, 2012  
Comments:

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638. Name: Pamela Smejkal on Sep 10, 2012  
Comments: MAKE ROUTE 70 SAFER!

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639. Name: Anonymous on Sep 10, 2012  
Comments:

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640. Name: Anonymous on Sep 10, 2012  
Comments:

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641. Name: Marites Acampora on Sep 11, 2012  
Comments:

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642. Name: Elizabeth Reardon on Sep 11, 2012  
Comments:

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643. Name: Judy Korbut on Sep 11, 2012

Comments:

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644. Name: Lisa Maglieri on Sep 11, 2012  
Comments:

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645. Name: Daniella Wilde on Sep 11, 2012  
Comments:

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646. Name: Shelly Nowakowski on Sep 11, 2012  
Comments: Signing in memory of Tina Rambo

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647. Name: Ellen Langan on Sep 11, 2012  
Comments:

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648. Name: Louise Robinson on Sep 11, 2012  
Comments:

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649. Name: Sandra Demartino on Sep 11, 2012  
Comments:

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650. Name: Rudolfo Fossa on Sep 11, 2012  
Comments:

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651. Name: Barbara Riley on Sep 11, 2012  
Comments:

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652. Name: Cathleen Dinnie on Sep 11, 2012  
Comments:

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653. Name: Theresa Franco on Sep 11, 2012  
Comments:

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654. Name: Linda Crooks on Sep 11, 2012  
Comments:

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655. Name: Rochelle Newbert on Sep 11, 2012  
Comments:

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656. Name: Shirley Vazquez on Sep 11, 2012  
Comments: Make this road safe for the many families that travel on it.

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657. Name: Joanne Laviolette on Sep 11, 2012  
Comments:

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658. Name: Rachel Hill on Sep 11, 2012  
Comments:

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659. Name: Diane Stetson on Sep 11, 2012  
Comments: For my friend Santina who lost a friend last year

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660. Name: Emily Manning on Sep 11, 2012  
Comments:

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661. Name: Kristina Chiulli on Sep 11, 2012  
Comments:

- 
662. Name: Tony Chiulli on Sep 11, 2012  
Comments:
- 
663. Name: Joe Morello on Sep 11, 2012  
Comments:
- 
664. Name: Nicole on Sep 11, 2012  
Comments:
- 
665. Name: Rosanne Cuje on Sep 11, 2012  
Comments: Make our streets safe!
- 
666. Name: Tina Moreau-Jones on Sep 11, 2012  
Comments:
- 
667. Name: Lynn Poehler on Sep 11, 2012  
Comments:
- 
668. Name: Mary Thomas on Sep 11, 2012  
Comments:
- 
669. Name: Cara Bianchi on Sep 12, 2012  
Comments:
- 
670. Name: Heather Goncalves on Sep 12, 2012  
Comments:
- 
671. Name: Anonymous on Sep 12, 2012  
Comments:
- 
672. Name: Anonymous on Sep 12, 2012  
Comments:
- 
673. Name: Jamie Jasina on Sep 12, 2012  
Comments:
- 
674. Name: Robert Grundulis on Sep 12, 2012  
Comments:
- 
675. Name: Dawn Wledow on Sep 12, 2012  
Comments: pASS THIS SO NO MORE KIDS GET KILLED!!!!!!!!!!
- 
676. Name: Tammy Thigpen on Sep 12, 2012  
Comments:
- 
677. Name: Laura Domash on Sep 12, 2012  
Comments: For my friend Santina. . .keep our roads safe people. Together we can make a difference!
- 
678. Name: Anonymous on Sep 13, 2012  
Comments: Please make this road safe for everyone.
- 
679. Name: Melanie Henry on Sep 13, 2012  
Comments: for Liz
-

680. Name: Jean Reardon on Sep 14, 2012  
Comments:

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681. Name: Sandra on Sep 16, 2012  
Comments:

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682. Name: Kathy Eycke on Sep 16, 2012  
Comments:

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683. Name: Kathy Eycke on Sep 16, 2012  
Comments:

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684. Name: Heidi Dallas on Sep 17, 2012  
Comments:

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685. Name: TM Calabrese on Sep 17, 2012  
Comments:

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686. Name: Vivienne Clarke on Sep 17, 2012  
Comments: This seems such a straightforward way to deal with a major problem.

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687. Name: Ian Mulvaney on Sep 17, 2012  
Comments:

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688. Name: Mike Snee on Sep 17, 2012  
Comments:

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689. Name: Sue Campbell on Sep 17, 2012  
Comments:

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690. Name: Debra Gallipoli on Sep 17, 2012  
Comments:

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691. Name: Dennis Clarke on Sep 17, 2012  
Comments:

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692. Name: Andrew Tortorello on Sep 17, 2012  
Comments:

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693. Name: Jay Lerman on Sep 17, 2012  
Comments:

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694. Name: Audrey McMahon on Sep 17, 2012  
Comments:

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695. Name: Catriona NiSheadadh on Sep 18, 2012  
Comments: Good luck with this important petition

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696. Name: CHRIS on Sep 18, 2012  
Comments:

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697. Name: Anonymous on Sep 18, 2012  
Comments:

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698. Name: Joan Patterson on Sep 18, 2012

Comments:

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699. Name: Kathy Cawley on Sep 18, 2012  
Comments:

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700. Name: Rae Richardson on Sep 18, 2012  
Comments:

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701. Name: Ccooper on Sep 18, 2012  
Comments:

---

702. Name: Christine Marley on Sep 18, 2012  
Comments:

---

703. Name: Patty Woolley on Sep 18, 2012  
Comments:

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704. Name: Pat Bishop on Sep 18, 2012  
Comments: This is a good cause. Route 70 is dangerous!!!

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705. Name: Mary Mundy on Sep 18, 2012  
Comments: My niece was killed on this road. Should never have happened. Don't let any more die.

---

706. Name: Angelina Izzo on Sep 18, 2012  
Comments: Need to protect future accidents like this

---

707. Name: Kim Rinkerman on Sep 18, 2012  
Comments:

---

708. Name: Rosemarie Johnson on Sep 18, 2012  
Comments: Please make Rt. 70 safe.

---

709. Name: Brianne Betz on Sep 18, 2012  
Comments:

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710. Name: Richard on Sep 18, 2012  
Comments:

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711. Name: Laura Proto on Sep 18, 2012  
Comments: needs to happen!!

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712. Name: Michael Proto on Sep 18, 2012  
Comments:

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713. Name: Michelle Dolce on Sep 18, 2012  
Comments:

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714. Name: Maria Tedeschi on Sep 18, 2012  
Comments:

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715. Name: Leah Kapler on Sep 18, 2012  
Comments:

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716. Name: Eileen Casement on Sep 18, 2012  
Comments:

- 
717. Name: JILL CAVALIERI on Sep 18, 2012  
Comments:
- 
718. Name: Lisa Simone on Sep 18, 2012  
Comments:
- 
719. Name: Matthew Gerrity on Sep 18, 2012  
Comments:
- 
720. Name: Michele Maize on Sep 18, 2012  
Comments:
- 
721. Name: Amy Mackle on Sep 18, 2012  
Comments:
- 
722. Name: Michele Martone on Sep 18, 2012  
Comments:
- 
723. Name: Sarah on Sep 18, 2012  
Comments:
- 
724. Name: Jeri Swan on Sep 18, 2012  
Comments:
- 
725. Name: Terese Urban on Sep 18, 2012  
Comments:
- 
726. Name: Jeri on Sep 18, 2012  
Comments: Fix the road before more children get killed. thank you
- 
727. Name: Allison Metz on Sep 18, 2012  
Comments:
- 
728. Name: David Geiger on Sep 18, 2012  
Comments:
- 
729. Name: Pamela Reinheimer on Sep 18, 2012  
Comments: Thank you for continuing to make our roads safe.
- 
730. Name: Kim Biehler on Sep 18, 2012  
Comments:
- 
731. Name: Anne-Marie Connolly on Sep 18, 2012  
Comments:
- 
732. Name: Martin Connolly on Sep 18, 2012  
Comments:
- 
733. Name: Joe A. on Sep 18, 2012  
Comments: ARE YOU KIDDING THIS SO OVERDUE.
- 
734. Name: Councillor Sinead Dooley on Sep 18, 2012  
Comments:
-

735. Name: Sinead Dooley on Sep 18, 2012  
Comments:

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736. Name: Linda Regulski on Sep 18, 2012  
Comments:

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737. Name: Cathy Humphrey on Sep 18, 2012  
Comments:

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738. Name: Anthony Tedeschi on Sep 18, 2012  
Comments:

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739. Name: ROSEMARY GERRITY on Sep 18, 2012  
Comments:

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740. Name: Joseph Humphrey on Sep 18, 2012  
Comments:

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741. Name: Joseph Celentano on Sep 18, 2012  
Comments:

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742. Name: Barbara Joya on Sep 18, 2012  
Comments:

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743. Name: Michele Mergen on Sep 18, 2012  
Comments:

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744. Name: Chris Mergen on Sep 18, 2012  
Comments:

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745. Name: Anonymous on Sep 19, 2012  
Comments:

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746. Name: April Martin on Sep 19, 2012  
Comments:

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747. Name: Beth Blaine on Sep 19, 2012  
Comments:

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748. Name: Katherine Capodici on Sep 19, 2012  
Comments:

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749. Name: Muriel Levine on Sep 19, 2012  
Comments: It is long past the need.

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750. Name: M Dietmeier on Sep 19, 2012  
Comments: Please widen Rt 70  
There are entirely TOO many accidents!!!

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751. Name: Donald Cucuzzella on Sep 19, 2012  
Comments:

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752. Name: Patricia Hynoski on Sep 19, 2012  
Comments: Rt 70, a major highway, desperately needs to be widened. One lane in each direction simply isn't enough to handle all the traffic, not to mention those that drive less than the speed limit & slow down the travel time.

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753. Name: Holly Cucuzzella on Sep 19, 2012  
Comments:
- 
754. Name: Leah Kapler on Sep 19, 2012  
Comments:
- 
755. Name: Beverly Verde on Sep 19, 2012  
Comments:
- 
756. Name: Jill Sands on Sep 19, 2012  
Comments: Please help the citizens of NJ.
- 
757. Name: Rotondo Family on Sep 19, 2012  
Comments:
- 
758. Name: Jean F. High on Sep 19, 2012  
Comments:
- 
759. Name: Ann Marie Scholz on Sep 19, 2012  
Comments:
- 
760. Name: Jane Yavener on Sep 20, 2012  
Comments:
- 
761. Name: Colleen M on Sep 20, 2012  
Comments:
- 
762. Name: Colleen McGrath on Sep 20, 2012  
Comments:
- 
763. Name: Matt Smith on Sep 20, 2012  
Comments:
- 
764. Name: Heather Tufts on Sep 21, 2012  
Comments:
- 
765. Name: Eric S. Higgins on Sep 21, 2012  
Comments:
- 
766. Name: Guy Barretta on Sep 21, 2012  
Comments:
- 
767. Name: Denise Lombardino on Sep 22, 2012  
Comments:
- 
768. Name: Michael Ketterer on Sep 22, 2012  
Comments:
- 
769. Name: KRISTEN RONE on Sep 22, 2012  
Comments:
- 
770. Name: Kim Littlefield on Sep 22, 2012  
Comments:
- 
771. Name: Robert Tichy on Sep 22, 2012

Comments:

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772. Name: Nora Cassella on Sep 22, 2012  
Comments:

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773. Name: Joann Haddad on Sep 22, 2012  
Comments:

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774. Name: Carole Carr on Sep 22, 2012  
Comments:

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775. Name: Denise Nash on Sep 22, 2012  
Comments:

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776. Name: Toni Lynn Vezos on Sep 22, 2012  
Comments:

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777. Name: Jeremy Coyle on Sep 22, 2012  
Comments:

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778. Name: Michelle Stankowitz Minelli on Sep 22, 2012  
Comments:

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779. Name: Arlene J. Barretta on Sep 22, 2012  
Comments:

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780. Name: Marie Guyre on Sep 22, 2012  
Comments:

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781. Name: Anonymous on Sep 23, 2012  
Comments: The widening of Rt 70 is long over-due!

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782. Name: Dianne DeOliveira on Sep 23, 2012  
Comments:

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***EQUALIZERS***

***e-mail: cs@equalizers.org***

***http://www.equalizers.org***

September 14, 2012

To Whom It May Concern:

I was dismayed to learn about the death, a year ago, in a head-on collision of Det. Rambo on the dangerous Route 70, a two-lane unlighted road. As the executive director of the Equalizers, "Advocates for People with Disabilities," I am horrified that one of our caring police officers was killed. Our law enforcement members face serious risks in their jobs every day. It is cruel that one has died due to dangerous road conditions.

I fear that more people will be injured due to the outdated highway. There are about 80 to 90 accidents on this two-lane road each year. Acquired disabilities, especially brain trauma, can seriously alter a victim's entire functioning, with weaknesses in memory, reasoning, communication, ambulation or emotionality.

I understand that the Pinelands Commission, which is meeting on September 24, 2012 to discuss the situation, has jurisdiction over management of the region and the highway. As an original Vermonter I have always been a confirmed "tree-hugger" and environmentalist. But, in this case, I would hope that the safety of people like Det. Rambo would take precedence over land issues in the decision of the Pinelands Commission for its Pinelands Management plan.

The safety of all citizens can be measurably improved through a sustainable widening of the road.

Sincerely,

Carolyn Schwebel, Ed.D.

Executive Director



New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Via email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

September 18, 2012

To whom it may concern:

I am writing to respectfully request that the New Jersey Pinelands Commission work with any and all government agencies to assess whether certain sections along Route 70 in the towns of Manchester, Lakehurst, Pemberton, and Medford may be designated as Safe Corridors; particularly at mile markers 21 and 41. This request stems from a conversation Alliance staff had with Ms. Tara Cunningham. Tragically, Ms. Cunningham's sister, Ms. Tina Rambo, died in a crash at mile marker 21 along Route 70 on August 1, 2011. You may read more about this tragic event by clicking <http://abclocal.go.com/wpvi/story?section=resources/traffic&id=8282023>.

The mission of the Brain Injury Alliance of New Jersey is to support and advocate for individuals affected by brain injury and raise public awareness through education and prevention. The Alliance respects the mission of the New Jersey Pinelands Commission to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve. It is the Alliance's hope that a proper balance between these values can be found that will protect the lives of New Jerseyans and natural and cultural resources.

According to an archived press release in the Office of the Governor's website, the Safe Corridors law authorizes the Commissioner of Transportation to designate segments of state highways as "Safe Corridors" based upon accident rates, fatalities, traffic volume, and other highway traffic safety criteria. Fines are doubled for motor vehicle violations, such as speeding and reckless driving, committed within the corridors. In addition, the law increases fines for out-of-state overweight trucks and requires truckers to complete a special driver education class to restore a suspended Commercial Driver License. Half of all "Safe Corridor" fines collected will be deposited in a Highway Safety Fund. Funds would be used exclusively for highway safety projects and programs, and will be made available to State Police and municipal police departments for education, enforcement, and related measures that foster highway safety. (Source: <http://www.state.nj.us/transportation/newsletter/2003/aug/corridors.shtm>)

I advocate that New Jersey Pinelands Commission work any and all government agencies to assess whether certain sections along Route 70 in the towns of Manchester, Lakehurst, Pemberton, and Medford may be designated as Safe Corridors; particularly areas at mile markers 21 and 41. Should it be determined that these sections do meet the requirements to become a Safe Corridor, I further advocate that the Commission work with any and all relevant government agencies to implement any and all projects related to said designation. One more preventable death or disability on Route 70 is one too many. The Commission and other State government entities must act responsibly.

Thank you for your attention to this concern.

Very truly yours,

A handwritten signature in blue ink that reads "Barbara Geiger-Parker".

Barbara Geiger-Parker  
President & CEO



## State of New Jersey

DEPARTMENT OF TRANSPORTATION  
P.O. Box 600  
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE  
*Governor*

JAMES S. SIMPSON  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

September 13, 2012

Tara Cunningham  
8 Huntington Ct.  
Toms River, New Jersey 08753

Dear Ms. Cunningham:

Commissioner James S. Simpson has asked me to respond to your letter regarding driver safety on Route 70. Please let me extend my sympathy on the loss of your sister.

The New Jersey Department of Transportation (NJDOT) takes safety for drivers, bicyclists and pedestrians very seriously. To this end, NJDOT compiles crash records from the state police on an ongoing basis and analyzes crash data to identify locations with high occurrences. These high-crash locations are then investigated to determine root causes and to develop solutions.

Please understand that not all crashes can be resolved through the construction of physical improvements. Many crashes are the result of driver or pedestrian behavior that cannot be resolved through an engineering solution. NJDOT will continue to make efforts to improve driver and pedestrian awareness and prevention of distracted driving.

As you point out, NJDOT has no projects listed in the Fiscal Year 2013 Transportation Capital Program for widening and median barriers on Route 70. However, NJDOT is currently in the process of updating its crash location lists and Route 70, between milepost 37 and 42, has been identified as a high incident location for centerline crossover crashes. NJDOT will be investigating this location to determine what solutions may be viable.

Thank you for your letter and, again, my sympathy to you and your family as you go through these difficult times.

Sincerely,

A handwritten signature in cursive script that reads "Anthony J. Attanasio".

Anthony J. Attanasio  
Assistant Commissioner  
Government and Community Relations

Frank S. Scarrantino, P.E., P.P.  
Ocean County Engineer

C. Roberts Mulloy, P.E., P.P.  
Assistant County Engineer

Thomas E. Hartman, Jr., P.E.  
Supervising Engineer

Mark F. Jehnke, P.E.  
Supervising Engineer



**OFFICE OF THE OCEAN COUNTY ENGINEER**

129 Hooper Avenue • P.O. Box 2191  
Toms River, New Jersey 08754-2191

Voice (732) 929-2130

Telefax (732) 506-5182

Road Opening Permit (732) 929-2124

Traffic (732) 349-8165

September 21, 2012

Ms. Nancy Wittenberg  
Executive Director  
NJ Pinelands Commission  
P.O. Box 359  
15 Springfield Road  
New Lisbon, NJ 08064

Re: State Highway Route 70 "All Safe Corridor" Considerations for Pinelands  
Comprehensive Management Hearing

Dear Ms. Wittenberg:

From January 1, 2009 to date there have been over 400 accidents including seven (7) fatalities on just the twenty mile section of State Highway Route 70 between mile points 21 and 41 (Burlington and Ocean Counties). Three (3) of these fatalities have occurred just this year in the vicinity of MP 22 and even the New Jersey Department of Transportation has identified the five (5) miles between mile points 37 and 42 as a high incident location for centerline crossover crashes.

While I realize that major improvements to Route 70 could have detrimental impacts to the Pinelands region, I urge you and the Commission to recognize the need for substantive safety improvements to this corridor.

Please let me be clear; I am not advocating for increased capacity. I am advocating that the Pinelands Comprehensive Management Plan recognize the need for low and moderate impact measures such as median barriers, improved shoulders, guiderails and lighting.



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (732) 929-2130.

Ms. Nancy Wittenberg

September 21, 2012

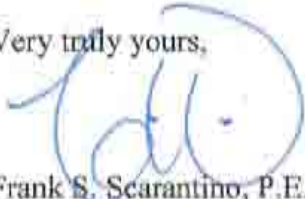
Re: State Highway "All Safe Corridor" Considerations for Pinelands Comprehensive  
Management Hearing

Page 2

These types of improvements can significantly enhance the safety of this corridor without increasing capacity. Additionally, greater provisions for regional mitigation of any Stormwater, wetlands and habitat impacts must be included. All too often, the regulatory mitigation can have greater impacts to the environment than the project itself and create new safety issues as well. Regional mitigation is the key to efficient implementation of safety improvements.

Thank you for your anticipated consideration.

Very truly yours,



Frank S. Scarantino, P.E., P.P.  
Ocean County Engineer

FSS/bji

cc: Gerry P. Little, Freeholder Director  
John C. Bartlett, Jr., Freeholder Deputy Director  
John P. Kelly, Freeholder  
James F. Lacey, Freeholder  
Joseph H. Vicari, Freeholder  
Carl W. Block, Ocean County Administrator  
Tara Cunningham, NJ Department of Transportation  
James S. Simpson, Commissioner, NJ Department of Transportation  
Anthony J. Attanasio, Assistant Commissioner, NJ Department of Transportation  
Michael Fressola, Mayor, Manchester Township

**FOR IMMEDIATE RELEASE (Sunday, 23 September)**

The family of Ocean County Detective Tina Rambo, who was killed in a centerline, crossover collision in on Route 70, August 1, 2011, has mobilized all sectors of the community to call on the Pinelands Commission to adapt the Comprehensive Management Plan (CMP) to allow for the creation of NJDOT Cross Median Accident Prevention and / or Safe Corridor designation through the lands under the Pinelands Commissions remit, specifically for Route 70.

A map showing fatal and severe accidents since 2010 can be viewed on <http://goo.gl/maps/4YzOg>

Letters and statements of support will be presented to the Pinelands Commission Public Meeting on Monday evening, 7:00pm at the Richard J. Sullivan Center from:

- Ocean County Administrator Carl Block and Ocean County Engineer Frank Scarantino
- Pemberton Police, Chief David Jantas and Lt Brian Wechkus
- Lakehurst Police Chief Eric Higgins
- Medford Police Chief Meder and Lt Waterman
- Manchester Police Patrolman Doug Higgins
- Barbara Geiger-Parker CEO of Brain Injury Alliance of NJ
- Carolyn Schwebel of The Equalizers
- New Jersey Women in Law Enforcement and,
- Jeanine Liston, sister of Tina Rambo.

In addition, over 750 people have signed a recently uploaded petition to make Route 70 Safe. <http://www.ipetitions.com/petition/make-route-70-in-new-jersey-safe>

**Accidents**

Route 70, a stretch of highway cutting across New Jersey has been plagued by deadly crashes for decades. On milepost 21 alone, four people have died since in three separate accidents since Tina's death. Just last Tuesday another innocent person lost their life on milepost 38.

Every single year, there are 5-10 fatal car accidents, 50-70 severe accidents and close to 200 accidents on the two lane, unlighted road, which is the main artery between Philadelphia / Western New Jersey and the Jersey Shore. This road has been virtually unchanged since the 1930s so is wholly inappropriate for use in 2012.

A map highlighting the fatal and severe accidents from 2010 to present can be found on <http://goo.gl/maps/4YzOg>

In a letter dated September 13, 2012 to Tara Cunningham, Anthony J Attanasio, Assistant Commissioner stated the NJDOT are in the "...process of updating its crash location lists and Route 70, between milepost 37 and 42, has been identified as a high incident location for centerline crossover crashes. NJDOT will be investigative this location to determine what solutions may be viable."



The Liston and Rambo families welcome the DOT's review of mileposts 37 and 42 and believe further review of Route 70 crash statistics are necessary.

#### **Collaborating with the Pinelands Commission**

The New Jersey Pinelands Commission has embarked on its fourth in-depth review of the Pinelands Comprehensive Management Plan (CMP), and the public's participation is a critical part of the process.

On Monday, September 24th, at 7pm, in the Richard J. Sullivan Center the Liston and Rambo families, police forces along the Route, and disability groups will make an impassioned plea to the Pinelands Commission to adapt the CMP to allow for the creation of a Safe Corridor through Route 70.

#### **Cross Median Accident Prevention Program**

The NJDOT Cross Median Accident Prevention Program identifies locations where excessive numbers of cross-median head-on collisions have occurred. NJDOT then provides median barriers designed to prevent such occurrences at identified locations.

#### **Safe Corridors**

Safe Corridors law authorizes the Commissioner of Transportation to designate segments of state highways as "Safe Corridors" based upon accident rates, fatalities, traffic volume, and other highway traffic safety criteria. Fines are doubled for motor vehicle violations, such as speeding and reckless driving, committed within the corridors. Funds would be used exclusively for highway safety projects and programs, and will be made available to State Police and municipal police departments for education, enforcement, and related measures that foster highway safety.

<<ENDS>>

For more information, please contact Jeanine Liston at [jeanine.liston@yahoo.com](mailto:jeanine.liston@yahoo.com) 732.503.3057; or Tara Cunningham at [tara.cunningham@gmail.com](mailto:tara.cunningham@gmail.com).  
Tara Cunningham lives in Ireland and can be reached on 011.353.87.247.3486.



**THE ALLEGHENY  
SOCIETY OF  
AMERICAN FORESTERS  
NEW JERSEY DIVISION**

September 20, 2012

Nancy Wittenberg,  
Executive Director  
New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064



Ms. Wittenberg:

As the Executive Committee of the New Jersey Division of the Allegheny Society of American Foresters, we applaud you and the Pinelands Commission for having the political courage to review the regulations N.J.A.C. 7:50 - the Pinelands Comprehensive Management Plan ("PCMP").

As you may know, we are the professional society representing the many foresters and land managers, both public and private, who steward New Jersey's forests. For well over 100 years, the Society of American Foresters has stood for a professional stewardship ethic that has delivered the basic needs for society: Clean water and air; diversity of habitats, recreational opportunities, and regeneration of native vegetation types all while contributing to our nation's economic well-being via a sustainable supply of forest products and other environmental benefits.

Particularly in the state of New Jersey, it is the SAF's professional foresters who bring to any discussion of forest policy their many decades of forest management experience that has occurred on tens of thousands of acres inside of the Pinelands region. Further, it is our members who are uniquely able to inform this discussion with an empirical and experiential knowledge base about causes and effects of forest management interventions and policies. We believe that no other party or stakeholder in this discussion can speak with this societies amount of authority and on-the-ground experience.

As a Society, it is our professional opinion that certain portions of N.J.A.C. 7:50 that attempt to regulate forest management consistent with the Pinelands Protection Act, as well as with the General Provisions contained therein, are seriously flawed and must be improved if the intent of the enabling legislation is ever to be realized. Additionally, we believe that these regulations as interpreted and implemented presently have deviated so profoundly from the enabling legislation that that the citizens of New Jersey have been palpably harmed instead of enhanced. For example, we observed that:

- Human health and welfare have been endangered by the accumulation of unreasonable and historically anomalous increase in tree biomass density in many portions of the pinelands due - at least in part - to regulatory or *de facto* regulatory impediments to reasonable forest management, silvicultural and habitat-management interventions. These impediments have contributed to substantial increases in the hazard that these already highly-flammable forest fuel types represent the citizens of New Jersey;

- This trending change in forest spatial attributes to very dense stands of trees, with very high levels of biomass per-acre, has generally led to stands of trees that are challenged to accumulate adequate soil moisture and sunlight. This, in turn, has led to seriously – and perhaps permanently – diminishing forest health and vigor vis-à-vis that of the Pinelands forests and woodlands which the enabling Act originally sought to preserve in 1979;
- Similarly, the declining quality and changing attributes of our Pinelands forests in 2012, and that are in part unintended consequences of poorly regulating forestry there, have significantly reduced populations of several endangered species. This is especially so of many locally endemic species in southern New Jersey that are particularly susceptible to loss of early-succession, disturbed habitats, or old-growth heavily burned and open-architecture habitats, which used to be much more common;
- Were New Jersey to improve forest management policies in the pinelands today, and seek to reverse some of this environmental degradation via technically appropriate and historically validated forest management practices, the implementation costs of a better policy will have been exacerbated by the damage N.J.A.C. 7:50 has inadvertently caused or allowed over the past three decades. Stated another way, impediments to forestry in the pinelands region that have been longstanding, have - in our professional opinion - contributed to the regional extirpation of a viable forest-products industry and jobs that were once an integral key component of the historical management paradigm of the pinelands region. Recall that the forests created by the disturbance-heavy paradigm of previous decades are what created the attributes that led the State to preserve and regulate the area via the 1979 Act in the first place;
- New Jersey citizens would once have been able to enjoy the amenity and environmental benefits of the Pinelands region, as well as partake of a local and sustainable source of commodities such as timber, lumber, cedar products and the like. It is a sad fact that commodities we use here in this state are now almost entirely imported from outside the region. This results in fewer economic opportunities for landowners, causes a need for exogenous funding of habitat enhancement work, decreases market value of forest lands and drives landowners to sell land for which they may not be able to pay property taxes. and;
- This policy-driven damage to New Jersey's economy is paralleled by damage to and diminution of the local, regional pinelands culture for which forest management, controlled burning, timber harvesting, and general self-sufficiency had been a way of life for hundreds – if not thousands - of years. Again, because of impediments to harvesting trees on private land, as well as the collateral loss of a local timber industry, this local culture has also been nominally extirpated.

