

PUBLIC HEARING
before
SENATE ENERGY AND ENVIRONMENT COMMITTEE
on
S-3091 and S-3138
(Pinelands Protection Act)

Held:
April 3, 1979
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank J. Dodd, Chairman
Senator Matthew Feldman
Senator Lee B. Laskin
Senator Barry T. Parker

ALSO:

Micheal F. Catania, Research Associate
Office of Legislative Services
Aide, Senate Energy and Environment Committee

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SENATOR FRANK J. DODD (Chairman): Good morning, ladies and gentlemen, this is the Senate Energy and Environment Committee. This is our third public hearing on Senate Bills, S-3091 and S-3138, dealing with the pinelands and the preservation zone.

As you know, we had our first meeting in the Supreme Court Chambers and the second one we had two weeks ago in Winslow Township, quite a lively affair, and we will be conducting this hearing all day. We will try to get to as many witnesses as possible and the ones we don't reach, we will hear at an open Committee hearing on our regular schedule. I would like to introduce the panel. On my left, Senator Barry Parker from Burlington; on my right, extreme right, sometimes, Senator Lee Laskin from Camden. The gentleman from Winslow, would you lead us in the Pledge of Allegiance?

(Whereupon the Pledge of Allegiance was recited)

SENATOR DODD: Senator Russo is scheduled first. We understand he is delayed in flight coming into Trenton. We will lead off with the Freeholder Director of Burlington County, Robert Shinn.

ROBERT SHINN: Mr. Chairman, I have a couple of charts I would like to make use of in my testimony. I would like to place them somewhere where the Committee could see them.

I know that you have had significant testimony in regard to the Merlino Bill in the last two hearings. Basically, what I've tried to do is provide an oversight into where the thrust of the Merlino Bill lies and where the thrust of our inter-legislative concept lies and what the two provide. At the bottom, we've created a fulcrum at this point, a balance board, and the intent of the balance is provided in Section 502 of the National Parks and Recreation Act of 1978. We've put above this balance board the fifteen member commission provided for in the Case-Williams concept and the balance of the federal appointment at the fulcrum point. The unbalanced situation that we feel the Merlino-Yates Bill provides is, first of all, it is permanent legislation prior to the need for permanent legislation. We feel very strongly, at the end of the planning process of the federal commission, there will be a need for permanent legislation and it should come at that time.

The Merlino-Yates Bill provides legislation for the Governor to, one, appoint the Chairman of the Commission; two, appoint the Executive Director, who more importantly serves at the pleasure of the Governor, basically, on a day-to-day basis. It gives the Governor veto power over the Commission. It gives him power, of course, to appoint seven members. It gives him the power to shorten the terms of the county appointments and also the Governor, by directive, established an interim review board, the Pinelands Development Review Board, which preempts the Pinelands Environmental Council, which was created by legislation and I think somewhere in this process we're going to have to decide in this State whether we're going to operate by directive and Executive Order or by legislation and I think that's an important fact to consider.

On the other side of the balance board is the one appointment from each of the seven counties and those appointments include freeholders, mayors and an environmentalist. In the concept which we are presenting today, supported by the intent of the Case-Williams Bill, we see the seven appointments by the Governor on one side, seven appointments by the county on the other, and the interim legislative concept providing equal balance in the approach to the pinelands' preservation. To serve the Federal Pinelands Commission and provide for a broad base for the Pinelands Development Review Board, with significant participation of municipal, county, State, federal, agricultural, sportsmen and environmentalists, the sub-commission concept would provide

that vital link which is desperately needed to achieve lasting preservation in the New Jersey pinelands.

The interim legislative concept which I'm going to present to you today creates this partnership and this balance of power. I'm going to briefly touch on the interim legislative proposal. This would be a legislatively created proposal, to serve as an interim management agency of the region, pending the preparation, approval and implementation of the comprehensive management plan for the Pinelands National Reserve, in accordance with Section 502 of the National Parks and Recreation Act of 1978. It would also serve as a protection to the water resources and other natural assets of the pinelands region from misuse and pollution, the conservation of the scientific, educational, scenic water resources and the recreational values of the region, the encouragement of compatible land uses of the region, the preservation and promotion of the agricultural complex of the pinelands region, the creation of a municipal, county, State and federal decision making process, the duties of this concept in carrying out its purposes, the board shall assist its municipalities in the review of applications for development within its jurisdiction and refer such reviews to the Pinelands Planning Commission for final certification. In other words, this sub-level commission would handle the environmental review process, hold public hearings, environmental impact statements, and place before the Federal Commission for their decision the total review and recommendation. The Federal Commission would either approve the recommendation or deny it. They would have the total decision making responsibility. It shall provide leadership in promoting environmental objectives of sound planning principles necessary for the protection of the pinelands region, which shall incorporate the best thinking of federal, state and municipal governments, as well as citizen groups and private agencies.

Membership, and I think this is one of the most important keys of this proposal because it spreads the membership in such a broad-based segment of the population in interest that it becomes politically impenetrable. It is a fifteen member sub-commission. It has one freeholder or his or her designee, appointed by the respective boards of freeholders of Burlington and Ocean. It has one mayor from each of the Counties of Burlington, Ocean, Camden and Atlantic, appointed by the New Jersey State League of Municipalities. It has one citizen-conservationist from Ocean County, appointed by the Ocean Nature and Conservation Society and one conservationist from Burlington County to be appointed by the Burlington County Conservation Advisory Committee. It has one cranberry grower to be appointed by the American Cranberry Growers Association and a blueberry grower to be appointed by the cooperative representing the largest number of blueberry growers within the region. It has a sportsman member to be appointed by the New Jersey Federation of Sportsmen Club. It has a member representing the Commission of Environmental Protection, a member representing the Commissioner of Community Affairs, a representative representing the Secretary of Interior and a representative appointed by the New Jersey Conservation Foundation. The powers of this group would be to review any application for a new development, and any new or pending application must complete the review process of the Pinelands Development Review Board prior to obtaining preliminary or final approval at the municipal level. For purposes of the Municipal Land Use Act, no application for new development before a municipal or state body should be considered a complete application until the review of the P.D.R.B. and the certification of the Pinelands Commission is complete.

Under "powers", Item J, we stole this from the Executive Order and it states, "In no case shall the Board or Pinelands Planning Commission approve or certify an application where the development or construction for which a certification is requested could result in substantial impairment of the natural resources of the pinelands." Item K, which is very important, "To strictly prohibit the exportation of water from the ecologically sensitive pinelands region." Another area where this interim proposal is addressed is funding. It provides, "the County of Burlington shall fund this Pinelands Development Review Commission annually at \$25,000; the County of Ocean, annually, at \$25,000; the County of Camden, annually, at \$12,500 and the County of Atlantic, annually, at \$12,500. It is requesting a State match of \$75,000 with a total annual budget of \$150,000.

In the area of jurisdiction, the Pinelands region shall consist of an area previously defined by the Department of Environmental Protection as the central pine barrens critical area. This area covers 760 square miles or 486,000 acres in portions in Burlington, Ocean, Camden and Atlantic Counties. It is recognized that the boundary of the pinelands' national reserve contains more than 1500 square miles or 1 million acres, approximately, in seven counties of Ocean, Burlington, Atlantic, Cape May, Gloucester, Camden and Cumberland. The Department of Environmental Protection is hereby directed to investigate the need for an expansion of the pinelands' critical area to portions of the balance of the national reserve not currently subject to these regulations. The report of this investigation shall be forwarded to the Pinelands Planning Commission. The Commission shall consider the report and make a recommendation to the Commissioner of the Department of Environmental Protection for whatever implementation is necessary. I believe that the present water standard on the balance of that reserve is FW3, which is not a potable water standard. So, I think that should be addressed immediately.

This proposal has been presented to the Burlington County Freeholders and has been adopted. It has been presented in caucus to the Ocean County Freeholders and is supported for adoption. It was presented on Feb. 5 to the New Jersey State Freeholders Association, representing all 21 counties in New Jersey and on April 2, it was adopted.

I sincerely appreciate the opportunity to appear before you here this morning and I will leave you copies of my comments and proposals. Thank you very much.

SENATOR DODD: Director, the bulk of the pinelands lie within your boundaries of Burlington. What do you see, not necessarily on the pinelands order, but on the relationship with Fort Dix? Could you give us--I'm very concerned about the 1-2 impact on the county, as I know Senator Parker is.

MR. SHINN: Well, we've had several things affecting jobs in Burlington County recently and it goes back to, well, we've lost jobs in the Frankford Arsenal, and we will certainly potentially have a job loss in the anticipated Saratoga placement, and certainly the impact of Fort Dix, which the latest figures I've heard and I can not attest to their accuracy, but it is a reduction of about two thirds in the forces in that area. Certainly, we're going to lose a substantial number of jobs and there is going to be a severe economic hardship to the Wrightstown area. I've met with the federal office of Economic Adjustment and I believe that they're going to participate with Burlington County in a plan to hopefully offset the impact of this departure. The thing that I fear the most is that they are going to do something rather quickly that we're not going to be able to plan and adjust for and obviously there is only so many of these impacts you can digest and maintain a stable tax rate and do our part to fight inflation and I might add that Burlington County has had a tax reduction in the county tax rate for the last three consecutive years.

SENATOR DODD: At the urging of Senator Parker, this Committee is very concerned about the 1-2 punch impact of this pinelands moratorium and the withdrawal of a substantial amount of people from the Dix payrolls. Senator Laskin? Senator Parker?

SENATOR PARKER: Just one thing. You indicated that the New Jersey Association of Freeholders adopted a resolution approving your plan.

MR. SHINN: Yesterday, yes.

SENATOR PARKER: It is my understanding, and I had an opportunity to talk with Congressman Forsythe the other day, and he and Congressman Hughes and I believe somebody from Senator Williams' office and/or David Hale, who was to be here today had submitted some proposal or had been in touch with the Governor concerning this legislation, are you aware of that letter or the proposals?

MR. SHINN: Not directly, no.

SENATOR PARKER: What is their concern, if you know? Can you express that to us?

MR. SHINN: Well, I think the general concern that I've been privy to is the one that I expressed with those charts, the unbalancing of that equal distribution of representation that the Case-Williams Bill provided at the federal level. I think when you decide that balance on one side, in this case, with the Merlino-Yates Bill, at the Governor's level, you develop some paranoia at the local level and the county level, which results in not driving toward the ultimate determination and I would like to add that Burlington County has been very positive towards the program of conservation easements, which you're aware of, Senator Parker.

SENATOR PARKER: I saw the paper this morning.

MR. SHINN: And we totally agree that the 370,000 acre area, plus or minus, should be preserved. Now, how we're going to arrive at that preservation is in somewhat of a debate. We feel very strongly that as much of that property as possible should remain in private ownership under the conservation easement concept and the primary reason for that approach is that with a conservation easement you do not have the significant tax impact to the municipalities that you have under a fee simple acquisition. If you took 370,000 acres in acquisition out of Burlington County, you would have a significant impact. Also, you create a need for a bureaucracy at the State level, number one, to monitor that area, to try to get into the environment which is germane to the area, which is cranberry growing, hunting lodges and so on. If they are doing that privately, you know, do everything you can to leave it in that use and take conservation easements from those owners. Obviously, this won't work in 100% of the cases, but I think it will work in a great majority of them. We have agreements presently on parcels for conservation easements. We are receiving very good cooperation at the local level and this cooperation is vitally needed for the ultimate preservation of the pinelands, because you can't lose that municipal, state, county, federal partnership that we're trying to achieve in this concept and I'm afraid that we've impaired that in the Merlino-Yates Bill.

SENATOR PARKER: You say it's impaired and you talk about the funding from the federal government, I understand that that was one of the concerns of Congressmen Hughes and Forsythe, that the federal funding might be affected by both the Governor's action and by the implementation of Senator Merlino's bill.

MR. SHINN: I have a concern myself that the funding for planning is coming from both the 1974 Green Acres bond issue and potentially the 1978. I don't feel that was the concept of the Green Acres bond issue. I think those issues were primarily for acquisition of open space, and I don't think they were meant for planning moneys and

that is another reason why we address the fiscal aspect in our proposal. We feel that the planning effort should come from a budgetary direct appropriation and certainly not from any funds earmarked for acquisition. The Merlino Bill, as I read it, does not provide any recommendations for an appropriation for the 3-1 match provided for in the Section 5 of the National Parks and Recreation Bill.

SENATOR DODD: Anything further? Senator Laskin?

SENATOR LASKIN: Director Shinn, do you believe that there should be a section of the pinelands that has a total immunity from any construction whatsoever? Do you believe that there is any part of the pinelands that should have that complete immunity?

MR. SHINN: Well, I think there are sections that should be acquired. We've addressed those sections in a document called "The Positive Plan of Action", adopted by our Freeholder Board in May of 1977 and I'll leave you a copy of that. There are areas that are exceptionally sensitive, headwaters areas that shouldn't be built upon. However, they should be identified and they have been identified and earmarked for acquisition. There's no question about it.

SENATOR LASKIN: Alright, that's what I want to pursue. You know, when you deal with these highly complex issues and people read about the Pinelands bills in the newspapers, I don't think the average citizen or even the above average citizen knows what we're talking about. When we discuss critical areas, you mentioned headwaters, there is a section of the pines that people designate as the "core area", but you, by virtue of your expertise in the field, also indicate that there are areas outside of the "core area" that may affect the "core area" that should also be preserved, like the headwater sections, so that the opposition to the Merlino Bill is twofold. You do believe that there are some areas, but you think they ought to be specifically delineated, that should be totally protected. There's no disagreement there?

MR. SHINN: No.

SENATOR LASKIN: Some areas should be totally protected?

MR. SHINN: Definately.

SENATOR LASKIN: And if they were spelled out in the law and there was some justification for total protection, water quality, impact on other portions of the pines, you would have no problem with that?

MR. SHINN: None whatsoever.

SENATOR LASKIN: So that your primary concern and I think the primary concern of many witnesses who have taken your approach is those areas that are not what we will call "critical", how those should be handled, isn't that the primary problem that we have in the balancing test that we have to deal with this bill?

MR. SHINN: Exactly.

SENATOR LASKIN: So, when we talk about critical, we don't mean that circle that has been delineated as the central portion of the pines, because there may be other critical areas that may not be in that middle circle?

MR. SHINN: Very true.

SENATOR LASKIN: That's the problem that I have with this whole concept.

MR. SHINN: I think to include boundaries, which the Merlino Bill also addresses, permanently in legislation, at this time, is not appropriate either because I think we're going to have to address those boundaries and you've seen publicity, obviously, on certain sections that are in the preservation zone and I think there has to be adjustments on the boundary on a parcel by parcel basis and this requires an extensive amount of field work actually examining water sheds and evaluating specific properties and I think there will be an ultimate boundary adjustment and again, I think the interim legislation could use these boundaries that are described in the

Merlino Bill and allow the Federal Commission the power to examine boundaries specifically and recommended boundary adjustments as the water shed and environment dictate.

SENATOR LASKIN: Thank you Director. You know, the good part about the moratorium, and I'm not going into whether or not the specifics of the moratorium are good or bad, but one good effect of it is that it has spotlighted or highlighted the pinelands issue and which has brought this Committee full steam ahead which has brought so many witnesses at three hearings and at least we are now bringing the pine barrens issue into the spotlight, where it really belongs and hopefully from all these hearings and from the staff and from everything else, we will be able to devise or develop some workable solution.

MR. SHINN: I would also like to point out that whichever boundary description is used, it virtually unaffacts Burlington County on the whole. We have about 70% of that preservation area alluded to in the federal statute and we long ago acknowledged that it must be preserved and it is the way to do that that we want a strong input into and we want maximum use of conservation easements to lessen the need for the State or federal government to reimburse municipalities both short and long term to make up for lost ratables. We feel by utilizing the conservation easement concept to the maximum, we can offset a major portion of the tax impact on the municipalities and counties.

SENATOR LASKIN: Thank you very much.

SENATOR DODD: Senator Parker?

SENATOR PARKER: Just one thing further. When you are talking about delineating the areas, has your staff and your people had any review as to why the areas were drawn as they are and why certain areas are included and excluded? For instance, the Town of Marlton is included and large parts of Atlantic and large parts of Ocean are excluded and they have the same water problems and the same vegetation and all the other same problems and I just wondered why there is that deviation.

MR. SHINN: I think one of the areas, I think there's been an attempt to address headwaters in the boundary delineation and I think there's going to have to be a different approach to protecting headwaters, because of their effect on the pinelands area and I think some of the boundaries were expanded to include stream corridors and headwater areas and in effect they included major areas that may not have to have been included. I think there has to be an extensive amount of boundary work and headwater protection before the ultimate boundary lines are delineated precisely.

SENATOR PARKER: Well, my specific question is, in certain areas, for instance, in Atlantic, large parts of the headwater of the Mullica have been excluded from the moratorium and are excluded in the Merlino Bill and I just wondered why that is and I'm specifically referring to Galloway and all those areas, Motts Creek and all those that drain right into the Mullica and into the headwaters of Great Bay.

MR. SHINN: I can't answer your question Senator Parker.

SENATOR LASKIN: Maybe the senator from that area has great expertise and that is why he was able to get portions of his county excluded from this plan.

SENATOR PARKER: Well, it was under the federal bill also, a lot of Atlantic.

SENATOR DODD: Alright Director, thank you very much. The Committee will next call the County Executive of Atlantic County, former Assemblyman Chuck Worthington.

