

Pine Barrens

New Jersey Conservation Foundation

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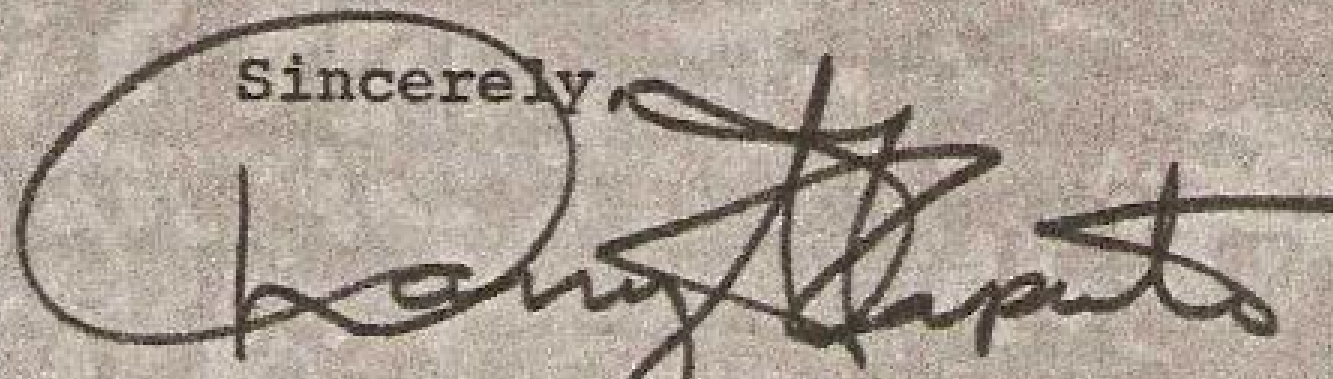
May 10, 1977

Mr. Donald Linky
Assistant Counsel to the Governor
Governor's Office
State House
Trenton, New Jersey 08625

Dear Don:

* Attached is a copy of Congressman Florio's bill on the Pine Barrens. Governor Byrne's executive order on the Pine Barrens should parallel the bill, in terms of meeting the mandates of the bill, to insure that New Jersey is in a position to secure the \$50 million in federal funds which the bill provides.

Sincerely,



Darryl F. Caputo
Assistant Director

DFC:js
Enclosure

CC: Pete Lafen

DRAFT

National Park Service
report of

Several years ago, a federal report called New Jersey's Pinelands "the largest undeveloped stretch of land on the Eastern Seaboard." But, the report added, "no sound plan has emerged" for the ~~Pinelands~~ region. The ~~is~~ ~~is~~ ~~is~~ memorandum outlines present and proposed federal and state laws and regulations which ~~will~~ impact on this part of southern New Jersey.

~~→~~ The Code of Federal Regulations (40 CFR 130.17) requires states to revise WATER QUALITY; water quality standards every three years. New Jersey's last revision took place in December 1974. The State Department of Environmental Protection is currently reviewing testimony ~~holding hearings~~ in regard to its proposed revisions ^{for the Pinelands. ①} DEP has proposed that it adopt regulations which will require State approval of each septic tank or other sewage facility in ^a ~~the~~ 760-square mile area of Ocean, ^{Atlantic,} Burlington, and Camden counties, which is now ~~called~~ ^{Pinelands} (See N.J.A.C. 7:9-2.100; 7:10-2.1.) Local officials have charged that ^{the proposed} ~~these~~ changes will erode the tax base, but such an effect is actually contraindicated in ^{some} ~~other~~ ^{Pinelands} similar instances.

DEP's proposed water-quality regulations are pursuant to the State's power to designate ^{the} ~~any~~ region a ^{sewerage} "critical area." (See N.J.S.A. ^{13:1D-1 et seq;} 58:11-~~4~~; N.J.A.C. 7:9-10.1; ^{Exec. Order No. 56,} ^{Sec. 5} ^{et seq.} ^{23 et seq.} Although this ~~impacts on water quality~~ ^{is} "critical area" designation is not intended ~~to~~ ^{but} to preserve open-space or recreational lands, ~~such an effect~~ ^{is} ~~probable~~ ^{probable}.