Summarizing, it is our observation that regulatory impediments to forest management and habitat enhancement work in the Pinelands Commission jurisdiction have brought an end to virtually all forest management. We also observed that in nearly every instance this is a violation of the purpose of the PCMP at N.J.A.C. 7:50-6.41.

Real world examples of the consequences include wildland-fire fuel loads that have increased significantly. Concomitantly the fire breaks needed to contain a major conflagration in these altered fuel types have not been able to be created, the costs of implementing a reasonable program for public safety has increased dramatically, and creation of these firebreaks/program has been slowed seriously and significantly due to a regulatory review process at Pinelands Commission and New Jersey DEP that is appropriately described as torturously slow.

Unfortunately, with regard to public safety, time is often of the essence especially where habitat interventions for wildland fire management are concerned. For example, owing to many decades of fire suppression we now observe that prescribed burns or mechanical treatments are necessary to reduce the fire danger. This is emphasized by the fact that recently the Pinelands have seen major catastrophic fires, and the Warren Grove fire of 2007 is a poignant example. This conflagration earned approximately 18,000 acres within the span of 48 hours, caused evacuations from and endangered many homes, and crossed major roadways including NJ Route 72 and County Route 539.

Poor policy regarding forestry in the Pinelands has had negative, unintended consequences to forest health not only in terms of the risk for catastrophic fire, but via enhancement of opportunities for invasion of deleterious, non-indigenous or invasive species of plants and animals. One example of this is an expanding population of an endemic insect-pest of mature pine trees called southern pine beetle (SPB). It is well documented that very dense, over-stocked stands of pine trees that are all competing for limited light and soil moisture are primary risk factors for highly damaging outbreaks of this insect. As described above, present forest-management regulation in the Pinelands jurisdiction has led directly and indirectly to conditions that favor infestation.

For example, almost every state that has Southern pine beetle (SPB) has a rapid response program to identify infestations, notify public and private landowners of infestations, and sometimes to compel treatment of those infestations. This is due to the fact that SPB is almost 100% lethal to most 2- and 3-needle pines. This mortality is generally spatially concentrated into patches or clumps of large dead trees that in later phases of the infestation coalesce into entire dead pine forests. This pattern of infestation and tree mortality results in large tracts of dead forests and nearly unfathomably high fuel loads in its wake. These fuel loads are not only tremendous hazards for nearly unstoppable conflagration, but ecologically appear to be atypical of the pine-oak forests in southern New Jersey.

When the first recent infestation of SPB was noted in the southern Pinelands Commission jurisdiction almost a decade ago, it should have been treated within two weeks to remove the threat to the surrounding region. Instead, what should have been an emergency permit to conduct forestry with the specific silvicultural goal of reducing or eradicating an insect pest infestation reportedly languished for more than a year before it was conferred. When finally issued, the terms of the permit imposed by the Pinelands Commission did not comply with multi-state best management practices / standard operating procedure for effectively treating the burgeoning insect infestation. Thus, in this specific example the tortuously slow permit review, combined with technical constraints imposed in a subjective or possibly arbitrary way under the impediments contained in N.J.A.C. 7:50 led or contributed to an ecologically and economically damaging infestation that has also posed severe hazards to the public.

Today, SPB has taken hold of the southern portion of the pinelands. The costs borne by landowners, private and public, who have seen their precious forests destroyed by SPB are untold but obviously substantial. The ecological, economic, amenity and cultural values of the forests that the PCMP purports to protect have been substantially damaged.

These two narrow examples are but symptoms of a systemically dysfunctional approach to regulation and review of forestry in the New Jersey Pinelands that is made possible because of deficiencies in the PCMP. In our professional opinion this alarming and costly list of unintended negative effects on the Pinelands forests, woodlands and other biota can be traced most directly to one absurd foundation: that N.J.A.C 7:50 regulation that defines forestry as "development" for the purposes of review and

approval by the Pinelands Commission at N.J.A.C. 7:50-2.11, while other forms of "agriculture" are not.

In our opinion, this classification of forestry as some type of development is nonsensical, and the separation of forestry/silviculture from other forms of arboriculture creates a false dichotomy. We further contend that both sets of concepts are internally inconsistent not only by the Pinelands Comprehensive Management Plan but, more importantly, with the language in the Act's enabling legislation.

For example, according to the Pinelands Protection Act, defines<sup>1</sup> the production of trees and forest product specifically as one of many "*agricultural or horticultural purposes*" or "...*uses*". Similarly, while development is a broad concept, activity or thing is not defined in the Act, a "major development" is defined therein to include grading, clearance or disturbance of land that is not for agricultural or horticultural purposes<sup>2</sup>. Thus, the Act apparently imposes no Pinelands Commission jurisdiction over trees and forest products, or land involved in the production of trees and forest products, as these things and activities are defined.

Notwithstanding the obvious, explicit and easily interpretable language of the enabling legislation, it is our professional opinion that forest management, silviculture, and other forms of habitat manipulation cannot reasonably be interpreted either as a land-use change, or as an irreversible change to any forest or woodland habitat type. We further argue that these facts are so obvious that they are commonsensical. Thus, we believe that examination of the Act and the CFMP will show to any reasonable, qualified legal reviewer that the likely intent of the Legislature at the time of the Act was that forestry should not be regulated by the Commission - notwithstanding the explicit language on this point contained respectively therein.

Additionally, latter revisions of the CFMP define "development"<sup>3</sup> in an almost inconceivably broad, non-informative and vague way especially when considered with other language in the CFMP and in the Act. For example, under the 1/3/2012 update of the CFMP, development is defined as:

**"Development" means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the lips including, but not limited to:**

1. A change in type of use of a structure or land; ...
3. A material increase in the intensity of use of land,...
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of ... fill on a parcel of land;...
9. Alteration ... of a shore, bank, or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

Under this definition of "development", and speaking as non-attorneys but as a citizens and professionals who are expected to follow the laws and regulations to a high level of professional conduct, we observe the following:

1. N.J.S.A. 13:18A-3.a.

2. N.J.S.A. 13:18A-3.g.

3. N.J.A.C. 7:50-2.11 (ca. Jan., 2012)

- A. Development as regulated or potentially regulated by the Pinelands Commission could include any change in land use of any type or scale. This is obviously open ended, can lead to no reasonable prediction of expectations on the part of anyone using land Commission's jurisdiction, and effectively covers every land-based activity occurring within the jurisdiction;
- B. An undefined "material increase" in the undefined "intensity" of land-use is defined as development. It is our opinion and experience that such ambiguity regarding what constitutes a material increase in intensity will typically be seen to inure to the benefit of, and deference to, a regulating government authority, notwithstanding whether any such authority actually exists.
- C. Commencement of resource extraction of all types and intensities is governed as development. The definition is silent on what constitutes a resource and what constitutes extraction. Therefore any consumptive use of land, minerals, timber, water, air, sunlight and so on could conceivably be governed as development;
- D. Removal of trees is specifically defined as development here, notwithstanding that they are exempted from Pinelands Commission control by the Act (see above.) Apart from the obvious legal and regulatory inconsistency, removal of trees is also defined inside the CFMP as agriculture apparently leading to a conflict that would confuse enforceability;
- E. The deposition of "fill" on the parcel of land does not reference any definitions of what "fill" is and what it means to deposit it. For example, when agricultural and cultivating amendments to soils are classified as "deposited fill" and thereby govern otherwise-exempted agriculture as a "development project"?
- F. Forest management in the New Jersey pinelands, and elsewhere in the state, routinely takes place in wetlands, associated buffers and riparian corridors. Again, this is so because habitat enhancement and forest regeneration practices are as effective and needed in these wet areas, as they are elsewhere. This is routine, and is reflected in the fact that forestry in state of New Jersey - outside of the pinelands jurisdiction - commonly takes place in such areas and is exempt from NJAC 7:7A and NJAC 7:13 for these reasons.

These are legal arguments, however, and we are not attorneys but merely professional foresters. Therefore, we submit one more on-the-ground example of the unintended consequence of this situation to illustrate why correction to the regulations is long overdue:

Prior to forestry being defined and treated by the Commission as "development," what is now Brendan T. Byrne State Forest was home to one of the largest populations of red-headed woodpeckers in the State.

Because Pinelands regulations of forest management and habitat management, the silvicultural activities that benefited the woodpecker ceased, and previously existing habitat was lost to natural succession coupled with fire exclusion. At a certain point in the very recent past, no red-headed woodpeckers were located within Brendan Byrne State Forest to our knowledge, and only very recently has the NJ Forest Service been allowed by the Commission to manage small portions of the forest after herculean inter-agency efforts to obtain the proper permits. Fortunately, these small managed areas have become magnets for red-headed woodpeckers, showing that there may still be time to reverse the pattern of decline created by poor policy and regulation of forestry.

It is our professional opinion that the time required of the NJ Forest Service and NJ Division of Fish and Wildlife in applying for Pinelands Commission permits was a waste of precious staff time and a serious disincentive to manage for imperiled species on any land, public or private. Additionally,

knowing that the competent, technical experts in NJDEP and NJDFW had to seek permission to do their jobs from the understaffed Pinelands Commission is an absurdity not lost on us.

Therefore, at this time we strongly and unequivocally urge that the PCMP / N.J.A.C. 7:50 be revised to:

- Reflect that forestry, forest management, forest stewardship and silviculture are merely forms of agriculture that effect management of vegetative communities.
- Further indicate that these forms of agriculture cause no change in land-use that might reasonably be construed as development;
- Use the same language to exempt forestry and agriculture from the definition of "major development" within the enabling Act in order to exempt forestry and agriculture from the definition of "development" and "major development" within the CFMP;
- Unequivocally indicate that all activities exempted from the definition of "major development" in the Act be specifically exempted from the PCMP, municipal ordinances written to conform with the PCMP, and any other NJDEP regulations derived from the Act.

We also strongly recommend that forestry activities conducted - on both private and public lands - in accordance with a NJDEP-approved Woodland Management Plan or Forest Stewardship Plan, approved by the State Forester or her designee, be exempted from all municipal ordinances within the Pinelands Commission's jurisdiction, and that exemption should be a condition of the PCMP conformance process.

On behalf of the Executive Committee, I remain

Very truly yours,



Michael LaMana, MS, CF

Chair

CC *Gov. Chris Christie, State of New Jersey*  
*Lt. Gov. Kim Guadagno, State of New Jersey*  
*Senator Robert Smith, 17<sup>th</sup> Legislative District*  
*Comm. Robert Martin, NJ Dept. Environmental Protection*  
*Asst. Comm. Richard Boornuzian, NJ Dept. Environmental Protection*  
*State Forester Lynn Fleming, NJ Dept. Environmental Protection*

Frank S. Scaramino, P.E., P.P.  
Ocean County Engineer

C. Roberts Mulloy, P.E., P.P.  
Assistant County Engineer

Thomas E. Hartman, Jr., P.E.  
Supervising Engineer

Mark F. Jehnke, P.E.  
Supervising Engineer



**OFFICE OF THE OCEAN COUNTY ENGINEER**

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Traffic (732) 349-8165

September 21, 2012

Ms. Nancy Wittenberg  
Executive Director  
NJ Pinelands Commission  
P.O. Box 359  
15 Springfield Road  
New Lisbon, NJ 08064

Re: State Highway Route 70 "All Safe Corridor" Considerations for Pinelands  
Comprehensive Management Hearing

Dear Ms. Wittenberg:

From January 1, 2009 to date there have been over 400 accidents including seven (7) fatalities on just the twenty mile section of State Highway Route 70 between mile points 21 and 41 (Burlington and Ocean Counties). Three (3) of these fatalities have occurred just this year in the vicinity of MP 22 and even the New Jersey Department of Transportation has identified the five (5) miles between mile points 37 and 42 as a high incident location for centerline crossover crashes.

While I realize that major improvements to Route 70 could have detrimental impacts to the Pinelands region, I urge you and the Commission to recognize the need for substantive safety improvements to this corridor.

Please let me be clear; I am not advocating for increased capacity. I am advocating that the Pinelands Comprehensive Management Plan recognize the need for low and moderate impact measures such as median barriers, improved shoulders, guiderails and lighting.



SPECIAL ASSISTANCE/ACCOMMODATIONS available, please call (732) 929-2130.



Ms. Nancy Wittenberg

September 21, 2012

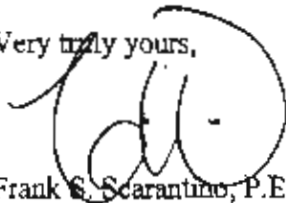
Re: State Highway "All Safe Corridor" Considerations for Pinelands Comprehensive Management Hearing

Page 2

These types of improvements can significantly enhance the safety of this corridor without increasing capacity. Additionally, greater provisions for regional mitigation of any Stormwater, wetlands and habitat impacts must be included. All too often, the regulatory mitigation can have greater impacts to the environment than the project itself and create new safety issues as well. Regional mitigation is the key to efficient implementation of safety improvements.

Thank you for your anticipated consideration

Very truly yours,



Frank S. Scarantino, P.E., P.P.  
Ocean County Engineer

FSS/bji

cc: Gerry P. Little, Freeholder Director  
John C. Bartlett, Jr., Freeholder Deputy Director  
John P. Kelly, Freeholder  
James F. Lacey, Freeholder  
Joseph H. Vicari, Freeholder  
Carl W. Block, Ocean County Administrator  
Tara Cunningham, NJ Department of Transportation  
James S. Simpson, Commissioner, NJ Department of Transportation  
Anthony J. Attanasio, Assistant Commissioner, NJ Department of Transportation  
Michael Fressola, Mayor, Manchester Township



CARL W. BLOCK  
County Administrator

OFFICE OF THE  
**OCEAN COUNTY ADMINISTRATOR**  
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TOMS RIVER, NEW JERSEY 08754-2191

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September 21, 2012

Nancy Wittenberg  
Executive Director  
NJ Pinelands Commission  
P.O. Box 359  
15 Springfield Road  
New Lisbon, NJ 08064

**Re: State Highway Route 70 "All Safe Corridor" Considerations for  
Pinelands Comprehensive Management Hearing**

Dear Ms. Wittenberg:

I know you have received correspondence dated September 21, 2012 from Ocean County Engineer Frank Scarantino with recommendations on improvements to Route 70 in Ocean County. I read through all his recommendations and fully agree and endorse his conclusions.

As the Administrator of Ocean County, I had the opportunity to know Ocean County Prosecutor Investigator Tina Rambo who, unfortunately, recently became one of the statistics you read about in Mr. Scarantino's letter. The Ocean County family felt a great sense of loss due to the tragic passing of Ms. Rambo.

I believe the recommendations, which are aimed at increased safety, are indeed warranted by the guidelines set up by the NJ Department of Transportation and certainly are within the approvable limits of the Pinelands Comprehensive Management Plan.

I, again, endorse all of the recommendations contained in Mr. Scarantino's letter and encourage you to do all you can to see that they are permitted to occur. Thank you on behalf of all of Ocean County.

Very truly yours,  
  
Carl W. Block  
County Administrator

CWB:mac



**From:** <Dacaccia@aol.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/24/2012 9:06 PM  
**Subject:** comprihensive management plan

Gentlemen, The following are my thoughts on managing the Pindes;

A plot of ground, left to its own resources, can produce a forest in one hundred years. No help from anyone is needed, planted by the birds and squirrels, nurtured by the sun and rain, and designed by nature's wisdom. Trees produce way more seeds than is needed, but most are shaded out and only those needed will grow into a tree. It turns out that a forest is the best manager of a forest. There is no need for us to thin the trees or to remove the "over mature" ones. A forest may need help against invasive bugs such as the gypsy moth or the pine beetle, or foresters with an ax to grind.

New Jersey's Pinelands have survived for thousands of years in spite of many abuses. They are paying their way with clean air and water, with habitat for wildlife, and as a place for people in our paved-over world to see what the country used to look like. The forest does not need to pay its way with board feet of lumber.

The Wharton Tract in particular, should be off-limits to all "management", except perhaps to fight the gypsy moth and pine beetle. Even fighting the pine beetle should require more study before the chainsaws.

David Caccia  
dacaccia @ aol.com Sept. 24, 2012



**MUNICIPAL BUILDING, 590 MAIN ST., P.O. BOX 218, LEESBURG, NJ 08327**

PHONE: (856) 785-1120

FAX: (856) 785-1974

September 24, 2012

Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

RE: Public Comment  
Pineland Commission Plan Review

Dear Sir or Madam:

The Governing Body of Maurice River Township wishes to submit written opposition to any proposal requiring a bond for any special use application for off-road motorized events. This requirement will create an additional burden and undue expense to responsible organizations who conscientiously promote ORV/ATV events. Requiring a bond and payment of costs for Commission staff from applicants for special use permits is creating a penalty for abiding by and following current procedure and does not solve the problem of illegal ORV/ATV operation. Enforcement of existing no trespassing and no use of ORV vehicles in designated areas should be enhanced, rather than creating an additional layer of criteria for individuals following procedure.

Very truly yours,

A handwritten signature in cursive script that reads "Andrew Sarclette".

Andrew Sarclette  
Deputy Mayor

AS/le

cc: Township Committee



**SIERRA  
CLUB**  
FOUNDED 1892

## Ocean County Group

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Ms. Nancy Wittenberg, Executive Director  
New Jersey Pinelands Commission  
P. O. Box 359  
New Lisbon, NJ 08064

September 25, 2012

**RE: Pinelands Comprehensive Management Review Plan and the MOU with the  
Department of Environmental Protection**



Dear Ms. Wittenberg and Members of the Commission,

In my capacity as the Conservation and Vice Chair of the SIERRA CLUB Ocean County Group I submit the following comments on the subject referenced above. The basis for this Pinelands Comprehensive Management Plan (CMP), in effect since 14 January 1981, must stay in place, i.e. the preservation and protection of this very unique region in the state of New Jersey, as a matter in the entire world. It is a valued treasure which was recognized by UNISECO in 1983. Before any changes to the Pinelands CMP are contemplated the following court ruling needs consideration:

Christopher DeGrazia (New Jersey Zoning and Land Use Law, November 8, 2011) wrote:

*"On June 29, 2011, the Appellate Division of the New Jersey Superior Court released its opinion in the Matter of the Adoption of N.J.A.C. 7:15-5.24(b) and N.J.A.C. 7:15-5.25(e), upholding certain key provisions of the New Jersey Department of Environmental Protection's Water Quality Management Planning Rules (WQMP Rules), N.J.A.C. 7:15 et seq. (namely, a provision that prohibits the extension of sanitary sewer lines in environmentally sensitive areas, and a provision that sets a maximum nitrate level for septic system discharge). In so holding, the court rejected a developer's argument that the WQMP Rules constitute unauthorized land use regulation, in excess of NJDEP's authority."*

DeGrazia went on to say: *"Among other things, this ruling provides 'teeth' to NJDEP's pending sewer service area revision process, i.e. NJDEP's efforts to prohibit the building of new sanitary sewer lines based on the presence of environmentally sensitive features (including threatened and endangered species habitat, Natural Heritage Priority Sites, Category One riparian zones and wetlands)."*

One has to assume that this ruling also applies to the Pine Barrens, i.e. protection and preservation for the following:

### **I - Protection of the Kirkwood-Cohasey Aquifer**

A - This underground water body is estimated to hold 17trillion gallons of water providing residents of this region, agriculture and wildlife with clean water. If any new and/or additional water withdrawals are planned, applicants should be required to clearly identify what hydrologic impacts of groundwater diversions would have on stream flow and changes in groundwater-level on aquatic and wetland communities.

B – Consideration must be given that any sewer extensions or new sewer lines into the Pinelands Regional Growth Areas bring with them sprawl, which will lead to more groundwater withdrawals from the aquifer. Issues not addressed and need to be in the CMP: Pinelands Villages and Towns should neither be designated Growth Areas nor have growth inducing infrastructure, especially sewers. There needs to be a change in Growth Areas to adequately reflect protection of natural resources to carrying capacity. There needs to be adequate water and sewer in Growth Areas and protection of environmentally sensitive regions. Also, Growth Areas need to allow for other land use techniques to protect natural features such as clustering and lot averaging.

C – Another point to consider is saltwater intrusion in those Regional Growth Area communities that border the Atlantic Ocean. As one knows water finds the path of least resistance; it would infiltrate in form of a plume into the soil. To rebuild the infrastructure once ruined by saltwater would be a horrendous undertaking for municipalities.

Fresh water wetlands within the **Barnegat Bay Estuary** serve as the nesting area for Anadromous fish species that live their adult life in salt water and return to freshwater to breed as well as for species like the Common Muskrat (*Ondatra zibethicus*).

#### **II – Protection of Wildlife and its Habitat – N.J.A.C. 7:50-6:33 and N.J.A.C. 7:50-6.34**

A - N.J.A.C. 7:50-6:33 states: “. . . *No development shall be carried out unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23-2A-1 et seq.*”

B – N.J.A.C. 7:50-6.34 states: “. . . *All development or other authorized activity shall be carried out in a manner which avoids disturbance of fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.*”

The Appellate Court decision mentioned above would also protect Pinelands wildlife and its habitat.

#### **III – Protection for Plants and Vegetation N.J.A.C. 7:50-6.21**

N.J.A.C. 7:50-6.21 states: “. . . *The continued integrity of the Pinelands vegetation is essential to the preservation and maintenance of the essential character of the Pinelands.*” The Pine Barrens are home to a great number of rare, threatened and endangered, plant species including the New Jersey Rush (*Juncus caccariensis*), Resinous Boneset (*Eupatorium resinosum*), yellow-fringed Orchid (*Platanthera ciliaris*), just to name a few. This vegetation also needs protection along the grassy roadside edges which are continuously destroyed by mowing with heavy equipment, road widening and resurfacing of roads. These plants are a vital food source for wildlife in the Pines.

At a time when climate change/global warming finally caught the attention of the public, any destruction of the pine forests of the Pine Barrens must be discouraged. This vegetation is vitally important in the struggle in the reduction of CO2 emissions.

#### **IV – Protection of Wetlands N.J.A.C. 7:50-6-1 et seq.**

N.J.A.C. 7:50 6.1 states: “. . . *Coastal and inland wetlands constitute a vital element of the ecological character of the Pinelands. They are critical habitats for many threatened and endangered plant and animal species and ply many other important roles including the maintenance of surface and groundwater quality. This program is deemed to be the minimum standards necessary to protect the long-term integrity of wetlands.*”

A – The June 29, 2001 decision of the Appellate Court ruling mentioned above will also apply to the buffer zones such as the Category One classification of 300 feet. No reduction of buffer zones to 100 feet or even 50 feet should be allowed in the Pinelands.

B – It is recommended that the CMP be amended to protect the Black Run Watershed from intensive development in the headwaters of this pristine watershed of the Pinelands.

C – Resource extraction should be **closely monitored** following **N.J.S.A. 13:18A-24** which states in paragraph (a): “. . . *No person shall operate any power vessel which utilizes any engine in excess of 10 horse power upon any of the waters of this State within the pinelands area, except upon that portion of the Mullica River downstream from Burlington County Route 542, upon that portion of the Great Egg Harbor River downstream from its confluence with Rare Run, or upon that portion of the Wading River downstream from its confluence with the Oswego River. As used in this subsection, “power vessel” means any vessel temporarily or permanently equipped with machinery for propulsion, not including a vessel propelled wholly by sails or by muscular power.*”

#### **V – Pinelands Development Credits (PDC)**

The forerunner of the PDCs was the program of Transfer of Developmental Rights (TDR) promoted by the New Jersey Division of Smart Growth in 2007, which was meant to fight sprawl and concentrate development near the centers of towns and villages. This idea was also supported by the U.S. Environmental Protection Agency in a publication called “Our Built and Natural Environment” dated January 2001.

Although the Division of Smart Growth held workshops in Ocean County, not many municipal representatives attended. Therefore the benefits of this program never reached the residents and businesses. This technique of clustering would decrease the environmental impacts and protect sensitive environmental regions. It would also be cheaper because of less infrastructure, reduced water use and would increase the availability of adequate housing without destroying habitat of the threatened Northern Pine Snake as was done in the Barnegat section of Ocean Acres or at the site of a Wal-Mart structure at the Manchester/Toms River border.

#### **VI – Reforms of the Intergovernmental Memorandum of Agreement (MOA) Rules:**

One can assume that there may be a place for an Intergovernmental Memorandum of Agreement, but certainly these should not become a major negotiating tool between the State of New Jersey, a county administration, a municipality and the Commission, such as the expansion at the Robert J. Miller Airpark in the Preservation Zone and the Stafford Business Park, the latter occurred to the detriment of the taxpaying citizens for many years to come. The MOA procedure frees the Commission to enter into contracts that promote development in violation of normal protection rules. These methods weaken the Commission’s mandate and become a sinister replica of the *Trojan Horse*. Therefore, this form of making policy decisions must be eliminated.

There are a couple of points that need to be made:

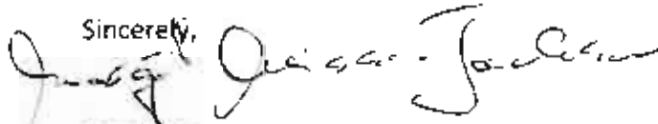
(a) public review and comment on various Pinelands Commission actions are absolutely critical to the success as well as to the credibility of the Commission in meeting its conservation mission. In our view, the rules governing public comment need a comprehensive overhaul and clarification. And

(b) Enduro rider and off-road vehicle events should be required to submit a bond to cover potential damages from illegally created trails and to pay for the actual costs for the Commission staff

time to reviews these applications. Otherwise, illegal trails and use of state land will continue to occur by off-road vehicles riders.

We thank you for allowing us to file comments on these very important issues concerning this magnificent region of the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Margit Meissner-Jackson". The signature is written in a cursive style with a large initial "M".

Margit Meissner-Jackson  
Conservation/Vice Chair  
Sierra Club Ocean County Group



September 24, 2012

CMP Review Committee  
Pinelands Commission  
P. O. Box 359  
New Lisbon, NJ 08064



Dear CMP Review Committee:

It's **URGENT** that the PINELANDS COMMISSION retain jurisdiction over review of forestry proposals in the Barrens. Don't knuckle under to the lobbyists who are pressuring you to change the definition of "forestry" from "development" to "agriculture" thereby transferring review-power to the NJDEP

The Commission must retain oversight over forestry proposals to ensure that plantation-style agricultural forestry never gets underway in the Pinelands, since this practice would convert, and/or destroy critical, unique Pine Barrens habitats. The anti-ecological horrors that would follow include: replacing native with non-native species; mechanized destruction of the native soil and root zone; conversion and fragmentation of forest to non-forest habitat such as fields. Remember: the contiguous, unbroken forest cover of the Barrens is one of this country's/this planet's major carbon sinks, whose functioning removes carbon from the atmosphere. Fragmentation vitiates this vital balancing.