C H A R L E S W O R T H I N G T O N: Good morning, Mr. Chairman. I'm Charles D. Worthington, elected County Executive of Atlantic County. My purpose today is to comment on the proposed Pinelands Protection legislation and to offer concrete modifications to the bills in question. My remarks today will be confined to the pending legislation, although for the record, it should be made clear that I have spoken strongly against and will continue to speak against Executive Order 71, which has placed a blanket

moratorium on development throughout most of the pinelands area, which represents 20% of the entire State of New Jersey.

With the exception of the extreme southwest corner of Atlantic County, our entire 569 square miles fall within the boundaries of the Pinelands Protection and Preservation area, or the Coastal Areas Facility Review Act. Thus, any development within the entire length or breadth of Atlantic County, with tiny exception of the parts of the Borough of Buena and Buena Vista Township, will, with the adoption of this legislation, fall within the powers of one or another State regulatory agency.

Given this fact and given the tremendous growth that has been projected for Atlantic County as a result of the casino gaming industry, we are, admittedly, very concerned about the powers vested in this new regulatory body--the Pinelands Commission--and about its future functioning, vis-a-vis local governmental units.

Let me begin by stating unequivocally that I support the ultimate intent of the proposed legislation, namely to discourage piecemeal and scattered development with its attendant environmental, social and governmental costs, and to provide for orderly regional growth, which is compatible with existing patterns, and which protects not only pinelands environment, but the environmental quality we are accustomed to in Atlantic County.

As County Executive of Atlantic County, I have enunciated the County Development Policy, which espouses identical goals. This policy statement was well received by local officials throughout our County. Thus, at the level of policy, we share the underlying intent of the legislation and believe that the majority of the local officials throughout our County feel likewise.

However, the implementation procedures delineated in the legislation are far too restrictive, place too much power at the State level, and fail to adequately provide for local participation in the process. To be frank, the proposed legislation conveys quite clearly the attitude that local governments are not to be trusted when it comes to important matters like the protection of their own environment.

I object, and I object strenuously, to the implication that the actions and inactions of local governments in the past have periled the pinelands, and that this pattern will continue unless the State assumes control.

It is my experience that members of local planning boards have exercised tremendous responsibility in attempting to deal with environmental concerns. A good piece of legislation would integrate these local boards into the process so that instead of setting up an adversarial relationship between the State and local governments, they would all be on the same side. I believe that that can be done and will offer some concrete recommendations to that end.

Let me now turn to specific comments on the proposed legislation. In the remarks that follow, I will be commenting on both the Merlino Bill and the Russo-Perskie Bill. At the present time, neither is acceptable as currently drafted.

We support the delineation of definition in the Russo-Perskie Bill, which distinguishes between the preservation area and the protection area. This delineation is missing in the Merlino Bill. When you consider that the total acreage of the entire pinelands area is over one million acres, it is important to distinguish any smaller sub-divisions of that total acreage. We feel that the ecology of the preservation area requires different protective measures than does the larger protection area. Consequently, we feel that legislation and subsequent planning should adequately distinguish between the two areas.

We support the creation of a Pinelands Commission as provided in Section 4 of the Merlino Bill and as modified by the Russo-Perskie Bill to provide for advice and consent of the Senate on the seven gubernatorial appointments.

It is our strong feeling that appointments to a board of this importance should be consented to by the elected representatives of the people, with adequate opportunities to interview the nominees. I should note that in Atlantic County--a Charter County--this process was followed. The Executive's nominee was interviewed by the Board of Chosen Freeholders and approved by them before appointment. This process of checks and balances is an important one and we feel that it should be part of the gubernatorial appointment.

We recommend that the gubernatorial nominee for Executive Director of the Pinelands Commission be approved by at least a 2/3 vote of the full membership of that Commission. Again, we are concerned about checks and balances and about local involvement through the Commission, in this process.

We object to the provision of the Merlino Bill, section 3H, which gives the Governor veto power over the minutes of the Commission. We believe that if the Commission and if the Commission is appointed with the checks and balances provided for by advice and consent and if the local communities are involved with the work of the Commission, then this protective measure is not needed.

We urge the strengthening of the language in Section 6c regarding the location of the Pinelands Commission office. We recommend that the Commission be required to maintain its offices in the pinelands area and that, to the greatest degree possible, its staff be decentralized in field offices located at several places in the pinelands. We strongly recommend the use of Stockton State College or a space within the County office building as one of these field offices and I understand that Stockton has already formally made such a proposal or an offer.

SENATOR PARKER: Rutgers is down there also in Great Bay. They have the old Coast Guard and we also have the Pinelands Environmental Commission. Do you foresee the use of all of those?

MR. WORTHINGTON: No, because there is no representation from Atlantic County on the Pinelands Environmental Commission.

The procedures for the development and adoption of the Comprehensive Management Plan for the pinelands, as delineated in Section 7, are totally/inadequate as drafted. We urge a complete redrafting of this section to provide for local involvement and input at all stages of the work.

Specifically, we recommend the following provisions incorporated in this section:

(A) That the County Planning Division of each of the seven counties in the pinelands area should be actively involved in the development of a relevant resource assessment and land use planning section of the Comprehensive Management Plan. We urge that the legislation mandate this involvement and that it also mandate that appropriate monies be provided through the Pinelands Commission for this purpose. We make this recommendation because of the quite obvious fact that this work is already going on in most county planning divisions and should not be duplicated by a State agency, and because only by requiring this involvement will we guarantee that it will take place.

(B) A citizens advisory board should be formed in each of the seven counties, appointed by the governing body of each respective county, to advise the Pinelands Commissioner from that county and to consult with the county planning divisions and the county government on all matters relating to the work of the Pinelands Commission.

(C) The completed Comprehensive Management Plan should be reviewed in draft form by each of the governing bodies of the seven counties and opportunities given for discussion of the plan prior to public hearings.

(D) At least one public hearing on the draft plan should be held in each of the seven counties.

(E) The revised Comprehensive Draft Plan should be formally rejected or accepted by the governing bodies of each of the seven counties after the public hearing and prior to the adoption by the Pinelands Commission. We feel that if a majority of the seven respective counties reject the plan that the Pinelands Commission should require a 2/3 vote of its full membership to adopt the plan.

It is my conviction that provisions such as I have delineated written into the legislation could assure the development of a plan which would be acceptable to the local governing units. It is extremely important that the plan, once adopted, is our plan, not a plan developed in offices in Trenton, given pro forma public hearings and adopted as originally drafted.

The Comprehensive Management Plan for the pinelands will only be our plan if the Legislature guarantees that we are incorporated into the process as equal participants in this venture.

We support the inclusion of an economic impact statement as per the Russo-Perskie Bill, section 8, in the Comprehensive Management Plan. However, we caution against the inclusion of calculations for loss of value of the land due to restrictions which may be imposed upon its usage. To our knowledge, this would be unprecedented and extremely difficult to calculate.

Landowners are currently not compensated if municipal zoning ordinances eliminate the possibility of usage for a certain purpose, i.e. since certain areas are being zoned for casinos in Atlantic City, are all other landowners eligible for compensation because this extremely lucrative use is denied them? It is important to calculate the cost of acquisition and the cost of State payments to municipalities in lieu of taxes as are provided in the draft legislation. It is also important, we feel, to broaden the scope of an economic impact report to include some assessment of the economic cost associated with the continuation of our current development patterns. I am speaking here of any long-range costs we may bear, if indeed, surface and ground waters within the pinelands area is degraded.

Section 9a of the Merlino Bill or 10a of the Russo-Perskie Bill should be amended to provide for consultation on a regular basis with the Citizens Advisory Boards set up within each of the seven counties.

We support the provision of the Russo-Perskie Bill providing for adoption of a Comprehensive Management Plan by the Legislature, section 10b. We consider this another important check and balance in the process. We also recommend that language be added to the bill to provide that after formal adoption, any major policy change of the Comprehensive Plan require a 2/3 vote of the full membership of the Pinelands Commission. All major modifications of the Plan by a simple majority vote of the Commission and perhaps by a Commission made up of persons not on the original body, undermines the protection which is the intent of the requirement of local approval and of legislative approval.

If the provisions recommended earlier guaranteeing local input are adopted, then we support the provision of the Merlino Bill (Section 9c) regarding the compliance of all local development within both the preservation and the protection area to the adopted Comprehensive Management Plan. We do not support the amendment of the Russo-Perskie Bill (Section 10a) to tie the implementation of the Comprehensive Management Plan within the Protection area to the passage of a bond ordinance to finance the program's land acquisition.

It is our position that if the Plan is developed and adopted with full

local input, and is submitted to the governing bodies of each of the seven counties and to the Legislature for approval and if, in fact, it does gain the necessary approvals, then that plan should be implemented. The full implementation of the Management Plan includes far more than land acquisition. It covers all aspects of development in the area. To invest large sums of money and time in the development of a plan, to secure approvals at all levels, and then fail to implement it until a bond ordinance passes would be a colossal waste of the taxpayers' money.

As I indicated earlier, it is our position that if the process incorporates local governments as equals, if it includes adequate checks and balances, then the Plan it produces should be implemented. This is not to say that bond ordinances should not be passed. It is to say that the Plan should not be tied so directly to the timetable of bond ordinances.

We accept the boundaries of both the protection and the preservation areas, as indicated in both versions of the legislation. We are happy to note that a recommendation to the Pinelands Review Committee regarding a boundary within Hammonton did result in a modification, and that the boundaries within the legislation reflect that change.

Let me now turn to Section 13 of the Merlino Bill, which provides for a continuation of the moratorium currently enforced through Executive Order. This provision would continue the moratorium in both the Protection and Preservation areas until a Comprehensive Management Plan is adopted, at least 18 months from the effective date of the legislation.

We strongly oppose the continued moratorium in the Protection area. We feel that there is inadequate justification for such drastic action.

The effect of this provision will be to virtually halt all development west of the Garden State Parkway in Atlantic County for a two year period. In so doing, it will completely destroy Atlantic County's efforts to strengthen the economic base of the County and will drastically impede the economic revitalization of the area from the casino gaming industry.

Let me underline the fact that our efforts to strengthen the economic base of Atlantic County have been directed toward the identification and expansion of industries that are environmentally compatible with the County, utilize our particular geographical characteristics, and aren't resource intensive. The marine industry, for instance, fits these qualifications. Our efforts to expand this industry and others like it within Atlantic County will grind to a halt with the continuation of this moratorium.

In addition, the moratorium will seriously impede our efforts to meet the needs of the casino gaming industry and may be responsible for drastically altering the projected economic impact of casino development in our area.

Let me be specific. Housing is already a major problem in Atlantic County. Our studies show that the development of housing in the County has lagged far behind our pre-casino needs. We are now faced with the fact that between now and 1982 we must build at least 12,000 units of new housing to accommodate the population growth generated by casino employment. 1982 is only 36 months away. It would be difficult to meet this goal even without a moratorium. With a moratorium, it becomes nigh to impossible. The moratorium takes 18 of the 36 months. It robs local municipalities of the lead time they need to build adequate support facilities--schools, fire and police stations, roads, sewers and water systems. Furthermore, municipalities anticipating tremendous population growth cannot wait 18 months to attract commercial and industrial development necessary to balance residential growth and provide the ratables necessary to support the expansion of services.

I urge you to consider the negative impact of the cut-off of State and federal funds to this area for an 18 month period--funds upon which we depend to construct our roads and bridges, finance drainage projects, construct housing under Section 8.

As County Executive of Atlantic County, I am gravely concerned that this moratorium will result in a loss of our priority ratings for the Lower Egg Harbor River Regional Sewer System. There is no guarantee that 18 months from now the funds which are available now will still be available then.

Atlantic County is just beginning to experience an economic upswing after decades of depression. We may never again regain momentum if we must now face an 18 month interruption. The State has the power now, through Executive Order and through legislation, to destroy the chance that the people of this State gave us through the casino referendum, to revitalize our area.

Protection of the pinelands does not require such a heavy price. There is a more rational approach which can achieve the goals of protection without such major economic disruption.

It is our position that during the interim period between the enactment of the protection legislation and the adoption of a Comprehensive Management Plan, most development in the protection area should continue under the same local and State approvals now in effect. We suggest that major development of over 50 units in the Protection area should be submitted to the Pinelands Commission for review and approval. Only major developments would require this review and approval process.

We would like to recommend that the definition of major development, as it currently appears in both versions of the bill, be amended to increase the number of units from 5 to 50, and to conform in all other respects with the CAFRA regulations.

We accept the provisions of both the Merlino and Russo-Perskie Bills that the moratorium be continued in the Preservation area until the Pinelands Commission has developed definitive guidelines and criteria for development through its Comprehensive Plan.

Our last recommendation is with reference to Section 21 of the Merlino Bill, which gives the State the right of first refusal in any land sales within the Preservation area. We oppose this provision as creating unnecessary, time consuming and bureaucratic procedures for all landowners in that section, particularly the small landowner. For that reason, we urge its removal from the bill.

In conclusion, I would like to reiterate several intermingling themes on which I have touched:

. We share the concern for the protection of the pinelands. For many of us, the pinelands are our homes. We work there, live there, we raise our families there. We intend to remain there a long time and hence, we are extremely concerned about water quality and the whole host of environmental concerns that is summed up by the one word, "Protection".

. Because we are concerned and because it is our future at stake, we demand to be included in every phase of the process. I indicated earlier that I objected to the attitude of mistrust of local governments that pervades the legislative draft. I would be less than honest if I did not also indicate that local officials are also mistrustful of the State.

. We have an opportunity at hand to challenge the assumptions on which that mistrust is founded, by working together and developing a viable management plan for the pinelands. I urge this Committee to revise this legislation to allow and provide for that cooperative effort. Thank you for the opportunity to testify here today.

SENATOR DODD: Thank you, Mr. Executive. Are there any questions from the panel? Senator Laskin? We would like to welcome Senator Feldman, who has joined the panel.

SENATOR LASKIN: Mr. Worthington, as one who has been politically active and legally active, in the local, county and the State government, I'm talking about myself, I have some familiarity also with local zoning and planning boards and their relationship to county and State. One problem I have with some of your comments, which are not unique to what you stated, most of us feel this mistrust about all officials at all levels, even those of us who are elected officials have a mistrust of other elected officials, I might add. So, that's not unusual.

MR. WORTHINGTON: But, I think it's deplorable.

SENATOR LASKIN: It is deplorable, but the feeling exists. The problem I have with your comments about local planning and zoning boards, you indicated generally that you feel, overall, they've done a good job and the feeling that the State can do better is really a feeling that shouldn't exist. I'm paraphrasing what you have said. But, the problem I have with the local planning and zoning boards and whether or not they have had a good job is, if we take all the local land use ordinances all over the State of New Jersey and especially from those municipalities which border on or in the so called pine barrens area, I find that environmental land use regulations are almost non-existent and I think that perhaps some people who feel that the local boards have not really done a good job in preservation of these areas can point specifically to the fact that it is true that they have good zoning ordinances, they have good planning ordinances, they follow them generally, but so few of them have added, in addition to the traditional land use regulations, environmental quality land use regulations and I think, perhaps, if local boards and local governing bodies had done more of that, not over the years, but we'll say in modern history, in the last five or six years when it has become a big issue, I don't think that that mistrust would be as prevalent as it is today. Don't you feel that even if we were to assume your concepts, with the question of local involvement, don't you feel that there should be some mandate that local ordinances should have environmental land use quality concerns by rules and regulations as a mandate?

MR. WORTHINGTON: Well, I think they already do. I think you've got to understand that things have changed dramatically in the last few years. Let me ask you, whose job is it to make State policy? I always thought it was the job of the State Legislature. You have created a State policy when you passed your new land use laws, which regulate the master plan and zoning laws of every municipality in the State. So, every municipality, by February or March, had to incorporate within their master plans and zoning rules and regulations a whole set of land use rules and regulations. You see, you had, in that very same law, forbidden any municipality in the State of New Jersey to impose a moratorium for any reason whatsoever. Now, that's State policy that you, the Senate and the Assembly with the concurrence of the Governor, have initiated. You say, "that's the policy of the State of New Jersey", and yet, with an Executive Order, Executive Order #71, you've taken a million acres, over 20% of the entire land area of the State of New Jersey, and you've said, "we're going to declare a moratorium." Now, I agree with the purpose, but I certainly disagree in terms of how it was done. I agree that State policy should be developed in the Legislature, where we have an opportunity to have input. That's why I'm here today. I didn't have any opportunity, nor did you, in developing Executive Order #71. (applause)

SENATOR DODD: There will be no applause. There will be no yeas or boos. It slows down the process and that's not why we're here. We're here to learn.

SENATOR LASKIN: I think I only asked you a simple, specific question, not about the merits--

MR. WORTHINGTON: Okay, specifically, I'm not suggesting that the State doesn't have a part to play here.

SENATOR LASKIN: That's not what I asked.

MR. WORTHINGTON: What did you ask, sir?

SENATOR LASKIN: Do you feel that there should be mandatory environmental land use rules and regulations at the local level, in addition to the traditional land use regulations that we have in all our ordinances, perhaps an amendment to the new Land Use Law that went into effect?

MR. WORTHINGTON: I'm not so sure that there isn't that requirement already.

SENATOR LASKIN: Well, let's assume, just for purposes of this discussion, that there is no requirement like that.