These regulations will be implemented in ^{1977 or} 1978, although the Senate, ~~since~~ ^{change} ~~the change of~~ local officials, that the regulation represents ^{probably} confiscation without compensation, will ^{probably} review the regulations before ^{adoption. See} ~~implementation.~~ ^{P.L. 1977, c. 58:10A-1.}

Present water-quality legislation impacting on the Pinelands includes the ^{Amendments of 1972} Federal Water Pollution Control Act, 33 U.S.C. § 1151 et seq., and ^{Title 58 of the New Jersey} ~~N.J.S.A. 58~~ ^{Statutes. ②}

P.L. 92-500

0025727016

Mensa
AG
Reluctant
Pinelands
Surface ground water

~~Water quality standards in the Pinebluffs have~~
been at FW 3 for

2-1576 Tasson
2-1637 Zelickson
2-2906 Paulson PEC
2-6598 Titke
2-5708

① (There will be additional State-wide revisions by February 1978.)

5500
② ~~10A-1~~ The Water Pollution Control Act, P.L. 95-598 allows the ~~DEP~~ ^{DEP} to implement the Federal 1977, C. 58: 10A-1 ~~to~~ ^{allows} the ~~DEP~~ ^{DEP} to implement the Federal Act's standards to protect both surface and groundwaters, ~~and~~ ^{and} to adopt additional State or ~~local~~ ^{regional} regulations.

AGRICULTURE.

The State Department of Agriculture has recently undertaken a pilot farmland preservation program, attempting to buy development ^{easements} ~~rights~~ on some 14,000 acres in Burlington County. The State proposes paying farmers the difference between the land's price under cultivation and the price under development. The funding for this project ~~is~~ ^{is} a \$5 million ~~allocation~~ ^{allocation} from the \$200 ^{million Omnibus} Green Acres bond issue.

PINELANDS ENVIRONMENTAL COUNCIL: Some experts delineate the

in 5 counties, ~~1072/1072~~

The Pinelands can be delineated to be 1.2 million acres (2,000 sq. mi.), or 25% of the State's total area. The Pinelands Environmental Council, established by statute in 1972, has jurisdiction over 340,000 acres in Ocean and Burlington counties. The rest of the Pinelands is currently left to either county, law or municipal, ~~state land~~ Federal laws.

PEC's Master Plan follows the ~~home~~ ^{Federal laws.} ~~role rationale~~ ^{depends on local planning administration,} for which the PEC is itself ~~THROUGH A \$75 MILLION BOND ISSUE (THE STATE~~
but also suggests that the State purchase some 84,000 acres. The Plan also ~~allows building on 1-acre properties. In response, the Governor cut off the State~~ ^{The Governor has cut off the State}
half of PEC's funding. The courts will decide if PEC can survive statutorily on
County funding alone.

THE FLORIO BILL

Senator Florio's bill suggests that the Pinelands is 1500 sq. mi. in extent (970,000 acres), but leaves exact delineation to a land management commission of experts, 12 in number, to be established by ^{the} State. ~~Legislation~~ A 13-member citizens' advisory committee, appointed by the Governor, is to aid the commission.

The bill makes the Pinelands a ~~state park~~ "National Ecological Reserve" (rather

than a National Park), and thus would qualify the region for some \$50,5 million in management technical assistance and ~~easements~~ ^{development rights} and acquisitions. An initial \$500,000 would ~~pay for~~ ^{pay for 75% of} ~~the State to develop~~ ^{Comprehensible} a land-use plan, ^{developed by the State,} and Federal approval of such plan would lead to Federal funding of land acquisition and easements, and the Federal ~~fund~~

Purchase of 50,000 acres.

EXECUTIVE ORDER NO. 56

The Governor's Executive Order establishes a Pinelands Review Committee, composed of the heads ~~of~~ DEP, DCA, and DOA, ^{plus} ~~and~~ ^(there are 13) citizen members. The Committee is charged with ^(recommending to the Governor) ~~delineating~~ ^{major} the Pinelands' extent, and with ^{reviewing} ~~reporting~~ on the potential effects of State actions on the ^{area's ecology} tax base, and land uses ^{It will also} in the ~~area~~. The DEP water-quality standards are also ^{requested} by the Order, as is the "critical area" designation. directed

NEW JERSEY CONSERVATION FOUNDATION

^{and a ~~committee~~ in association with other environmental organizations,}
The N.J.C.F. currently purchases some acreage in the Pinelands, operating as a surrogate for the State. Two hundred acres in Ocean County were purchased in the spring of 1977, for a price of \$100,000. The Foundation is actively negotiating for another 20,000 acres, hoping for a 1978 closing. Half of a fund drive of \$750,000 ^{for that purchase} is now in hand.

ADDITIONAL LAWS AND REGULATIONS

^{and} Various other State laws and regulations which impact on the Pinelands, are abstracted ^{and} cited in the booklet, DIRECTORY OF STATE PROGRAMS FOR REGULATING CONSTRUCTION, published by the Department of Community Affairs in August 1977.

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