DEP hasn't the Commission's system for allowing the public to see all development applications and to speak directly to the Commissioners on these applications. Nor does DEP currently support independent 3<sup>rd</sup> party certification by the Forest Stewardship Council for forestry on public lands, even though FSC's certification rules/standards assure that public resources will be stewarded by science-based activities, not profit-making, and by an open public process. DEP is signaling it doesn't consider Pinelands forest protection among its priorities. Why hand it regulatory power over them?

Sincerely,

A handwritten signature in black ink that reads 'Blanche R. Krubner'.

Blanche R. Krubner  
3 West Connecticut Concourse  
Jackson NJ 08527

Dear Commissioner Ashmun:

My name is Brian Schoeneberg and I'm a 30 plus year resident of Warren Grove, New Jersey. In addition of being a resident of the Pine Barrens, I'm also a proud husband and father of a family who deeply embraces day to day life within this amazing gift of nature. Our entire family acts as stewards of the forest and we often encounter other user groups doing the same. We have solid relationships with the hunting and enduro community; in addition to hikers and bird watchers.

I normally don't engage in a public arena such as this, but after reading the flat out inaccuracies in the PPA's document: *Plan Review 2012 Recommendations, dated September 14, 2012*; I felt deeply compelled to express the truth from a person who lives, loves and actively shares in the Pine Barrens on a daily basis.

Listed below as bullet points are the outrageous accusations offered up by the PPA:

*1. "Enduro clubs are receiving authorization for NEW trails"*

(Excerpt from PPA document: Plan Review 2012 Recommendations, pg.16)

As a member of an enduro club I've observed a MASSIVE, unjustified shift in DEP/Pinelands Commission authorization of existing trails that had been approved by the DEP for decades without incident. These trails are narrow pathways used by all user legal user groups (enduro riders, hunters, hikers and bird watchers) and NOT ATVs (4-wheelers)! Without reason we are now being told that these trails cannot be accessed for permitted enduro events. Enduro riders do not create new trails, the forest naturally creates these; the CMP already states that there is over 500(!) miles of trails (not roads, firecuts and/or unimproved roads). To reiterate, we don't create new trails and yet the PPA states we do? In addition to that statement, according to them, we are receiving permission to do so. You may want to contact our club President, David Nash ([contact@motorcyclecompetitioninc.com](mailto:contact@motorcyclecompetitioninc.com)). David can provide you the denied course maps from the past five years. I wonder if the PPA can provide "their maps" indicating the "NEW" trails enduro clubs have been receiving?

Fact:

Enduro clubs haven't received permission for "never before requested, legal, existing trails" in over 5 years. Thus, the statement in the PPA's document is untrue.

2. Enduro clubs, riders and events are somehow related to damaging 300,000 acres of the Pine Barrens annually:

*"NJ DEP estimated in 2001 that over 300,000 acres are damaged in New Jersey every year and funds are not available for restoration. Evidence of such damage exists in the Pinelands, for example Wharton State Forest."*  
(Excerpt from PPA document: Plan Review 2012 Recommendations, pg.16)

I'm not a math professor at Princeton University, but that number seems a little bit unrealistic. I even went as far as to research where the DEP/PPA obtained those "facts" and I could not find such documentable data. Also, if the enduro community was in fact "damaging" 300,000 acres per year, wouldn't that have sparked a *massive* response from government agencies outside the DEP/Pinelands Commission? I spent a few minutes calculating some figures using the information provided by the PPA; and my results were alarming to say the least! If the numbers were in fact true, our current view of the Pine Barrens would possibly resemble a post apocalyptic holocaust; which it does not. I would however, encourage the Pinelands Commission to read and review a very interesting document created by an accredited engineer named Joseph Springer. I plan on hand delivering it at one of your public meetings. Mr. Springer's document is a fact filled; objectively written document that clearly defines exactly how much the enduro community is impacting the Pine Barrens. You may have already viewed it; I know the DEP already possesses a copy.

Fact:

The enduro community has nothing to do with the OHV damage showcased in various media pieces. The enduro community does not damage the forest. The enduro community has co-existed with nature for 75 years.

3. *"There is plenty of evidence to show that enduro event trails are continuously used throughout the year after events have ended."*

(Excerpt from PPA document: Plan Review 2012 Recommendations, pg.16)

Members of the enduro community would be willing to meet with the Pine Lands Commission at Lucille's Luncheonette (a well known establishment in Warren Grove) to tour Bass River State Forest, including the Coyle Field area. During this "field trip", members of the commission will be able to view first-hand the existing trail that is clearly NOT used throughout the year. In addition, we will showcase places where enduros once traversed, and those on the tour would be able to guess how long ago the event was

held. Our club would supply submitted maps from the year revealing the truth regarding exactly how long ago the trail was used. I think you'll be surprised at how fast nature works at removing man's presence. I wonder if this is the reason why enduros have co-existed with nature for 75(!) years.

Fact:

Nature erases "enduro activity" easily and quickly. Mother Nature proudly displays this undeniable truth. If an activity has co-existed with nature for 75 years, how can it now, all of a sudden, provide such a threat? Everyone who utilizes the woods is aware that natural forest pathways are utilized by animals *and* mankind's' various user groups. Perhaps the PPA is completely disconnected from this positive symbiotic relationship?

In closing, I'd like to thank the commission for reviewing the CMP and I'm hoping everyone who reads this sees the undeniable "commonsense" truths that were outlined above. Please add my opposition to the *many* in this forum who feel that item #10 on the PPA's recommended CMP changes is not the answer to curbing illegal riding in the forests. I'm hoping the PPA stops using its "ultra-wide" brush when painting its anti-enduro agenda. Wouldn't it be nice if we (all user groups) could co-exist just like nature and enduros have done for 75 years?

**From:** Carolyn Walsh <cwash78@yahoo.com>  
**To:** "info@njpines.state.nj.us" <info@njpines.state.nj.us>  
**Date:** 9/26/2012 2:24 PM  
**Subject:** Plan Review Comments - Black Run Preserve

September 26, 2012

Candace McKee Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ08064

Re: Plan Review Comments

Dear Commissioner Ashmun,

On behalf of the newly formed Friends of the Black Run Preserve (FBRP), I am submitting comments on the Pinelands Commission Plan Review process. The Friends of the Black Run Preserve urges the Pinelands Commission to protect the headwaters of the Black Run watershed which is vital to maintain the pristine quality of the Preserve. More than ten years ago, the Pinelands Commission identified the Black Run watershed in Evesham Township as an extraordinary resource. The watershed exhibits pristine water quality and intact habitats despite lying at the very edge of the Pinelands. The Commission recognized, however, that the headwaters of this watershed are highly developable, but if developed as current zoning permits would lose the pristine water quality and natural resource values of the downstream Preserve.

The Commission devoted considerable effort to advancing revisions to the CMP to protect the headwaters of the watershed through its sub-regional planning process. The Commission and township have created excellent plans to accomplish this goal, but for a variety of reasons these plans have not been implemented. The past three years have seen increased public attention to the Black Run Preserve and renewed interest on the part of the township council and planning board in preserving this resource. The Plan Review is a great opportunity to see these plans come to fruition.

FBRP supports the recommendations made by Pinelands Preservation Alliance which are outlined below. We hope that you move forward with an amendment that:

- a. Places the Black Run headwaters area in the Forest Area.
- b. Where a developer owns contiguous land both inside and outside the headwaters area, the number of units it may build in the Rural Development Area outside the watershed shall be calculated treating all the contiguous land (or, better,

uplands) as if zoned at the same density as the land outside the boundary. That is, the headwaters land in common ownership would contribute to the developer's yield in the development taking place outside the watershed boundary as if it was still Rural Development Area.

c. The township may petition to convert a pre-planned and approved section of land outside the watershed boundary as Regional Growth Area if it wishes to do, sewer infrastructure is available to serve the area, the area is sized to accommodate and absorb no more than the amount of development as provided by existing Rural Development zoning for the area, and development of the new Regional Growth Area is conditioned on concomitant conservation of the remaining headwaters land in common ownership (unless that land has previously been transferred to the township or a conservation agency).

One of my objectives as a Friend of the Black Run Preserve is to help protect the wildlife in this area. Please implement all necessary revisions to the CMP to keep this area as safe refuge for the species that live there.

Thank you for your time, and please feel free to contact me with any questions.

Sincerely,

Carolyn Walsh  
Vice-Chair of Friends of the Black Run Preserve

As a responsible member of the environmental community and motorcycle rider, racer, instructor and enthusiast, I wanted to voice support for the Pinelands Commission's usage of the special use permit process for motorized events such as enduros, as it currently exists. When I enter an event or help manage the permitting of an event, I have the confidence that I am riding on trails and roads that have gone through the strictest review process, guidelines, and environmental review by the Pinelands Commission and NJ DEP, ensuring that the resources we love are protected and sensibly shared by all users.

I applaud the organizers of such events for doing the responsible thing and securing the proper permits and going through the expense of securing expensive liability insurance, local town and township permits, costs for law enforcement, and various other expenses.

I feel the per mile expense currently being paid for the review of the selected routes is reasonable, and the rate was selected because it presumably covered your expense for the review. These organizers have worked with the Pinelands Commission for years to streamline the process. Considerable time and money has been saved by data banking the routes for future use and reducing redundancy. In addition to all the cost saving labor these organizations donate to the state forests and wildlife management areas, they will be more than willing to cooperate with any initiatives to further enhance savings. Annual meetings and reviews that are currently being done with all clubs involved ensures that this is an ongoing process.

Somewhere along the line there was a gross misunderstanding and someone tried to make an erroneous connection between permitted motorized events and illegal off road activity and damage. I think it would be irresponsible for the Pinelands Commission to perpetuate this myth by not voicing the proper information about permitted events to the public and environmental organizations. It would also be important to convey to interested parties that permits have never been granted for new trail creation, only the usage of existing trails, and I have personally witnessed the observation by state officials of events, before, during, and after such events like enduros and dual sport rides. Trail selections go through many revisions to avoid critical habitats or sensitive areas.

The club I am involved with has never had a liability claim filed against it for anything, including any kind of incident or environmental damage. I think current insurance standards precludes the need for any unnecessary bonds, as has been suggested in other letters to the Pinelands Commission.

The hard data from state enforcement action supports the fact that none of the participants in these events have been violators of any Fish and Wildlife laws, or have been riding trails only limited to permitted events. The permit and guidelines we follow do not permit any wildlife violators, including violators that damage natural resources, to participate in off road riding events under a special use permit utilizing state forests, wildlife management areas and public lands. This is a model process, one that participants appreciate and acknowledge as being the best and most responsible way to enjoy our forests, they do not risk being excluded from such popular events.

Responsible forest users want the environmental damage to stop. Responsible users certainly don't want to be targeted as violators when they are following all the regulations. Law enforcement can no longer stand behind the excuse that they have too much to do or too much acreage to cover. They know the hot spots and need to focus and use their assets effectively. All the responsible users from bird watchers to bikers are a passive informational resource to be utilized for enforcement, encourage their voluntary support while engaging in their permitted activities.

Sincerely,

Michael Bradway Vineland, NJ Tri County Sportsmen Motorcycle Club  
Rutgers Environmental Steward Program  
NJ DEP Wildlife Conservation Corps  
Nature Conservancy Citizen Scientist Program volunteer  
Pinelands Adventure Camp Riding School and Eco tours  
NRA Firearms Instructor



168 West State St. – Trenton, NJ 08608 – Phone: 609-393-7163 – Fax: 609-393-7072 – Email: mail@njfb.org

September 14, 2012

To: Nancy Wittenberg, Executive Director, Pinelands Commission  
From: Rich Nieuwenhuis, President  
Re: Comprehensive Management Plan review

As the Pinelands Commission undertakes its review of the Pinelands Comprehensive Management Plan (CMP), New Jersey Farm Bureau (NJFB) is compelled to comment on a number of issues impacting production agriculture in the region. NJFB, the state's largest agricultural interest group representing more than 11,000 farm families and agricultural interests throughout the state, is uniquely positioned to speak on behalf of the state's agricultural industry.

### **State-appointed agricultural representative**

Let me start by noting that, currently, there is no state-appointed agricultural representative on the Pinelands Commission. NJFB believes that this position must be restored before the Commission entertains any discussion or action on issues that impact the agricultural industry. The comments that follow should be considered with this in mind.

### **Use of the Ecological Integrity Assessment (EIA) & Modifications to the Pinelands Development Credit Program**

Two years ago, the Commission considered significant revisions to the CMP including changes to the Land Capability Map and a proposal to make the purchase of Pinelands Development Credits mandatory in Pinelands growth areas. Both of these proposals were controversial and therefore warrant some comments from NJFB as you embark on this current review of the CMP.

The proposed changes to the Land Capability Map were based on the use of the Ecological Integrity Assessment (EIA), a mapping tool that purports to capture the ecological characteristics of specific sites throughout the Pinelands region. At that time, the EIA was used to justify shifting significant acreage throughout the Pinelands region into more heavily-regulated land use classifications (Pinelands Forest Area, Pinelands Preservation Area). Additionally, municipalities could have used this tool to down-zone existing growth areas on the basis that these areas boasted high "ecological integrity" scores. NJFB opposed the heavy-handed use of this tool as a down-zoning mechanism then and we continue to oppose the arbitrary use of the EIA going forward.

Concurrent with the proposal to make drastic changes to the Land Capability Map was the proposal to make mandatory the purchase of Pinelands Development Credits (PDCs) in Pinelands growth areas. At the time, Commission staff introduced a "sliding-scale" model that tied PDC purchasing requirements to project density – the denser the project, the fewer the PDCs required and vice-versa. While we welcome efforts to stimulate additional demand for PDCs, we also recognize that the program is, in part, market-based and therefore must remain workable both for developers and PDC-holders. We're hopeful that this CMP review can include a thoughtful analysis of the PDC program that yields realistic inducements for PDC purchases and are open to participating in these discussions, though we believe that these discussions should be tabled until a state-appointed agricultural representative is reappointed to the Commission.

### **PDC Bank Board – Donation of Credits**

A recent decision by the PDC Bank Board to donate PDCs to a low-income senior housing project in the Pinelands raises a questionable precedence going forward. NJFB opposes any future donation of PDCs, irrespective of their projected use, on the



basis that the gifting of credits diminishes the demand for privately held PDCs. The restriction against future donations of PDCs should be spelled out in the CMP.

### **Public Notice Requirement**

It also bears mentioning that the current permit application process set forth in the CMP does not include a public notice requirement. Applicants must submit a certificate of filing to the Commission before making an application with their municipality, but the permit application process for development or other permitted activities has no public notice requirement. NJFB believes that public notice should be required going forward.

### **“Native” Classification for Labrusca Grape Varieties**

Labrusca grapes are indigenous to New Jersey and grow naturally in virtually all forest and wetlands areas of the state including the Pinelands. Labrusca varieties include: Niagara, Ives, Fredonia, Noah and Concord. Certain varieties of Labrusca varieties are used in wine production, and agricultural researchers rely on Labrusca grapes growing in the wild to help track the emergence of invasive species such as the Grape Berry Moth, allowing wine growers lead time to stave off damage and disease.

NJFB believes that Labrusca grapes should be designated as a “native” in the CMP, thereby afforded the same consideration as all other “native” plant species in the Pinelands.

### **Equine Agriculture in the Preservation Area**

Currently, the CMP only permits equine agriculture that existed prior to the passage of the Pinelands Act in preservation areas. The only “new” agricultural activities permitted in these areas are berry agriculture and horticulture of native plants and other agriculture activities compatible with existing soil and water conditions that support traditional Pinelands berry agriculture. Going forward, NJFB believes that equine agriculture should be included as a permitted use in preservation areas.

### **Right to Farm and Agricultural Viability**

Agriculture is a fundamental industry within the Pinelands region and the viability of the industry should remain a priority for Pinelands decision-makers going forward. As agriculture evolves, so too should the Commission’s approach on agricultural issues. Pinelands farmers should have the opportunity to expand all aspects of their businesses including structures used to support their operations (labor housing, packing facilities, etc.) without having to purchase PDCs or give up their existing allocation.

We note with relief that Pinelands regulations – with the exception of the new forestry regulations adopted in 2010 that severely restrict commercial forestry practices in the region – have not interfered with normal farming practices in the region. This is a precedence that must be carried forward and applied in future Pinelands regulatory decisions.

Thank you.

#

## Paul Leakan - Plan Review 2012 Recommendations

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**From:** <PBITGordon@aol.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/27/2012 2:36 AM  
**Subject:** Plan Review 2012 Recommendations  
**CC:** <ppa@pinelandsalliance.org>

---

Ted Gordon  
31 Burrs Mill Rd.  
Southampton, NJ 08088  
(609-859-3566)  
[pbitgordon@aol.com](mailto:pbitgordon@aol.com)

September 26, 2012

Candace Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission

Dear Commissioner Ashmun & all other Commissioners,

On Monday September 24, 2012, I addressed several members of the Pinelands Commission's CMP review committee at the Richard J. Sullivan Center with my concerns and recommendation pertaining to potential changes of four major elements of the CMP.

- 1.) The use of the MOA process, which circumvents the strict regulations of the CMP, should be held to an absolute minimum. MOAs should apply only to public projects. A follow-up monitoring system needs to be put in place that enables the project review staff (or perhaps a special assignee) to insure that all elements to which an applicant agrees are being carried out. Without such measures, adherence to agreements will continue to be ignored.
- 2.) Standards for protecting the native vegetation (including rare or showy species) of road shoulders need to be established and enforced. These standards should require the planting of native Pine Barrens species and the use of fill that is compatible with what was originally on a given site. The recent dumping of non-native soil on top of a prolific Pine Barren Gentian population growing on road shoulders at Dover Forge in Ocean County resulted in severe depletion of this rare plant here. The mowing of road shoulders harboring showy or rare species should be deferred to a single occurrence during November or December in most instances.
- 3.) The CMP need to be amended to include **all rare or protected species** growing in the Pinelands (S1, S2, S3) that are tracked by the Heritage Program. In 1980, I was one of the botanists requested by Dr. David Fairbrothers to assist in developing the Pinelands list of rare plants. It was recommended to the Commission that periodic reviews and evaluations be conducted to determine the current status of each species as our then meager knowledge of rare plants increased. De-listing of species that were eventually found to be more common than believed was to occur, as well as the listing of species found to be rarer than initially thought. Regrettably, the listing of new, deserving species has occurred only once, when all endangered species were finally listed. More needs to be done!
- 4.) While I believe that Commission-endorsed off-road Enduro events have caused some inadvertent damage to rare plants and plant communities, these events can continue if their activities are restricted to the least sensitive areas. Events, for example, should not be allowed to traverse a sensitive wetland corridor or designated Natural Area in the pitch pine plains. However, of far greater concern to all who love the Pine Barrens, should be the pulverization of wetlands and the precious rare species they harbor by the assaults of unlicensed ATVs or ORVs (especially those with monster tires). These irresponsible abusers of the pine Barrens must be banned, severely fined, and/or prosecuted. No one has a god-given right to destroy this precious landscape. The Commission must strive to obtain or strongly assist in obtaining greater enforcement

powers to ban these illegal activities.

5.) I generally concur with the concerns submitted by the Pinelands Preservation Alliance.

Respectfully yours,

Ted Gordon,  
Pine Barrens Botanist, Historian, Photographer, Guide

**From:** Jean Vogrin <grinbec@verizon.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/27/2012 9:09 AM  
**Subject:** Comprehensive Mgt. Plan revision

Dear Pinelands Commission Members,

I am deeply concerned about some serious loopholes in the current plan that essentially work against the protection of the Pinelands, as well as some serious issues not presently a focus of the plan. And I strongly support the recommendations made by the Pinelands Preservation Alliance.

As a resident of Stafford Township, I have seen first hand the serious loss to the integrity of our Pinelands through the MOA, in our local development, especially connected with the Walters company. Other recommendations for revision of the plan made by PPA also strongly impact on the wellbeing of Stafford residents who's quality of life is dependent on the preservation of the Pinelands. We also need to think of the future, the quality of our air, water and the deep pleasure we all share in getting to know and live with our native species. Many people here benefit continually from the ability to hike, bird watch, hunt, fish, and enjoy the beauty and serenity that the Pinelands provides.

Areas beyond our township are also essential to the integrity of the whole. The Pinelands needs to be expanded to include, protect and manage the entire Pine Barrens.

I hope that you adopt the proposals of the PPA so that you and future members of the Commission can fulfill your role in preserving the integrity of our wonderful Pine Barrens.

Sincerely,

Jean Vogrin  
1300 Pancoast Rd.  
Warren Grove, NJ 08005

609-698-4284

Allan Campbell  
28 Manchester Road  
Eastampton, NJ 08060  
September 26, 2012

New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064



Re: Review of the Comprehensive Management Plan

My principal concern is the continued encroachment of suburban sprawl into the edges of the Pinelands in conflict with the original intent of the Plan.

I therefore support the ten recommendations of the Pinelands Protection Alliance, with particular emphasis on numbers:

2) Pinelands Development Credit changes –

We need PDC rules that encourage sustainable, high-density growth and discourage low-density sprawl.

6) Amendment of the Intergovernmental MOA Provisions of the CMP –

The Commission should not be entering into MOAs that violate normal protection rules and form an impediment to long-term planning of public facilities.

9) Sustainable growth fixes –

Single-family detached dwellings should not be encouraged in RGAs.

Sincerely,

Nehmad Perillo & Davis, PC  
Counselors at Law  
4000 Ocean Heights Avenue  
Fog Harbor Township, NJ 08724  
t 609 377 1177 f 609 926 5771  
[www.npdlaw.com](http://www.npdlaw.com)

Salvatore Perillo  
Stephen R. Nehmad  
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Anthony M. Bongiovanni  
Kristopher J. Facenda  
Ellen T. Manos  
Michael R. Peacock

Of counsel:  
Michalis B. Gmieczi  
Eric S. Goldstein

\*Also a member of PA BAR



September 26, 2012

**Via E-MAIL: [nancy.wittenberg@njpines.state.nj.us](mailto:nancy.wittenberg@njpines.state.nj.us)**  
**and UPS OVERNIGHT DELIVERY**

Nancy Wittenberg, Executive Director  
State of New Jersey  
The Pinelands Commission  
15 Springfield Road  
P.O. Box 359  
New Lisbon, NJ 08064

Re: Revision to Pinelands Comprehensive Management Plan  
Off-Site Advertising Signs (N.J.A.C. 7:50-6.109(a)9)  
Our File No.: 3089-24

Dear Ms. Wittenberg:

Our firm represents Garden State Outdoor, L.L.C. which company is in the business of constructing, establishing and maintaining off-site commercial advertising signs (i.e. "billboards") in New Jersey. The predominant number of signs established by Garden State Outdoor are located along the Atlantic City Expressway and other highly traveled highways.

This letter provides comment on the Commission's review of its Comprehensive Management Plan. On behalf of our client, we are recommending that the mandatory sign provisions of the Comprehensive Management Plan, N.J.A.C. 7:50-6.107, et seq. be amended as there are other governmental controls and regulatory requirements in place to sufficiently regulate off-site commercial advertising signage. The existing Pinelands regulation permits new off-site commercial advertising signs in certified municipalities in Regional Growth Areas and Pinelands Towns "provided that the applicant can demonstrate that for each new sign an existing lawful off-site commercial advertising sign has removed by the applicant pursuant to N.J.A.C. 7:50-6.107(d)." N.J.A.C. 7:50-6.109(a)9. The effect of this regulation is the arbitrary limitation of new off-site commercial advertising signs within the Regional Growth Areas and Pinelands Towns, with no tangible advancement of the purposes of the Comprehensive Management Plan.

It is our client's position that there are other existing government regulations in place that render the Pinelands regulations unnecessary. Moreover, the Pinelands regulation ignores the present day market demands for off-site commercial advertising signs in Regional Growth Areas and Pinelands Town and deprives some public agencies from deriving revenue from billboard leases.

The New Jersey Department of Transportation now regulates off-site advertising exhaustively. Those regulations include, among other controls, minimum distance requirements, size and height regulations. Any sign permits issued by Department of Transportation are limited to signs located upon industrial and/or commercially zoned land. This restriction drastically limits the location and size of billboards, rendering the Pinelands requirements for the Regional Growth Area and Pinelands towns unnecessary. Requiring a developer of an off-site commercial advertising sign to obtain a sign right within the Pinelands Area where it is otherwise permitted by DOT only serves to add an additional costly and burdensome level of bureaucracy.

Governor Christie's Executive Order No. 2 directs state agencies to:

- "Draft all proposed rules so they impose the least burden and costs to business, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective." Executive Order No. 2 of 2010, Section 3d.
- "...ensure that regulations shall be efficient, consistent across State agencies, accessible and transparent to all interested parties." Executive Order No. 2 of 2010, Section 4.
- "...coordinate with each other to combine and minimize regulatory filings and minimize worksite interruptions necessary to regulatory activity." Executive Order No. 2, Section 4b.

The intent of this Executive Order is to make the regulatory scheme less costly, burdensome and duplicative which we believe can be best achieved through the elimination of this particular Pinelands regulation.

In addition to the above, local zoning ordinances specifically regulate off-site commercial advertising signs. Typically the subject signs can only be established in industrial and commercial zoning districts. This is, then, another level of regulation that must be adhered to by developers. In some instances, off-site commercial advertising signs are constructed on lands owned by municipalities, generating rent to the public coffers, thereby benefiting the taxpayers. As a result, there is a public benefit that would be advanced if this Pinelands regulation were eliminated.

In sum, it is our request that as part of your Pinelands Comprehensive Management Plan review process, you specifically examine idea of eliminating N.J.A.C. 7:50-6.109(a)9 as: (1) other exhaustive state and local governmental regulatory requirements are already in place, (2) market demand exists to allow for additional off-site commercial advertising signs and (3) public entities would benefit from additional revenues associated with such signs being located on government land or within public rights of way.

Nancy Wittenberg, Executive Director  
The Pinelands Commission  
September 26, 2012  
Page 3

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Thank you very much for your consideration of these comments.

Very truly yours,

NEHMAD PERILLO & DAVIS, P.C.

By: 

KEITH A. DAVIS

[kdavis@npdlaw.com](mailto:kdavis@npdlaw.com)

KAD;jh

c: Adam Burkett (Via E-Mail: [billboards777@aol.com](mailto:billboards777@aol.com))

Emanuel Levin (Via E-Mail: [jhines@outdoor-ads.com](mailto:jhines@outdoor-ads.com))

S. D. Levin, Executive Director, Pinelands Sign Regulations/Wittenberg (Pinelands Commission) 09-26-12 KAD/jh revd. 06/12





**MUNICIPAL BUILDING, 590 MAIN ST., P.O. BOX 218, LEESBURG, NJ 08327**

LAND USE BOARD  
BARBARA SUTTON, Secretary  
(856) 785-1120 ext. 116

September 26, 2012

Nancy Wittenberg, Executive Director  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Via email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

Re: Pinelands Comprehensive Management Plan  
Fourth In-Depth Plan Review

Dear Ms. Wittenberg:

On behalf of the Maurice River Planning Board I would like to offer the following comments with regard to the on-going review of the Pinelands Comprehensive Management Plan (CMP). Our Township has over 69% of its 94.7 square miles located within the Pinelands National Reserve. The Township contains no regional growth areas, which limits our economic development efforts and opportunities. Less than 2% of the land area in the Township is utilized for non-residential purposes. The majority of the land area is publically owned.