MR. WORTHINGTON: I think, then, that local jurisdictions should have an opportunity to participate in the drafting of those rules and regulations which are ultimately going to govern them and if they do have significant input into the process, then, yes, I'm not objecting to that. I'm objecting to the exclusion of that kind of input in the current legislation before us.

SENATOR DODD: Senator Parker?

SENATOR PARKER: In that regard, I think you touched on a nerve and I understand federal legislation addressed that and again, Congressman Hughes sent a letter and we'll get, which the Committee should review. But, why do you think it is that all of the conservationists' groups, who have spoken before, and the Governor has taken this approach?

MR. WORTHINGTON: I don't know, Senator Parker, I really don't. I know that many environmentalists are just as concerned with maintaining the quality of our environment as you and I are and some people are perhaps more concerned and more narrow in their approach and I think it is an important issue and I don't denigrate the issue. What I'm saying is that I think it is good that we're looking at this issue. What I'm saying is that we just can't look at issues and solutions to very, very real problems without a lot of local input from the elected officials and the jurisdictions that traditionally have had the authority and the power, solely, to do those things and I'm not saying that there shouldn't be some State involvement, but the kind of involvement that is outlined in these bills are much too pervasive, much too radical and leave no opportunity, except through the legislative process itself, to testify on a bill as we're doing today. There's no input for municipal planning and the utilization of the reasonable concerns that we know more about than anyone else does.

SENATOR PARKER: Well, the point is that this is the real main line of departure, the real line that is being drawn, that local government, county government should not have any say in this because, I guess, they won't do what's necessary to preserve it.

MR. WORTHINGTON: Well, I disagree with that concept 100%. I think that the planning function and the land use regulation functions, I think there's a growth of sophistication on the municipal and the county level that was never there before. I think it's taken some time in the maturation process and I will certainly guarantee that not every planning board has had the kind of environmental concerns that some of us may wish that they exercised, but I'll tell you that more and more, I think, there's an upgrading of these local jurisdictions and there's an upgrading of the concern of the

local officials with the environmental problems and just at the time that we're turning the corner and perhaps learning and making a lot of progressive strides, the State seems to be saying, "It's our ballgame now." I don't think that we've muffed it that badly.

SENATOR PARKER: Let me ask you one other thing that peaks my curiosity. Why is such a large part of Atlantic excluded either under the federal law or under the Governor's moratorium?

MR. WORTHINGTON: I should imagine it has to do with the river basins following, generally, the lines of the Mullica River and the land that drains toward the Mullica. I really don't have too much problem with those, in terms of Atlantic County.

SENATOR PARKER: You indicated that part of Hammonton was redrawn somehow. I just wonder--

MR. WORTHINGTON: We had some testimony from our Planning Board and from our local Planning Division and we made some suggestions there and they were withdrawn.

SENATOR PARKER: Before the Governor's ad hoc committee?

MR. WORTHINGTON: I'm not sure what the process was, but it had only to do with the delineation of the line in Hammonton.

SENATOR DODD: Senator Feldman?

SENATOR FELDMAN: No questions.

SENATOR PARKER: Just on that point, what was different about that part of it? Was that farm area or built-up area or area--

MR. WORTHINGTON: It was farm area generally.

SENATOR PARKER: But, it's still in the same watershed, right?

MR. WORTHINGTON: I'm not terribly conversant with that line.

SENATOR PARKER: Was the town of Hammonton, itself, excluded?

MR. WORTHINGTON: No, this moved. I think Freeholder Johnson, who is much more familiar with that delineation of that line, can better answer that.

SENATOR PARKER: I just wondered because I know there are other towns. I know that the Mayor of Evesham is somewhat concerned about it and I know Shamong is also concerned about it, the way the line was drawn as to whether it includes farmland, built-up area.

MR. WORTHINGTON: I think the Freeholder is next and he will be glad to answer that question.

SENATOR PARKER: Just one thing further. You suggest that the Legislature should approve the plan. Can you point to anyplace, in any state, where the legislature has reviewed a plan which has been prepared by experts and has all the mish-mash of land development and water and air and traffic? How can we really get involved in that final review when the plan has been put together by all the people that you're talking about that it should be put together by?

MR. WORTHINGTON: First of all, ultimately, a plan is the result of a political process.

SENATOR PARKER: I'm afraid, too political.

MR. WORTHINGTON: I just mean that in the pure sense of not "R vs D" political, but in terms of how decisions are made. In our country, the process of making decisions is a political process. I think you're dealing here, in the State of New Jersey, the most highly urbanized area of the State of the Union, where you're taking over 20% of the total land mass of the whole State, putting it together and saying, "we're going to either preserve or protect it." I don't think anything like that has ever been done in modern history or at all. We are creating a wilderness area in the midst of the most densely populated state in the United States, and it's a lot easier, I think, and

the process is a lot different when you create a wilderness area in Alaska, which is so vast and so scarcely populated, or in the middle of Wyoming or some of these things that were done years ago before there was any appreciable population or development. Now, you know, we talk about the pinelands or the pine barrens, as some people euphemistically call them, and they really aren't barrens. They're towns, they're municipalities, they're homes, they're people, they're industry, they're farms and so I think the concept of pine barrens is really a misnomer. There's a tremendous amount of development in the protection area and certainly we agree that we would like to see the development continued on a rational basis, but to halt it for 18 months--

SENATOR PARKER: Do you think there should be a grandfathering of those developments that are already started or getting underway?

MR. WORTHINGTON: Well, the concept of the moratorium, you know, really turns me off and I think it does a great disservice. I'm also wondering what's going to happen when the federal moratorium becomes effective in October.

SENATOR PARKER: Federal moratorium?

MR. WORTHINGTON: Yes, there's supposed to be a federal moratorium on the federal funds coming into the protection area or the critical area.

SENATOR PARKER: Okay, I didn't know what you meant.

MR. WORTHINGTON: So, we've got the sewerage construction funds; we've got CETA funds; we've got all kinds of federal funds coming into Atlantic County and all of Atlantic County, except about seven square miles, are in the protection or preservation area. Now, I don't think that question has yet been addressed by the federal government in terms of the kinds of grants, our road aid construction, these kinds of things, is that all going to stop and then is it going to stop for 18 months beginning in October? I think there a lot of serious, serious problems with the designation of the pinelands area in the protection area, as the State is trying to do here. Especially in the Merlino bill, it lumps them all together as one area.

SENATOR DODD: Alright, Mr. Executive, thank you very much.

MR. WORTHINGTON: Thank you.

SENATOR DODD: Nelson Johnson, Freeholder from Atlantic County.

N E L S O N J O H N S O N: Members of the Committee, I'm Nelson Johnson, Member of the Atlantic County Board of Freeholders. Thank you for the opportunity to appear before you today to express my views on the proposed legislation affecting the Pinelands Region. I appear today neither as a member of the Atlantic County Board of Freeholders nor as a practicing attorney, but rather as a private citizen concerned with South Jersey's future. I am keenly interested in Senate bill 3091 entitled the "Pinelands Protection Act" and I believe you will find my perspective on this issue to be different from many of the witnesses who have testified before this Committee.

My family has made the town of Hammonton our home for more than 125 years. Previous generations of my family have been employed in virtually every skill ranging from butcher, carpenter, brickyard worker and sewing machine operator to retail merchant, school teacher, nurse and lawyer. The Johnsons' involvement in our community is typical of many families throughout South Jersey. We have lived and worked here over the years, and at times endured adversity, because of our love for the quality of life which this region affords us. We appreciate what we have and we want very much to protect it for our children.

I am pleased to see the increased interest by the federal and state government with the need for protecting the Pinelands Region. It is my sincere hope that we will be able to work together toward preserving a way of life and environment unique to

the Northeastern Seaboard. However, I am concerned by the approach being taken on this issue by some of our leaders in Trenton. There exists an apparent lack of sensitivity to our needs and a low level of respect for our ability to manage our future.

I have carefully reviewed Senator Merlino's bill. In my opinion, it is an adequate framework in which to begin a discussion on this issue. However, the bill, as proposed, is in need of major surgery and it is for this reason that I appear today. It is apparent to me that the Merlino legislation has at least, in part, been modeled after the Hackensack Meadowlands Reclamation and Development Act. The initial question I raise goes to the heart of this legislative proposal in an attempt to lay bare what I perceive to be the philosophical assumption underlying the Merlino bill. The Hackensack Meadowlands Project called for the reclaiming of a spoiled environment. It was the opinion of the Legislature that extraordinary powers had to be vested in a new agency with jurisdiction going beyond municipal boundaries, having the authority to supplant local zoning. I question whether or not the same broad, sweeping powers are needed with dealing with a pristine environment, where a substantial portion of the population sympathizes with the need for controlled development.

The proposed legislation projects an attitude which seems to say, "People of South Jersey, you are not competent to manage the development of your communities and to safeguard the environment; we will show you how it ought to be done." Members of the Committee, I say to you, give us credit for having enough ability to handle our own affairs. Learned advice and assistance is always welcome; and if your goal is the same as ours, namely preservation of the unique quality of life and environment, then we will have little difficulty working together. But to adopt the proposed language without needed substantive amendments guaranteeing input and control from the people who know this region best would be a tragic mistake.

Studies conducted by the National Park Service, the State Museum, the Department of Interior, and more recently the Governor's Pineland Review Committee, make it clear that there is a need for the fostering of a regional perspective to the future development of the Pinelands Region. Congress recognized this fact with the adoption of Section 502 of the National Parks and Recreation Act of 1978. In calling for the creation of a comprehensive management plan, our congressional leaders took the initiative on an issue that many of us involved in local government have been attempting to articulate for the past several years.

In my opinion, the people of South Jersey are increasingly aware of the need for inter-local government cooperation. There are many enlightened local officials who comprehend the fact that what goes on in their community may substantially impact on their neighbors. There is also a growing awareness among the public of the fragile nature of the pinelands' eco-system. In short, I believe that the public is receptive to the idea of a comprehensive management plan which will establish areawide standards insuring rational control and monitoring of development, discouraging ill-conceived construction and encouraging projects that can work in harmony with the environment. However, the Merlino legislation appears to go beyond the intent of Congress and, in my opinion, goes far beyond what is needed in terms of providing direction to local governments.

I now will attempt to highlight several of those amendments which I believe merit your consideration. A more detailed memorandum outlining suggested amendments is attached to this statement.

The first item I direct your attention to is the components of the proposed comprehensive management plan as outlined in Section 7 of Senator Merlino's bill. The components set forth therein are essentially a recitation of those components set forth in sub-section f of section 502 of the Federal Act, with one exception: Section 7i(1) is an addition and goes one giant step beyond the intent of Congress by providing for the possibility of the supplanting of local zoning. In my opinion, such language will have a chilling effect upon the type of discussion that will be needed during the preparation of the comprehensive management plan. A better approach would be to confront municipalities with the possibility of loss of State and federal grants for refusal to comply with the requirements of an areawide plan.

A second item of concern is Section 7g, which would grant the Pinelands Planning Commission the authority to implement the provisions of the Clean Water Act. One of the threshold issues of the Pinelands discussion is the availability of sanitary sewage. Control of sewer hookups will have a tremendous influence on where development will be located. In my opinion, the thrust should be just the reverse. Rather than centralizing the planning process for sewage, it ought to be decentralized by encouraging inter-local sewage districts. The Commission could set standards and act as consultant, however, maximum input from local governments on this issue must be guaranteed.

A third area where greater local input should be insured is the process by which the comprehensive plan is finally adopted and the procedure to be used in reviewing local master plans for their compliance with the management plan. As was done in the Hackensack Meadowlands Reclamation and Development Act, I propose the creation of municipal committees. Ideally, such committees could be selected by their respective county governments and could be the vehicle for initial review, not only for the Comprehensive Management Plan, but also the local master plans. Any decisions made by the proposed county municipal committees could be overridden by the Planning Commission by a 2/3 vote. If we are to have a management plan that is going to have any credibility with local government, this is a necessity. I invite your attention to N.J.S.A. 13:7-8 which enumerates the powers of municipal committees in the Hackensack Meadowlands project and sub-section d of that section specifically provides that the municipal committees can reject the master plan and any actions taken by the Hackensack Meadowlands Commission and then the Commission would have to override that municipal committee by a 5/7 vote and I would say that our county governments and our local governments should be treated and entitled to the same respect.

A fourth item that alarms me is the need for greater independence on the part of the Pinelands Planning Commission. No doubt, you have received the amendments seeking to minimize the influence of the Governor over the Commission. I concur with such recommendations. Of particular concern is the gubernatorial veto of all Commission decisions. I am aware of the Governor's role as chief executive officer of the State in approving the minutes of State agencies whose responsibilities are primarily administrative. However, the proposed Commission is essentially a policy making agency. The creation of a management plan which will impact considerably upon the future of seven counties goes far beyond administrative details. To permit a gubernatorial veto of the Commission's actions would destroy its independence.

A fifth area I direct you to is Section 13 of the proposed legislation. In my opinion, it contains problems which I believe can be overcome by more thoughtfully conceived language. This section would continue a ban on approvals for construction during the preparation of the management plan and would require applicants to seek an exemption. In lieu of blanket denials, I would suggest that there be prepared a comprehensive list of State and local approvals indicating which ones involve

environmental considerations and which ones do not. Further, I believe that with a little imagination, there could be established classes of development, which can be approved by local governments. One of many examples for such classes might be a sub-division of less than 25 lots with sanitary sewage, accompanied with an environmental impact statement and approved by my proposed county municipal committee. This is merely one approach. However, Section 13, as it presently reads, is woefully inadequate and if not amended, will continue the hardships and confusion created by Executive Order #71.

I now wish to submit for your consideration several new items, which I believe should be incorporated into any legislation on this issue.

With regard to the components of the comprehensive management plan, there are several additional items that I would suggest for inclusion:

- (a) There is no reference made to the encouragement of clustered and planned residential developments. The comprehensive management plan ought to indicate those municipalities and areas where high intensity use would be encouraged and where municipalities could expect financial assistance for the provision of sanitary sewer systems.
- (b) I concur with the proposal by Senator Russo and by the Pinelands Mayor's Coalition for an economic impact study. However, I would encourage you to broaden the scope--

SENATOR PARKER: We've already done that.

MR. JOHNSON: Well, I would request you to broaden the scope to go beyond the effects upon property owners, to go beyond the effects of municipalities and to look to the types of new industry that could come out of the pinelands region, so that you have a clear picture of just what the economic impact would be and then also try and do a study on the impact of these regulations on existing industries, both positive and negative effects.

- (c) In addition to an economic impact study, I would propose a more detailed study be done with respect to the impact of this proposed legislation upon the agricultural community. The New Jersey Farm Bureau and the Atlantic County Board of Agriculture have expressed strong opposition to Senate bill 3091. One of the primary bases for their opposition arises from the possibility that their land values may be decreased through being rezoned or earmarked for preservation. Such a devaluation would have an adverse effect on a farmer's operation, as it is necessary for the average farmer to borrow operating capital for each new year's crop. A farmer's land is his collateral. If it is devalued, his borrowing power will be diminished. If you are serious about preserving agriculture, than this legislation should specifically guarantee agricultural loans to those individuals unable to obtain the same as a result of their property being devalued through pinelands regulations.
- (d) There is a serious need for an additional component requiring the Commission to investigate alternative technologies available in the construction industry. I find it hard to believe that this has been omitted from the Act and from any proposed comprehensive management plan. Such technologies would include alternative methods of on-site solid waste disposal systems and construction of streets and curbing. The Commission should be required to work in cooperation with the Department of Environmental Protection in investigating such methods in preparing an approved listing of available technologies.

A final item which I urge you to consider pertains to the implementation of the comprehensive management plan and this may be the most important aspect. Second only in importance to guaranteeing local input, which I think can be achieved, is the need for providing for local enforcement of the standards articulated in the plan. Thought should be given to empowering the Pinelands Planning Commission with a field-service capability analogous to the Cooperative Extension Service of Rutgers University. The Commission should, through local offices, provide planning expertise to local government and private individuals. Assistance could be given to local planning boards in reviewing major sub-divisions, major site plans, environmental impact statements, master plans and zoning changes, as well as grant applications for funding sewage projects and other major municipal improvements. Similarly, technical assistance should be provided to individuals constructing new homes and other construction.

There already exists a state agency which could be expanded upon to fulfill this need. As you are no doubt aware, the Soil Conservation Districts, which are responsible for enforcing the Soil Erosion and Sediment Control Act, review development proposals and issue certificates for approved plans minimizing soil erosion. This existing bureaucracy is an effective and credible basis upon which to build in providing the type of expertise which will be needed to minimize difficulties in complying with the standards of the comprehensive plan. Through the use of additional staff having training in sewage, construction, and planning problems, the Soil Conservation District offices could be made into an effective local arm for the Pinelands Planning Commission, with the Commission and Executive Director providing the needed direction for the overall administration of the program.

I am prepared to draft specific amendatory language on any item mentioned above. Should the Committee be interested in such language, please advise me.

In conclusion, from my perspective, the pinelands issue is the single most important issue that New Jersey's government will legislate upon during my lifetime. The general public is only beginning to understand the enormity of this issue and in the months ahead the debate will become even more enlivened, especially during the preparation of the Comprehensive Management Plan. The decisions this Committee makes will have a tremendous influence upon future generations of South Jersey residents. Thank you.

SENATOR DODD: Thank you Mr. Johnson. Any questions from the panel?