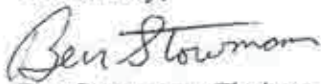
The Township of Maurice River has taken continuous efforts to promote appropriate economic development opportunities. The Township has a small population but a high amount of seasonal traffic in the summer months. The Township contains Rural and Forest Development Districts and two Villages. The Township was encouraged by the Pinelands Commission actions to permit a streamlined permitting process in Waterford Township and Medford Township. These two programs provided the municipalities the ability to make the permitting process easier for properties in designated areas. Each program was different but the premise remained the same, providing a business and development friendly atmosphere in areas where development and business is appropriate, necessary and encouraged.

The Comprehensive Management Plan currently permits the use of alternative local permitting programs under N.J.A.C. 7:50-3.81-3.85. The Pinelands Commission held hearings on these two programs since they were not expressly permitted in the CMP. The Commission approved the programs. The Township of Maurice River Land Use Board would like to see a streamlined permitting program as a permitted action in the CMP. This program would be a benefit to many municipalities that are desirous of encouraging development in appropriate areas.

The streamlined permitting program should also address the need for threatened and endangered species studies (T&E) in areas where development is appropriate. T&E studies are a major hurdle in terms of time and construction costs during the approval process. When a property is located in an area appropriate for development the need for a T&E study should be reconsidered. An alternative study should be considered in these areas so that development which is appropriate and anticipated can occur without lengthy delays and costs during the approval process.

The Maurice River Planning Board would like to thank you for taking the time to review our comments and concerns. We hope that the Commission will consider the issues that municipalities struggle with when encouraging appropriate development. Maurice River is not overdeveloped and most of our land area is permanently preserved. Economic Development opportunities are very important to our Township.

Yours truly,



Ben Stowman, Chairman  
Maurice River Township Land Use Board

**Paul Leakan - public comment,cmp review**

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**From:** "Arleen Carlson" <arleen@pinetrails.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/27/2012 11:53 AM  
**Subject:** public comment,cmp review

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Dear Review Committee,

While there have been many advances made to protect our environment and especially the area of our main concern, the Pinelands, there is still much to be done. This is not the time to relax requirements and let the pressures of politics or economics dictate our actions. All we need to do is look around and see the effects of that on our society today.

There are many treasures to be found in the Pinelands, water being one of them. It would seem that it is our obligation to do all possible to protect this resource. Our rules must be ever mindful of this and be firmly adhered to.

The MOA procedure it would seem is a weak spot in the protection plan and should be eliminated. The introduction of fertilizer, non-native plants and soils, protection of native plants and wildlife are issues that must be brought to the forefront and become a major part of any protection plan.

We have an obligation to protect and it must be met.

Thank you,

Arleen Carlson, Whiting, NJ



## NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618  
TEL: [609] 656-7612 FAX: [609] 656-7618  
[www.SierraClub.org/NJ](http://www.SierraClub.org/NJ)

September 27, 2012

New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Via email at [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

Re: Comprehensive Management Plan Review Comments

Dear Commissioners,

The Pinelands Comprehensive Management Plan (CMP) has been a national model and has worked to protect the region for the past 33 years. We are concerned that the proposed changes in the CMP review could undermine that work and allow inappropriate development to move forward. Allowing for more sewers and growth areas in the Pinelands could jeopardize some of the most environmentally sensitive resources of the region. We urge the Commission to not adopt any policies in the CMP review that would facilitate the implementation of policies from the Christie administration that undermine protection of the Pinelands region.

The Governor's State Strategic Plan requires that the Commission's CMP meet the economic goals laid out in the Strategic Plan. However the focus of this Plan is sprawl and overdevelopment in the Pinelands regions, not resource protection and conservation. The Strategic Plan calls for more growth areas and sewers in Pinelands villages allowing higher density development. This could require new wastewater community treatment facilities or package plants. We urge the Commission to reject the newly designated "growth areas" in your CMP review and to not allow urbanizing infrastructure in places in the middle of the Pinelands Preservation Area like Buena, Chatsworth, and Tabernacle. We believe the Strategic State Plan is being used to undermine and weaken protections in the Pinelands CMP and we urge the Commission to reject these rollbacks.

We are also concerned the CMP changes will be used to implement the Memorandum of Understanding (MOU) signed by DEP and the Pinelands Commission staff in May. The MOU places villages, towns, and growth areas designated by the Pinelands Commission in sewer service areas, allowing for more dense development. Changes to the CMP could expand areas defined as villages, towns, and growth areas, allowing for more sewers in the region.

Opening the Pinelands up to sewers will result in more non-point pollution entering the Barnegat Bay and other estuaries and will make it virtually impossible for the DEP to implement a Total Maximum Daily Load (TMDL) for the Barnegat Bay. Sewers will increase pollution from a number of new sources undermining the ability to develop and implement a TMDL for the Bay.

Developing more densely and in new portions of the Pinelands will require additional pumping that could impact the aquifer and water table. Decreased ground water levels would impact the



## NEW JERSEY CHAPTER

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wetlands that provide critical habitat throughout the region. The amount of water withdrawals from the Kirkwood-Cohansey aquifer could double to serve population increases in Ocean County alone, having devastating impacts on the Bay. We are still waiting for the study on the Kirkwood-Cohansey aquifer that was supposed to be completed in 2005.

We are concerned that changing the definition of “growth areas” now could lead to further developments in the Preservation Area. Package plants will fail and then developers will request permission to run sewer lines to those areas, promoting even more sprawl and development.

The administration is pushing changes to the Strategic Plan and sewer service areas, but these should not drive changes to the CMP. The CMP has to be based on Pinelands carrying capacity and the protection of Pinelands resources. Rural villages and towns should not be growth areas and should not be slated for more sewers.

The idea of sewerage and compelling growth in villages and towns has even raised concerns with the League of Municipalities, who are concerned about developers suing to try to up zone properties or using affordable housing as an excuse to build. Some of these towns have old zoning in place because they believed the Pinelands Commission would never allow that density of development to take place.

There are areas in the CMP that need to be fixed, especially the growth areas. Many of them are getting too much development or development in the wrong places and the CMP should recognize that these areas are part of the Pinelands and just as sensitive as protection areas. Even though growth is supposed to occur there it needs to be done in way that protects natural resources.

The current growth areas promote sprawl and instead we should be looking at tools such as clustering, using lot averaging and other techniques to lessen the environmental impacts and preserve more environmentally sensitive lands while allowing the growth to occur. It will also be cheaper because there is less infrastructure. These areas should have mixed use to further reduce impacts to vacant lands and forests.

There needs to be a better capacity analysis for the growth areas to ensure there is enough water and wastewater available to serve new developments. This is especially true in Ocean County. We also need to be looking at depletive uses and eliminating them, such as golf courses.

We also need to be looking at transferring growth outside of the Pinelands region. Instead of building housing for the Atlantic City workforce in the Pinelands we should be building those homes within Atlantic City. We should be transferring more Pinelands credits to areas such as Atlantic City and Millville.



## NEW JERSEY CHAPTER

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Eco-, agro-, and historic tourism needs to be more fully addressed in the CMP to help encourage appropriate economic growth in the Pinelands that is compatible with natural resource protection. The Pinelands Commission should be promoting bed-and-breakfast inns, not big box stores.

We oppose any changes to the definition of “forestry” in the CMP. The Pinelands unique forests are too environmentally sensitive and important to be used for tree farms and other destructive uses.

The Pinelands Commission must not go along with this triple threat. The Pinelands is most successful planning model in country and has worked for 33 years. We urge the Commission to do your job and stand up against politics to protect the region from Governor Christie’s proposed rollbacks. Please do not use this review of the CMP to implement changes that will promote sprawl and overdevelopment in such a unique and important region.

Thank you for considering these comments.

Sincerely,

Jeff Tittel, Director

New Jersey Chapter of the Sierra Club

# PINELANDS MUNICIPAL COUNCIL

## Executive Committee

Hon. Mayor William Pikulevsky  
Chairperson

Hon. Mayor Carol Foster  
Vice Chairperson

Karen H. Vaccaro, Designee  
Secretary

Hon. Mayor Richard Franzen  
Treasurer

Hon. Mayor Deborah Buzby-Cope  
Member at Large



c/o Karen H. Vaccaro  
Secretary  
13 Gabriella Circle  
Manchester, New Jersey 08759-0679  
Phone: 732-914-1191  
Cell: 908-497-1483  
Email: [k.vaccaro@justice7.com.org/state](mailto:k.vaccaro@justice7.com.org/state)

September 26, 2012

Nancy Wittenberg, Executive Director  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Via email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

Re: Pinelands Comprehensive Management Plan  
Fourth In-Depth Plan Review

Dear Ms. Wittenberg:

The Pinelands Municipal Council (PMC) is an organization consisting of the Mayor or Mayor's designee from each of the 53 municipalities under the jurisdiction of the Pinelands Commission. The PMC was created by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq) with the purpose of working with the Pinelands Commission on matters of interest regarding the Pinelands Protection Area, the Comprehensive Management Plan (CMP) and the Region. The in depth Plan Review process offers the PMC an opportunity to express concerns and make suggestions to improve upon the CMP.

The PMC believes that this in depth review of the CMP should focus in part on how the Commission can improve the economic well-being of Pinelands municipalities. This is not a suggestion that the review should ignore the vital resources of which the CMP is designed to protect. It is recognition of the economic climate and that the timing is appropriate to improve upon the permit review process for those projects and areas where development is encouraged and anticipated under the CMP.

The following are specific areas, which the PMC believes should be given consideration under the Plan Review process. The PMC believes that increased communication between the Commission staff, municipalities and applicants would eliminate inconsistencies when interpreting aspects of the Commission regulations as they relate to development applications, thereby improving the application review process. Again, we would like to stress that the overall intent is to provide an improvement in the development review process, which will in turn assist with the overall economic conditions in the Region.

#### **Fiscal Health**

In 2005 the Pinelands Commission published a draft report on the fiscal health of the Pineland's communities. This report was never finalized. It is recommended that the Commission revisit this report and update the findings relative to the fiscal health and economic well-being of Pineland's municipalities. This report will provide a framework to identify areas where investments would be appropriate to assist those communities that have a greater need. The report will also assist local municipalities when they request aid from other organizations by identifying a need for assistance.

#### **Public Projects**

Another concern to the governments under the Pineland's jurisdiction is the cost and time associated with getting a public project approved. Municipalities do not have the funds available to go through a costly and lengthy development approval process for a public project. These costs are passed directly on to the local taxpayers. It is understood that the primary purpose of the Pinelands Commission review of an application is to ensure that the development is consistent with the CMP. The PMC believes this should be accomplished without additional cost and time.

While the CMP provides for intergovernmental agreements for public projects that are not fully consistent with the CMP (NJAC 7:50-4.52(c)), the standards necessary to satisfy the provisions of Subchapters 5 and 6 of the CMP is overly burdensome for public enterprises. This is greater concern when it involves the expansion of existing facilities for the public good that do not have the option of relocation or available reasonable alternatives. Public projects are for the public good and the time and cost associated with their review and approval should be reflective of the public purpose of which they are intended to serve.

#### **Landfill Closures**

The CMP under N.J.A.C. 7:50-6.75(e) requires most landfills to be capped with an impermeable material. In certain instances the capping of the landfill is not necessary because the property is no longer a risk to the environment. The cost to cap a landfill for a local municipality when it is not necessary is excessive. The requirement that the landfill be capped impacts the adaptive reuse of the property by the local municipality.

#### **Streamlined Permitting Process**

In January of 2012 the Pinelands Municipal Council adopted a resolution supporting streamlined permitting programs in the CMP. The Municipal Council acknowledged that there are areas that are appropriate for development in Pinelands Regional Growth, Village and Town Areas. A streamlined permitting program would offer opportunities for communities to encourage growth in appropriate areas while reducing costs and time associated with the development process. The



Comprehensive Management Plan currently permits the use of alternative local permitting programs under N.J.A.C. 7:50-3.81-3.85. The allowance of a streamlined permitting program in areas designated for growth would further encourage development opportunities and provide incentives for development in areas that are more suitable.

As part of any streamline permitting process the Pinelands Commission should encourage and permit applicants to review their development plans with other agencies. For instance, under the current process an applicant can not appear before Planning Board, DEP or any other organization for meaningful feedback without a certificate of filing (COF). This results in the increased possibility that the applicant would be revising their plans to satisfy the concerns of the other organizations. This becomes a costly and time consuming process for the applicant. This may have been appropriate when the CMP was first enacted to help applicants understand the development constraints. The municipalities under the jurisdiction of the Pinelands Commission have development ordinances in place now that are consistent with the CMP which form the basis of the municipal development review. It is our opinion that the permit review process should be on the same time-track, so that an applicant is able to receive meaningful feedback from all regulating agencies.

#### **Threatened and Endangered Species**

The need for threatened and endangered species studies (T&E) in areas where development is appropriate is a major hurdle for the approval process. When a property is located in an area where development is encouraged and expected, such as a Regional Growth District, Village or Town, the need for a T&E study should be reconsidered. T&E studies are costly and time consuming and can extend the approval process months and years depending upon the study requirements and habits of the T&E species.

The Pinelands Commission should consider an alternative to T&E studies in Regional Growth Districts, Villages and Towns so that development (which is appropriate and anticipated) can occur without lengthy delays and cost during the approval process. Efforts have been made by the Commission to consider habitat management plans in lieu of exhaustive studies, but specific regulations have not been adopted to provide clear and understood guidelines to applicants. Habitat management plans should be included in the CMP as an alternative to a T&E study with standards defined to provide for pragmatic solutions and scalable ratios of preservation compensation. Any alternative should be considerate of the cost and time necessary to complete the study. The intent and concern is to promote development in appropriate areas, areas that have been designated as appropriate for development under the CMP.

#### **Forest Areas and Pinelands Development Credits (PDC's)**

The Pinelands Municipal Council has heard concerns from municipalities that contain large forest development areas and the impact these areas may have on development. There has been discussion amongst some municipalities to consider the applicability of PDC's in Forest Areas. The primary concern is to provide value to property owners in the Forest Area and encourage development where appropriate. While the PMC understands the concerns of its membership where there exists little to no development opportunities in their jurisdiction, the PMC also recognizes that any change which would allow development through the use of PDC's will have consequences in other areas. Therefore the PMC believes that any change to the existing PDC program should be fully understood in terms of both positive and negative impacts. It is clear

that the existing PDC program should be reviewed to improve its effectiveness. The supply and demand of PDC's are not equal and the value assigned to PDC's has dramatically decreased. This is in part related to the current economy, but also attributable to the CMP framework that does not strongly encourage the use of PDC's.

**Summary**

The PMC wants to stress that the above recommendations are not meant to minimize the importance of protecting the vital resources of the Pinelands. The purpose is to recognize that the positive economic health of a community allows for a better balance between economy and environment. The CMP includes both preservation and development areas. A community needs to be able to promote development in appropriate areas. This creates a balance between two fundamental areas, which make for better communities. Economic development can occur without sacrificing environmental resources. The reverse is also true, environmental resources can be preserved while promoting economic development. This balance should be further enhanced as the Commission performs their fourth in depth review of the Comprehensive Management Plan.

On behalf of the Pinelands Municipal Council, I would like to thank you for taking the time to review our concerns and comments.

Yours truly,



Hon., Mayor William Pikolycky  
Chairman, Pinelands Municipal Council

**From:** John Volpa <johnvolpa@verizon.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/27/2012 6:07 PM  
**Subject:** Pinelands Plan Review

September 27, 2012

Candace McKee Ashmun

Chair, Plan Review Committee

NJ Pinelands Commission

PO Box 359

New Lisbon, NJ 08064

Re: Plan Review Comments

Dear Commissioner Ashmun:

On behalf of the newly formed Friends of the Black Run Preserve (FBRP), I am submitting comments on the Pinelands Commission Plan Review process. The Friends of the Black Run Preserve urges the Pinelands Commission to protect the headwaters of the Black Run watershed, which is vital to maintain the pristine quality of the Preserve.

More than ten years ago, the Pinelands Commission identified the Black Run watershed in Evesham Township as an extraordinary resource. The watershed exhibits pristine water quality and intact habitats despite lying at the very edge of the Pinelands. The Commission recognized, however, that the headwaters of this watershed are highly developable, but if developed as current zoning permits would lose the pristine water quality and natural resource values of the downstream Preserve.

The Commission devoted considerable effort to advancing revisions to the CMP to protect the headwaters of the watershed through its sub-regional planning process. The Commission and township have created excellent plans to accomplish this goal, but for a variety of reasons these plans have not been implemented. The past three years have seen increased public attention to the Black Run Preserve and renewed interest on the part of the township council and planning board in preserving this resource. The recently adopted Open Space Recreation Plan lists acquisition of the Black Run Headwaters as a key action. The Plan Review is a great opportunity to see these plans come to fruition.

FBRP supports the recommendations made by Pinelands Preservation Alliance, which are outlined below. We hope that you move forward with an amendment that:

- a. Places the Black Run headwaters area in the Forest Area.

b. Where a developer owns contiguous land both inside and outside the headwaters area, the number of units it may build in the Rural Development Area outside the watershed shall be calculated treating all the contiguous land (or, better, uplands) as if zoned at the same density as the land outside the boundary. That is, the headwaters land in common ownership would contribute to the developer's yield in the development taking place outside the watershed boundary as if it was still Rural Development Area.

c. The township may petition to convert a pre-planned and approved section of land outside the watershed boundary as Regional Growth Area if it wishes to do, sewer infrastructure is available to serve the area, the area is sized to accommodate and absorb no more than the amount of development as provided by existing Rural Development zoning for the area, and development of the new Regional Growth Area is conditioned on concomitant conservation of the remaining headwaters land in common ownership (unless that land has previously been transferred to the township or a conservation agency).

Thank you for your time, and please feel free to contact me with any questions.

Sincerely,

John Volpa

Chair of FBRP

4 Eustace Road

Marlton, NJ 08053

609-206-9903



## The Great Egg Harbor Watershed Association & River Council

**Fred Akers - Administrator**  
P.O. Box 109  
Newtonville, NJ 08346  
856-697-6114  
Fred\_akers@gehwa.org

September 28, 2012

Candace McKee Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ08064

Re: Plan Review Comments

Dear Commissioner Ashmun:

The Great Egg Harbor River Council and Watershed Association are very concerned about the protection and enhancement of 129 miles of Congressionally designated Wild and Scenic River, including 17 tributaries, most of which are in the Pinelands, and the entire Great Egg Harbor Watershed, which makes up 25% of the Pinelands.

Given the well documented history of water quality degradation and stream flow depletion in the Great Egg Harbor Watershed, we have great concerns that the protections offered by the Pinelands Comprehensive Management Plan have eroded away over time, and that today's Pinelands Commission is far more interested in the politics of new development rather than protecting the Pines.

Since the Pinelands Commission is conducting its periodic review of the Pinelands Comprehensive Management Plan (CMP), we offer the following comments:

**General Overview:** In its present form, the CMP is still a strong protection plan that has withstood the test of time. We believe that it is adequately protective today in terms of "strict compliance" to it, but that the culture of the Pinelands Commission and its staff is moving far and fast away from the original concept of strict compliance to the CMP. The embodiment of the movement away from strict compliance to the CMP can be found in the proliferation of Memorandums of Agreement or Understanding, that are special deals created more and more to help developers get around the rules. We offer the following more detailed comments in reference to specific sections of the CMP.

### OFFICERS

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**Joel Spiegel**  
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**David Brown**  
Egg Harbor Twp.  
**William Handley**  
Upper Twp.

**7:50-4.52-(c) Intergovernmental agreements:** In recent years, the Pinelands Commission has used this provision of the CMP to provide waivers and variances to help public developers avoid strict compliance to the CMP. One of the worst of these for the Great Egg Harbor Watershed was the 5/26/11 amended MOA with the Buena Borough MUA (BBMUA) and Buena Vista. This MOA permits the BBMUA to not only continue to forever discharge treated waste water in the Pinelands stream of Deep Run, but it also allows 200,000+gpd of future waste water to be imported from outside of the Pinelands and discharged into the Pinelands, and it permits sewer service to be brought into a Rural Development and Forest Area without a known public health problem, all of which are all against the rules of the CMP. The new MOA with NJDEP to designate every possible development zone as permitted sewer service area is another, and there are many, many more.

An important problem inherent with the execution of these Memoranda of Agreement deals with the long standing fact that the Pinelands Commission has no enforcement powers. So the deals are made to get around the rules, but the Pinelands Commission has little enforcement recourse if the other MOA party reneges on the deal. A case in point would be the first MOA with BBMUA where they agreed to remove the discharge from the Deep Run stream and land apply it which would be in compliance with the CMP, but the BBMUA reneged on that commitment and the Pinelands Commission caved in on a long sought after compliance to the plan and now allows them to continue and to increase their discharges to the stream.

While we would like to recommend the total removal of this MOA provision from the CMP to better achieve strict compliance to the existing plan, we know that there is no chance of that. So in lieu of total removal, we refer to and strongly support the specific changes to this section of the CMP that the Pinelands Preservation Alliance is recommending in their comments. We would also like to advocate to the Pinelands Commission to adopt a new culture of far less frequent use of the MOA to avoid strict compliance to the CMP, and a far more protective ethic in its application.

**7:50-1.6 Fees:** Given the proliferation of public development without permits (eg. Buena Vista and Stockton College), and the Pinelands Commission's lack of enforcement powers, we support the staff suggestion to add a fee requirement for violation applications which assesses a fee at twice the amount required for an application submitted prior to development occurring.

**7:50-4.53 Pre-application conference and submission requirements:** We agree that the public comment procedures were changed in the past few years, and we support the staff suggestion to incorporate current practice into rule.

**7:50-5.27 Minimum standards governing the distribution and intensity of development and land use in Pinelands Villages and Towns:** We disagree with the staff characterization that Villages are not being developed to become communities of place, and that current zoning amounts to rural sprawl. The Pinelands Villages were a preexisting condition, and the current CMP provisions are adequate. Therefore we disagree with the staff recommendations and lobbying to achieve as much sewer service and build out as possible in the villages, which will amount to even more rural sprawl.

**7:50-6.14 Wetland transition areas:** (See next section)

**7:50-6.7 Significant adverse impact, (c) The "Buffer Delineation Model for New Jersey Pinelands Wetlands" dated May, 1985, as amended, (Division of Pinelands Research, Center for Coastal and Environmental Studies, Rutgers - the State University of New Jersey, New Brunswick, New Jersey 08903) may be utilized as a guide in determining the extent of the wetlands transition area necessary so that no significant adverse impact will be deemed to exist pursuant to (a) above.**

The "Buffer Delineation Model" was created in 1985 to allow applicants to devalue wetlands and then to devalue adverse impacts as a way to reduce wetland transition area requirements. 27 years later, the original Buffer Delineation Model is still in effect, while 27 years later, wetlands science has vastly improved and the real value of wetlands has been updated.

We agree with the staff characterization that the current buffer model is considered to be arbitrary and inaccurate, and we think that its use should immediately be stopped. We also agree with the staff suggestion to use the EIA and/or management areas to determine appropriate wetland buffers and to insert a table to make buffer determination less difficult. We also recommend this as a potential Science Department project that might qualify for outside funding grants to implement.

**7:50-6.84 Minimum standards for point and non-point source discharges:** We agree with the staff characterization that the rule prohibits new and expanded existing wastewater treatment facilities from discharging directly into surface water bodies. But we disagree with the staff recommendations to revise the rule to permit limited discharge to surface waters from existing treatment plants if coupled with enhanced treatment. A change like this will significantly reduce the protections provided by the original CMP, and its current recommendation by the staff, along with others to promote more wastewater in the Pines, is an example of the erosion of the Pinelands Commission's culture to protect the Pinelands, and to add more development instead.

**7:50-6.84 Stormwater & Water Quality:** We applaud the staff for including recommendations to revise the CMP to improve water quality and stormwater management. We also see that the staff assigned a "high degree of difficulty" for implementations in these areas. We will strongly support CMP change actions the staff and the Pinelands Commission offers in these areas.

**7:50-6.143-(a)- 3. The Commission shall from time to time designate areas which are inappropriate for use of motor vehicles:** Under this rule, the current CMP enables the Pinelands Commission to control motorized recreation anytime and anywhere, and a case can be made that the entire Pinelands is inappropriate for off road motor vehicles. However, given the existing Pinelands Commission culture for approving many special use permits every year, we suggest that a provision to gage the cumulative impact of all of these special use permits be added to the CMP. The recent requirement for applicants to submit track logs of their actual routes should provide good data for the Pinelands Commission GIS staff to overlay all of the tracks on the Pinelands map and to measure the spatial extent of all of the events combined to gage the cumulative impacts and wetlands and T& E species impacts. This could allow a determination that some areas are either over used, or just too inappropriate to permit the continued use of those areas.

**7:50-6.86 Water management:** We did not see any staff recommendations for incorporating the long awaited Kirkwood Cohansey study into the CMP, and we have heard that this will not be considered now due to a shortage of staff time. If this is in fact true, we suggest that staff time would be better spent on using this valuable study to protect the Pinelands, rather than to spend thousands of staff hours and tens of thousands of dollars on MOAs to get around the rules, ie. the Robert Miller Airpark MOA.

The final build out study for the Pinelands is badly needed to assure the long term protection of the Pines, and this should include the full build out that could occur if all of the Regional Growth Areas, Pinelands Towns, and Pinelands Villages are maxed out on sewer service. In order to assure the protection of the water in the Pines, we need to know where the final build out needs to be set, and what the final development limits need to be. After spending \$5.5 Million on the study, to procrastinate incorporating the data and recommendations to protect the water into the CMP is just another example of the Pinelands Commission culture to promote development at the expense of Pinelands Protection. Given the complexities of this issue, we refer to and support the comments of the Pinelands Preservation Alliance on how to proceed to integrate the results of the study into the CMP.

Thank you for this opportunity to comment on the CMP review, and we look forward to working with you in the future to continue protecting the Pines and its high value water.

Sincerely,

Fred Akers



**From:** "Ed Wuillermin Jr." <edwardwuillerminjr@yahoo.com>  
**To:** "info@njpines.state.nj.us" <info@njpines.state.nj.us>  
**Date:** 9/28/2012 9:13 AM  
**Subject:** Comment: Plan Revaluation

As a landowner in an Agricultural Production Management Area of the Pinelands, and therefore a Pinelands Development Credit stakeholder, I want the Commission to incorporate changes into the CMP that increase the utilization of PDC's in its designated Regional Growth Areas. The PDC program was envisioned as way to mitigate the windfall-wipe out extremes in property owners equity experienced as a result of the implementation of the CMP. The purchase of PDC's is not mandatory, however, and a significant amount of growth area development has already occurred without the benefit of PDC purchase. The Commission should abandon its policy using PDC's as a density bonus incentive in Regional Growth Areas, in favor of a program which requires their mandatory utilization for new residential development.

Edward A Wuillermin Jr.  
881 South Second Road  
Hammonton, NJ 08037

edwardwuillerminjr@yahoo.com  
609-517-7406 cell

**From:** <wuills@comcast.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 8:30 AM  
**Subject:** pinelands PDC program

I wish to comment on the PDC program. I believe the program from the very beginning was flawed. The growth that was directed towards the receiving areas was not required to purchase credits from the sending areas unless the development went over a threshold density. In most cases that development density was not marketability attractive and the result was a low demand for PDC's which diminished their value. At this time adding more PDC's to dilute the existing pool of credits would only further diminish that value.

Also I am opposed to any action that would relinquish the requirement to purchase credits for any development which can be construed to be for the public use, age restricted, low income or any of a number of perceived "charitable" uses. Forgiving the requirement to purchase credits sets a precedent that will only continue to be manipulated into the future.