SENATOR PARKER: I have one question. Why do you say that planned unit or cluster type development should be excluded? What's the rationale?

MR. JOHNSON: I didn't say that, Senator.

SENATOR PARKER: Okay. You say that you encourage them, that the comprehensive plan ought to indicate these municipalities where they--

MR. JOHNSON: That's correct.

SENATOR PARKER: What is your rationale for referring to planned unit?

MR. JOHNSON: My rationale is that the overall intent of the entire pinelands issue is to minimize scattered and piecemeal development, so that you can minimize the need for municipal infra-structures, which have a tremendous impact on local tax rates and planned residential development, high intensity uses, where sanitary sewer is available, will help greatly in minimizing the tax effect of new homes and new construction in general. I'm saying that the comprehensive management plan should address itself to that issue, rather than simply say that piecemeal development should be discouraged and the comprehensive management plan should address itself to where planned development should take place or the type of soil upon which it will take place.

SENATOR LASKIN: Mr. Johnson, I don't know whether you did all this research, in preparation, yourself or whether you had some assistance, but from my viewpoint, it's probably the biggest aid that I have received, since we've started these hearings. This is an excellent treatise on the issues and I think we'll spend some time studying it. It's very well done.

MR. JOHNSON: Thank you.

SENATOR FELDMAN: Are you an attorney?

MR. JOHNSON: Yes, sir.

SENATOR DODD: Thank you very much, Mr. Johnson, for an excellent presentation.

MR. JOHNSON: Thank you very much.

SENATOR DODD: Brock Evans, Director of the Sierra Club, Washington Office?

B R O C K E V A N S: Thank you, Mr. Chairman. I am Brock Evans and I'm the Director of the Washington Office of the Sierra Club and I feel very privileged and honored today to speak on behalf of the Sierra Club. As you know, the Sierra Club is a national conservation organization with about 180,000 members, including several thousand in the State of New Jersey.

I would like to say that I am here on a personal basis as well, because I had the privilege of spending four years of college here at Princeton University and for those years New Jersey became my adopted state. I came to know and become very fond of some beautiful and interesting parks of the State that a lot of travelers don't always get to see. In more recent years, I've had the opportunity to spend quite a bit of time in the pine barrens and I've become enchanted with its special beauty and its unique qualities.

There's no question in our minds that the pine barrens of New Jersey is a unique and beautiful part of this country in just the same way as the Everglades of Florida; the Big Thicket of Texas; Grand Canyon, Arizona; Glacier National Park in Montana; or Olympic National Park in the State of Washington. Just like these units of the National Park System, the Pine Barrens is a biological crossroads and it is the home of many rare and endangered species of plants and animals. Each of these national parks has its own special kind of beauty, not duplicated or found anywhere else in our nation and so too does the Pine Barrens. It is for these reasons that the Sierra Club has strongly supported measures to protect the unique Pine Barrens and we congratulate Governor Byrne and Senators Merlino and Yates for following up the recent federal legislation with the Comprehensive Pinelands Protection Act. Although many of us across the country believe that the Pinelands area could easily qualify as a national park, the expense and complexity of ownership patterns there probably foreclose that option and require other solutions to the need to protect this national resource.

The Sierra Club, along with other national conservation organizations, worked hard on the national legislation passed last year, for we saw it as the most realistic option to guarantee protection for the Pine Barrens. But, our activities were not restricted to working on the legislation at the Washington level. We have featured the Pine Barrens in our national magazine, which is read by $\frac{1}{2}$ million people. We have sponsored trips into the area, have given speeches about it and have publicized it in many different kinds of media. We have done this because of our strong feeling that the Pine Barrens is indeed a unique, high quality area of national importance.

As we read it, the Pinelands Protection Act before you is very consistent with the recent federal legislation. Indeed, it is a vital part of the whole concept, as attended by the Congress. We see it as New Jersey's response to the growing national awareness of the special qualities of the Pinelands and you deserve a lot of credit, I

think, for your foresight and courage not just for this legislation, but also for previous steps taken by the State in the Pinelands, for example, the development of water quality standards, the critical area designation for sewage purposes and the recently completed work of the Pinelands Review Committee in outlining and planning a management system.

SENATOR PARKER: Well, you understand that the Legislature has absolutely no participation in any of that?

MR. EVANS: That could be. I'm speaking in terms of the feeling that the rest of the country has about the actions of the State of New Jersey and we sort of lump the actions of the State into all one.

SENATOR PARKER: I understood you to say that you congratulated us for that and I wanted you to know that that was all unilateral action taken by one man.

MR. EVANS: Well, I'm speaking of all the citizens in New Jersey, of which, I assume, this body is a part and we congratulate you, in any event, for that. What remains, though, is for an appropriate plan to be developed and approved and implemented before adverse development would take place that would destroy the uniqueness of the Pine Barrens. S-3091, in our judgement, blends perfectly with the federal legislation to insure that this can happen and a vital part of S-3091, which we strongly support, is the 18 month moratorium, which under the circumstances is reasonable and necessary. We fear that if there is not a moratorium, we may end up with a seriously compromised plan, which can not work and too many fine areas might be irretrievably developed.

Many of us at the national level have felt that the national park system has for too long concentrated on the West and has ignored not only the many impressive and beautiful areas in the East Coast, but also the great needs of the urban populations here for recreation and solitude and relaxation in a quiet environment. The Pine Barrens is one of these special places and we see this unique venture, this partnership between the federal government and the State of New Jersey, as a pioneering model which, hopefully, will be followed by other states in the Northeast, as they look to their own shrinking cultural, biological and recreational resources.

Many people are not aware that the positive benefits of park-type areas such as the Pinelands are not just in recreation or scientific study and solitude. Here, of course, you have your great aquifer, which, in our judgement is New Jersey's single most valuable natural resource. That alone, we think, makes any protection effort worthwhile.

The park-type areas also bring in hard dollars in the form of tourism revenues. One study done in my own State of Washington showed that Olympic National Park there brought in \$50,000,000 per year to that State's economy, which would not have come if there had been no park and that's just one example.

So, we would urge you to also view the Pine Barrens as they are now, in their natural state, as a prime revenue producing resource, along with the great aquifer and its function as the last great last wildland in the Middle Atlantic Seaboard, if it's properly protected.

Mr. Chairman, I would like to end on somewhat of a personal note. I've often been at hearings in Washington, testifying and listening, where the subject matter would be a bill to protect a beautiful place, such as the Pine Barrens. I've sat there and I've listened and I've always thought, "we should not be here in this room, hearing this testimony. We should be there at that place, sitting down by the grass."

SENATOR DODD: Absolutely.

MR. EVANS: Right, I'm glad you feel the same way. We should be under the trees, listening to the sound of the river and the sound of the wind in the pines. We

should feel the sunlight on our faces and then we should vote and that's how we think it should be done. Every day we're losing too much of this beautiful American earth because not enough people know what's at stake and that's what I was thinking about today on the way up here on the train, Mr. Chairman. I was thinking back a few years ago to my first trip to the Pine Barrens. We had traveled through it all day. We had stopped at many interesting places. The highlight was a canoe trip down the Wading River. Now, I'm a westerner, and my frame of reference was that and I thought there was a real western feel to the place, a sense of space and quiet that I hadn't really expected to find out East. The sandy soil in the Pines, the whole aspect of it reminded me somewhat of the Payette River country of Idaho or the great Pine Forest of the East side of the Cascade Range in Oregon. So, yes, it felt sort of like those western places, but it was also unique in its own way. The quiet meandering streams and the profusion and variety of plants and animals, this was distinctly unique and not from anywhere else. I wish we could hold these hearings along the bank of the Wading River or the Mullica or any of the other prides or special parts of the Pinelands. I wish we could do that.

If I can conclude with just one more thought, Mr. Chairman, let me end with only this. You have something truly unique and special here in the New Jersey Pinelands and I can say that after having seen most of the unusual and unique parts of this country. It is very special and I hope that you can act strongly and courageously now to protect it. The people of New York State protected the Adirondacks for all the rest of us. The schoolchildren of Virginia literally bought Shenendoah National Park for the nation. The people of the Carolinas gave us the Smokies. Now, it is the turn of the people of New Jersey to protect their greatest treasure, the Pine Barrens, for themselves and for the rest of us. Thank you for what you can do.

SENATOR DODD: Mr. Evans, thank you. Senator Parker?

SENATOR PARKER: I have a couple questions and it goes to, first of all, I wanted you to know that I agree with you about the hearings. They should be in the areas where the people are affected and the area is affected and I've asked our good Chairman to do that, but--

MR. EVANS: May I add to that? I think they should be in the resource, right next to the resource that's going to be affected too.

SENATOR PARKER: Whatever. You talked about, this should be a national park and it is so unique and I want to point out that national park is a purchase whereby the federal government has purchased and compensated the people for the loss of their land. Are you aware that this legislation provides no compensation to anybody for the fact that their land is being so restricted that they can not build, can not do anything, can not farm except in areas with crops that are indigenous to the Pinelands? Are you aware that the bill went that far?

MR. EVANS: Let me first clarify. I think I said that the area has national park qualities and therefore qualified to be a national park. I went on then to say that obviously the options here are different and Yes, I have read the legislation. The legislation strikes me as a zoning measure somewhat similar to many kinds of zoning legislation all around the country that are going on, many of which, including Big Cypress, for example, have limited powers of the people to develop, that's true.

SENATOR PARKER: On that point, what can you do with the land, under the zoning provision that is provided in both the Governor's moratorium and the Merlino Bill? What can you do with your land?

MR. EVANS: I don't pretend to be an expert in all aspects of this. I'm sure that there other witnesses here who can testify to that. I suspect you can do quite a number of things. What you can't do is do things that would adversely damage the resource and that's the most important value as we see it.

SENATOR PARKER: Well, the moratorium, as being applied, as I understand it being applied at the present time, is that you can not get any building permits, can not do anything with the land that would be detrimental to the natural qualities and so forth of the land. The exact language, I don't know. Where in the United States, including the Adirondacks, has there been such a provision that so limits and restricts the ownership and the private rights of the individuals without compensating them?

MR. EVANS: You mean the moratorium now, or the legislation as such?

SENATOR PARKER: I'm talking about both.

MR. EVANS: Insofar as the moratorium is concerned, my reading of it indicated that exceptions could be granted for unusual hardships, probably of the kind you're taking. So, I didn't read it as a total moratorium, but rather a case by case basis.

SENATOR PARKER: If I told you that the Administration, in the handling of the hardship, has taken the position that there will be no hardship and none have been granted in the critical or the core of the preservation area, would that change your opinion?

MR. EVANS: I don't know. It seems to me too early to tell. The moratorium has only been in effect for a little while. I just don't know enough about it to really be able to comment.

SENATOR FELDMAN: There is 18 months given until the comprehensive planning is finished or finalized and outside of the very beautiful, impassioned presentation about the preservation of nature's beauty, Atlantic City, as you know now, is under great strain. It's a rebirth of a new city, a city that will employ, with a new industry, thousands and thousands of families and what I'm wrestling with, I can see problems, great problems with thousands of families going to Atlantic City to be gainfully employed with New Jersey's newest industry and there is no place for these people to live. There are no areas that can be built, no schools, no hospitals and I just am worrying about whether this will have a catastrophic effect on the economic impact of that area.

MR. EVANS: I think that's a very valid question and it is certainly one that you have to wrestle with. I don't pretend to be the expert here to say how. I just state the view that a moratorium or a strict land use zoning, which ought to be fashioned to protect the values that we all agree are critical and I think every witness here has done so and at the same time, permit, on a case by case basis, certain kinds of development which don't destroy these basic resources. I happen to believe, so far, that it's possible, but I don't pretend to be an expert on every aspect of it.

SENATOR PARKER: But, to get back to my point, I have no problem with setting aside land and acquiring it and I just want, since you are advocating this bill and the moratorium, I want to put you, for instance, suppose your family owned land there or you owned land there, do you feel that there should be no compensation made because, even though these restrictions are so limited, except for the hardship, you feel that there should be no compensation for these people, with such restrictions?

MR. EVANS: I would expect to be treated the way any other American citizen, and there are millions of them across the country who have been affected by zoning regulations one way or the other, and if it meant that I would be compensated less or not be compensated to protect the resource, yes.

SENATOR PARKER: My question to you was, sir, where in the United States has any provision, similar to this, including the moratorium, ever been imposed on the citizens of that area?

MR. EVANS: I'm not quite sure I understand your question because I think in places like the Adirondacks or Petaluma in California or Santa Monica, there were many kinds of restrictions have always been imposed.

SENATOR PARKER: Right, but the Adirondacks included local input and local participation into it and is very much similar, if I'm not mistaken, to our Pinelands Act that we now have in New Jersey and I don't believe that the Adirondacks situation is comparable. There was no moratorium on anything in the Adirondacks, was there?

MR. EVANS: I don't know about the moratorium. Apparently, it was devised here as a response to a critical need because of the piecemeal development that is tearing the area apart, which was not necessarily the case in the Adirondacks.

SENATOR PARKER: Nobody questions that there shouldn't be some control, especially in the critical area. I just am trying to get the concept from you as to why you feel so strongly that these people who live in that area should give up all rights that they have to the property, subject to "a hardship review", whatever that means, and not be able to do anything with their property and I ask you where that type, as set forth in either the Governor's moratorium or in the legislation, that such restriction has been imposed on the people without compensation, if you know.

MR. EVANS: No one is asking anyone to give up any more rights than any other citizen in the country. I believe our Constitution forbids the taking of property without compensation. This moratorium or this Act, if it passes, will certainly be taken to court and the courts will decide that. So, I'm certainly not advocating anything like that.

SENATOR PARKER: Do you think we should subject our people to that possibility and to require them to do that? Do you think that that's a responsible way for the Legislature to act, to say to the people, "If you want to protect your rights, go to court?"

MR. EVANS: I think this is similar to anything that's happened in many similar cases across the country. I hope that doesn't have to come to pass.

SENATOR PARKER: I ask you to identify those areas for us, so we can look at that legislation, because I'm concerned about that.

MR. EVANS: I named a couple already. I'll name them again. There was the Adirondacks, there was Big Cypress in Florida. I named, I think, the Santa Monica Mountains in Los Angeles, just to name a few.

SENATOR PARKER: I don't believe they go to the same extent. The other thing, and I think you have heard the testimony here today, the issues drawn and the issue taken and supported by the Sierra Club and the Governor has been that there should be no local control. Now, you're familiar, are you not, with the hearings and the bill and the process that went on in Washington? You were involved in that, weren't you?

MR. EVANS: To a degree, yes.

SENATOR PARKER: And you're aware that the compromise was that there should be a balance between the local, county and State governmental control, isn't that correct?

MR. EVANS: That's the way the federal legislation reads. You're talking about the membership of the planning entity, I assume.

SENATOR PARKER: I'm talking about the whole process to develop the bill, also, isn't that correct?

MR. EVANS: I don't recall that, but go ahead.

SENATOR PARKER: You've got a good memory. How can you advocate, now, knowing that, how can you advocate that provision in the Governor's moratorium or in the Governor's bill, the Merlino-Yates Bill, that obviates those provisions that were so worked out in Congress to come out with a balance, an equipoise?

MR. EVANS: I guess we differ on our readings of the bills. I read the federal bill and the Merlino Bill as having full local participation and so I feel that is how I would answer your question.

SENATOR PARKER: I guess that's the difference that a Princeton education will give you as opposed to Rutgers.

SENATOR DODD: Anything further?

SENATOR LASKIN: Yes. Are you familiar with the recently enacted major environmental statewide zoning law, I'll call it, for want of a better description, in Vermont? That was a major piece of legislation affecting environmental and zoning uses in the whole state. Are you familiar with that?

MR. EVANS: That's correct. I've only heard about it. I haven't read much about it. I think if we examine other states and other activities around the country, we could find quite a fair amount of this thing.

SENATOR LASKIN: But, you don't know, specifically, the Vermont law?

MR. EVANS: No, I don't, sir.

SENATOR LASKIN: That's the most far-reaching that has passed in the country.

MR. EVANS: That's correct.

SENATOR LASKIN: I think, Mr. Chairman, that it would be very, very important for us to have you solicit the staff to secure that statute. It's a major law that affects many of the same kinds of issues that we're dealing with here.

SENATOR DODD: The Vermont law?

SENATOR LASKIN: Yes. I think it is called the 250, the Vermont 250 law, or something like that.

SENATOR DODD: We will have that by the next hearing.

SENATOR LASKIN: It is very important.

MR. EVANS: May I say, Mr. Chairman, you just reminded me, the State of Hawaii also has a very comprehensive State zoning approach, law.

SENATOR DODD: Anything further? Mr. Evans, thank you very much.

MR. EVANS: Thank you.

SENATOR DODD: I would like to call Gayle Samuels, the League for Conservation Legislation.

GAYLE SAMUELS: Good morning, Senators. My name is Gayle Samuels. I am a legislative assistant for the League for Conservation Legislation, a collaboration by environmental and conservation groups and concerned individuals. We welcome this opportunity today to comment on S-3091, known as the Pinelands Protection Act.

We want to compliment Senators Merlino and Yates and the Senate Energy and Environment Committee for the timely consideration of legislation to protect the Pinelands. The unique status and critical nature of the Pinelands has been recognized by the United States Congress in its recent enactment of the National Parks and Recreation Act of 1978. In that Act, Congress and President Carter signaled to New Jersey that we in New Jersey should respond to this initial federal legislation by establishing a planning entity to develop a comprehensive management plan for the Pinelands. S-3091 takes an important step towards reaching that goal. This bill recognizes that in order to preserve the Pinelands, planning must be done on a regional basis; a piecemeal approach will not work. S-3091 demonstrates that the State of New Jersey is ready to act decisively on the Pinelands and will be able to employ \$26 million of federal funds to be appropriated for preserving the Pinelands.

Senators, I do not think it is necessary to regale you with descriptions of the beauty, ecological fragility, hydrological, historical and archeological significance of the Pinelands. These issues have already been very capably and persuasively addressed.

We would try, however, to set the record straight on a few troublesome issues that are the source of much current misinformation regarding S-3091. Contrary to what opponents of this legislation have publicized, there is widespread support for this preservation in the area affected and throughout the State. For example, the Burlington County Times polled local residents about the moratorium and the results indicate that 70% are in favor of the Executive Order, 25% opposed and 5% are undecided. Residents in all parts of the State desire that this environmentally significant portion of our densely developed State be allowed to remain unchanged, unpaved and unbulldozed.

The facts are clear. With enactment of this legislation, we will take a giant step forward in the preservation of a unique and critical area--an area that even opponents of this legislation have stated warrants preservation.

S-3091 will not, however, be ending all construction in the area, it will stop children from inheriting land from their parents and it will not usurp power for the State that rightfully belongs to county and municipal governments.

Regarding construction, since the moratorium was ordered on February 8, an interim review board has continued to grant permits. As of last week, several dozen permits have been granted, indicating a willingness and concern on their part to work with the legitimate concerns of builders and homeowners.

What this bill does say is that random, piecemeal style development will be discouraged in favor of a regional management plan which will provide for planned and orderly development of the entire area.

The size of the Pinelands makes this sort of regional planning a necessity since no one municipality or county--however well intentioned-- can preserve the Pinelands alone.

Because a regional approach is necessary, state action is called for. In S-3091, the State will set zoning guidelines for the Pinelands area. It is the local governments that will implement these guidelines.

LCL feels that the ability of the Pinelands Commission to authorize grants to municipalities and Counties for revisions of master plans and implementing ordinances demonstrates the intended local-state partnership and also wisely provides for easing the financial burden of complying with this important legislation.

As to the question of inheriting land, the right remains unchanged. While S-3091 provides for right of first refusal by the Department of Environmental Protection, when land is being sold in the preservation area, this would have absolutely no impact on normal inheritance of land.

LCL strongly supports S-3091 as an important step in the preservation of an irreplaceable natural resource. We feel so strongly that we have joined a lawsuit instituted by the Builders' Association to defend the Governor's action. The viewpoint of the majority of New Jersey residents to save the Pinelands must be expressed. With the passage of this bill, New Jersey will be able to use the authorized federal and State funds set aside for this purpose. By doing so, we will have preserved the most extensive wildlands in the Atlantic Seaboard region in the most populated state in the country. Thank you, Senators.

SENATOR DODD: Any questions?

SENATOR PARKER: I just have one. You have indicated, really, almost a 100% different view as to what the legislation provides as to what the County Executive, Mr. Worthington, Mr. Shinn, The League of Counties, the municipalities involved and all the other people that have testified against these provisions, that these provisions are either ambiguous or they're reading it 100% different from you. Would you agree that there has got to be a problem somewhere?

MS. SAMUELS: I would agree that it seems that we're reading it differently. I would like to comment, Senator, that I think that we live in times, as the County Executive indicated, where there is great mistrust between the people and the government and various branches of the government. I think the problems lie not so much with the words as they're written, but with the interpretation that various people place upon them. I have indicated my response to it as I see it written. Other people seem to have interpreted it differently.

SENATOR PARKER: Don't you think the Legislature should make it absolutely clear, so that are not two diverging views, that we should clarify all of these issues?

MS. SAMUELS: Absolutely. The Legislature should clarify the views as presented in the legislation.

SENATOR DODD: Ms. Samuels, thank you very much.

MS. SAMUELS: You're welcome. Before I go, I'd like to give you all a copy of my testimony and also something else. It's not a gift. It's just a tangible indication of one of the many things we're trying to preserve in the Pinelands.

SENATOR PARKER: The two most outspoken critics, Ocean Spray Cranberry are the two biggest growers in the Pines, DeMarco and Haines and they both are on the Board of Ocean Spray. I didn't know if you were aware of that.

MS. SAMUELS: Well, we agree with Secretary Alampi that if we don't preserve the Pinelands, we're not going to preserve it for agriculture either.

SENATOR PARKER: On that, let me ask you, if you have considered, and I've asked several of the others, if you have considered the impact of this moratorium and the legislation, if adopted, on the farmland of Burlington County and the farmland of Atlantic County and what is going to happen to that development pressure on that because of this legislation and I refer you to the fact that the Governor refused to sign and therefore pocket vetoed the Farmland Preservation Program.

MS. SAMUELS: Well, I think you know we've supported the Farmland Preservation Program. We haven't specifically considered the effect of one upon the other, though.

SENATOR PARKER: Do you feel, just off the top of your head, that with the construction and everything being stopped in the Pines that this is just going to cause an explosion by the developers into the farmland?

MS. SAMUELS: Off the top of my head, I would say the sooner we act with legislation the better it will be. If we would act quickly and decisively, we would then reach a point where we would then have a regional management plan and there could be some planned and orderly growth. The longer we put the process off, the more problem there is going to be with development, but if we were to act quickly and have our regional management plan, I don't really feel that there should be any problem.

SENATOR DODD: Again, thank you.

MS. SAMUELS: You're welcome.

SENATOR DODD: I would like to call Bill Curzie, Delran Environmental Advisory Agency or their designee.

W I L L I A M C U R Z I E: Thank you, Senator. Good morning gentlemen. Thank you for this opportunity to be here this morning. My name is William Curzie and I am from the Delran Environmental Advisory Agency, which is a member of the Pinelands Coalition also.

I am a lifelong citizen of Burlington County, mostly having lived in Delran, and I am basically interested in maintaining New Jersey's quality of life. I know there are many different definitions of "quality of life", but I think we can all agree on some basics. We are in support of Bill S-3091, the Protection Act, and this morning I have with me Mr. Isadore Candeub, of Candeub, Fleissing, and Associates, consultants in Newark, who are in community development and environmental planning and have been established since 1953. Mr. Candeub will provide us with some information that I feel is necessary to add to the large body of information and testimony that has already been given over the past few weeks. Before yielding to Mr. Candeub, I would like to make a few remarks of my own.

We've been provided with enough information about the fragility of the Pinelands and the need for its preservation. I think we have had too much proported about the economic impact, negative impact, and I think we need some more perspective. I think we are so close to this thing that we can't see the forest for the trees. We've overemphasized enough the fact that we are the most densely populated State in the nation. A recent experience out West, I found out in Wyoming where they have only 400,000 people in the entire State, which would hold New Jersey, Maryland, Delaware, and maybe some other areas, they are still scrambling to preserve open space out there. They are worried about their wilderness, while we here in New Jersey with maybe six or seven million people struggle to keep alive the Pine Barrens, which I regard as perhaps the only set of healthy lungs, a tightly knit body of fast growing municipalities. Progress, you know we have to have progress, but is it progress to identify an immediate need, to take steps to effectively preserve a vital area such as the Pine-lands and then spend valuable time, such as we're doing now debating on how to do it, while the opponents self-interests insidiously chip away at the fragile, vital resource, a heritage which actually has diminished over the few years, many years perhaps, but the past few especially, and which area is now being compressed into a critical area with ever-shrinking boundaries in the so-called protection area.

Everyone seems to be in agreement on the basics that we should save the Pine Barrens, but many speculators and profit seekers have different definitions of these Pine Barrens, from those concerned about saving the essential area, which has led to all this debate over boundaries and limitations, to those which expand their definition. I've heard hundreds of arguments and opinions. They all support the essential intent. We have to have a protection act of some kind, but we dissent over who should take the leadership role, local or State. Should the State have the leadership role? I'm not going to argue today about local control, basically. Yes, we have to have local control, but I will say this. We have a regional problem and I think the history and development of municipal planning in New Jersey might really tell the full story as to how it really could be done.

I'm also skeptical of some of the information that is being provided by some of the strongest opponents of this so-called moratorium. We don't have a moratorium. Take a look at the figures. Mr. Candeub will speak about that in his presentation. I'm not going to be very long. Anyway, these opponents have provided information and spawned, I think, an on-going credibility gap. There is a scare tactic of negative economic development here.

I would also like to point out that, yes, we must keep our perspective and this is my major caution. I want to live in a state which offers a better quality of life and I don't believe we will have that if we do not carefully plan any and all future development in this State and region. As a matter of fact, at this moment, we're sitting here calmly debating this issue, while we face a national, potential major catastrophe, 100 or more miles away, which probably most of us feel wouldn't affect us directly. If the papers are correct, we probably won't have a major problem. If they're not, we might well be on our way out of here. You talk about compensation Senator. I ask you what compensation are the people that face this disaster receiving? They are required to be in these areas by the fact that they live there. They didn't have a choice as to whether or not the plant would be there. I'm not analogizing this issue of the Pinelands to that directly, but what I'm saying is that--

SENATOR DODD: Mr. Curzie, we have enough problems with the Bill before us.

MR. CURZIE: That's right. What I'm saying is that we live in an age of decisions that we must weigh carefully and when it comes to compensation, I'm all in favor of the general public welfare and if there are some people in the Pinelands, and I'm sure there are, who are going to have some problems, perhaps we'll have to face that issue. I'm not the expert on that and I hope you people will find a way.

SENATOR PARKER: Well, that's our greatest problem.

MR. CURZIE: The major issue is that we have to preserve areas. We need open. We need the fragility of this area. We are fast-growing. In fact, our very energy problems in New Jersey stem from the over-development that we have, some of them, not all of them, of course. But, this is the major issue as I see it. So, the decisions today may not be as dramatic, but they are no less important within the total framework of national growth and development.

Our balance, I don't wish to say that we can't solve this problem, but I think that we really can't waste too much more time. I think that we had better stop marching to the drum of the noise of unconcerned profit oriented development and get into harmony, and at this point, I would like to introduce Mr. Isadore Candeb to provide us with some information and statistics based on a recent study that he performed for the Pinelands Coalition. Mr. Candeb is a nationally recognized expert in planning and environmental studies. He has worked throughout the country as well as the State of New Jersey. I'll let Mr. Candeb elaborate briefly on his other experiences and present his case. May I do that now?

SENATOR DODD: Will you exchange seats?

I S A D O R E C A N D E U B: Senators, thank you. I'm a resident of the State of New Jersey.

SENATOR PARKER: Give us the name of your company again and where it is located.

MR. CANDEUB: The name of the company is Candeb, Fleissig and Associates and we are located at 744 Broad Street, Newark, New Jersey. We've been in Newark for about 26 years and we have worked throughout the State.

SENATOR PARKER: And you were retained by the Delran--

MR. CANDEUB: No, by the Pinelands Coalition.

SENATOR PARKER: You were the consultant, the paid consultant who did the work for the Pinelands Coalition?

MR. CANDEUB: We were the paid consultants who did a brief study for the Pine Barrens Coalition to review, primarily, the Builders' Association's statement

regarding the nine hundred plus million lost to the State.

SENATOR PARKER: Well, we're doing our own. We don't take too much stock in their statements either.

MR. CANDEUB: Well, I sort of looked on that as sort of a take-off point and I thought rather than come in with a rebuttal, which I don't think you really need or want to listen to, that you might be interested in some figures that might be of information to you. This is the study that we did, the very brief study for the Coalition.

To start with, in the 55 communities that are part of the broad protection area, we went back to '75, '76 and '77 because those were the years for which we had building permit information and in those 55 communities there was an average of 6510 units per year constructed in those communities, over that three year time period. Actually, it ranged from 5400 in 1975 to 7500 in 1977. This is in the brief report. I think, Senator Parker, you have a copy of that.

SENATOR PARKER: I'm looking at the figures.

MR. CANDEUB: We have some other copies.

SENATOR PARKER: This complies with the information that we had been given roughly.

MR. CANDEUB: Well, this is available information. We noted further that in the four preservation counties, for that time period, there were in 1975, 7800 units built; '76, 9765; and in '77, over 10,000. In the three protection counties, there were approximately 3000 a year. It was a total, in 1977, of 13,700 buildings.

SENATOR PARKER: You're going from Table I to Table II.

MR. CANDEUB: Right.

SENATOR PARKER: You've got a total building permits for '75, on Table I for those areas, of 5,401 and then on the next page, you say for the four counties, 7,807. That's total counties, not including, that's everything in the county outside of the Pinelands?

MR. CANDEUB: No, total.

SENATOR PARKER: It includes the area in the Pines area and the area outside the pine area?

MR. CANDEUB: Yes.

SENATOR PARKER: I just wanted to be sure I understood Table II, that it includes the whole county.

MR. CANDEUB: Now, let me just read you the--a review of the building permits showed that for the 55 communities that are part of the protection area, they averaged 6510 housing units in the years 1975-1977, and closer examination shows this consists of an average of 4300 in the 24 communities forming the preservation area and 2200 in the other 31 communities.

Now, of the 55 communities, almost 2/3 of the residential construction occurred in the 24 preservation communities and roughly, during this period, of the seven counties in which this information is taken from, 24 preservation communities contributed about 36% of new housing construction and the 55 communities contributed somewhat over 50% of new construction in the seven county area.

Now, we're citing these figures, primarily to indicate that the development here is part of the larger framework, larger market area and it is a rather substantial and a very active and a growing market area. Now, if the moratorium were complete, in our estimate, and we've made a reduction because in some of these communities, not in all the communities in the protection area, but in our estimate it would amount to a reduction of about 5000 units per year, if there were a total moratorium, on the basis

of the figures that we have, which I think is actually greater than the building association estimate.

SENATOR LASKIN: Before we leave that, you'll pardon me for interrupting. You sound like a planner and you know, planners confuse everybody, like engineers.

MR. CANDEUB: Forgive me.

SENATOR LASKIN: You said, if there is a total moratorium, and to me, total moratorium means total moratorium, you say that it would reduce the amount of units by 5000. I don't understand that. If there's a total moratorium, there's no building, so how would it reduce by only 5000?

MR. CANDEUB: Well, what we're saying is, on a projection of the prior estimates, if there was a total moratorium of construction within the protection and preservation area, 5000 units--and I accept the correction because I think I should be very explicit in this--5000 units that might have been constructed annually within those 55 communities would not be so constructed in those 55 communities.

SENATOR LASKIN: Okay, I understand now.

MR. CANDEUB: I'm not a lawyer and I hope that was perfectly clear language.

SENATOR LASKIN: No, that clear, the last statement. You're saying there would be a total moratorium and since only about 5000 units would have been constructed there anyway, that's all that would not be constructed.

MR. CANDEUB: Those would not be constructed. Now, that 5000 is out of a total of about 13,000 for the seven county area and the market, of course, is really of a regional nature than that highly localized market, that one would infer from some of the statements that have been made. Now, what we also did was, we took the month of March permits that had been granted in the review of exemption requests. Now, there was a total of 728 units of which 695 or 695.5 were outside of preservation area, which were approved. Putting this on an annual basis, the Review Board, assuming that the same rate continues for the entire year, this would be a granting of exemptions, if our arithmetic is correct and I think it is, at a rate of 8,736 units per year.

SENATOR PARKER: That's assuming that there are that many total.

MR. CANDEUB: Senator, I said, making these assumptions. But, basically what we're saying is, the rate at which exemptions are being granted is a higher rate, in actuality, than the average of a continuation of the projections based on prior years that one would assume for these 55 communities. So, we're not really in anything resembling a moratorium situation. However, we do note that in the exemptions, on the same basis, 396 would be in the preservation area. What we've done is projected ahead and 8340 in the balance of the protection area. So that we have a moratorium which is really not a moratorium. It's a moratorium in terms of control, but it's not a moratorium in terms of actual development and I think that possibly, Senator, this may be a question of language or however it is, but the fact of the matter is that performance under the so-called moratorium is actually in excess of what the figures were for prior construction.

SENATOR DODD: Could we assume that the 700 some odd that were granted in March were the most obvious ones and that those were the easiest ones to deal with and that the ones that will follow will certainly not be as easy or as numerous?

MR. CANDEUB: Senator, I can't answer that. On the other hand, the presumption has to be that the processing of requests are in terms of the initiation by builders and we do work with builders, although after this, I may not be working with builders anywhere in the State of New Jersey.

SENATOR PARKER: Don't feel bad. You may not be alone.

MR. CANDEUB: But, there is a great deal of initial effort that has to go into the preparation of an application before it is submitted. So, I would have to

assume that there is a considerable amount in the pipeline, in addition to what has already been presented and they would be of a similar nature.

SENATOR PARKER: Well, except the hardship, as I understand it, requires that actual costs be--I have a couple of the applications here--the guidelines say that money in the ground, such as water, septic, sewer, roads, etc., not planning costs, attorney's fees and the like and what he says, we may be getting to the limit, what Senator Dodd said is that we may be getting to the limit of those in which there are some guidelines.

MR. CANDEUB: Well, I would suggest that possibly you gentlemen and ladies would look at the record. I don't have it here, but the number that were turned down is significantly less than those that were approved.