The PDC program will never achieve true success until the property owners in the sending areas can regain the values taken from them at the plans enactment.

August Wuillermin  
701 ninth st.  
Hammonton, NJ



New Castle Regional Office  
79NC64  
PO Box 9239  
Newark, DE 19714

September 27, 2012

New Jersey Pineland Commission  
P.O. Box 359, New Lisbon, NJ

RE: Comments on the Pinelands Comprehensive Management Plan

To Whom It May Concern,

Atlantic City Electric respectfully submits the following comments on the Pinelands Comprehensive Management Plan (CMP). Atlantic City Electric (ACE), a subsidiary of Pepco Holdings, Inc., provides safe and reliable electric service to 547,000 customers in southern New Jersey. As part of daily maintenance practices, ACE conducts vegetation management activities on nearly 2,570 spans of transmission covering 149 miles and 1,263 acres located within the Pinelands jurisdiction. These activities are the focus of the following Comprehensive Management Plan comments.

Currently, the CMP prohibits the use of herbicides on utility rights-of-way.<sup>1</sup> Furthermore, in October 2009, the Commission adopted an amendment to subchapter 10, Electric-Transmission Right-of-Way Vegetation-Maintenance Plan. The Electric-Transmission Right-of-Way Vegetation-Maintenance Plan does not allow for the use of herbicide as a right-of-way management prescription, restricting maintenance activities to hand cutting and mechanical clearing.

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<sup>1</sup> 7:50-6.87 Prohibited chemicals and materials

(a) Use of the following substances is prohibited in the Pinelands to the extent that such use will result in direct or indirect introduction of such substances to any surface or ground water or any land:

1. Septic tank cleaners; and
2. Waste oil. (b) All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface which shields the facility from precipitation.

(c) No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands unless necessary to protect an adjacent agricultural activity.

Atlantic City Electric is requesting that selective herbicide use be allowed as a right-of-way vegetation management prescription in addition to the currently applied management tools. The responsible use of herbicide as a component of an Integrated Vegetation Management Plan can effectively accomplish the stated goals of the Electric-Transmission Right-of-Way Vegetation-Maintenance Plan by facilitating (1) the creation and maintenance of early successional habitats characteristic of the Pinelands and which provide native habitat for native Pinelands plants and animals; and by (2) ensuring the reliability and safety of the electric transmission system in the Pinelands by creating and maintaining low-growth-vegetation communities.

Atlantic City Electric is requesting to open dialogue with the Pinelands Commission representatives to discuss the importance of herbicide use as a vegetation management tool for utility rights-of ways. We welcome the opportunity to discuss the development of a pilot/plot based test program that will evaluate the use of herbicides to foster the cultivation of sound, scientifically based policies and solutions around the use of herbicides on electric utility rights of way on the Pinelands.

Atlantic City Electric understands that Jersey Central Power & Light, an electric utility operating company of FirstEnergy, is a willing and fully vested partner in any activities that should arise from these comments.

Atlantic City Electric contact information:

Dana Small, Manager Environmental Planning  
E-mail: [dana.small@pepcoholdings.com](mailto:dana.small@pepcoholdings.com)  
Office (302) 283-6072

Matthew Simons, Sr. Staff Forester  
E-mail: [matthew.simons@pepcoholdings.com](mailto:matthew.simons@pepcoholdings.com)  
Office (609) 625 6021

Very truly yours,

*Dana Small*

Dana Small  
Manager, Environmental Planning  
Pepco Holdings, Inc

Cc: Bede Portz, JCP&L

**From:** Mike Neuhaus <mikeneuhaus@mac.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 2:23 AM  
**Subject:** Public Comment - Re: PCMP Review 2012

Dear Pinelands Commission Members,

Re: Pinelands Comprehensive Management Plan Review 2012

I took time to read many of the comments and concerns of others before taking a few moments to write. I knew from the start what I need to say about the future preservation of this precious ecosystem but I felt it was important to see where other local citizens were coming from as well.

To be honest your task as Pinelands Commission members is not enviable with single-minded pressures seemingly coming in all directions from off road vehicle clubs, traffic safety advocates, aggregate companies to municipalities, developers and advertising companies seeking relaxed development regulations to seniors desiring a more convenient 'shoprite' location. While some of the expressed concerns are genuine most comments read like pure persuasion neatly framed but none-the-less positioned for some form of short-term gain be it economic, recreational or pure convenience.

Now I must say, I see far too many development concessions being permitted by the Pinelands Commission throughout the Pinelands Reserve. I urge the commission to rethink the Preserve, Protect and Enhance components of it's mission statement. I urge you to adopt the Pinelands Preservation Alliance CMP Reforms.

Please remember by accepting appointment to the commission you have all assumed a huge social responsibility, one that supersedes political favor. You are stewards entrusted to continue protection of a vibrant, rare and fragile ecosystem home for us and many other species.

Also, you really must remember modern society at large cares little about last week, rarely considers next week and is certainly not forward thinking decades into the future. Do right by society despite its present day short sightedness. You must fight harder to preserve ever last acre of the Pinelands. The plant and animal life it nurtures, clean water it protects together have supported the lives and well being of local people for thousands of years. We as a species could not have come this far without the support a healthy and diverse planet. Unfortunately unlike millenniums past, modern development is not sustainable nor biodegradable but instead wholly invasive. Every Pineland acre developed, every stream headwaters or aquifer polluted today will never again recover.

Please say YES to PPA's recommendations for 2012. Get back to Preserve, Protect, Enhance and start saying NO to any more short-term gain, encroachment or interior development within the Pinelands Reserve.

Thank you for your time.

Regards,

Michael Neuhaus  
Bordentown City, NJ

## Paul Leakan - Pinelands Comprehensive Management Plan

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**From:** "RAMOS, JOANN S" <JOANN.S.RAMOS@CBP.DHS.GOV>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 10:59 AM  
**Subject:** Pinelands Comprehensive Management Plan

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I am a member of the Pinelands Preservation Alliance. I agree with the following recommendations:

**Black Run Watershed protection in Evesham.** The CMP should be amended to prevent intensive development in the headwaters of this pristine watershed at the edge of the Pinelands.

**Pinelands Development Credit (PDC) changes.** The rules for PDC use should be changed to provide a financial incentive for more efficient use of land in the Regional Growth Areas that are slated to absorb the demand for housing and business development.

**Kirkwood-Cohansey Aquifer protection.** Require applicants for new and additional water withdrawals to account for hydrologic impacts of groundwater diversions from the Kirkwood-Cohansey aquifer on stream flows and wetland water levels. Incorporate into the CMP language requiring applicants to use the findings of the Commissions Kirkwood-Cohansey study to identify the probable ecological impacts of induced streamflow and groundwater-level changes on aquatic and wetland communities.

**Stormwater rules reform, including low impact development (LID) requirements.** Because stormwater runoff carries pollution from developed land into the aquifer, streams and wetlands, it is critical that Pinelands rules be reformed to require the most effective methods for designing buildings, parking lots and stormwater treatment systems.

**Public comment procedures reform.** Public review and comment of Pinelands Commission actions is absolutely critical to the success, and the credibility, of the Commission in meeting its conservation mission. The Pinelands Commission has changed its public comment procedures in the past few years, fixed some problems in its procedures, and made some problems worse. The rules governing public comment need a comprehensive overhaul and clarification.

**Intergovernmental Memorandum of Agreement (MOA) rules reform.** The MOA procedure allows the Commission to enter contracts that promote development in violation of normal protection rules. This process has become a real Trojan Horse that is weakening the Commission and the CMP from within. The procedure needs to be eliminated, or at least reformed to ensure it is only used for genuinely public projects.

**Vegetation standards and roadside protections.** Improve the CMP's weak language regarding landscaping and re-vegetation that consist only of "guidelines" for planting native

plant species, the use of soil and fill matter, and the use of fertilizer and liming agents to requirements and explicit restrictions. The list of native plant species must be updated as well to exclude non-natives and promote local varieties that are available on the market.

**Amending CMP threatened and endangered plant list.** The CMP's list of threatened, and therefore protected, plant species is outdated and very incomplete. The list of protected plants needs to include all plant species occurring in the Pinelands that are listed as "species of concern" by the NJ DEP Natural Heritage Program.

**Sustainable growth fixes for the CMP.** Remove the CMP's endorsements and promotions for the development of single family sprawling dwellings. Several areas of the CMP must be updated to promote and incentivize compact, mixed-use development that will ultimately provide greater protection to Pinelands natural resources.

**Applications for enduros and similar events.** Require all special use applications for off-road motorized events to submit a bond to cover potential damages from illegal trails and to pay for the actual costs for the Commission staff time to review these applications. Otherwise, illegal trails and use of state land will continue to occur by off-road vehicle riders.

Thank you for considering the public's input.

Sincerely,

Joann Ramos  
Iselin, NJ

**Paul Leakan - FW: Pinellands PDC program**

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**From:** Judith M DeFiccio <judeedeficcio@msn.com>  
**To:** info <info@njpines.state.nj.us>  
**Date:** 9/28/2012 11:47 AM  
**Subject:** FW: Pinellands PDC program

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From: judeedeficcio@msn.com  
To: info@njpines.state.nj  
Subject: Pinellands PDC program  
Date: Fri, 28 Sep 2012 11:50:45 -0400

Good Morning:

My name is Judee DeFiccio I am a resident, a land owner and a farmer in the NJ Pinelands. I wish to comment on the current PDC program. This program is flawed and has been from its inception. It is imperative that the value of the PDC's not be further diminished but increase. This is the only way for this program to achieve any form of success. Adding more PDCs, relinquishing the requirement to purchase them for public use, age restricted, or low-income use serves no purpose. It rather undermines the program that was painstakingly created to somehow alleviate that disparity in land values that the Pinelands act created for those of us that live and make our financial living here in the NJ Pinelands. Yielding to builders demands, to the best of my knowledge, should not be a part of this. I feel that everyone not only in the Pinelands community, but in this country believes that the building market will rise again and we do not want these credits to be worthless when it does. Thank you.

Judee DeFiccio  
209 Union Road  
Hammonton, NJ 08037



Jay Ramee  
17 Edward Rd.  
Egg Harbor City, NJ 08225  
Sept 12 Betty

Richard Crovino  
Richard Sullivan, Carter  
15 Springfield Rd.  
Sea Beach, NJ 08224

RE: CMP review process

In reference to the front yard setbacks  
I feel it should be reduced to no more than 100'  
due to the behavior of some residents.

The 100' setback worked well in the past  
because homes being built "fit into" the existing  
street character. Existing vegetation was largely  
left intact, houses were small and driveways were not.

In the past 10 years, newly-built homes in  
Mallard Trgs are changing the very character of  
our area - the houses are McMansions clear-  
cutting all vegetation from the road to the  
house. In a few cases, the trees were left  
in the scenic corridor but all the lower branches  
are removed along with all the undergrowth. In  
all cases, ornamental trees and shrubs are planted  
street-side with gardens extending leading  
up to paved driveways surrounded by turf. They  
look like ANYTOWN, USA - not at all like Deeping  
with our rural character that we're trying  
to protect. Development is not the issue. It's  
the type of development. They all violate  
UDO's - the scenic corridor (44.93), the  
unique character of Mallard (44.116-3),

protecting environmental integrity (114.116.-6) &  
use of ornamental plantings in the scenic corridor  
(114.94-4.2.2)

The entire character of our municipality  
is changing and looking the local theme to enforce  
these ordinances and the Pinelands Commission still  
without any enforcement power I feel it would be  
more prudent to reduce the 500' setback and restrict  
the back portion of their acreage. It would still be  
sacrificing the scenic corridor but at least wildlife  
could have their corridor and the new home owners  
could still "beachcomber" their residence at the same  
time. The impervious driveway would be reduced  
as well as the area of turf and therefore fertilizer  
and water use. Unfortunately although many of  
these homes are up for sale - once the corridor is gone,  
it's gone forever.

RE: Undeveloped lots

Using small wetland parcels to complete the required acreage for undeveloped lots, I don't feel should be permissible, it's double-dipping. These parcels are already unbuildable, generally small and isolated and have created a market for builders to offer the landowner only a pittance for the property. The Land Use Board unsuccessfully tried to not approve such variances but lost to the NJ Court of appeals. The new standard practice for this development and undeveloped lots and increase the price for it.



The Nature Conservancy in  
New Jersey  
Elizabeth D. Kay  
Environmental Center  
200 Pottersville Road

**tel** [908] 879-7262  
**fax** [908] 879-2172  
[nature.org/newjersey](http://nature.org/newjersey)

September 28, 2012

Ms. Candace McKee Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Re: Comprehensive Management Plan Review 2012 Recommendations

Dear Commissioner Ashmun:

The Nature Conservancy in New Jersey welcomes the opportunity to provide recommendations to the Pinelands Commission as you undertake the review process of the Comprehensive Management Plan (CMP). The CMP is the basis for the conservation of the pinelands, a goal that the Conservancy shares. However, due to regulatory challenges encountered during the course of exploring potential stream restoration projects with Commission staff over the past several months, we recommend adjustments to CMP that would allow for projects aimed at the ecological restoration of pinelands stream habitat.

The Conservancy strongly supports your mission to enhance the natural resources of the Pinelands National Reserve. To that end, we have been exploring potential projects that would restore the natural hydrology of pinelands streams by correcting deficiencies in or eliminating obsolete in-stream structures in order to ensure resilient freshwater ecosystems while avoiding long-term ecological challenges. A recent example that illustrates an opportunity to restore more natural stream conditions is a simple culvert replacement on the Conservancy's Forked River Nature Preserve in Lacey Township. The replacement of this broken culvert would prevent road debris from spreading downstream and impairing the surrounding Atlantic white cedar swamp. Another potential project is the removal of a small dam that is in danger of breaching in order to allow for fish and organism passage and to avoid a possible ecological damage to the stream corridor caused by its failure.

However, in exploring these types of projects with Commission staff, we learned that the wetlands protection regulations do not allow conversion from one wetland type to another or a material change in stream flow. Since replacing or removing a barrier – whether it be an undersized culvert or an unregulated dam – would inherently change water flow and, in some cases, wetland type, some ecological restoration projects designed to restore the integrity of the pinelands freshwater ecosystems are not allowed under current pinelands regulations. **We recommend that a provision be added to the CMP to allow for changes in flow and wetland type due to the removal or replacement of an in-stream structure if the intent of the project is to eliminate a current ecological threat and restore natural stream conditions.**

It is important to note that we are by no means advocating for removing all in-stream barriers or all Pine Barrens lakes and ponds. Rather, we would like there to be an allowance for select cases where the ecological gains of a structure removal or modification would outweigh other trade-offs. The Commission

**Board of Trustees**

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Montecalvo,  
Maureen Ogden, Mark Opel, Lise Thompson, Dennis Toft, Jim Wright



has previously recognized the importance of ecological restoration through its rule change that allows for agricultural wetlands to be restored to more natural wetlands.

As mentioned earlier, these regulatory improvements are important to ensuring the long-term ecological health of the pinelands – which thrives on its network of freshwater streams and rivers. Because they are long and linear, these streams and rivers are highly susceptible to fragmentation by human infrastructure. Maintaining connected habitat, with natural substrate and natural seasonal variations in stream flow, is important for many aquatic organisms, including both migratory and resident fish. For example, where rivers connect with coastal waters, they provide important spawning habitat for migratory fish, such as river herring. Dams near the mouths of these rivers, unless they have effective fish ladders, prevent these fish from reaching their spawning grounds. Further upstream, additional dams limit the habitat accessible for resident pinelands fish. Additionally, in smaller streams and headwaters areas, undersized or poorly designed culverts also can fragment habitat by clogging (and creating stagnant pools upstream of them), changing the velocity of water, constricting a stream, or being “perched” above the natural stream substrate such that fish would have to jump to enter the structure.

The infrastructure throughout the Pinelands, such as roads and dams, provides many essential human benefits, including efficient transportation, access to fishing, swimming and boating areas, irrigation and water supply, and flood protection. However, when these structures are not well designed or maintained, particularly those which no longer provide the original service for which they were built, they can create risk of environmental and human hazards—such as flooding upstream if a structure is blocked or risk of catastrophic flooding downstream if the structure is compromised or collapses. Being able to proactively address select deficient structures would help ensure both ecologic benefit and human safety. As our climate changes and weather events become more extreme, the less fragmented a river system is and the more natural the hydrologic conditions are in its watershed, the more species and wetland types will be able to adapt in response to changing conditions.

*Therefore, the Conservancy recommends that the Commission provide a new mechanism within the CMP to address the ecological challenges due to failing or obsolete in-stream structures – which is currently prohibited. This could potentially be accomplished through an addition to the Wetlands portion of Subchapter 6:*

*7:50-6.10 Wetlands management*

*(d) Notwithstanding the other standards of this subchapter, the removal or reconstruction of an in-stream structure that materially changes stream flow or wetland type shall be permitted only if the project is designed to restore a natural stream system with no irreversible adverse impact on endangered or threatened species.*

In closing, the Conservancy appreciates the discussions we’ve had previously with staff about this important issue. We welcome the opportunity to work with the Commission to address the issues with aging infrastructure in pinelands rivers and streams and best allow for proactive freshwater restoration projects. Please contact Tom Wells, Director of Government Relations, at (908) 955-0349 or [twells@tnc.org](mailto:twells@tnc.org) with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barbara Brummer', is written over a light yellow rectangular background.

Barbara Brummer, Ph.D.  
State Director

**Paul Leakan - FW: Pinellands PDC program**

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**From:** Judith M DeFiccio <judeedeficcio@msn.com>  
**To:** info <info@njpines.state.nj.us>  
**Date:** 9/28/2012 11:47 AM  
**Subject:** FW: Pinellands PDC program

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From: judeedeficcio@msn.com  
To: info@njpines.state.nj  
Subject: Pinellands PDC program  
Date: Fri, 28 Sep 2012 11:50:45 -0400

Good Morning:

My name is Judee DeFiccio I am a resident, a land owner and a farmer in the NJ Pinelands. I wish to comment on the current PDC program. This program is flawed and has been from its inception. It is imperative that the value of the PDC's not be further diminished but increase. This is the only way for this program to achieve any form of success. Adding more PDCs, relinquishing the requirement to purchase them for public use, age restricted, or low-income use serves no purpose. It rather undermines the program that was painstakingly created to somehow alleviate that disparity in land values that the Pinelands act created for those of us that live and make our financial living here in the NJ Pinelands. Yielding to builders demands, to the best of my knowledge, should not be a part of this. I feel that everyone not only in the Pinelands community, but in this country believes that the building market will rise again and we do not want these credits to be worthless when it does. Thank you.

Judee DeFiccio  
209 Union Road  
Hammonton, NJ 08037

September 27, 2012

New Jersey Pineland Commission  
P.O. Box 359  
New Lisbon, NJ 08064

**RE: Comments on the Pinelands Comprehensive Management Plan**

To Whom It May Concern:

Jersey Central Power & Light Company (JCP&L) would like to thank the Pinelands Commission for the opportunity to comment on the Pinelands Comprehensive Management Plan (CMP). JCP&L provides electric service to over one million residential and business customers within 3,200 square miles of northern and central New Jersey. A portion of JCP&L's Central Region is located within the Pinelands Area. As part of daily maintenance practices, JCP&L conducts vegetation management activities on 215 spans of transmission lines covering 30 miles and 397 acres located within the Pinelands jurisdiction. These activities are the focus of the following Comprehensive Management Plan comments.

Currently, the CMP prohibits the use of herbicides on utility rights-of-way.<sup>1</sup> Furthermore, in October 2009, the Commission adopted an amendment to subchapter 10, Electric-Transmission Right-of-Way Vegetation-Maintenance Plan. The Electric-Transmission Right-of-Way Vegetation-Maintenance Plan does not allow for the use of herbicide as a right-of-way management prescription, restricting maintenance activities to hand cutting and mechanical clearing.

JCP&L is requesting that selective herbicide use be allowed as a right-of-way vegetation management prescription in addition to the currently applied management tools. The responsible use of herbicide as a component of an Integrated Vegetation Management Plan can effectively accomplish the stated goals of the Electric-Transmission Right-of-Way Vegetation-Maintenance Plan by facilitating (1) the creation and maintenance of early successional habitats characteristic of the Pinelands and which provide native habitat for native Pinelands plants and animals; and by (2)

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<sup>1</sup> 7:50-6.87 Prohibited chemicals and materials

(a) Use of the following substances is prohibited in the Pinelands to the extent that such use will result in direct or indirect introduction of such substances to any surface or ground water or any land:

1. Septic tank cleaners; and

2. Waste oil. (b) All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface which shields the facility from precipitation.

(c) No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands unless necessary to protect an adjacent agricultural activity.

ensuring the reliability and safety of the electric transmission system in the Pinelands by creating and maintaining low-growth-vegetation communities.

JCP&L is requesting to open dialogue with the Pinelands Commission representatives to discuss the importance of herbicide use as a vegetation management tool for utility rights-of-ways. We welcome the opportunity to discuss the development of a pilot/plot based test program that will evaluate the use of herbicides to foster the cultivation of sound, scientifically based policies and solutions around the use of herbicides on electric utility rights-of-way on the Pinelands.

Jersey Central Power & Light understands that, Atlantic City Electric is a willing and fully vested partner in any activities that should arise from these comments.

JCP&L contact information:

Bede T Portz, Supervisor Energy Delivery Support

Environmental Dept.

E-mail: [bportz@firstenergycorp.com](mailto:bportz@firstenergycorp.com)

Office: (973) 401-8990

Scott Wirs, Sr. Supervisor Transmission Forestry

E-mail: [swirs@firstenergycorop.com](mailto:swirs@firstenergycorop.com)

Office: (610) 921-6335

Very truly yours,



Bede T. Portz

:btp



COMMENTS  
**Pinelands CMP Review**  
COMMENTS

**William J. Cromartie**  
**221 S Vienna Ave.**  
**EGG HARBOR CITY NJ 08215**

Development in South Jersey is regulated through a highly innovative regional planning model. On the whole, the preservation effort in the Pinelands Region has been very successful – more successful than most other preservation efforts in any part of the country. A large portion of the Pinelands ecosystem enjoys unprecedented protection from degradation by uncontrolled development. Tens of thousands of acres of land have been permanently preserved. At the same time, there has been tremendous economic growth in most of the Pinelands counties since the CMP was put into force. Municipalities with RGAs, Pinelands Towns and RDAs have experienced rapid population growth and corresponding residential and commercial development. This is what the Pinelands Commission envisioned when it developed the CMP.

Nevertheless, there are problems, and there are many challenges remaining to be dealt with in the future. These involve the extent and direction of development, the protection of water and biodiversity and the threat of greenhouse gas induced climate change. What follows is a summary of issues and recommendations, based largely but not entirely, on a report prepared by a colleague and me at Richard Stockton College's William J. Hughes Center for Public Policy (Chirenje and Cromartie 2008). I take full responsibility for the views expressed herein, which are not necessarily those of my colleague or of Stockton College.

## **Outstanding Issues**

### **Build-out, redevelopment and affordable housing**

Southern New Jersey is facing build-out due to demographic pressure. The Philadelphia region is sprawling south and east, towards the ocean and lower Delaware Bay shores. Relatively well-to-do residents are coming in from the west to settle in growth areas like Galloway and Egg Harbor Township and in shore towns. Meanwhile, casino workers and other less affluent people are being pushed out and forced to locate in communities further west, like Egg Harbor City, Buena, Bridgeton, Vineland and Millville.

The CMP has been largely unsuccessful in encouraging the provision of affordable housing in the RGAs and other development areas. Because of the real fiscal impact and the negative perception of lower-income families, municipalities have generally been slow to meet their obligations to provide affordable housing and have resisted types of development that they think might attract such families. Because the same perceptions affect development and redevelopment projects outside the Pinelands, few affordable units are being built in the surrounding area either.

The region faces the possibility that build-out will approach before anything has been done to remedy the lack of affordable housing. The supply of potential retirees, long-distance commuters and other affluent home buyers seems sufficient to occupy most available new housing. Greenfields are still cheaper and more convenient to develop than brownfields. Builders find this type of development easy and profitable, and towns fear the alternatives, so there is little

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incentive to change the current approaches. At most, local governments hope to collect impact fees and perhaps control the rate of development through timed-growth authority. Unless the Pinelands Commission or the State takes action, little is likely to change.

### **Water quality and biodiversity**

The implementation of the CMP protection of the Preservation Areas has been largely successful. However, the situation in the development zones within the Protection Area is different.

Large tracts of forest have been cleared for developments, to be replaced by buildings, roads and turf grass on compacted soil. Apart from the increasing run-off from residential and commercial developments, chemicals used in lawn maintenance are undoubtedly making their way into both surface and groundwater in the RGAs (USGS 1999). Because turf requires large amounts of irrigation during the growing season, the runoff problem is made worse.

The Pinelands Commission's water quality white paper (Pinelands Commission Science Office 2006) shows that a large proportion of the watersheds that include RGAs, RDAs and Pinelands Towns will, at build-out, be greater than 30% developed land. There are no immediate plans to prevent the inevitable degradation of water quality and the loss of native biodiversity that will result. Although this prospect has generated vigorous resistance from major environmental organizations, no clear solutions have been found.

The lack of enforcement and failure to provide incentives for the use of BMPs, including native vegetation in landscaping for both residential and commercial developments is a lost opportunity. Reduced lot clearance, non-structural stormwater controls and use of native plants for landscaping all provide habitat for native species of animals and improve the biodiversity of the area.

### **Air Quality and climate change**

The CMP does little to reduce air pollution, given the relationship between land use, transportation options and air quality. As the world's attention shifts to focus on climate change and measures to curb the release of greenhouse gases, the Pinelands Region finds itself without any specific emission controls on greenhouse and other gases. Apart from the fragmentation and loss of wildlife habitat, new developments in undeveloped areas increase CO<sub>2</sub> emissions from both personal autos and soils and vegetation (as sequestered carbon is released through decomposition).

Although the CMP does avoid development in the central regions of the Pinelands, it did not envision the kind of "leapfrogging" that may be leading to long commutes *across* this central area, by affluent shore dwellers to jobs in the Philadelphia metro area, and by low wage workers to jobs in Atlantic City. If these patterns indeed become prevalent, there could be very large increases in emissions within the entire region. Apart from climate change, atmospheric emissions also increase acid deposition, particulates and ground level ozone.

The Pinelands Commission and NJDEP are not using planning and enforcement powers to respond to the challenges, in part because other NJ areas seem to be worse and so command the attention of regulators, at the expense of relatively clean southern New Jersey. Still, it seems important to ensure that regional increases in greenhouse gases and other air pollutants are avoided.

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## Future problems

### Water supply

Perhaps the most significant challenge to the region is the possibility that water supplies may run short as build-out approaches in the Regional Growth Areas and other zones. Moreover, expansion of water supplies by installing more wells in the major Pinelands aquifers could reduce both stream flows and groundwater levels. This in turn might affect the region's wetlands plants and wildlife. Because this is the topic of a study undertaken by the US Geological Survey and the Pinelands Commission, I have chosen not to discuss the problem here. Still there may be a need to restrict future water withdrawals to protect either supplies or to avoid damage to wetlands and streams, and this would require reconsideration of policies on growth. This report should be carefully considered in making revisions to the master plan.

Any deficiencies in the report, such as failure to account for increased transpiration as a result of fire suppression and subsequent reforestation across the region, need to be included in the science research agenda over the next decade.

### Forestry and fire management

The present pattern of widespread, low to medium density development in the RGAs and RDAs as well as the Forest District has been recognized as a serious challenge to fire control and to the management of the Pinelands landscape by prescribed fire. This challenge is beyond the scope of the this paper, but it is caused by many of the same policies that are leading to water quality degradation and loss of biodiversity and can be addressed in part by some of the same measures that may help deal with these later challenges. I believe the commission needs to do much more to encourage ecological forest management and restoration practices, including cutting to 1) reduce fuel loads, 2) protect against insect outbreaks, 3) encourage development of multi-age class stands and 4) open up space for herbaceous plant communities. The State of New Jersey and large private and institutional landowners need to be prodded into action before the increasing density of our forests lead to loss of species, catastrophic wildfires or both.

## Recommendations

I challenge the Pinelands Commission and the regional stakeholders to develop a new vision for the next 30 years – a vision that will address current problems, anticipate emerging challenges in the region and develop policies towards addressing them. There are many common challenges faced by New Jersey's planning and environmental protection agencies, local governments and non-governmental organizations. The Commission came up with the CMP within a few months in 1979 and 1980; a similar effort to set a better course is needed today.

I envision a plan that includes the following:

- a. zoning and land use regulations that encourage redevelopment of brownfields and underutilized sites, provide for affordable housing and support public transportation
- b. mitigating the impact of future development on water quality and biodiversity
- c. reducing greenhouse gas and other pollutant emissions

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### **Build-out, zoning, redevelopment and affordable housing**

**Many of these recommendations are controversial and require careful study before they are implemented. Some require action by the Legislature, or by other state and regional authorities. The Pinelands commission should continue to conduct research on successful ways to achieve the objectives discussed below.**

#### **Allow PDCs to be used for redevelopment outside the Pinelands**

This gives more flexibility to planners to locate high-density development in the areas that can best accommodate it. Eastern Atlantic County is a prime example. Allowing PDCs to be used in the municipalities east of the Garden State Parkway may make redevelopment more attractive, and it also increases regional equity, by insuring that municipalities with RGAs Pinelands Towns and RDAs, are not the only ones to receive a share of the transferred development rights that make possible protection of the Pinelands, which are a resource for the whole region.

#### **Redirect CRDA funds to improve infrastructure to facilitate redevelopment near Atlantic City.**

If more of the money generated by taxing the casino industry is reinvested not just in Atlantic City but also its surroundings, infrastructure could be improved and more money could be plowed back into redevelopment of underutilized land to accommodate low-income city workers so they can walk, bike or take a short bus ride to work.

The complement to this policy is to prevent use of CRDA funds to support sprawl, such as low and medium density (detached houses) in the Pinelands development areas or other “greenfields.”

CRDA investments should be guided by the CMP and by Atlantic County’s Strategic Growth Management Plan. Identify areas that can be developed, without neglecting issues faced by older communities in the municipalities of Port Republic, Absecon, Pleasantville, Northfield, Linwood, and Somers Point.

#### **Develop a regional tax base pooling scheme to equalize rates across the whole area and share the burdens among the different municipalities.**

The Hackensack Meadowlands District Commission imposes tax revenue sharing in fourteen northern New Jersey municipalities. Although intended mainly to stimulate economic growth, this does make it easier to coordinate planning, zoning and development on a regional scale, as consolidated entities participate less in the “ratables chase.” Consolidation is a fairer way to finance local government under a regional plan. Also, the impact of developments such as high density, low income housing will be easier to absorb within larger tax bases than individual municipalities. Not making them shoulder the tax burden on their own is only fair to those who have to absorb developments that benefit the whole region.

#### **Work on a regional plan that prioritizes public transit**

Plans for all new developments should address their impact on local and regional traffic and how they will work towards encouraging the use of public transport. State and local agents should provide incentives for developments that occur near public transport nodes. Support for high-density initiatives, like the Egg Harbor City redevelopment plan, could also be provided by

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developing special fare packages for residents to ride NJ Transit. Strong disincentives need to be put in place to discourage developments that promote waste (like large lot development with big lawns or scattered developments that lead to long commutes by private automobiles).

### **Consider impact fees and timed growth ordinances**

Municipalities need ordinances that allow them to calculate the specific impacts of various forms of development and charge fees to developers to offset the costs to current taxpayers. Currently, this issue has led to threats of possible litigation by developers, as municipalities do not have legal authority to collect such fees. Thus, action by the Legislature will be necessary to establish guidelines that are fair and equitable.

Timed growth ordinances, likewise, can help municipalities cope with the fiscal impacts of new development. If towns could cap the number of new building permits or Certificates of Occupancy issued annually, municipal budgets and tax rates would grow more slowly. Again, issues of equity must be considered. No new authority should be allowed to further restrict the availability of affordable housing, for instance.

### **Within RGAs, plan mixed use, high density zones**

Where appropriate (on sites near transportation and other existing infrastructure, like the AC Racecourse) areas should be designated for “new towns” to contain high-density housing of a wide range of prices. These areas would need to be given special State and regional support for affordable housing, schools and other public infrastructure. Emphasis should be placed on access to public transportation and to shopping, recreation, etc. within walking distance of every resident. Commercial uses (shops, restaurants, etc.) should be permitted. Regional tax base pooling (discussed next) would make this an attractive option. Better planning in the Regional Growth Areas could allow businesses and residential areas to develop side-by-side, enabling residents to walk to work, school, shopping and leisure activities (Downs 1994, Center for Urban Policy Research 2000). This entails abandoning the old paradigm that sought to separate land uses due to the nuisances and pollution caused by industrial and commercial uses of the past. Again, this approach is best suited in densely populated areas – its success in South Jersey requires a major shift in both local and regional planning.

### **Water quality and biodiversity**

With its distinctive flora and fauna as well as the characteristic water chemistry of its ponds and streams, the Pinelands differ greatly from surrounding regions. The CMP recognizes the need to protect the “essential character of the Pinelands.”

Water quality and biodiversity are the factors that contribute most to the preservation or loss of “the essential character of the Pinelands,” when development occurs. In the RGAs, this preservation is mandated by the CMP, but the goal is not being attained.

Given that the Pinelands Commission has a duty to provide opportunities for development in the region, and given that without strong mitigating measures, degradation of water quality is unavoidable, even if all opportunities to redirect growth back into urban areas and older suburbs were followed, it is imperative that new development be held to stricter performance standards. Even existing developments must be gradually rehabilitated to reduce their impact on water quality in the RGAs, RDAs and Pinelands Towns.

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### **Reduce the scale of land disturbance.**

Implementing the recommendations of the clustering study (New Jersey Pinelands Commission 2004) and extending them to the RGAs and other development zones would do much to reduce the impacts on water and biodiversity. It would also make fire protection much easier, facilitate public transportation and mixed uses and reduce greenhouse impacts.

### **Consider a "cap and trade" system to limit the total disturbance of watersheds**

Scientific research by the Commission has shown that as the amount of developed land in a watershed exceeds about 20%, degradation of water quality occurs. The primary evidence of this now is the state of Barnegat Bay. Since New Jersey DEP has designated Pinelands waters as non-degradation, this poses a dilemma for the growth areas, where buildout may exceed 30% development.

My suggestion is to consider a cap and trade system, whereby development in each subwatershed (at the HUC-14 level) would be capped at 20%. This includes all urban and agricultural landuse categories, as defined in the watershed studies by the commission staff. Development after reaching that level would require that a corresponding amount of land area be returned to natural vegetation – for example by removal of non-native cover and its replacement by native vegetation. Property owners would be allowed to perform such restoration and sell the credits to would be builders.

Such a system could also be used to reduce the amount of disturbance in watersheds already over the 20% level by imposing a cap that gradually declines over a ten or twenty year period, allowing time for property owners to do the needed restoration.

The commission should continue to research the types of landuse that have the greatest and least impact on water quality, to allow a sliding scale to be developed for determining when a watershed is overbuilt.

### **Alternatively, impose disincentives for large-lot development**

The key need here is to build the costs of the environmental damage done by large lot, sprawl development into the price paid by developers and home buyers. One way to discourage inefficient and damaging land uses on a regional level would be to require that PDCs be purchased and retired permanently to offset development judged to have a high environmental impact factor, such as detached, single-family homes on large lots, the type favored by long-distance commuters. Where it is known that particular land uses and site designs have significant impacts on water quality, wildlife, etc. it would be possible to offset future damage by reducing the options for additional units to be built. The Commission could require builders buy PDCs and retire them, without adding units to their sites.

Other uses that have substantial impact could also be made less profitable: golf courses, for instance, could have to retire a large number of PDCs to offset the harm to water quality resulting from irrigation, fertilizer and pesticides.

The Pinelands Commission's Ecological Integrity Study, will help to identify those areas in particular need of protection – habitats for threatened and endangered species, large blocks of contiguous, undisturbed forest and stream segments with relatively little disturbance in their watershed. These areas should be particularly closely monitored and new development in them should be held to the highest performance standards.

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### **Maintain 300-foot buffer zones to protect wetlands in the Regional Growth Areas**

Given the non-degradation designation for Pinelands waters, rather than allowing developers to reduce buffers on “low value” wetlands – those already adversely affected by development – it is important to keep these buffers intact to permit restoration of native wetland values and water quality. In reviewing development on sites with limitations imposed by wetlands and their buffers, the Commission should require that better land use techniques, including clustering and BMPs be applied to the greatest feasible extent before regulatory relief is granted. Reduction in buffers is another situation in which retirement of PDCs should be required.

### **Require maximum use of non-structural BMPs for stormwater. Monitor the results.**

In all new development, the Pinelands Commission should require site plans that minimize disturbance of native cover and make that cover part of the stormwater management system. Native upland vegetation may be the most effective and efficient place to infiltrate stormwater. Pinelands should encourage all applicants, but especially government institutions, to include the most innovative low impact techniques, including experimental methods.

Methods that require importation of non-native plants and construction materials should be discouraged in favor of those that utilize the existing vegetation and soils to clean and infiltrate runoff water from impervious surfaces, including turf areas (which should be included in calculations of impervious cover). The provisions of the CMP that discourage centralized stormwater systems should be strictly adhered to.

All stormwater management plans should be subject to both as built and follow-up monitoring by local officials, trained by Pinelands or the NJDEP to recognize problems. Water quality monitoring downstream should be conducted regularly.

Property owners should be required to deed restrict natural areas that receive stormwater to insure continued function.

### ***Encourage retrofit; require retrofit for government institutions and all new work on developed sites***

Provide incentives to homeowners and businesses that convert older stormwater infrastructure to Best Management Practices.

The commission should cease the practice of “grandfathering” obsolete stormwater management systems. All significant redevelopment of a property should require the entire site to meet current standards. The practice of trading off supposed improvements in one place for continued inadequate recharge and treatment in others should not be allowed. Subdivision of properties into separate areas to avoid having to meet standards for the entire site should not be permitted.

Require government institutions to replace obsolete systems within ten years or whenever they apply for a new Pinelands permit.

### **Require low impact, native landscaping**

Landscaping is one of the factors that most contributes to the preservation or loss of “the essential character of the Pinelands,” when development occurs. In the RGAs, this preservation is mandated by the CMP, but the goal is not being attained. The commission should develop standards for and strongly encourage the use of xeriscaping with native plants to minimize fertilizing, watering and pesticide application. The Commission should establish maximum

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permitted areas of turfgrass per dwelling unit, business, etc. and make regular enforcement by trained municipal officials mandatory. Landscape services should be regulated and required to complete Pinelands Commission approved training in the techniques appropriate for the region.

***Encourage retrofit; require retrofit for government institutions and all new work on developed sites***

Provide incentives to homeowners and businesses that convert to native, no-mow, no-fertilizer landscaping – possibly in the form of a “natural land” property tax assessment for a set period. Require government institutions to replace non-native landscaping within five years or whenever they apply for a new Pinelands permit.

***Maintain a list of invasive plant species and prohibit their use in new development. Devise a vigorous program to monitor and help remove invasives.***

The Pinelands Commission should sponsor research to develop a region specific list of invasive plant species and develop regulations to prohibit their use in landscaping new areas. The Commission should work with State and Federal agencies and private organizations to monitor the spread of invasives and to develop programs of incentives and direct action to slow their spread and eradicate them where possible.

***Restrict irrigation, fertilizer and pesticides on athletic fields***

The Pinelands Commission should sponsor research on alternatives to turf grass for athletic fields, because these sites have the worst problems with soil compaction. This should include studies to see how to achieve sufficient stormwater infiltration. If it proves beneficial to the environment, encourage use of synthetic materials for athletic fields.

***Expand research on native landscaping and stormwater management***

The Pinelands Commission should develop an interim manual of native landscaping techniques and stormwater BMPs specific to the Pinelands, to be updated frequently. At present, the NJDEP stormwater BMP manual and the various suggestions for native landscaping are not sufficiently adapted to the specific conditions found in the Pinelands, nor do they make full use of the native flora. This makes it difficult to require the use of the techniques that are most likely to protect water quality.

In cooperation with county soil conservation districts, the Pinelands Commission, the NJDEP and colleges and universities in the region should devote more research effort to native landscaping materials and techniques and stormwater BMPs specifically adapted for the Pinelands. There is a particular need to design and set standards for non-structural stormwater management methods that use the naturally occurring Pinelands vegetation and soils.

There should be large scale demonstration projects established at government facilities (like municipal buildings, schools and colleges) whenever they undertake new construction. Private builders should also be given incentives to use experimental techniques, with protection from liability and help in remediating or replacing any unsuccessful designs.

As more experience is gained, the most successful practices should become mandatory for all development and Pinelands should require municipalities to enact ordinances that enforce these BMPs.



## COMMENTS

### **Work with state and local agencies and private organizations to control off-road vehicle use**

Many of the most critically endangered plant populations and some threatened insect populations on state and private lands are at risk from uncontrolled off-road vehicle use. The Pinelands Commission should begin to work with the state, counties and municipalities to develop laws and regulations to require effective registration of off-road vehicles, to require that drivers be of age and properly trained and to provide enforceable penalties for trespass on private lands, unauthorized use on public lands and damage to the environment.

### **Air quality and climate change**

#### **Make greenhouse gas emissions a required part of the EIS for new development**

One of the largest problems confronting New Jersey is our increasing carbon footprint, particularly CO<sub>2</sub> emissions. The New Jersey Legislature has passed the Global Warming Response Act (based on Executive Order 54), which calls for the state to return to 1990 greenhouse gas emissions levels, and obtain 20% of the state's energy supply through non-fossil fuel based supplies by 2020, with a long term reduction of emissions to 80 percent below 2006 levels by 2050. The Legislature has also classified CO<sub>2</sub> as an air contaminant. The Act requires all state agencies to come up with a plan to meet the 2020 targets. This is an opportunity for the Pinelands Commission to amend the CMP to require EIS to include anticipated CO<sub>2</sub> emissions and plans for mitigation (for example, planting trees and managing forests to provide a sink for greenhouse gases). This would force the Commission and the municipalities to weigh the alternatives to high impact sprawl development as well as reduce future emissions. .

#### **Require LEED; give incentives for higher LEED levels**

The US Green Buildings Council (USGBC) has a voluntary, but legally binding certification system that promotes sustainable construction. The system, Leadership in Energy and Environmental Design (LEED) promotes sustainable design for new construction, existing buildings and their shells, commercial and residential properties and even community design.

Construction projects are awarded various different levels of certification depending on the number of points they get for each of six categories. Opportunities exist in the LEED program to certify whole communities at the various levels. The Pinelands Commission should provide incentives and set up standards for municipalities and builders to improve building codes and standards in order to reduce the release of greenhouse gases and improve air quality. The easiest way to implement this is to start with all government buildings, especially schools, libraries, police stations, municipal office complexes and court houses. State and local government should also provide incentives for developers and towns wishing to get specific communities LEED certified. Towns should also be encouraged to join programs such as the Sierra Club's Cool Cities Initiative, to adopt sustainable growth policies including greener transportation options and energy conservation in stationary infrastructure.

## COMMENTS

### Scientific Advisory Committee

Scientific knowledge is expanding too rapidly for a small scientific staff to keep up with major developments. In 2000, the Commission established a four-member Science Advisory Committee to provide advice on its science program. “The SAC periodically reviews Science Office activities, including the preparation of technical reports, research proposals, and work plans, and recommends long-term research priorities” (<http://www.state.nj.us/pinelands/science/advis/>).

I believe more needs to be done to bring an independent, outside perspective on current scientific research to the attention of the commission.

- Expand the board from four to at least twelve members, representing all relevant disciplines and major academic institutions in the region. Social scientists (economists, demographers, etc.) as well as natural scientists should be included.
- Require the committee to meet regularly.
- Allow the committee to establish its own agenda to deal with issues that the members consider important to bring to the attention of the Commission and its scientific staff. These could include updating the lists of species of concern; new and emerging technologies to deal with management problems; trends in biodiversity, water quality and other environmental quality measures; developments outside the region likely to impact the Pinelands environment and similar topics.
- Have the committee report at least annually to the Commission on emerging scientific issues, options for dealing with problems and the trade-offs among environmental, economic and social values that follow from different policy choices.

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## *Atlantic County Board of Agriculture*

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September 28, 2012

New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

RE: Pinelands PDC Program

The Atlantic County Board of Agriculture would like to take this opportunity to comment on the PDC program. The PDC program is a mechanism intended to compensate landowners who lost value in their equity at the time of the Pineland's Protection Plan's inception. The board is not supportive of giving away the value of PDC credits.

Complying with the CMP, including the PDC program to provide protection of the pinelands, should not be subject to a means test. All projects, regardless of the intended market, should be required to participate in the PDC program. Making exemptions to buy credits further reduces demand and provides little incentive for program participation. The PDC program will never achieve success until the property owners in the sending areas can regain the values taken from them at the plans enactment.

Action needs to be taken to make the program better. We hope that our concerns will be heard and considered during the review process.

Sincerely,

Judee DeFiccio  
President

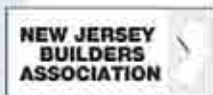
## Paul Leakan - Bonding for special use permit

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**From:** "Dean Holonics" <deanholonics4@msn.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 2:39 PM  
**Subject:** Bonding for special use permit

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Please submit my opposition to the proposed bonding rules as applied to NJ Enduro events . We are already paying a per mile usage fee and this Bond would be a considerable financial burden to the clubs and its seems very unjust to single out one particular type of usage group. Enduros have run for 75 years in NJ this bond would pout a severe damper on a historical sport which many diverse type of people enjoy. Actually the Pinelands needs Enduros as the participants are all structured in clubs and all clubs donate time for cleanups, clearing trail, group projects etc . Volunteerism builds a social responsibility that is evident in club members. We all love the woods so we want to keep it nice and keep the unwanted out. By losing the interest of enduro clubs you will lose the watchdog of the forest. As for now the system has structure to compete or even ride there the bikes must be registered and insured. If clubs leave it will only open the doors for irresponsible folk who will come and believe they have no rules and will ride anywhere with reckless abandon. If youd like to see evidence of who will follow just go to youtube and search "609wheelieboyz" and that's exactly what would happen it will be MAYHEM. No longer a serene utopia that's kept clean and "policed" by the Enduro clubs. Thanking you I remain Dean Holonics



September 28, 2012

Candace McKee Ashmun  
Chair, Plan Review Committee  
New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Re: Pinelands Comprehensive Management Plan Review – NJBA Comments

Dear Commissioner Ashmun:

The New Jersey Builders Association (NJBA) welcomes the opportunity to submit these comments discussing desirable revisions to the Pinelands Comprehensive Management Plan (CMP) for consideration by the Pinelands Commission (PC). These comments address changes supported by NJBA to specific sections of the existing CMP, as well as NJBA's reaction to other possible changes informally discussed by the Commission, its staff and other stakeholders.

Consistent with NJBA's longstanding positions, these proposals seek to eliminate unnecessary barriers and obstacles to the production of housing -- including much needed affordable housing -- that is appropriate to the region's evolving demographics and is consistent with the intent of the CMP. NJBA encourages the streamlining of administrative procedures and the elimination of duplicative and cost-generating reviews which provide no value added in terms of environmental benefits and stymie economic growth and creativity. NJBA believes environmental objectives are best achieved through flexible, performance-based regulations that focus on outcomes, rather than inflexible, one-size-fits-all standards without a firm scientific basis.

#### **I - Pinelands Development Credit (PDC) Reform**

There are a number of serious issues with implementation of the existing PDC framework, which prevent this tool from effectively achieving its potential. This is recognized by both the development community and the environmental community. Indeed, the Pinelands Preservation Alliance in its September 14 letter to the Commission, states that the current PDC structure "provides a financial incentive to build at lower density and provides no incentive to adopt any other beneficial design feature in a development plan. Thus, the current structure encourages exactly the kind of sprawl development that makes inefficient use of growth areas and causes more than necessary harm to environmental, scenic and cultural values" (PPA, page 4).

#### **New Jersey Builders Association Officers**

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Current and future demographics and housing demand – which emphasize higher density, attached or small lot housing products -- is directly at odds with current zoning in the region, which emphasizes larger lot, detached housing that is neither affordable nor appropriate for the emerging markets. The CMP offers the tools needed to overcome this disconnect, and the Commission needs to better use them. Towns have been using the PDC process to reduce development potential. Over time, growth area towns have progressively reduced zoning densities, contrary to the provisions of the CMP, to limit family housing and school children, without concomitantly increasing the zoning for higher-density, non-school-age producing attached housing. While the Commission has condoned this behavior in the past, for various reasons, the time has come to rethink this position or risk further undermining the CMP's objectives for the growth areas.

The second issue of concern is the imposition, by municipalities, of mandatory affordable housing set-aside requirements without providing compensatory benefits. Mandatory affordable housing set-asides, when combined with artificially low zoning densities, undermine or even negate a development projects' financial feasibility. The NJBA believes the current version of PDC enhancements is not workable because the allowable densities are not enough to under-write a mandatory affordable housing component.

NJBA's suggestions for amending the CMP to reform the PDC process are as follows:

1. Require growth area zoning for market-appropriate densities: 5,000 to 7,500 square foot lots for single-family detached housing, and zoning for attached housing and multi-family housing at appropriate densities. Both satisfy market demand and provide the ability to pay for the PDCs AND support reasonable affordable housing set-asides.
2. Rescind the density reductions granted under CMP Section 5.28(a)7iii based on a review of the required findings related to housing supply and diversity under Section 5.28(a)7iii(3)(D).
3. Revise previous interpretations of CMP Section 5.28(a)2 that wrongfully calculated the density averages on the basis of what land was "vacant" at the time of re-evaluations of the zoning. NJBA believes this section was clearly meant to apply to ALL residentially zoned land – whether developed or vacant. The extent of development under the required average density creates a future obligation to provide higher density zoning. Applying the average to a shrinking land base consistently removes promised housing from the system. The Commission should add a provision that developed lands will be accounted for by their actual density yield. This will eliminate the incentive the current system provides to exclusionary municipalities in that any reductions on one site would ultimately lead to greater requirements elsewhere.
4. Explicitly recognize Section 5.28(a)7i, which authorizes municipalities to provide density bonuses above those required for PDC's for other public purposes, ie create a "two tiered" bonus system that adds density for the PDC charge AND a separate density bonus for an inclusionary affordable housing set-aside.

5. By restoring the number of housing units originally planned by the CMP for the growth areas on the now reduced land area, the resulting “required” densities under the CMP would be more reflective of original policy and also appropriate to current demographics. Only a significant shift from lower-density to higher-density zoning will generate the levels of funding the PDC program needs to support reasonable affordable housing set-asides.
6. A project’s PDC obligation should be a function of the actual number of units approved, which can be substantially lower than the theoretical yield under the zoning, given stormwater management systems and other land consuming requirements. NJBA has documented examples of how in many developments it is not possible to physically fit all the by-right housing on the site as a result of all the land consuming requirements.
7. The Commission should require towns to allow for optional clustering on smaller lots. Current market demand is for smaller lots and higher densities, and these are not allowed under current zoning. There are many opportunities in the growth areas to build higher density housing in appropriate locations, if only the zoning would allow it. The Commission has the authority to force towns to accept higher densities in appropriate locations and should not be shy to exercise it, when needed.

## **II - Administrative Procedures**

NJBA supports the following amendments to the CMP’s administrative procedures:

1. Eliminate the current requirement for signed / sealed construction cost estimates.
2. Expand the type of minor development projects that qualify for an exemption from full application review to include the additional projects identified by PC staff.
3. The Certificate of Filing process – which can cause significant project delay -- should be thoroughly revised. NJBA believes this administrative procedure should be at the applicant’s discretion. NJBA has provided the Commission’s staff with a model project application checklist, which Commission staff can use to easily identify all the studies that have been filed / reviewed as part of a development application. The applicant should be allowed to proceed, at their own risk, before the local board, without waiting for the Commission staff to issue a Certificate of Filing.
4. There is no justification for building permits issued pursuant to approved site plans or subdivision plats to require No Call-Up letters from the Commission. NJBA would like to see this practice eliminated.
5. There is also no justification for No Call-Up letters to be required for final site plan or subdivision approvals if the project has not changed substantially since preliminary approval was granted. NJBA would like to see the Commission adopt a procedure that allows the No Call-Up letter to be waived if the project engineer can self-certify that the final site plan or subdivision plat is substantially the same as the approved preliminary site plan or subdivision plat.
6. The Commission should adopt timeframes for its staff to act on development applications. If the staff does not act within a certain timeframe, the application is automatically approved. This would provide a mechanism for ensuring that applications are acted upon in a timely manner, thus increasing certainty for project sponsors and investors, unlike the current system, where projects can languish for extended periods of time waiting staff review.

7. The applicant – not the town – should notify the Commission that preliminary or final site plan approval has been granted.
8. The Commission should develop a protocol for accepting and approving Threatened and Endangered species (T+E) reports and cultural resource studies submitted by consultants on behalf of development applicants. The Commission does not have T+E or cultural resource expertise in-house, and it's consultants are not full time and are often not responsive to applicants.
9. The Commission should adopt a waiver provision consistent with the Governor's Executive Order #2.

### III - Technical Standards

NJBA supports changes to the CMP's technical standards in the following areas:

1. Eliminate the limitation of one principal use per parcel.
2. Reform the development framework in Pinelands Villages and clarify wastewater treatment options.
3. Create a more predictable model for determining wetlands buffers and replace the arbitrary (non-science based) 300-foot wetlands buffer with the NJDEP Science-based buffer system.
4. Extend the expiration of all Letters of Interpretation from 2 years to 5 years.
5. Exempt growth areas and towns from T+E requirements.
6. Septic system requirements, for both standard and alternate systems, should be changed to allow their location in areas where the high water table is 2 feet below natural ground surface, rather than 5 feet, as is now required.
7. Encourage retrofits to existing septic systems in headwater areas and allow alternate designs for septic system technology throughout the region.
8. Change stormwater management requirements to reflect the current state-of-the-art, use the NJDEP design standards, reduce basin size, eliminate redundant reviews and adjust technical standards. NJBA believes the Commission should delegate stormwater review to the municipalities. Public funds should be made available for the retrofitting of under-performing basins.
9. The Commission should amend the adopted water quality standards to make them consistent with NJDEP standard and permit direct discharge from existing treatment plants to surface waters if coupled with enhanced treatment, as per NJDEP standards.

We appreciate the opportunity to present these comments and would be happy to discuss them with the Commission at any time.

Sincerely,



Timothy J. Touhey  
Chief Executive Officer / Executive Vice President





September 27, 2012

Candace McKee Ashmun  
Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Re: Plan Review Comments

Dear Commissioner Ashmun:

On behalf of the Rancocas Conservancy I am submitting comments on the Pinelands Commission Plan Review process. The Conservancy urges the Pinelands Commission to protect the headwaters of the Black Run watershed which is vital to maintain the pristine quality of the Preserve and to insure long-term health of the Watershed.