SENATOR PARKER: I think there are very few. Our staff assistant said that there are very few that have been turned down. Incidentally, I stand corrected. There are apparently 33, if your figures are correct, that have been granted in the preservation area. I said earlier that I didn't know of any. My information has been incorrect.

MR. CANDEUB: Well, it's a small percentage of what it would have been otherwise.

SENATOR LASKIN: Mr. Candebub, in order to save us all from the statistical analysis which you are about to start--

MR. CANDEUB: I'm not starting it.

SENATOR LASKIN: Is it safe to say that based upon your study and we assume that you have the credentials to make the study, so we'll accept that, is it safe to say that based upon your study you feel and your statistics will back it up and you will give us those for our study at a later time, is it safe to say that based on your study, which was conducted in accordance with good planning practices, that the moratorium and exception and review process will have less than a significant impact? Is that, basically, what you're saying?

MR. CANDEUB: No.

SENATOR LASKIN: I had hoped you were.

MR. CANDEUB: No, I'm not saying that. I think that the moratorium is an essential part of the planning process, very essential, because if you are initiating a planning process or you are saying, a year and a half in advance that a year and a half from now we will have a plan that will have a very significant level of control over all of this area, then you are putting everyone on notice, who thinks that he may have a questionable location, to push that through and you're putting everyone on notice who thinks that he may be, in some manner, limited to push his development through and what you do create is first a small boom, which incidentally has an enormous inflationary effect because everybody is competing for the same materials and the same labor, and secondly, you are creating a situation where the very thing that you are going to be planning against or hopefully planning against is going to be pushed in spades because this is the last chance, so to speak, and thirdly, you are going to create such a level of demand, without a moratorium, that your primary efforts in the next five years will be to catch up on your community facilities and roads created by the fact that you announced that you are going to make a plan. In other words, you're throwing everything out of whack.

SENATOR LASKIN: So, from that, I assume you're telling us that the moratorium has such a detrimental impact that we better hurry up and pass a bill.

MR. CANDEUB: No. I am saying that unless you have a moratorium, without the moratorium the mere indication that you will have a plan a year and a half from now in an area which has a hot market as this is, and it is a hot market, and I think

the gentleman from Atlantic County commented on the need for housing, which is rather severe down there, so that you have a hot market and in a hot market situation the thing can go to pot. Now, also we have, our firm and myself, we've personally been in a number of situations where moratoriums were instituted for a year and in some cases more--

SENATOR PARKER: Almost every municipality in Burlington County, at some time or another, imposed moratoriums, but they are now prohibited by the Legislature on the new Act.

MR. CANDEUB: But, the fact of the matter is that there was considerable patience. As a matter of fact, we're doing a master plan in Shrewsbury right now and effectively they have a moratorium, I shouldn't say this too loud, whether it is legal or not, and essentially, the builders and land developers, which there happen to be quite a number, have understood the fact that the town is being besieged by development and something has to go in first by way of a plan. So, this is not an extraordinary type of situation. As a matter of fact, in some parts of the country it's quite common. Now, may I just go on to finish, unless there are any questions?

SENATOR DODD: They're not bashful. You don't have to ask for questions.

MR. CANDEUB: On the financial end of it, this is regarding the builders' estimates, just to get the record straight somewhat, they used a 2.75 multiplier on the building base, plus some additional add-ons. Now, the use of a multiplier for this type of purpose is perfectly legitimate, in terms of identifying the expanded range of impact and the 2.75 multiplier is quite reasonable. It might even be somewhat higher than that, depending on how it is estimated and what it is applied against. On the other hand, they stated the cost of a house as \$48,500 and then they put in for the cost of the construction, they put in the cost of the land and they put in the cost of improvements. So, you have kind of a double accounting. They come up with a figure, I think, in excess of \$113,000, whatever it was, so that the type of impact assumed by the builders comes up to some enormous figure of in excess of \$900,000,000. I just wanted to comment on that, that some of the methodology used is correct. The rest of it is somewhat of a manipulation of the data. If there are any questions, I just want to make a few more points.

There has been some question about regional plan, and what the import of the regional plan would be, as against the local plan, with the inference that a regional plan would conflict with local plans and there would be no local plan inputs. Senator Parker, I think you would be particularly interested.

SENATOR PARKER: Excuse me. I'm sorry.

SENATOR DODD: He can talk and listen at the same time.

MR. CANDEUB: There has been a lot of discussion, which I couldn't help hearing---I've been sitting here all morning---about the potential conflicts between local and regional planning. We have, over the years, carried out quite a few regional plans, some more detailed and some less. We did a policy plan for Northeastern Pennsylvania, which is 4000 square miles, about the size of the State of Connecticut, two years ago. Now, you can not do good planning on a regional level, without those local inputs and that local participation. So, if we're talking about a quality plan and we're talking about it as being opposed to local planning, then perhaps there is a problem of language, which was mentioned before, because a quality plan assumes implicitly an enormous amount of local input and local process and concern for local problems and local needs. This has to be built into the plan. Now, the question which I think Mr. Johnson raised before as to whether or not there was an assumption that the localities were not competent to handle the problems of the area and therefore there

would have to be a superior body over them.

SENATOR LASKIN: That was Mr. Worthington, not Mr. Johnson.

MR. CANDEUB: I stand corrected. The fact is that the considerations for any given planning assignment are different when you are operating at a local level than when you are operating on a regional level. Your infra-structure of facilities is at a different scale. Your evaluation of needs is to a different type of need, actually significantly different. Your resource evaluation is different. As I say, we have worked on both scales and I can tell you that there are activities and types of input that go into a regional study that are simply not the same as those done at the local level. Now, I also would assume, again implicitly, that the county planning departments would have a tremendous input into whatever process of planning would development.

SENATOR PARKER: Well, this is one of the major bones of contention. You here the give and take and that's why I asked Ms. Samuels--

MR. CANDEUB: But, they weren't planners. I'm a planner.

SENATOR PARKER: Right, and I think you seem to be bearing that out by your testimony that you think there has to be an input from all levels on an equal basis.

MR. CANDEUB: Absolutely, of course.

SENATOR PARKER: We're afraid that at least a large segment of the public feels that the way the Governor acted and the Merlino Bill, in proposing it, that that in fact will not occur.

MR. CANDEUB: As a matter of fact, I have seen some regional plans that were done without benefit of local participation, which I consider to be absolutely awful because they bore no relation to the local needs.

SENATOR PARKER: I've seen some planners, just as lawyers and engineers, on both sides, working for a particular person, develop the plan and then turn around and attack the plan that their firm developed for somebody.

MR. CANDEUB: Well, how many years have passed by? Times change. We have been in the same community where we have done possibly a master plan and then we've been called in to advise them on a downtown plan or a special community development study of whatever nature and where we come out with a different plan, then somebody always gets up in the audience and says, "Doesn't this conflict with the master plan", and the answer is no. Basically we've stayed to the same premise, but things have changed.

SENATOR PARKER: I'm glad to hear you say that because I think this is one of the things that really bothers us on the Committee that it does appear to be or at least there is a substantial amount of argument that it is one-sided and I think you bear out what we feel maybe we'll have to do, or at least, I feel, to bring it into an equipoise as required by the federal act and to have the input and to insure that the input is there on an equal basis and I think you're absolutely right and I think the fear of the local officials and we in the Legislature, the fear of the Governor that I have and vice versa, that you have to have the input on all levels in order to come up with a decent plan.

MR. CANDEUB: However, let me warn you about the word "equal". We did a master plan for the area of Gables, Florida, for the city and Collier County, one of the fastest growing areas in the country, a few years ago and we had two masters, the County and the City. Now, when you're doing a plan for a regional area and you have two masters, you may as well go drown yourself, because there is no way to keep them both happy. So, there has to be a recognition that--and incidently, I remember one occasion when I was making a speech, presenting some of the information in the plan,

and we had the environmentalists on one side and the developers on the other side and I was looking down the middle because the heads were going one way on one comment and the heads were going the other way on another comment. Now, there are enormous conflicts in these areas and if you don't have a central decision making body, if you start splitting up that decision making, then you can forget about getting a plan done in 18 months or two years.

SENATOR PARKER: Well, the decision making is under the Commission under the Federal Act, the 15 member Commission, so we do have that final arbiter, if you want to call it that, to make that decision. I frankly don't think the Legislature, as Mr. Worthington, indicated, should even get involved.

SENATOR DODD: Let me make a statement here about the 18 month moratorium. It was initiated in February and by the time that this Legislature gets through with the hearings and the actual passage of a bill, signature of the Governor under study and what not, and that's down the line, but the main point that I think everyone seems to forget is that in this bill that we're considering, we can put the date in it. If it can be conformed with the Department of Environmental Protection and if we can get all of our ducks in a row, we can shorten this dramatically if all systems are go on this. So, we keep talking about 18 months. It doesn't necessarily have to be and it may not be by the time we get through with it. Anything further? (no response) Mr. Candeub, thank you very much and Mr. Curzie, thank you.

The Committee will recess for lunch and we will return at 1:45. The leadoff witnesses will be the Mayor of Vineland, along with Senator Russo and we will continue on with the schedule.

(at which time a luncheon recess was had)

Afternoon Session

SENATOR DODD: We will open the afternoon session.

The first witness will be the sponsor of the companion legislation, Senate Bill 3138, Senator John Russo, the Majority Leader.

SENATOR JOHN F. RUSSO: Thank you, Mr. Chairman.

When I presented this legislation, it was with the idea that it would be a moderate and compromised approach to the Pinelands problem. I wasn't sure whether it would be supported or opposed by the environmentalists, on the one hand, and perhaps the building industry and the landowners in the area on the other. I had a faint hope that it would be accepted by both. But my second choice was that it would be rejected by both because then I would know that I had hit upon something that might be a solution. And, generally speaking, I am happy to say that even though my first hope was not met, my second probably was.

I would like to point out to you, first of all, if I may, what I deem to be some of the differences and distinctions between my bill and Senator Merlino's bill and the Governor's proposal. And then, thereafter, raise some environmental questions to objections that have been made thus far to the proposal I presented, and give you my response to them, for what benefit that might be to the Committee.

The significant differences between Senate Bill 3138, the bill that was sponsored by myself and Senators Perskie and Bedell, and Senate 3091 are: First of all, it delineates the Pinelands in conformance with federal law (PL 95-625), the Pinelands National Reserve Boundary, dated September, 1978. Secondly, it provides for legislative advice and consent on appointments to the Pinelands Regional Commission. That is Section 5.a. (3). Thirdly, it provides for a specific economic component. That is in Section 8.a. It provides for a Pineland Bond Act to support the plan and for legislative oversight of the comprehensive management plan, adopted by the Commission. That is in Sections 10.b. and 10.d. It requires a majority vote of the Commission members and deletes the moratorium in the protection area, which may be reinstated after bond approval; and then deletes the right of first refusal clause.

I might point out in all fairness that rather than being a bill that is in contradiction or opposition to that proposed by Senator Merlino, we basically built upon the tremendous amount of work that his staff did and just went on from there to the points we thought should be different that might, in our judgment anyway, improve upon his bill or offer an alternative bill, should that be the solution this Committee or the Legislature would seek to take.

As to some of the objections that have been raised to my bill, Senate 3138 lifts the moratorium protection in the outer area or the so-called protection zone. I point out to the Committee that the federal Act never required a moratorium in either the preservation zone or the protection zone. The preservation zone is obviously more ecologically important. The protection area is now covered by water quality standards under the Department of Environmental Protection, Chapter 199, and county and municipal master plans and zoning. Simply, there are sufficient land use regulations in the protection area to control growth during the planning period.

The second point that might be raised is that 3138 does not provide for an economic component in the preservation zone. There is no bond issue provision. This is not true. While there is no specific bond issue provision for the critical

or preservation zone, an economic component is required by Section 7.a. In addition to that, federal funds totalling \$23 million initially can be targeted the day legislation is enacted. Under Public Law 95-625, Section 502.b.3, it provides, and I quote, "During the development period of this comprehensive plan, federal financial assistance for the acquisition of lands in the Pinelands area that have critical ecological values which are immediate danger of being adversely affected or destroyed. . ."

Now, nearly 60 percent of the preservation area is presently owned or controlled by the State and federal governments. Federal funds should be used to control this area immediately.

Senate Bill 3138, according to Commissioner O'Hern, would probably not be signed by the Governor because it is, "inconsistent in the provisions of the Executive Order in regard to the protection zone." Now the assumption here is that there is no written moratorium on development. The moratorium was the Governor's creation and not a requirement of the federal law.

Senate Bill 3138 sets a precedent in that it provides compensation. The Wetlands Act did not provide any, so some say, "Why should the Pinelands Act?" My response to that is that the State should not duplicate its mistake and burden individual property owners with taxation on unuseable land.

Now, some of the environmental questions that have been raised with regard to this legislation: Initially, with regard to Senate confirmation, Senator Merlino's bill would provide the Governor with total authority to determine the State's representation on the Pinelands Commission. Our proposal would require that the seven members who represent the State citizenry would be appointed by the Governor, but with the advice and consent of the Senate. The objection raised to this, for example, by the Chairwoman of the Pine Barrens Coalition, in opposing this provision, is that the Senate would not confirm any environmentalist appointees. My response to that would be that the Legislature's authority, as a co-equal branch, is here involved. It should be noted that the Governor's choices for the existing regional zoning body, the Hackensack Meadowlands Commission, must be confirmed by the Senate. In any case, a Legislature sufficiently concerned about the ecological fate of the Pinelands to enact sweeping regulatory legislation would hardly bar environmentalists from the effort. I note also that Senate confirmation of the Governor's appointment of an Executive Director of the Commission would also be required, under my proposal, but not under the other bill.

The second point raised deals with the economic impact report. My proposal is that the Pinelands Commission be required to prepare as part of the Management Plan an economic impact report for the protection area. The report would recommend State payments in lieu of taxes to municipalities, compensation to landowners and a schedule of recommended bond issues to finance such recommendations. In fact, environmentally, there have been no objections thus far raised to that. I am not aware of any specific opposition to that proposal as such.

The third point deals with the limitation upon powers in the protection area. Our proposal is that there be no restrictions upon lands in the protection area imposed by the Pinelands Commission until the voters of the State have approved a bond issue to provide compensation for affected landowners. The objection raised to this provision is that it could result in environmental degradation of the protection area and impair the overall effort to preserve the Pinelands

Region. The response to that objection is that while failure of the State to enact the necessary bond issue would, indeed, delay implementation of the Management Plan in the protection area, the lack of regional zoning in this outer noncritical area does not defeat the objective of Pinelands regulation.

As was noted by the Governor's Pinelands Review Committee, the lands of the protection area - and I quote - "do not contain the distinctive or unique features to the extent that they are found within the preservation area." Senator Merlino's bill quotes the Governor's Committee's report enlisting, "compatible residential, commercial and industrial development," as a goal for the protection area.

While regional review of municipal zoning would undoubtedly insure orderly growth, existing State statutes provide substantial safeguards against ecological degradation in the Pinelands region. In particular, Title 58 of New Jersey Statutes Annotated contains an array of water resource statutes which can protect the vast underground aquifer so essential to the Pinelands' environment.

The Division of State and Regional Planning, as the State's clearing house for the A-95 federal project review procedure, already has the power to discourage the location of excessive growth-inducing facilities, such as new highways, in the region.

The fourth point is the proposal to limit the moratorium to the core or central area. Senator Merlino's bill would impose a building moratorium on the entire Pinelands area during the preparation of the Comprehensive Plan. But our proposal would limit the moratorium to the critical preservation area. The objection raised to this provision is that, like the requirement of compensation for restrictions in the protection area, this provision has been criticized as permitting environmental degradation in the outer Pinelands area. Our response to that objection is that our bill would provide for a ban on construction in the vital 350,000-acre preservation area, which is generally recognized as the undeveloped heart of the Pinelands region from which future development will be virtually excluded.

According to both the Governor's Pinelands Review Committee and Senator Merlino's bill, only the preservation area is to be maintained as a natural reserve of State-owned forest, low-land agriculture and timber harvesting. Our proposal would suspend construction throughout the entire 250-square-mile Wading River watershed, which encompasses the largest stretch of undeveloped land in New Jersey. This drainage basin has been identified as containing the unique plains or pygmy forests and the greatest concentration of sensitive cedar-swamp lowlands. Approximately 200,000 acres within the preservation area are already in federal and state ownership, and \$48 million will soon be available to the State for acquisition of an additional 50,000 acres. The remaining privately owned land, located mostly in Lacey, Woodland and Bass River Townships, would probably be zoned agricultural and rural by the Pinelands Commission, accomplishing the preservation of the Central Pine Barrens.

Now, a building moratorium in the protection area, however, is not in my judgment imperative for all of the reasons detailed above. Even if the Legislature should decline to mandate a bond issue as a prerequisite for regulation of the protection area and grant the Commission full power immediately in that outer zone, a building ban is still not necessary. Existing federal and state regulations are adequate to prevent any serious environmental harm stemming from continued construction in the protection area while the Management Plan is being prepared. A prolonged

building moratorium would work substantial economic hardship in the region and should not, in my judgment, be imposed upon the outer portions of the Pinelands, which under both my proposal and Senator Merlino's bill, are earmarked for compatible development.