More than ten years ago the Pinelands Commission identified the Black Run watershed in Evesham Township as an extraordinary resource. The watershed exhibits pristine water quality and intact habitats despite lying at the very edge of the Pinelands and well into suburbia. The Commission recognized, however, that the headwaters of this watershed are highly developable, but if developed in ways that current zoning permits, it would lose the pristine water quality and natural resource values of the downstream Preserve.

The Commission devoted considerable effort to advancing revisions to the CMP to protect the headwaters of the watershed through its sub-regional planning process. The Commission and township have created excellent plans to accomplish this goal, but for a variety of reasons these plans have not been implemented. The past three years have seen increased public attention to the Black Run Preserve and renewed interest on the part of the township council and planning board in preserving this resource. The Plan Review is a great opportunity to see these plans come to fruition.

Rancocas Conservancy supports the recommendations made by Pinelands Preservation Alliance which are outlined below. We hope that you move forward with an amendment that:

- a. Places the Black Run headwaters area in the Forest Area.

- b. Where a developer owns contiguous land both inside and outside the headwaters area, the number of units it may build in the Rural Development Area outside the watershed shall be calculated treating all the contiguous land (or, better, uplands) as if zoned at the same density as the land outside the boundary. That is, the headwaters land in common ownership would contribute to the developer's yield in the development taking place outside the watershed boundary as if it was still Rural Development Area.
- c. The township may petition to convert a pre-planned and approved section of land outside the watershed boundary as Regional Growth Area if it wishes to do so, if sewer infrastructure is available to serve the area, if the area is sized to accommodate and absorb no more than the amount of development as provided by existing Rural Development zoning for the area, and if development of the new Regional Growth Area is conditioned on concomitant conservation of the remaining headwaters land in common ownership (unless that land has previously been transferred to the township or a conservation agency).

Thank you for your time, and please feel free to contact the Conservancy with any questions.

Sincerely,

Laura Bishop, President



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September 27, 2012

Via Email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Attn: Ms. Nancy Wittenberg, Executive Director

RE: Comments on the New Jersey Pinelands Commission's Fourth In-Depth Review of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 et. seq.)

Dear Ms. Wittenberg:

On behalf of The Lomax Consulting Group, we offer comments as part of the New Jersey Pinelands Commission's fourth in-depth review of the Pinelands Comprehensive Management Plan (*N.J.A.C. 7:50 et. seq.*). We commend the Commission for allowing the regulated community an opportunity to provide constructive feedback on its regulatory program. Having attended the public comment meeting held August 22<sup>nd</sup> at the Hamilton Township Town Hall, we subsequently sought out input of our clients and colleagues in order to provide comments for your consideration during the CMP review. We commend the Commission on its efforts in this regard and trust that it will do so within the context of Governor Christie's Executive Order 2 to adopt "common sense" principles in the regulatory environment. Ultimately, the ability to address regulatory matters within a transparent and predictable framework creates greater efficiencies and understanding, translates into more effective use of State resources and reduces the cost of permitting solutions for the regulated public.

The following sections offer specific comments to parts of the CMP that warrant consideration and change:

**N.J.A.C. 7:50-4.52**

The CMP provides a mechanism for master planned public projects via the intergovernmental agreements (*NJAC 7:50-4.52(c)*) recognizing that such projects may not be fully consistent with the provisions of the Subchapters 5 and 6. However, in order to be granted relief, the CMP mandates that "equivalent levels of protection" for impacted resources be provided. This standard becomes overly burdensome for public enterprises, especially when it involves the expansion of existing facilities for the public good. Many such facilities have long been established at their respective sites and do not have the option of relocation or available reasonable alternatives. The levels of protection required for impacted resources fail to recognize and balance the impacts to these pre-existing economic bases and the public services they provide.



ATTN: NANCY WITTENBERG  
SEPTEMBER 27, 2012  
PAGE 2 of 2

### **N.J.A.C. 7:50-6.33**

Studies required to demonstrate that no irreversible adverse impacts on habitats that are critical to the survival of any local populations of listed species are impractical and often unfeasible for many applicants. "Local populations" becomes a very subjective term, which has wide-ranging and burdensome implications. A sighting does not necessarily indicate the presence of a local population, but the presumption of suitable habitat and a sighting has become policy, which then must be disproven. Efforts have been made by the Commission to consider habitat management plans in lieu of exhaustive studies, but the overarching presumption makes even this alternative means difficult. Often times applicants are advised that their efforts do not satisfy the Commission's concerns, yet the Commission staff is not required to provide the critical guidance to define what will satisfy the concern. Furthermore, the Commission staff does not always provide scientific rationale for its position which further complicates the process to determine a reasonable resolution. In this case, the applicant is left grasping for solutions without a transparent and predictable framework. Accordingly, the applicant spends considerable time and resources proposing iterations of solution, and the Commission spends excessive time in repetitious reviews of applicant proposals.

Standards for what constitutes a local population should be defined within the CMP. Further, the CMP should require that scientific data be provided by the Commission staff when rendering a decision on an applicant's proposal and define for the applicant the extent of measures required to satisfy the Commission staff on the matter. Habitat management plans should be included into Subchapter 6 with standards defined to provide for pragmatic solutions and scalable ratios of preservation compensation.

### **Subchapter 5. Part III**

Whether through streamlined permit processing or relaxed standards, the CMP must define a more reasonable application/review process for designated growth areas within the Commission's jurisdiction. Pinelands Regional Growth Areas, Villages and Towns must be afforded a means to advance development applications without the same exhaustive procedures as are required in the remaining Management Areas. Doing so will provide for a far more effective use of State resources, reduce the cost of permitting solutions for the regulated public in areas already anticipated for growth and avail greater focus to areas which require more comprehensive protection policy.

Again, we would like to commend the Commission for reviewing the CMP and trust that the comments provided herein will assist in streamlining the permitting process and remove exhaustive, unnecessary impediments to responsible and balanced development in the Pinelands. We thank you for this opportunity to offer our comments.

Sincerely,  
THE LOMAX CONSULTING GROUP, LLC

Peter L. Lomax  
President

Kristin F. Wildman  
Director of Technical Services



Stephen V. Lee, IV  
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September 28, 2012

Candace McKee Ashmun  
Chair, Pinelands Management Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Dear Commissioner Ashmun-

As a member of a seven-generation Pinelands family that has been a faithful steward of our natural resources, I respectfully ask for your consideration and attention to an area of concern regarding the CMP.

As you know, the Lee Family continues a legacy of agriculture, public service and stewardship in the heart of the Pinelands despite extraordinary challenges.

As one of many future "stewards" of the Pinelands, I ask that the Commission mandate the use of PDC's for **any** future development in the region **without exception**. The value of the PDC's provides all Pinelands landowners with an opportunity to increase value for their heavily regulated privately owned land, while creating the benefit of an opportunity for higher density development in areas that are appropriate for growth.

As we begin the annual cranberry harvest and public tours this week, I am hopeful that the future generations of Pinelands families can actually continue the stewardship and agricultural practices that has made the region what it is today.

Respectfully Submitted,

Stephen V. Lee, IV  
6<sup>th</sup> Generation Pinelands Farmer

**Paul Leakan - DEP DKT# 01-12-06**

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**From:** <ttt27@verizon.net>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 5:49 PM  
**Subject:** DEP DKT# 01-12-06

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To whom it may concern,

I am a 61 year old living in New Jersey my whole life. For many years I have been riding road-legal, insured motorcycles in our state forests responsibly. It is a great experience to enjoy the seclusion and wildlife available in our state forests, to be able to do this on a motorcycle just expands this experience, covering miles of sand roads and fire cuts. Reaching areas that you never could on foot in one day. If DEP DKT. #01-12-06 was implemented myself and many other responsible off-road motorcyclist will be banned from OUR state forests.

Thank you for your attention,  
Tom Lucas  
Spotswood N.J



PINELANDS PRESERVATION ALLIANCE

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September 28, 2012

Candace McKee Ashmun  
Chair, Plan Review Committee  
NJ Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

**Re: Plan Review 2012 Comments Regarding Pinelands Forestry**

Dear Commissioner Ashmun,

Pinelands Preservation Alliance (PPA) is submitting comments in response to some public comments given to the Commission during the Plan Review process. We would like to address the suggestion put forth by some foresters and organizations that forestry be re-classified from “development” to “agriculture” under the rules of the CMP. Such a change would eliminate review of forestry plans by the Pinelands Commission. PPA believes that the review of forestry proposals must remain under the jurisdiction of the Pinelands Commission and that the definition of forestry in the CMP should not be changed from development to agriculture.

The Pinelands Commission must retain its authority and not change the definition of forestry in the CMP for the following reasons:

1. Forestry activity is occurring in the Pinelands and the rules as adopted in 2009 are working. In 2011, the application activity schedule posted by the Pinelands Commission showed consistent activity every month on forestry applications – private and public, with over 100 line items noting forestry activity.
2. Review of forestry proposals is necessary to protect the Pine Barrens’ unique forest resources from:
  - plantation-style, agricultural forestry,
  - conversion and fragmentation of forest to non-forest habitat such as fields,
  - mechanized destruction of the native soil and root zone,
  - and replacing native forests with non-native species,

All of which convert and/or destroy critical and unique Pine Barrens habitats. The new 2009 Pinelands Commission forestry rules, endorsed by the NJDEP, forestry professionals, and conservation advocates, were intended to ensure that private and public forestry perpetuates native forests, regardless of who is doing the work or profiting from it.

3. Public notice and scrutiny is essential to ensuring forestry sticks to these rules. The DEP is not equipped to notify the public about public or commercial forestry applications. In contrast, the Pinelands Commission has a system that allows the public to see all development applications and to speak directly to the Commissioners on public development applications.
4. The DEP currently does not support the requirement for independent 3<sup>rd</sup> party certification by the Forest Stewardship Council for forestry on public lands, including our State Parks and Forests. This is highly unfortunate, but a reality that must be taken into account when considering the possible consequences of removing Pinelands Commission review of state forestry operations in the Pinelands. National, regional, and nearby state efforts all endorse long-term, landscape scale planning, stewardship, and restoration of our public forests. Forest Stewardship Council 3<sup>rd</sup> Party certification rules and standards provide assurance that public trust resources will be stewarded via an open public process and the implementation of stewardship activities founded upon science-based criteria. In rejecting these standards for our public recreational and natural resource lands, DEP signals that it does not consider adhering to such protective practices is among its current priorities or policies.

The arguments for redefining forestry as agriculture from those that have put forth this suggestion include the assumptions that (1) forestry activities do not result in a “change in use” of the landscape and (2) forestry activities are necessary for maintaining “forest health” in the Pinelands.

Regarding the argument that development results in a land use change but forestry does not, whether this is true depends on the details of each specific forestry plan. For example, forestry involving the clear-cutting of pitch pines and shrub oaks, and replanting with loblolly pines, results in a change in land use from a native forest to a plantation. Forestry involving herbicide application to shrubs and herbaceous plants in order to limit competition with target timber trees results in a change in land use from a native forest to what is essentially a tree farm. In fact, any forestry plan that has as its main priority the growing, harvesting, and sale of wood products results in a land use change from that of a native forest to land meant to turn a profit. The CMP’s forestry rules are designed to prevent such change in use and are necessary to protecting the region’s native forests.

Regarding the argument that forestry activities are necessary for maintaining “forest health,” we would first need to define “forest health.” An ecologist may define “forest health” as the ability of a forest to sustain natural ecosystem processes, functions, and native biodiversity, and to have high resistance or resilience to disturbance. A forester may define “forest health” in the



same way. Alternatively, a forester may define “forest health” as a forest’s capacity to quickly produce big trees of high commercial value – a property which has no necessary correlation with the ecological functions that define forest health. These ecosystem functions are best maintained by combinations of preservation, conservation, active management, and restoration that are both site- and species-specific. For example, in an area in which the desired vegetation structure is early successional habitat, then a management program of selective thinning and prescribed burning may be warranted. In an area in which the desired function is long-term carbon storage in an old and highly developed soil root system and to serve as habitat for interior forest species, then a management program of leaving the forest alone to function as it has long before intensive human involvement may be warranted. Clearly, forestry is not necessary to maintain all forms of “forest health” in all situations, and Pinelands ecosystems are not necessarily dependent upon forestry. Additionally, modern forestry is very different from traditional forestry. Powerful modern machinery and chemicals can do significant damage to native forest systems and have the potential to result in irreversible adverse impacts.

When considering the reclassification of forestry as agriculture, keep in mind that the primary goal of agriculture is not sustaining ecosystem processes, functions, and native biodiversity. Instead, the goal is the cultivation, harvesting, and sale of select plant products. Agriculture seeks to minimize biodiversity by favoring the growth of one or few target species, which is clearly not intended to occur in Pinelands forests under the CMP. It is not *agriculture* that preserves and protects Pinelands habitats and native species.

While forestry plans *can* be executed with beneficial ecological impacts, this is not inherent in all forestry plans. It is very easy for forestry activities to be destructive toward ecosystem structure and function through the degradation of soils and soil biota, chemical pollution through the application of fertilizers, pesticides and herbicides, the intentional elimination of plant species that are not the target product species, the introduction of non-native species, etc. This is why it is necessary for forestry plans to stay within the jurisdiction of the Pinelands Commission – to ensure that forestry in the Pinelands does not have negative ecological consequences.

Thank you for your consideration of our comments.

Sincerely,



Amy Karpati, Ph.D.  
Director for Conservation Science  
Pinelands Preservation Alliance



Emile DeVito, Ph.D.  
Manager of Science & Stewardship  
New Jersey Conservation Foundation



**P.O. Box 423  
Chatsworth, NJ 08019**

September 28, 2012

The Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

#### COMMENTS REGARDING COMPREHENSIVE MANAGEMENT PLAN

We are writing to request important changes to the Pinelands Development Credit program. We appreciate the Commission's consideration of future amendments that will strengthen the CMP. For nearly all of the last three decades, the supply of PDC's has greatly exceeded the demand, resulting in prices that are simply not competitive with the value of "development rights" outside of the Pinelands.

While some efforts have been made to improve the balance of supply and demand, more needs to be done to provide fairness to the landowners who have thus far paid the highest price for the preservation of the Pinelands through the imposition of land use controls. While some landowners may have benefited by having their land designated for sewer service or high density residential development, others have not enjoyed such a windfall. Many individuals are still unable to market their development credits at a reasonable, fair value in consideration of the development opportunity that has been lost.

Regulations must be changed so that if and when the real estate market improves there will be an opportunity for PDC owners to find a willing buyer at a fair price. We believe that something must be done immediately to require mandatory use of PDCs on the limited amount of developable land remaining in the Pinelands to provide some hope for reasonable compensation to the remaining owners of the unsold PDCs. Thank you for your consideration in this matter.

Shawn Cutts, President  
American Cranberry Growers Association

LAW OFFICE OF

MICHAEL L. PISAURO, JR. LLC

MICHAEL L. PISAURO, JR.\*

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BLOGS:  
Greenpages-NJ.com  
NJBusinesswise.com

September 28, 2012

New Jersey Pineland Commission  
P.O. Box 359  
New Lisbon, NJ 08064

RE: Comprehensive Management Plan Review Comments

Dear Commissioners:

I am the legislative affairs agent for the New Jersey Environmental Lobby (NJEL). NJEL has been an advocate for environmental protection in New Jersey since 1969. Its membership is comprised of individuals, businesses and organizations throughout the state. On behalf of NJEL I provided the following regarding the Commission's plan review.

Any review of the Plan and any proposed changes must be viewed and analyzed in the light of the Pinelands Protection Act. N.J.S.A. 13:18A-1 et seq. That act laid out two very important principles.

Certain portions of the pinelands area is especially vulnerable to the environmental degradation of surface and ground waters which would be occasioned by the improper development or use thereof; that the degradation of such waters would result in a severe adverse impact upon the entire pinelands area; that it is necessary to designate this

portion as a preservation area, wherein more stringent restrictions on the development and use of land should be utilized.

The current pace of random and uncoordinated development and construction in the pinelands area poses an immediate threat to the resources thereof, especially the survival of rare, threatened and endangered plant and animal species and the habitat thereof; and to the maintenance of the existing high quality of surface and ground waters.  
N.J.S.A. 13:18A-2

NJEL is concerned that the current direction of the Commission is counter to the principles above. For example, the Memorandum of Understanding entered into between the Commission and DEP provides the additional of sewer service areas regardless of the municipal desires or of environmental constraints. When according to the most recent Clean Water Act 303(d) list over 60% of NJ's waters are not clean enough to support aquatic life and only 48% of those waters are clean enough to drink, it is alarming that the Commission taking steps to increase sprawl in one of the most sensitive areas of the State.

By increasing areas within the pinelands for sewer service, the Commission will be promoting higher density growth and the resulting increase in impervious pavement. This increase in impervious pavement will result in increased amounts of non-point pollution. NJ cannot handle the non-point pollution that is already occurring in this state. It does not need to increase the amount that will be flowing into our waterways. As it is well know when a watershed reaches 10% of its land area covered in impervious cover that watershed is impaired. The Barnegat Bay is a prime example of the effects of uncontrolled non-point pollution. This plan will do nothing but continue the harm to the Bay and will help jeopardize other watershed and waterways.

Further, designating Villages and Towns as areas subject to the intense growth that sewer service areas permit, is counter to the current plan. Pineland Villages and Towns are defined as traditional communities where infill is appropriate so long as it is compatible with **existing** character. N.J.A.C. 7:50-5.13(f). This is different than a regional growth area and should remain as such.

Even Regional Growth Areas, under the current plan, acknowledge that while there can be growth that growth must bow to protecting the essential character and **environment** of the Pinelands. N.J.A.C. 7:50-5.13(g).

Growth within the Pinelands should be dictated by the need to protect its natural areas as well as by acknowledging and abiding by the limits on the water supply. The area receives its water from the Kirkwood-Cohansey aquifer. Growth can only occur to the extent that there is a sustainable supply. Sustainable supply not only means that there is water presently in the aquifer but the rate of withdraw can be sustained over a long period of time as the aquifer is being recharged in sufficient quantities to sustain the continued withdraw. Until the carrying capacity is determined, increased growth should be allowed. To do otherwise would be counter to the plans requirement against development unless "it is designed to avoid irreversible adverse impacts on habitats. N.J.A.C. 7:50-6.33 and 6.34. The aquifer not only is source of drinking water but it is a source of water for the streams and wetlands within the Pinelands. Reducing the amount of water that enters these waters by depleting the aquifer will impact those habitats. It would also be counter to the dictates of the Pinelands act which requires the master plan be consistent with the purposes and provisions of the act. N.J.S.A. 13:18A-8(d)(2) & N.J.S.A. 13:18A-9. Once the aquifer has been depleted it will for all practical purposes be irreversible. Therefore, changes to Plan counter to this should not be permitted.

As voice by the Sierra Club, The Great Egg Harbor Watershed Association & River Council and the Pinelands Preservation Alliance, the Commission should not do through the issuance of a MOU what it should not do through the regular permitting process. The MOU process should not be used to “waive” environmental requirements. The current practice, as it has been noted by others, creates an ad hoc process for development in the Pinelands. The MOU has become a process for “random and uncoordinated development . . . [that] poses an immediate threat” to the pinelands. The Pinelands Act was supposed to put a stop to that process not continue under another guise. Development in the Pinelands area should be the result of careful planning based upon the environmental constraints of the area and its carrying capacity not back room deals.

To the extent not inconsistent with the comments above NJEL joins in with the comments submitted by the Sierra Club, The Great Egg Harbor Watershed Associations & River Council and the Pinelands Preservation Alliance.

NJEL thanks you for the opportunity to comment on this very important process and hope that as you review the comments submitted that the Commission continues to protect the Pinelands for future generations as well as the current generation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael L. Pisauro, Jr.", written in a cursive style.

Michael L. Pisauro, Jr.

**From:** Jay Mounier <jemounier@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/28/2012 4:52 PM  
**Subject:** Plan Review comment

Please consider amending the Pinelands Development Credit program to create demand for rights.

It has been demonstrated that the original design of the program has failed to provide adequate demand for the available rights. The fact that supply of rights has been mandatory (landowners in sending areas must participate in the program as their only way of using their land's development potential) while the demand for rights has been voluntary (most of the developers of projects in regional growth areas have used no PDC rights at all) may be the cause of the imbalance of supply and demand.

Permanent protection of the lands in the sending areas cannot be achieved without more demand for the rights allocated to those areas.

Thank you for your interest in the concerns of the regulated public.

Jay Edward Mounier  
1765 Dutch Mill Road  
Franklinville, NJ

856-697-1007  
856-562-2484 (mobile)

**From:** Gregory OBrien <lumbertonob@yahoo.com>  
**To:** "info@njpines.state.nj.us" <info@njpines.state.nj.us>  
**Date:** 9/28/2012 5:27 PM  
**Subject:** CMP Review

Dear Members of the Comprehensive Management Plan Review Committee,

I was honored to speak in person at the September 14th public hearing. I would like to reinforce my public statements at that meeting with this written statement:

I respect and understand the daunting task held in undertaking the 10 year review of the CMP. I would like to bring to the Committees attention the historical/cultural significance of motorcycle Enduros and DualSport events held under the Special Use Permit review processes of the Pinelands Commission. This New Jersey pastime has a proud 75 year history. The only state in the country to hold an Enduro before New Jersey was Michigan's Jack Pine Enduro which started following World War I and is now nearing its 100th Anniversary. To this day, our country sends riders to compete on the international level... and that pride can be traced directly to the New Jersey Pine Barrens.

Enduros (competitive) and DualSports (non-competitive) are an intergral part of New Jersey culture which offer social, financial, and environmental BENEFITS despite all false admissions. These are an amateur, non-profit events held by volunteers and structured in a spirit of responsibility by emphasizing skill, not speed, over a carefully set course. They are low key and family oriented in nature. Events where hundreds of racers challenge their skills while riding registered/insured motorcycles supported by their friends and families numbering in the thousands. These are held on an open course established by club members, former competitors, and their families. While the collective members of the current NJ Enduro clubs may number well into the thousands, the number of New Jerseyans that have competed in the past, supported a family member, or volunteered at an event to enjoy a day in the NJ Pine Barrens number into the hundreds of thousands.

Most Enduro and DualSport events have families involved with 3, 4, or even 5 generations attending an event to volunteer, ride, or spectate.

The significant outcry from the organized motorsports community during this CMP review stems from the previous 10 years of public attacks, false information, and resistance our community has felt. All too often, disappointing and unrelated events have been falsely linked to the legal motorized activity organized through the Special Use Permit process. As non-profit, volunteer-based clubs that spend thousands of man hours to hold legal, family oriented events for the people of the State of New Jersey and our neighbors... we are understandably upset. NJ Enduro clubs are easy targets for those that are frustrated by an uphill fight against commercial, municipal, and individual abuses of the Pine Barrens. Pressured to produce results for their contributors and show progress in an almost impossible fight, these groups often resort to false and unfair attacks on our Enduro Clubs and other Special Use Permit applicants.

I ask that the Pinelands Commission show the wisdom to recognize these differences and protect this our pride of cultural heritage. Please understand that our organization work tirelessly as volunteers to prepare our event throughout the year in addition to participating in goodhearted activities such as clean-ups, fund raisers, and educational events... simply trying to share our positive influence and give back to our local communities. In these times, every expense related our events seem to increase yearly, man hours necessary to meet state/local requirements increase exponentially, and participant number seems to slowly fall due to the economic hardships of the riders. We operate on an EXTREMELY tight budget and even a simple shift in the weather can financially threaten our event.

While revising the CMP, please respect that our clubs work tirelessly to continue this tradition. Any pressures to include changes that will require us to post arbitrary/unnecessary bonds, increase our expenses, or submit to even more redundant paperwork will threaten our existance. If the State of New Jersey loses us, it not only loses a piece of our cultural heritage... it also loses our positive influence to help keep motorized-use within the intents of the CMP.



Thank you kindly for your consideration in this matter,

Gregory T. O'Brien MPT

South Jersey Enduro Riders - Trail Crew  
New Jersey Trail Lovers Coalition - Vice President

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28 September 2012

Ms. Candace McKee Ashmun  
 Chair, Plan Review Committee  
 NJ Pinelands Commission  
 PO Box 359  
 New Lisbon, NJ 08064

Re: Pinelands CMP - 2012 Plan Review

Dear Commissioner Ashmun,

New Jersey Conservation Foundation appreciates the opportunity to submit comments regarding the 2012 review of the Pinelands Comprehensive Management Plan.

We have studied many of the comments already submitted by members of the public and other conservation advocates. We find ourselves in agreement with the comments already submitted by the Pinelands Preservation Alliance, regarding their 10 items of highest priority in their letter of September 14, 2012. Please note that NJCF also provided verbal testimony at the public hearing on September 24 regarding:

1) the need for the Pinelands Commission to implement the 2009 Pinelands Forestry Rules, as they were developed via the years of hard work and consensus-building of the Pinelands Commission Forest Advisory Committee and the PC staff. Please also note that NJCF co-signed the September 28 comment letter from PPA regarding Pinelands Forestry.

2) the need to ensure that for Enduro race permitting, the Pinelands Commission fees are revised to provide the resources necessary to ensure compliance with approved permits, and procedures revised to give the Pinelands Commission the ability to impose tough sanctions when races violate permit provisions.

In this comment letter, we wish to add a few additional thoughts regarding Pinelands Ecosystem Management having to do with both Forestry and Fire Ecology, as well as re-emphasize our support for the 10 high priority issues elucidated by Pinelands Preservation Alliance.

With respect to Pinelands Forestry, at a meeting of the Pinelands Forest Advisory Committee earlier this year (2012), a few private consulting foresters making public comments asserted that (here I paraphrase) “there was no need to rely on natural fires to maintain ecosystem and species diversity in the Pine Barrens; that modern forestry practices alone could maintain every aspect possible habitat component and species diversity found within the Pinelands Ecosystem.” This is a scientifically indefensible comment, as there is absolutely no ecological research to support such an irresponsible claim. In fact, leading burn managers and ecologists with the US Forest Service are producing a wealth of evidence that, unlike NJ current practices, the use of hot, controlled burns and growing-season burns are the only viable means to restore biological diversity and complexity to natural, fire-prone forest ecosystems. In New Jersey, there has been a

great deal of discussion among land managers and foresters about using mechanical forestry to “fire-proof” the Pine Barrens. While mechanical forestry offers important tools to protect populated areas at the urban/wildland interface, and good examples of this type of forestry have recently been implemented, utilizing the existing 2009 CMP forestry rules near the Garden State Parkway, such assertions that forestry alone can perpetuate the myriad intricacies of native Pine Barrens ecosystems have no scientific merit. The Pinelands Commission should find ways to seriously engage in the discussion of long-term restoration of Pine Barrens ecosystems through the application of hot controlled burns, as well as the establishment and designation of let-burn areas in the core of the Preservation Area.

Another element of grave concern is the call to eliminate the use of the 2009 CMP forestry rules and to designate forestry as agriculture. Agriculture is NOTHING like forestry. The objectives of agriculture are to minimize natural diversity, destroy natural communities, and prevent natural processes from occurring. That individuals and organizations are asking that forestry be defined as agriculture makes it patently clear that they intend to use modern forestry practices that result in *permanent, irreversible impacts* to native Pinelands forest habitats.

Pinelands forest canopy and understory species composition, soil structure, rooting zone characteristics, insect communities, natural mycorrhizal communities, and many other elements are all components of forest habitats that could easily be damaged by the tools available to the modern forester. The modern machines, chemicals, hybrid and non-native species available as forestry tools allow a modern forester to conduct destructive activities that were not part of the historic and cultural aspects of human forest manipulation in the Pine Barrens.