The next provision is that requiring a majority vote - and, as you know, the Merlino bill would require a two-thirds vote of the Commission membership for several actions, such as exemptions from the building moratorium, review of municipal and county approvals of development applications, and waiving strict compliance with the plan in extraordinary cases. Our proposal requires only a simple majority vote for these actions. The objection that has been made to that proposal is that approval by a simple majority would mean insufficiently stringent regulation of the Pinelands area by the Commission.

My response to that is that the simple majority requirement would make it easier for the Commission to waive compliance with the Plan, but it would also make it easier for the Commission to reverse municipal approvals of development applications. In any event, both bills would give the Governor a veto over such action. The simple majority procedure should increase the body's flexibility in dealing with individual cases which arise.

Incidentally, on the question of the Governor's veto, one of the strongest criticisms of the proposal I have presented by the so-called anti-Pinelands preservation people is that it is going to allow the Governor to have dictatorial powers, etc. I felt it made sense to leave the provision in because I don't think, with a group such as will be appointed and the varied areas from which its members would come, that the Governor is going to indiscriminately veto actions of that group under the proposal of either bill. I just don't see that as likely. He is the Governor of the State. I think he ought to have that right. He has it under other legislation dealing with certain commissions, as I recall, and we have seen no abuse of that thus far. So I felt it made sense, even though I don't agree with the approach the Governor has taken on the amount of land involved, although I do agree with the concept, that the Governor ought to have the veto that is provided in both bills.

The next item deals with the tax plan for the preservation area. Senator Merlino's bill contains a section requiring an in lieu of tax plan for the entire Pinelands area. Our proposal instead has one section mandating the aforementioned economic impact report, including "in lieu," for the protection area and a separate section for the preservation area limited to in lieu of tax payments. There are no environmental objections to my knowledge thus far to this particular proposal.

Finally, the omission of the right of first refusal - Senator Merlino's bill provides that no land or interest therein within the preservation area shall be sold until the DEP has been notified, after which the landowner would be required to wait 60 days before proceeding with a sale, contract, or option. My bill omits this provision. The objection raised to my approach is that the absence of a right of first refusal would impair State efforts to exclude development from the preservation area. My response to that is that a requirement that every landowner in the preservation area wait 60 days for an offer from the State before selling is too all encompassing and not essential. Such a requirement would create hardships for homeowners in the hamlets of the area, whose realty transactions do not involve new development. If State officials believe that a particular tract

of land should be acquired, they should simply utilize the traditional methods: negotiation, followed by eminent domain and condemnation, if necessary. Forcing each and every landowner to submit to a 60-day delay prior to a mere sale is sweeping and unnecessary. As a more reasonable alternative, it should be noted that the Governor's Pinelands Review Committee suggested that the Commission be empowered to delay action on an application for development to give the State one year to acquire land. This procedure would, therefore, be limited to those situations where a significant threat of development existed.

The omission of a CAFRA provision is the next point raised. The Merlino bill includes a provision requiring the DEP to make any necessary revisions in that part of the Coastal Zone Management Area lying within the Pinelands National Reserve. My proposal omits this section. The objection made to my proposal is that the absence of any provision in this bill specifically mandating revisions for those CAFRA areas within the National Reserve, but outside the protection area, would defeat the purposes of the Pinelands legislation. My response to that is that the CAFRA land lying within the Pinelands National Reserve is essentially that area situated between the Garden State Parkway and the coast, plus the triangle which juts into Central Ocean County in the Cresswood Village and Berkeley Township vicinity. Aside from that triangle, most of this CAFRA land is either in the Route 9 corridor where residential development has been occurring for a century or in the coastal marshes where construction is virtually banned under the Wetlands Act.

This coastal zone poses environmental management problems quite distinct from the true Pinelands region west of the Garden State Parkway. To require the DEP to consult with the Pinelands Commission regarding proper environmental design in the coastal zone would create, in my judgment, a needless entangling of responsibilities.

It should be remembered that the DEP's Office of Coastal Zone Management is a purely State body, while the Pinelands Commission would be directed by federal, state and county representatives.

Lastly, with regard to legislative action on the plan, Senator Merlino's bill provides that the Pinelands Commission shall submit its Management Plan to the Governor, and the Legislature, but contains no specific provision for adoption or rejection. Our proposal requires that the plan be submitted to the Governor and to the Legislature on a day when both Houses are in session. And it provides that the plan shall be deemed adopted by the Legislature if within 60 days of submission the Legislature has not passed a concurrent resolution expressing disapproval. The objection to that part of our proposal is that possibly, as in number one above, the Legislature would not adopt a plan involving strong regulation. Our response is, as above, that the Legislature is, in fact, a co-equal branch of the State government from which the authority of land-use control under the police power derives in the first place.

That, gentlemen, is an outline of the bill and an outline of what we have understood thus far to be the objections raised and our response to them. I know you have been through two or three days of hearings. I do appreciate the opportunity to come here and explain what I think is a sensible solution to the problem. But I am still, as I said in the beginning, confident beyond any doubt that neither I nor anyone else is going to come up with a solution that is going to meet with the unanimous approval or even anything resembling approval by the

various conflicting interests involved. I don't know that this is a good result or a good way to go, but it seems so to me and I appreciate the fact that this Committee will give it whatever consideration you may. After that, of course, I will abide by the judgment you and the Legislature make.

SENATOR DODD: Senator Russo, on your first point of senatorial approval, I would think that that is virtually automatic, as far as this Committee is concerned, and I think the entire Senate. I don't know why they didn't put it in in the beginning. As to the majority vote aspect of it, the Committee will give serious consideration to that. It does seem to make a great deal of sense and that may well be the way the bill should read.

As we said before in the morning session, we may well put a date prior to the expiration of the 18 months. So we may not be looking at a full 18-month moratorium.

May I compliment you on an excellent presentation and on an excellent alternative. This is the type of legislation that this Committee needs.

Senator Parker.

SENATOR PARKER: Just one thing - we have Riparian, we have Wetlands, we have CAFRA, we have critical water quality, and now we have a moratorium in the Pinelands. We have Mount Laurel. We have the Meadowlands. Do you think that we just ought to have a total statewide zoning? Why continue to have so many levels of bureaucracy and so many levels of different rules and regulations? We have the Skylands proposal. Whatever happened to that? Gee, they couldn't even get a sponsor up north for a piece of legislation like this. Why don't we go to a form of statewide zoning and bring it all in control and bring it all in compliance with a partnership with all of our municipalities so that we can regulate all the land in the State instead of just South Jersey?

SENATOR RUSSO: I, personally, have philosophical problems with statewide zoning. I think we have a tradition in this State of home rule that we often violate. And many say that is what we are doing here. So while encompassing that home rule philosophy, I nevertheless recognize, as I think we all do, that there are certain situations that transcend that tradition. I do think this is one. Frankly, I commend the Governor for taking the first step and bringing the issue to a head as he has done. I don't quite agree with the extent of it. I think though in this instance we can violate somewhat the home rule concept, but I wouldn't want to do away with it altogether nor any more than we have already. I think probably I look at that concept similar to the way you do, Barry, from our many discussions. I think we have to preserve it with certain exceptions at certain times.

SENATOR DODD: Any further questions? (No response.) Thank you very much, Majority Leader.

SENATOR PARKER: How many votes do you have for your bill?

SENATOR RUSSO: Three so far.

SENATOR PARKER: Are you sure?

SENATOR RUSSO: Well, I will have to check with my two co-sponsors again.

SENATOR PARKER: You have three co-sponsors.

SENATOR RUSSO: Thank you again, gentlemen.

SENATOR DODD: I would like to call the Mayor of Vineland, Patrick Fiorilli, and the newest member of the Pinelands Commission.

P A T R I C K F I O R I L L I: I had better clarify that. Although I am a member of the Pinelands Planning Commission, I am in no way here testifying as such today. I am testifying only as the Mayor of Vineland. I am sure you are going to have hours and hours of testimony. So I will try to be brief.

SENATOR PARKER: Excuse me, Mayor. Before you start, is Vineland in the Pinelands area?

MAYOR FIORILLI: One-sixth of the City of Vineland is in it, yes.

SENATOR PARKER: You are a large municipality.

MAYOR FIORILLI: Sixty-nine square miles.

SENATOR PARKER: And about what - 60,000 population.

MAYOR FIORILLI: Fifty-two thousand eight hundred.

I will refer specifically to the Merlino bill since I understood that was the intention of this. And I am sure you will have many arguments for and against certain portions. I will refer to a few specific sections that I think it would be well to amend.

On page 5, lines 55 and 56, designate the executive director, who shall be the chief administrative officer of the commission. The executive director shall serve at the pleasure of the Governor. That tends to scare people. That tends to make it sound as though it could be a political issue. If the executive director does not do what the Governor wants, he may be replaced at any time. I would suggest that such selection be made by the Governor for a period of three years with the consent of the Legislature.

SENATOR PARKER: Do you think the Governor should select him at all? Why shouldn't you people on the Commission do that? Are you a Governor's appointee?

MAYOR FIORILLI: No, sir. I am a county appointee. Well, there is some question about that. As a member of the Commission, I would not want to get into that at this point. But I would say that a three-year term, appointed by the Governor or whatever agency you select, with the consent of the Legislature, would suffice.

SENATOR DODD: We are doing that now with our Commissioner of Education.

MAYOR FIORILLI: Yes, I know you are.

SENATOR PARKER: Let me just ask you a few things as you go along, if you don't mind, since you don't have a prepared statement.

MAYOR FIORILLI: Certainly.

SENATOR PARKER: You have a situation where you as the Mayor of a town appoint the executive director of your sewerage authority when you have an independent sewerage authority. How do you think that is going to work when somebody appoints a guy who is not responsible to you for the every-day operating procedure?

MAYOR FIORILLI: I appointed an official to head one of our boards in the City of Vineland who did not function as I wanted him to, and I got him to resign. I think that is the case here. The executive director will not have the final say. The Planning Commission will have the final say. I think the assortment of members on the Planning Commission will keep that in mind and keep him straight. It is just a thing that scares people. There is a lot of hysteria about what the Pinelands preservation area is.

SENATOR PARKER: You were surprised when you found you were in it, weren't you?

MAYOR FIORILLI: No, not really. I have been in on this for, I guess, about two and one-half years, through all the congressional subcommittee hearings.

I knew we would be in it. I knew from the very beginning. It didn't frighten me as much as it frightened some people because I knew what the intent of it was from the beginning, although recently, I will have to admit, I have heard statements from some people who I think were on the moon when we planned this, because they just don't conform to what it is here.

Getting back to this particular thing, the three-year appointment, if you choose to make it that, I merely suggest that as a figure because it doesn't conform to a Governor's four-year term, which means theoretically - it didn't happen in this case - if someone were appointed in the first year of the Governor's term, by the third year if he isn't working out, that same Governor doesn't reappoint him. Of course, the Legislature would be involved in that.

Further down on page 5, in lines 64, 65, 66 and 67, it states: "If, in said 10-day period," and this is referring to the minutes of the meeting, "the Governor returns such copy of the minutes with a veto of any action taken by the commission at such meeting, such action shall be null and void and of no force and effect." Through all of the hearings that I attended leading up to the federal legislation, I don't ever recall it being the intent of the legislation to have one-man rule over the Pinelands. With all due respect to the Governor, that is what this amounts to, one-man rule.

SENATOR DODD: Mr. Mayor, the Governor has that power over virtually every authority in this State: the Turnpike, the Parkway, the Port Authority, the Meadowlands Commission, and numerous others.

MAYOR FIORILLI: That is true.

SENATOR DODD: Why wouldn't this apply to this particular commission?

MAYOR FIORILLI: Because this is not an authority. This is a commission established under federal law. It is established under federal law with a specific purpose. The qualification between the two bills, the Forsythe bill and the Florio bill, was to allow for local input so there would be a broad input on a 15-member board, as well as advisory committees established. If we, in effect, wanted to have one-man rule, then there would be no need for the commission. The Governor could sit down or someone else, write the rules up and have them sign it. That wasn't the intention of all the hearings that led up to this. That was not the intention of the testimony. I don't recall anyone on either side, whether they be a developer or an environmentalist, ever saying, "Let's put this solely in the hands of one man." That really is what this section would do.

SENATOR PARKER: The environmentalists are saying that now. That is their position. The head of the Sierra Club said that that is the way it should be.

MAYOR FIORILLI: I disagree.

SENATOR DODD: The federal legislation says, "The plan must provide for the Governor to exercise effective and continuing oversight over its implementation."

MAYOR FIORILLI: Oversight, not veto. So does the Secretary of the Interior. The Secretary of the Interior does have veto power over the final plan if he disapproves of it. But I think it would be much better, if you have a commission, to have the commission establish the rules and eliminate the veto power of the minutes of the meeting, which literally eliminates the commission, or its actions.

SENATOR PARKER: Do you see any difference between the port authorities and the highway authorities and the Pinelands Commission?

MAYOR FIORILLI: Yes. Not one of those entities, the Port Authority or the Highway Authority, is going to be setting up the rules for as large an area of the

State as the Pinelands Commission.

SENATOR PARKER: And there is no local ---

MAYOR FIORILLI: There is no local input whatsoever, no. I think that is the point here, that the local people were entitled to some say in their future. After all, you are dealing with their lives.

SENATOR PARKER: As opposed to a very limited access roadway ---

MAYOR FIORILLI: True.

SENATOR PARKER: (Continuing) --- which has only one purpose.

MAYOR FIORILLI: And which can only function by buying the land that they are operating over, where the Commission does not. There is a big difference there.

Those would be two of the points I would recommend.

Another point would be on page 19, lines 6, 7, 8, 9 and 10, which in effect say that if a person owning ground within the Pinelands wishes to sell a portion of it, he must offer it to the State of New Jersey or to the Commissioner of Environmental Protection, and the State has 60 days in which time to buy or refuse. Well, in dealing with the State, I have never seen them buy anything within 60 days, so I question that. But that does create a problem. I think an exception should be made. I will give you an example. Let's say that a farmer in the area owns 100 acres and his son is getting married and he would like to sell him 5 acres to build a home, or his daughter is getting married and he would like to sell to the daughter and son-in-law. I don't believe he should be forced to go through this process. I think there has to be some allowance made. Most of these people have been there for 200 years and I think we owe them that much. This is not every sale that is being made. This is merely within the family for that reason.

But I think there is going to have to be additional wording in here to protect lending institutions who are now scared to death because their outlook is: "Suppose we go in and loan a farmer, for example, money to produce his crop for the year and something goes wrong and we have to foreclose on that property - what do we do with it? Is the only buyer the State?" I think that scares them. There has to be some provision in there for protection. If not, by leaving this as it is, we may be defeating a very important purpose of the Pinelands Bill. We may be defeating the people in agriculture that we seek to protect. So there should be some clarification of what would happen in such a case, so that lending institutions would continue to do business with the people in the Pinelands and continue to feel they were protected.

SENATOR PARKER: Senator Russo says we ought to take it out altogether.

MAYOR FIORILLI: Take that section out?

SENATOR PARKER: And then set up a plan for acquisition. Some of the others - I believe Miss Palombi and a couple of others - said that what we should do is designate the areas to be acquired, so people would know in advance that their properties are eventually going to be acquired, and then move ahead and acquire them. Obviously they can't acquire everything in the whole area. They probably can't even acquire everything in the core area.

MAYOR FIORILLI: Let's say that you designated in advance the areas that you were going to acquire over a period of eight or ten years. Think again of the farmer who has to go take a loan and the lending institution who makes him a loan payable on a mortgage in ten or twelve years. They would again be frightened off. So it would defeat that purpose too. It is a ticklish thing to deal with. I realize Senator Russo's bill eliminates it. And I am not arguing with his desire

to eliminate it. I am merely referring to what exists here in the Merlino bill. I think if you are going to continue it this way, there has to be some clarification to guarantee the people who will be involved in mortgages or crop loans or whatever they are that they are not going to be left out on a limb.

SENATOR PARKER: Family units.

MAYOR FIORILLI: Yes. So they won't be left out on a limb with it. I think that is one of the most critical wordings in there on the long-range effects of people involved in the Pinelands.

I had one other point here that I would like to see written in this bill and I would like to see it up here maybe on lines 1 through 10, an absolute guarantee that no water will be pumped from the Pinelands under any conditions, whether it be through ground stratas or underground stratas, to supply areas which do not now depend on the Pinelands. It is a very serious problem. The Corps of Army Engineers conducted a study, I believe, in 1975 on the feasibility of pumping water from the Pinelands to New York City; and that scares me, because if they begin to do so within the first years, one of the very things we are attempting to protect, the blueberry and the cranberry industry, would be destroyed by lowering the water level.

SENATOR PARKER: How about the oysters?

MAYOR FIORILLI: In the second year, the shellfish industry would be depleted, which is another critical industry to the State of New Jersey. And, by the time you got to the eighth or tenth year, the City of Vineland's water supply and that of many other cities depending on the Cohansey aquifer, would be depleted. Wording of this sort in the legislation would do more to protect the Pinelands than anything else because the pumping of water from the Pinelands is the destruction of the Pinelands. It is completely contrary to both the State intent and the federal intent, and the intent of those local people in the area. I think that is a very critical thing. It should be written into the bill. It should be of prime interest that we are guaranteed that no water will be taken from that area. If we are going to protect the Pinelands or if we are going to say we are going to protect it, then we have to start at the very beginning and the major asset of the Pinelands is water. Everything else in there depends on it. We just can't afford to give it away to someone else.