The 2009 Pinelands CMP forestry rules were written to ensure that a wide range of forestry would be permissible, and facts show that hundreds, perhaps thousands of acres of forestry projects have been conducted in the last few years. But individuals, organizations, and government agencies have expressed a desire to conduct fundamental and irreversible changes to Pinelands forests, especially the conversion of forests to non-forests, specifically grasslands, plantations, and species-poor stands of over-simplified vegetation with altered soils and shrub structure, especially in the globally rare Pine-Shrub Oak vegetation communities that are essential to the character of the Pinelands.

If forestry were to be defined as agriculture, then all UPLAND forests found on public land in the Pinelands, all non-profit tax-exempt land that is not farmland-assessed and not subject to NJ Green Acres easements (nearly all state parkland and a great deal of county and non-profit land), and all private forested land that is either not farmland assessed or is farmland-assessed but is listed as appurtenant woodland, would then be eligible to be logged without any forestry plan or any application to anyone. There would be no requirement for NJ DEP review, no local review, and no rare species review. This is exactly what already happens to appurtenant woodland on farms throughout NJ, and on many private lands that are not farmland/woodland assessed, just before they go under contract to be acquired as open space by government agencies. There are numerous examples of this unregulated timbering of forested lands; I would be happy to show examples of these unregulated practices to Pinelands Commissioners and staff.

The 2009 Pinelands CMP forestry rules, and the ability of the Pinelands Commission to oversee compliance with these rules, remain absolutely necessary to protect Pinelands forests from clearly destructive practices that would otherwise occur. We believe that the forestry

requirements of the Pinelands Comprehensive Management Plan, so recently revised with complete consensus developed in an extensive stakeholder process, must remain in effect and unchanged.

In addition to these comments regarding ecological burning and forestry, NJCF agrees with the 10 priority elements suggested by Pinelands Preservation Alliance for attention during plan review. We simply re-iterate the list here, rather than discuss the merits of each issue.

1. Protection of the Headwaters of the Black Run Watershed in Evesham
2. Pinelands Development Credit changes
3. Kirkwood-Cohansey Aquifer protection
4. Stormwater rules reform, including low impact development (LID) requirements
5. Public comment procedures reform
6. Amendment of the Intergovernmental MOA Provisions of the CMP
7. Vegetation standards and roadside protections
8. CMP threatened and endangered plant list reform
9. Sustainable growth fixes
10. Applications for Endures and similar events

Please refer to the merits of each issue as discussed by the Pinelands Preservation Alliance in their comment letter of September 14, 2012.

Thank you very much for the opportunity to comment. I would be happy to discuss the forestry details or arrange a field tour to demonstrate these forestry concerns for Pinelands Commission staff or commissioners.

Respectfully submitted,



Dr. Emile DeVito  
Manager of Science and Stewardship  
New Jersey Conservation Foundation



**NEW JERSEY  
AUDUBON**  
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## Stewardship Department

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September 28, 2012

New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Re: Pinelands Comprehensive Management Plan Review

Dear Commissioners,

The New Jersey Audubon Society appreciates the opportunity to provide comments for consideration during the New Jersey Pinelands Commission's fourth in-depth review of the Pinelands Comprehensive Management Plan (CMP).

The New Jersey Audubon Society is a privately supported, not-for-profit, statewide membership organization. Founded in 1897 and one of the oldest independent Audubon societies, NJ Audubon fosters environmental awareness and a conservation ethic, protects New Jersey's birds, mammals, other animals, and plants, especially endangered and threatened species, and promotes preservation of New Jersey's valuable natural habitats. The New Jersey Audubon Society has 23,000 members.

The New Jersey Pinelands is an unquestioningly valuable place with unique and significant ecological, agricultural, historical, cultural, and water resources. Within the Pinelands lie critical sources of clean drinking water and characteristic of the region are unique and diverse plants and wildlife as well as vibrant agricultural and recreational industries. Ensuring the protection of this distinct region and the balance of its many uses is not an easy task. We encourage the Commission to take advantage of this periodic review of the CMP to thoughtfully evaluate success thus far and make improvements to ensure continued progress towards Pinelands protection goals. NJ Audubon offers the following comments and recommendations.

### **Continue to advance Pinelands preservation goals.**

Important to the establishment of the Pinelands Area and larger Pinelands National Reserve was recognition that acquisition of the entire region was neither ideal nor feasible. Preservation, however, has and remains a critical tool for ensuring Pinelands protections. As of August 2012, approximately 437,000 acres are permanently protected, comprising approximately 47% of the entire Pinelands Area. Approximately 95% (413,000 acres) of these protected lands fall within the Conservation Areas which translates into permanent protection of approximately 63% of Conservation Areas. These successes are thanks to a variety of government and land protection initiatives, Pinelands Programs, and nongovernmental land protection initiatives.

*Making New Jersey a Better Place for People and Wildlife Since 1897.*

Despite these accomplishments, preservation needs remain in the Pinelands. As stated on the Pinelands Commission's website, upon the establishment of the Pinelands, the Commission proposed that the state acquire about 100,000 acres in the Pinelands. As of June 2001, over 70,000 acres had been purchased with state and federal funds. In its 2008 Ecological Integrity Assessment, the Pinelands Commission identified over 300 locations totaling nearly 65,000 acres as high ecological integrity zones and in need of greater protections or acquisition.

Through implementation of the CMP, the Commission plays an important role in ensuring continued progress towards achieving preservation goals. The Commission would be better equipped for doing so if a more up-to-date assessment of unmet preservation needs necessary for the protection of the Pinelands' water, wildlife, plant, agricultural, and historic resources were completed with an opportunity for stakeholder involvement. Completion of such an assessment would then allow the Commission to better evaluate whether the CMP and existing Pinelands programs are enabling sufficient progress towards preservation goals and, if not, to make recommendations for improvement.

### **Streamline the process for implementing Forest Stewardship Plans, while retaining existing Pinelands CMP Forestry Standards.**

NJ Audubon is a leading voice in ecological forest stewardship in New Jersey. In the Pinelands, ecological forest stewardship emphasizes the use of prescribed fire and other forest management techniques to create the conditions necessary for indigenous species and ecological communities to persist and thrive. Pinelands native ecosystems are disturbance-dependent, and numerous native plant and wildlife species require or respond favorably to habitat modifications created by fire and other forms of disturbance. Many of these species are threatened or endangered and benefit from disturbance-driven forest conditions such as increased infiltration of sunlight, increased diversity in the understory and herb layer, and enhanced complexity of forest structure. The natural disturbances that produce these conditions have been severely curtailed by modern land use patterns and lack of management, but these conditions can be created intentionally through the application of forest management techniques under the guidance of a Forest Stewardship Plan. Additionally, a forest's vulnerability to disease and to pests such as the southern pine beetle can be reduced through forest stewardship practices.

NJ Audubon helped to develop and strongly supports the special Pinelands forestry standards found in the Pinelands CMP (7:50-6.46, 7:50-6.47). These forestry standards protect the integrity of native vegetation communities when forest management techniques are applied. Currently, Forest Stewardship Plans for property in the Pinelands must conform to these standards and must be reviewed and approved by both the NJ Division of Parks and Forestry and the Pinelands Commission. Both the special Pinelands forestry standards and the Forest Stewardship Plan review assure important protections for Pinelands forests.

However, as landowners engaged in forest stewardship in the Pinelands, we are concerned that the review process for forestry projects conducted under an approved Forest Stewardship Plan remains unduly burdensome. Although the CMP states that owners of land with an approved Forest Stewardship Plan do not have to file a development application with the Pinelands Commission, the CMP does still require the landowner to secure a municipal permit, followed by final approval from the Pinelands Commission. No work may begin until the final letter of concurrence from the Pinelands Commission is issued in response to the municipal permit.

These additional steps add cost and time delays to forest stewardship projects without adding any clear value in terms of environmental protection. Requiring local review and a second round of approval from the

Pinelands Commission would appear to be unnecessary, particularly considering that the Forest Stewardship Plan has already been refined in consultation with the Pinelands Commission and approved by the Pinelands Commission prior to municipal permit application. While the final concurrence letter from the Pinelands Commission is supposed to be issued within 15 days after approval of the municipal permit, in our recent experience, more than 90 days passed between municipal permit and the Pinelands Commission letter that allowed us to proceed with work. Despite having worked closely with the Division of Parks and Forestry and the Pinelands Commission for over a year to refine our Forest Stewardship Plan, and despite being notified by letter (dated March 22, 2010) that our Forest Stewardship Plan had been approved by both the Division of Parks and Forestry and the Pinelands Commission and that it conformed to the CMP, we did not receive final approval under the CMP process until August 18, 2010. This process added a 5-month delay to our project, in addition to requiring application fees and fees paid to our consulting forester for assistance in preparing the required municipal permit application.

We recommend exemption of landowners with fully approved Forest Stewardship Plans from the requirement of a municipal permit followed by Pinelands Commission authorization. This would allow landowners to proceed with implementation of their Forest Stewardship Plan upon approval by the Division of Parks and Forestry and the Pinelands Commission. Active forest stewardship plays a critical role in restoring and maintaining forest health and native species. In order to achieve the ecological benefits of forest management at a scale appropriate to the hundreds of thousands of acres of Pinelands forests, it is imperative to remove barriers to forest stewardship while maintaining appropriate protections.

**Create a Safe Harbor Program modeled on the federal program, which encourages voluntary landowner participation in species recovery efforts.**

A federal Safe Harbor Agreement (SHA) is a voluntary agreement between the federal government (usually the U.S. Fish and Wildlife Service) and non-federal property owners who take management actions that contribute to the recovery of a federally listed threatened or endangered species. Under this type of agreement, the landowner receives assurances from the federal government that if they follow the actions outlined in the agreement, no additional requirements will be added without their consent. At the end of the agreement period, the property may be returned to the baseline conditions that were in place at the beginning of the agreement period. This arrangement gives landowners a valued degree of control over the resources they are committing over the long term when they engage in voluntary habitat stewardship.

Creation of a similar program that focuses on threatened and endangered species in the Pinelands could promote voluntary habitat stewardship. Under the guidance and with assistance from the Pinelands Commission and other appropriate federal and state agencies, landowners could take management actions that may attract protected species to their property, without fear of committing to overly burdensome future expenses or property use restrictions. We believe that with the high rate of private land ownership in the Pinelands and the strong link between habitat management and Pinelands threatened and endangered species, a program such as a Safe Harbor program could contribute to stabilizing populations of rare species in the Pinelands.

The program would need to be developed and administered in consultation with the appropriate federal and state agencies. Additional information about the federal Safe Harbor Agreement program can be found at: <http://www.fws.gov/endangered/landowners/safe-harbor-agreements.html>

**We support The Nature Conservancy's recommendation that would add a provision to the CMP to allow for changes in flow and wetland type due to the removal or replacement of an in-stream structure for the purpose of restoring natural stream conditions.**

This would allow for the possibility of planning and implementing ecological restoration projects, not allowed under the current CMP, that are designed to restore the integrity of the Pinelands freshwater ecosystems

**In keeping with our ongoing work on issues related to ORV-related damage to Pinelands ecosystems, we support the Pinelands Preservation Alliance's Recommendation 10, which strengthens permitting requirements for Enduro and other ORV events and provides assurances against damage to natural resources.**

Thank you for the opportunity to provide these comments. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cecil". The signature is fluid and cursive, with the first name "John" and last name "Cecil" clearly distinguishable.

John Cecil  
Vice President for Stewardship



**Paul Leakan - Pinelands CMP Review Committee**

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**From:** leslie sauer <brookhollowfarm@gmail.com>  
**To:** <info@njpines.state.nj.us>  
**Date:** 9/29/2012 3:55 AM  
**Subject:** Pinelands CMP Review Committee

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Version:1.0 StartHTML:0000000189 EndHTML:0000005897 StartFragment:0000002545 EndFragment:0000005861  
SourceURL:file://localhost/Users/lesliesauer/Desktop/PinelandsForestry.9:28:12.doc

September 28, 2012

Candace McKee Ashmun, Chair, Plan Review Committee, NJ Pinelands Commission

PO Box 359 New Lisbon, NJ 08064

**Re: Plan Review 2012 Comments Regarding Pinelands Forestry**

Dear Commissioner Ashmun,

My name is Leslie Jones Sauer. I am a specialist in forest restoration and wrote *The Once and Future Forest: Strategies for Forest Restoration* (Island Press). I have spent over 40 years observing the forests of the Pinelands. I worked with Dr. Jack McCormick to develop the first vegetation map of the Pine Barrens (XXXXXXX) for the New Jersey State Museum and, in 1980, later remapped and described the entire area for the newly formed Pinelands Commission with my company, Andropogon Associates. I may be the only person who has studied almost 200,00 aerial photographs of this forest spanning decades. I have watched this landscape change over time in response to increased fragmentation, deer over-browse, restricted fire regimens, exotic invasion, altered climatic patterns, stormwater mismanagement and insect infestations to name only some major stressors. I am one of many people with a concern for the future of this unique forest type.

There is nothing positive for this landscape that would result from declaring forestry an agricultural activity in the Pinelands and many potential and probable negative impacts to this landscape that will result from effectively deregulating this activity. There are several activities allowed under agricultural forestry rules that would be devastating to the Pinelands unique habitats, including plantations and soil sterilization.

It took five years of hard bipartisan work to craft the forestry rules for the Pinelands that were finally approved in 2009. There is no good reason to abandon them now except those provided by special interests. I strongly urge that you reject this proposal from the NJ Audubon Society. While they may have good intentions, the unintended consequences of changing the rules for them will be serious and damaging to this landscape and the public resource we hope to sustain.

Sincerely,

Leslie Sauer

PO Box 45, Sergeantsville NJ 08557

**BOROUGH OF WOODBINE**

**Mayor's Office**

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*William Pikolycky*

*Mayor*

*Lisa Garrison*

*Clerk*

September 28, 2012

Nancy Wittenberg, Executive Director  
Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

Via email: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)

Re: Pinelands Comprehensive Management Plan  
Fourth In-Depth Plan Review

Dear Ms. Wittenberg:

On behalf of the Borough of Woodbine, I am pleased to submit this letter regarding the Pinelands current in-depth review of the Comprehensive Management Plan (CMP). The Borough has taken this matter under advisement for the last month or so and in fact, the topic has been reviewed by both Borough Council and the Borough's Planning/Zoning Board. In addition, various Borough representatives were involved in the recent Pinelands Municipal Council (PMC) comments that were submitted via their letter dated September 26, 2012.

As noted, the Borough has had input into the PMC comments and therefore, I won't reiterate those comments here other than to say that we concur with their suggestions. Perhaps the most agreed upon topic was the suggested Streamlined Permitting Process that should be implemented. We firmly believe that there are ways that Pinelands can simplify this process to make it more user friendly as well as transparent to everyone and we stand ready to work with your staff to help make this a reality. In this regard and as a first step, you might consider implementing Pinelands training sessions to educate local officials and the public on the process. I believe these training sessions were done in the past and they might be a worthwhile step to revisit.

Again, without exception, we concur with the September 26<sup>th</sup> PMC comments and look forward to seeing some meaningful improvements in the CMP as a result of this current review.

Very Truly Yours,

William Pikolycky  
Mayor

cc: Lisa Garrison, Borough Clerk  
Bruce Graham, Borough Engineer  
Monseratte Gallardo, Woodbine P/Z Board



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

State of New Jersey  
THE PINELANDS COMMISSION  
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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

## PLAN REVIEW MEETING TO RECEIVE PUBLIC COMMENT

Richard J. Sullivan Center  
Terrence D. Moore Room  
15C Springfield Road  
New Lisbon, New Jersey

September 24, 2012  
7:00 PM

### Public Comment

1) **David Nash** (President, MCI Motorcycle Club)

Mr. Nash discussed his concerns with the Pinelands Preservation Alliance's (PPA's) proposal that an application for an enduro should require the posting of a bond to cover damages caused during the event. He described the "passionate outrage" that the enduro community felt over the idea of being saddled with a bond requirement considered to be unnecessary. Mr. Nash referred to the long history of the enduro community's love and responsible stewardship of the woods, which has been expressed through regular trail cleanups. He stated that he and the enduro community were aware of the illegal off-road vehicle (ORV) activity which was causing damage in the state forests and were opposed to it. He likened a damage bond requirement for enduros in state forests to an erosion bond requirement for hikers and bird-watchers on the Batona Trail.

2) **Ted Gordon** (Former Pinelands Commissioner)

Mr. Gordon discussed his concerns regarding the overuse of Memoranda of Agreement (MOAs). He encouraged more limited use of MOAs as well as establishing more effective post-agreement monitoring. Mr. Gordon observed that once a project subject of an MOA has been completed, little or no monitoring is done by Commission staff to ensure that the conditions of the MOA have been met.

Mr. Gordon also addressed the destruction of rare plant communities located along roadsides. He cited the example of a population of Pine Barren gentians which were buried beneath non-native fill material at Dover Forge. Mr. Gordon identified a project currently in the application process for a bridge at Martha's Furnace which he suggested would result in non-native fill being placed in that area during and after construction. In addition, he identified a "no mowing" sign at the intersection of Routes 563 and 542 which was placed on the wrong side of the road.

Mr. Gordon continued with the suggestion that the list of threatened and endangered plant species protected under the Comprehensive Management Plan (CMP) be expanded. He stated that the CMP list was fairly recently expanded to include state-listed endangered species, but

state-listed species of concern continue to be excluded. Mr. Gordon suggested that some plant species could be removed from the original CMP list as well; he indicated that Dr. David Fairbrothers, who originally prepared the CMP list of protected plant species, intended for the list to be amended regularly based on current data. Mr. Gordon felt that several high priority plant species continue to be excluded from the CMP's protection.

Mr. Gordon spoke again later in the evening, adding that his experience has shown him that illegal, four-wheeled ATVs are responsible for damage in state forests. He stated he has witnessed churned-up savannahs and bogs, rare plant habitat destruction, the ¼ mile "scar" by the railroad crossing in Atsion, and YouTube videos of illegal ORV riders defying law enforcement to find them. He urged the interested parties to all work together towards a solution, as he has seen a significant increase in damage over the last several years.

3) **Joseph Springer (Pine Barons Enduro Riders)**

Mr. Springer recommended a CMP amendment to preserve enduros' status as a long-standing recreational pastime in the Pinelands. He referenced a written report which provided facts and numbers to refute statements regarding the amount of destruction caused by enduro events in state forests. Mr. Springer stressed the role of enduros in New Jersey's economy as well as its cultural tradition, and suggested that enduro riders could assist with training illegal ORV users to responsibly ride their vehicles on public lands.

4) **Jeanine Liston**

Ms. Liston is the sister of Ocean County Detective Tina Rambo, who was killed in 2011 on Route 70 by a reckless driver. Ms. Liston shared statistics on Route 70 regarding the number of accidents and traffic fatalities, and related them to the lack of a median barrier and inadequate lighting along the high-speed roadway, which has not been upgraded since the 1930s. Ms. Liston urged that the Commission support the designation of the Route 70 corridor as a "safe zone", particularly in the areas of highest incident occurrence. Gary Basham, a representative of Joint Base McGuire-Lakehurst-Dix, indicated that the Joint Base owns a significant portion of the Route 70 right-of-way and is supportive of Ms. Liston's recommendations.

5) **Doug Sargent (Treasurer, MCI Motorcycle Club)**

Mr. Sargent expressed his concerns with PPA's recommendation regarding a bond requirement for enduro applications. He stated he felt that the enduro community was being accused of damage and destruction which they had not caused. Mr. Sargent feared that such a requirement would mean the end of enduros in the Pinelands, which would negatively affect the local economy.

6) **William J. Cromartie (Great Egg Harbor Watershed Association)**

Dr. Cromartie introduced himself as a concerned citizen as well as an environmental scientist, ecologist and entomologist. He discussed work he and his colleagues had done to evaluate troubling growth patterns in the Pinelands, typically involving Regional Growth Areas (RGAs) and the outward push of surrounding metropolitan centers (Philadelphia, New York, Atlantic City). Dr. Cromartie indicated that he and his colleagues found that "growth that maintains the essential character of the Pinelands" was not occurring in RGAs; rather, affluent retirees and commuters were driving a pattern of large lots with resource-intensive lawns.

Dr. Cromartie discussed concerns regarding the CMP's non-degradation standard for water quality not being met, especially in growth areas. He indicated that the Commission's science

office has produced studies demonstrating the degraded water quality of growth areas. Dr. Cromartie expressed that too little was being done to address water quality degradation, while lack of post-development monitoring (MOA and otherwise) and failure to provide strong incentives to protect water quality and requirements to use Best Management Practices (BMPs) are exacerbating the problem. He urged the Commission to take a harder line to avoid passing the true costs of water- and nutrient-intensive lawns from property owners to the Barnegat Bay itself. Stormwater management is key, and Dr. Cromartie suggested the Commission to move away from large, grassed basins and lawns. He asserted that few techniques absorb stormwater like native Pinelands vegetation does and supported a shift from recommending BMPs to requiring them.

Dr. Cromartie then approached the topic of air quality and climate change, the latter of which is not addressed in the CMP. He advocated a “work where you live” mentality and suggested that the redevelopment of brownfields is essential.

Dr. Cromartie addressed water supply concerns and questioned whether the current rate of withdrawals can be maintained. He added that the effects of forestry management practices on the water supply have not been adequately studied and are largely unknown. He recommended that long-range changes in the landscape be examined in terms of water supply quality and protection, since human management of the landscape seems necessary and inevitable.

Dr. Cromartie concluded by encouraging the Commission to expand research of native landscaping, stormwater BMPs, and methods to preserve/increase biodiversity.

7) **Peter Ferwerda (Warren Grove resident)**

Mr. Ferwerda discussed the challenges presented by the jurisdiction differentiation between the federally-designated Pinelands National Reserve and the state-designated Pinelands Area, as the state, counties, municipalities and Pinelands Commission all have jurisdiction depending upon the location. He also identified a conflict posed by the CMP requirement that resource extraction operations in certain areas must be limited to the “acreage to be mined” on the Department of Labor and Industry’s mine registration application as of February 7, 1979, given that the State does not define “acreage to be mined”.

Mr. Ferwerda stated that the Commission staff lacks the tools needed to perform the tasks envisioned by the original CMP and so is forced to rely on others, including municipal officials. He indicated that often, municipal officials aren’t knowledgeable about their Pinelands responsibilities, or required to be aware of them, in spite of municipal officers’ role as enforcing agents. He urged the Commission to consider the needs of all Pinelands inhabitants: people, plants, wildlife, etc. He suggested that engineers and consultants could be required to certify that they know and are in compliance with the regulations of the Pinelands CMP.

8) **Scott Brady (South Jersey Enduro Riders)**

Dr. Brady stated his support of the sport of enduro riding and his desire to pass the tradition along to future generations.

9) **Amy Karpati (Pinelands Preservation Alliance)**

Dr. Karpati identified the ten items recommended for inclusion in Plan Review by PPA, all of which have been discussed for years. She then explicitly addressed the push to have forestry reclassified from development to agriculture based upon the claim that forestry does not result in

a change in the use of the landscape and is necessary for the health of forests. Dr. Karpati stated that the definition of forest health is the ability of the forest to sustain itself, while ecosystem health is usually achieved by site- and species-specific analyses. She posited that forestry is not necessary for ecosystem health and that the definition of agriculture is in opposition to the definition of encouraging forest health. Dr. Karpati stressed the importance of the Commission's review of forestry applications.

10) **Gregory O'Brien** (South Jersey Enduro Riders, East Coast Enduro Association)

Mr. O'Brien introduced himself as a biologist-turned-physical-therapist and a long-time enduro rider. He stressed the cultural significance of the enduro community and the value of the forest cleanups they complete in addition to their enduro events. Mr. O'Brien expressed concern that the sport and culture of enduros may not last in the face of the PPA-proposed bond requirement.

11) **Jeff Tittel** (President, NJ Sierra Club)

Mr. Tittel stated that legislation had been passed several years ago allowing farmland assessment for landowners who conducted some forestry management (e.g., invasive species removal) without removing trees; however, the rules required to enable the law to take effect had still not been prepared, with the result that farmland assessment for forestry continued to require removal of trees.

Mr. Tittel lauded the CMP, stressing its strength and successes in spite of some weakening through MOAs and rule deletions. He emphasized the need to continue to evaluate and improve the CMP and cited the growth areas, which were not intended to be sacrificial. Mr. Tittel indicated that some growth areas located near the Barnegat Bay are designated for densities which promote sprawl; in addition, stormwater management must be addressed.

Mr. Tittel then discussed the challenges related to depletive water uses, stating that many areas were permitted to over-withdraw. He cited saltwater intrusion in Cape May as an example of withdrawals exceeding supply, and identified the altered ecosystems resulting from establishment of non-native plant species as another related factor.

Mr. Tittel stressed the importance of attracting business to small towns and better marketing the magnificent wilderness of the Pinelands. He emphasized sustainable, responsible growth and the need for interagency cooperation. Mr. Tittel stated that water supply must be ensured for agriculture and natural systems in addition to residential needs, and that RGAs can and should grow but can and should do better. He advocated that growth should be directed outside the Pinelands and that the Commission should clarify that Pinelands Towns and Villages are designated for infill, rather than growth.

12) **Emile DeVito** (New Jersey Conservation Foundation)

Dr. DeVito stated that he had participated in the Commission's Forestry Advisory Committee discussions which, over five years, established the forestry rules currently contained in the CMP. He expressed frustration and concern at other Forestry Advisory Committee participants having changed their position to advocate for forestry to be redefined from development to agriculture. Dr. DeVito stressed that the Commission's forestry rules are broad and contain few limits, provided that threatened and endangered species are protected. He posited that forestry plans are not onerous to produce and are necessary to avoid a change from forests to plantations. Dr. DeVito expressed concern over the NJDEP's forestry management techniques, particularly as relevant to creating habitat for game species, indicating that they often result in unmanaged areas

full of invasive plant species. He found that considering forestry as agriculture instead of development would result in not knowing what's being done until it's done.

Dr. DeVito also addressed the enduro discussion, articulating support for the enduro community as responsible users of the land who follow the rules. He stated that a rotating system of approved enduro trails would be helpful as it would allow for the element of surprise during an enduro event without creating new trails each time.

13) **Steve Hyde (Mt. Holly Power Sports, Meteor Motorcycle Club)**

Mr. Hyde expressed concern that the focus on the enduro community as the root of the problem of ecological damage to state forests was unfounded. He advocated that the NJDEP keep working on identifying legal ORV park sites to take pressure off the state lands.

14) **Dean Holonics (MCI Motorcycle Club, East Coast Enduro Association)**

Mr. Holonics stated that, in terms of the enduro bond proposal discussion, identification of who is causing damage in the forest is important. He indicated that the enduro community is typically comprised of responsible people who enjoy the sport and respect the forest. Mr. Holonics suggested that the enduro community could work with NJDEP and the Pinelands Commission to register ORVs and develop the three mandated ORV parks. Citing the examples of ORVs riding down city streets in Trenton and Philadelphia, Mr. Holonics stressed the need of finding acceptable, legal places for ORV enthusiasts to go. He urged the various interested parties to work together to find a solution to illegal, uninsured ORV riders.

15) **Bob Casper (President, Ocean County Competition Riders)**

Mr. Casper stressed the enduro community's responsible stewardship of state forests and urged environmental advocates to share information regarding illegal trails so enduro riders could help with monitoring and prevention. He stated that his group always enjoys its rides and cleans up afterwards, and has reported illegal activity when they have witnessed it.