SENATOR LASKIN: Mayor, before you leave that point, just for my personal edification, because I think you know a little bit more about the geography than I do, is the Cohansey aquifer and its headwaters now included in either the preservation or protection areas, or both?

MAYOR FIORILLI: A good bit of it is. It starts in both areas.

SENATOR LASKIN: But is it all included?

MAYOR FIORILLI: There is a section of it which goes out under the Delaware Bay, which is not.

SENATOR LASKIN: Should it be?

MAYOR FIORILLI: That is covered by the CAFRA areas in there.

SENATOR LASKIN: Should it be included in our map on either one of these bills?

MAYOR FIORILLI: I don't think, when you get to that furthest extent of it, no. Any old New Jersey well-driller will tell you that the underground stratas of water in New Jersey flow from the northeast to the southwest. The water supply of the City of Vineland, for example, the City of Bridgeton, and all of Cumberland County, originate in the heart of the Pinelands and they flow through underground

stratas. They are things that we can't afford to be disillusioned with. For example, a theory came up one time: supposing someone built a 40,000-home sewerage treatment plant in the heart of the Pinelands, what would it do to the City of Vineland? In about ten years from now, we would have problems and that is why we were concerned about it.

SENATOR LASKIN: Do you think that the line that we now have - I am using both the protection and preservation areas - adequately covers even the headwater areas?

MAYOR FIORILLI: I would say that it does because it includes the areas that accumulate the water that make up the Cohansey aquifer. You are talking about subsurface levels once you get beyond the City of Vineland. But the eastern portion of the City of Vineland, a good bit of it, which is now contained in this area, is a natural drainage area along the Manumuskin River which actually supplies part of the aquifer. And that is protected. I know I have had some local residents say, "Why should we be in it at all?" There is a reason for it. I think the areas very definitely cover what we are seeking to protect. Some of the rules that we have established on it will have to be amended from time to time. The commission will have to come up with different rules. But I think basically the area, as far as protecting the natural resources, is sound. Now, Senator Russo talked about a definition between the two areas. I think there does have to be a definition between the critical portion of the preservation area and the reserve area.

SENATOR LASKIN: Do you feel that the Pinelands Review Council should be given authority to change the map, as they pursue their program of developing a plan? Do you think that that should be written into the bill, that the Council you are now on should have that as an additional authority?

MAYOR FIORILLI: Well, the Pinelands Planning Commission is, in effect, a large planning board. If, in conducting their public hearings, which will be held, and their studies, and so forth, they come up and find that certain areas are not a necessity to it, I think they should have a right to recommend it. Ultimately, it has to be passed by the State Legislature anyway. Anything they come up with must be passed.

SENATOR LASKIN: I understand that. Do you think that they should have the authority to change the lines? Suppose they see an area that has not been properly covered, should the Council have the right to make a change on its own?

MAYOR FIORILLI: Looking at the map and looking at the background of the areas deleted by the Coastal Areas Facility Review Act, I don't really see any areas that should be included beyond what is already there. Personally, I can't see any.

SENATOR LASKIN: That is now. But do you think that this authority should be given to the Council?

MAYOR FIORILLI: Well, that is almost like saying, "Do you think the State Legislature should be allowed to vote on legislation?"

SENATOR LASKIN: They do it now with every administrative agency in the State. That is why we are governed by so many rules and regulations.

MAYOR FIORILLI: I don't think you are giving them the authority to do that. You are giving them the authority to recommend in legislation that it be changed. The ultimate decision would be the Senate and the Assembly, and the Governor and the Secretary of Interior. So you are not really giving the fifteen-member commission that authority. You are saying to them, "Come back to us with a recommendation within 18 months that we can work with and that we think is practical." You have

the final say.

I would ask one other thing on this particular bill. I agree with Senator Russo in the case of the vote of the commission. I think it should be limited to a simple majority, but a simple majority of the total number of the board, not of those members in attendance. I don't think it requires a two-thirds majority to get results. In viewing the members on the commission, I think you have a good commission. I think you have a good cross section and I doubt whether one group or another is going to override one another.

SENATOR DODD: The Committee will strongly consider that.

MAYOR FIORILLI: That is all I have to say, gentlemen.

SENATOR DODD: Anything further?

SENATOR PARKER: You said that you are in the Cohansey strata down there?

MAYOR FIORILLI: We pump our water from the Cohansey aquifer, yes, sir.

SENATOR PARKER: Is that from within the City of Vineland?

MAYOR FIORILLI: Yes, it is.

SENATOR PARKER: I didn't realize the Cohansey went that far.

MAYOR FIORILLI: Well, between the Cohansey and the Kirkwood aquifers, you are talking about the largest fresh water reserve in the world. In fact, we boast of pumping our water from there. Our wells are something like 360 feet below the surface to pump that water. It is some of the finest water in the world. We would like to see it remain that way. We don't want to have somebody's sewage treatment plant affect our drinking water a few years from now.

SENATOR LASKIN: Is that why your chickens always gave so many eggs over the years, because of the good water?

MAYOR FIORILLI: Well, you could say that in two ways. That might be why we went out of the chicken business. But we have the greenest dandelions in the world. So you can come there and get them.

SENATOR DODD: Thank you, Mr. Mayor, and good luck with the commission.

The Committee would like to call Stephen Lee, III, cranberry and blueberry farmer.

STEPHEN V. LEE, III: Good afternoon. I know it has been a long hearing and I will attempt to be brief.

My name is Stephen Lee, III. Together with my father and brother, I operate a blueberry and cranberry farm in the center of the preservation area; in fact, it is in the center of nearly every line that is drawn around the Pinelands. I am not here to quibble about the boundary because I am sure that we will be included in whatever area is designated.

I am here, however, to articulate the views expressed by many of the farmers in various meetings held throughout the State, and particularly in the Pinelands, during the last three years. I have tempered my remarks to try to make them represent what are probably the feelings of the majority of the farmers in the area.

I have been designated by the American Cranberry Growers Association as spokesman for that association on environmental issues. I would like to offer the following specific comments on S 3091 which are most important to the agricultural community.

Section 8 of the bill would seem to reflect the goals for the preservation area and protection area as contained in the PRC report. But a careful reading reveals that only indigenous agriculture would be promoted within the entire Pinelands area. Indigenous agriculture normally means only blueberry and

cranberry farming to the people who wrote that part of the bill.

SENATOR DODD: Mr. Lee, the Committee will probably strike that indigenous phrase.

MR. LEE: I am glad to hear that. Would that apply to both the preservation and the protection areas?

SENATOR DODD: Yes.

MR. LEE: That is good news. In light of that, I will probably skip the next paragraph of my remarks.

SENATOR DODD: It all helps.

MR. LEE: For my next point ---

SENATOR LASKIN: Maybe you ought to quit while you are ahead.

MR. LEE: I have a few other points.

Certainly, all types of agriculture do need to be encouraged in the entire Pinelands area because it is an inexpensive way of preserving farmland, open space, and, at the same time, the Pinelands.

The requirement for the preservation area that agriculture be "compatible with the wilderness environment" is simply unacceptable also. New Jersey agriculture cannot continue if normal nonwilderness devices, such as irrigation pumps, tractors, harvesters and other equipment or methods are banned. I am sure it is the intent of the Legislature not to exclude agriculture. Language, I feel, should be added to clearly state that "this law shall not be construed so as to adversely affect the development, continuation or expansion of agricultural operations in the pinelands area." This is embodied somewhat in the Right to Farm Bill offered by Senator Yates which is being considered, and it must allow for changes in technology which are going to occur over the next several years. Agriculture simply cannot be locked into existing technology in regulations which allow that only to continue.

SENATOR PARKER: You are already bound by the Pesticides Act, right?

MR. LEE: Yes. Of course, farmers throughout the State are bound by that Act. The application of pesticides is regulated through that means.

Section 13 might include an exemption for agricultural land disturbances from the permitting process or needless paperwork and delays may be generated. And this is during the moratorium period.

Section 20 should include specific proposals for payments in lieu of taxes to municipalities significantly affected by large state acquisitions through fee simple or other methods. Once state-owned land in a municipality exceeded a certain level - for instance 25 percent might be appropriate - the state should be required to pay in lieu taxes at the value of land acquired for the yearly school tax, the district school tax and local purpose tax in perpetuity, unlike the Green Acres bond issue which provides for the declining balance. If this type of offer were made up front in the legislation, this bill would be much more likely to receive local support.

Section 21 dealing with the right of first refusal must be amended to exclude inter-family transfers where no change in land use is planned. Also, transfers between farmers for the purpose of continued agricultural uses must be excluded or state funds may very well be spent unnecessarily to purchase land which would otherwise stay in agriculture anyway. The State DEP should not be interjected into transfers of any agricultural property, provided there is no application made to any agency for a permit for a change in use.

These, I believe, have been constructive comments offered to improve this

bill. I must, however, comment on a few broader issues which pertain to the relationship between this bill and the Federal Pinelands National Reserve Act.

In September, 1978, as President of the American Cranberry Growers Association, I was directed by the members to lead a committee to Washington to discuss the proposed federal legislation with our representatives. The present planning entity membership of seven county, seven gubernatorial and one Secretary of Interior appointment grew out of a compromise during these discussions with Senators Case and Williams and Congressmen, such as Hughes and Forsythe.

But this planning entity was envisioned at that time as just what the name implies - for planning only - with recommendations for implementing the plan to be made by the Planning Entity to this Legislature at the conclusion of the planning period.

Under this bill, all activities of the Planning Entity are carried out under the threat of a gubernatorial veto which was never intended under the federal law. This fact alone may preclude this planning process from meeting the requirements of the federal Act, since the composition and the activities of the Planning Entity do not specifically fall under the federal law.

SENATOR PARKER: On that point, there was testimony here this morning that either they didn't recall that or that that is not so, that that wasn't the federal intent.

MR. LEE: In fact, the federal intent that I gathered from talking to Senator Case's office, Congressman Hughes, and Congressman Forsythe, personally, was that it was to be a balance. We heard Freeholder Shinn this morning talk about the balance between local and State interests. If we have the veto authority hanging over that, weighting the scales, as it were, toward the State interest, I don't feel that is an adequate representation for the local interest, nor was ever intended to be part of the federal bill.

Some interim legislation may be required during the planning phase to preclude approvals of activities which would have a significant adverse effect on the environment. This could be accomplished by minor modifications of existing statutes and updating of existing regulations, such as the Chapter 199 sewerage treatment regulations.

There has never been any requirement demonstrated for the continuation of this Planning Entity once the planning process is complete. This bill, however, sets up this permanent planning body which will have a tendency to perpetuate itself. Local interests, such as municipalities and other economic and conservation interests within the area are not properly represented under the formula, which was acceptable at the time of the compromise in Washington for the short-term planning function only.

Any bill or any plan which is going to be successful must be supported by the people in the area affected. They must feel that they have been full partners in its development. I am afraid that if the outcome of this federal planning process is predetermined, the problems encountered in eventually carrying out the plan will be very, very difficult. The Planning Entity should not be burdened with subdivision and waiver applications during this important 18-month planning phase. The development of a reasonable, comprehensive and implementable management plan must be given first priority.

Thank you very much for the opportunity to speak.

SENATOR DODD: Senator Laskin.

SENATOR LASKIN: I would like to know, did the cranberry growers of South Jersey sell their goods to Ocean Spray in Massachusetts? That is where this can comes from.

MR. LEE: Ocean Spray is a cooperative of cranberry growers around the country, representing approximately 85 percent of the people who grow cranberries. The executive office is in Massachusetts. The processing plant is in Bordentown. If you drive south on 206, you will see three or four water towers.

SENATOR LASKIN: I want to ask you a few questions about a couple of points you made on the right of first refusal. Do you feel that the concept of the right of first refusal belongs in the Act at all? Then I want to get to the specific changes that you suggested.

MR. LEE: No, I don't feel it is required in the Act.

SENATOR LASKIN: Okay, because in your comments you stated that the right of first refusal should be amended to exclude intra- or inter- -- I assume you mean intra-family transfers where no change in use is planned.

MR. LEE: Yes.

SENATOR LASKIN: But that assumes that there is a right of first refusal in the Act.

MR. LEE: If it has to be included, then I would suggest that these changes be made. It is my recommendation that it not be included. Eminent domain power already exists.

SENATOR LASKIN: All right. You also indicate that another exclusion should be transfers between farmers for agricultural uses, again no change in use.

MR. LEE: Yes.

SENATOR LASKIN: Assuming that there is a right of first refusal, these two amendments should be made?

MR. LEE: Yes, sir.

SENATOR LASKIN: I have a feeling that the Committee thinks, if there is going to be a right of first refusal, these are very reasonable approaches to it.

MR. LEE: Thank you.

SENATOR LASKIN: It is good that you have reminded us about them, because I know that we were searching for some alternatives this morning when we were talking about right of first refusal. As long as the use stays the same, it really is not that objectionable then.

MR. LEE: That is correct, although it may not really be required, except as a mechanism of notifying the State that a use change is going to occur.

SENATOR LASKIN: Thank you.

SENATOR PARKER: Are you concerned in any way about the moratorium? You didn't address that.

MR. LEE: I did not address it. I am concerned about it from the impact on land values in the area and the ability of farmers to continue to get short-term financing during the moratorium period. For instance, in the Tabernacle area, most of it in the protection area, there was a severe hail storm last summer, putting severe financial burdens on many of the farmers in the area. Farmers, as you will hear later in testimony from Miss Myles from the Production Credit Association, use their land value as collateral in loans. Not that they are borrowing money on that land value, but it is something to back up a loan. Following a bad year on the farm when you have had virtually no income as a result of a hail storm, which

is what happened, at this point in time right now, they are going back trying to get financing for production costs this summer. I understand people have had difficulties. So for that reason, the moratorium concerns me. I want to see the Pinelands preserved. A moratorium doesn't bother me at all if it is on our land. It is the principle that is important. I have no objections to not developing the Pinelands. But the mechanism, the moratorium, which does create hardships, I think needs to be looked at very carefully.

SENATOR DODD: Senator Feldman.

SENATOR FELDMAN: No questions.

SENATOR DODD: Mr. Lee, you are to be complimented on an excellent presentation. You will probably see several of your suggestions implemented in changes in this bill.

MR. LEE: Thank you, Senator.

SENATOR DODD: Ann Myles, Federal Land Bank Association.

A N N M Y L E S: I am Ann Myles, a resident of Cherry Hill, New Jersey, and General Manager of the Federal Land Bank Association and the Production Credit Association of Moorestown, New Jersey, commonly known and advertised as Farm Credit Service. For the purpose of this testimony, I am also representing the Production Credit Associations and the Federal Land Bank Associations of Bridgeton and North Central, New Jersey.

These federally chartered organizations are agricultural credit cooperatives and are part of a nationwide system of credit cooperatives under the supervision of the Federal Intermediate Credit Bank of Springfield, the Federal Land Bank of Springfield, and the Farm Credit Administration, which is an independent agency within the Executive Branch of the federal government. They are part of the national Federal Farm Credit System and have as their primary and principal function the extension of credit for farmers with the objectives as stated in the policy of the Congress in the Farm Credit Act of 1971, ". . . of improving the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit. . . to them. . ."

The next section of my prepared text gives a brief outline and background of the system, which for the sake of brevity at this point, I will skip, if it all right with everyone.

SENATOR LASKIN: Thank you. You go to the head of the class.

MS. MYLES: These New Jersey cooperative credit associations are owned by 2,256 farmers residing in New Jersey, and they presently have loans outstanding of approximately \$150 million, which accounts for approximately 50 percent of the institutional agricultural credit in the State. Affected are fruit, cranberry, blueberry, vegetable, grain, dairy, and poultry farms. Farmer borrowers obtain their credit needs for the purchase, operation, improvement, and expansion of their farm businesses from these cooperatives.

My purpose in appearing at this hearing is not to make a lengthy presentation on the adverse effects of this legislation, but to briefly express the extreme concern of our farmer-directors and borrowers, which is, that under the pending legislation our continued ability to provide for the credit needs of growers and producers may be severely affected.

We believe that limiting and relocation of the permit issuing authority of local municipalities to a State commission, with the Governor having final veto authority, may create much uncertainty and a lack of confidence by landowners,

businessmen, prospective landowners, and lenders on their ability to obtain needed permits. Historically, the further removed an approving authority is from the local situation, the greater the delay and uncertainty there is in obtaining a permit.

We do not perceive there are adequate administrative guidelines for implementation of the intention of the bill which, according to language within the bill, is to be liberally construed. Our experience in other states indicates that restrictions on land use and/or development usually has a severe impact on land and facility values. A decline in values may result from the actual use restrictions or difficulty, frequently including long delays and cost, in obtaining permits for approved purposes. We know of situations in New York State and Vermont where legislation containing similar provisions to the proposed legislation has resulted in land values depreciating by as much as 50 percent or more.

Many farmers must borrow each year to produce their crops and maintain their equipment and facilities. These loans are based on the farmers' estimated ability to repay them from current operations. However, in many cases, the farmer's equity in his land and buildings must be pledged as loan collateral to safeguard the lender. Of even greater concern will be our ability to provide real estate mortgage loans. If in New Jersey the land and facilities thereon contained within the preservation and protection areas loses much of its resale value, it will erode the owner's real estate equity which frequently is needed for use as collateral in obtaining their continuing credit.

Without adequate credit, many operators would lose their ability to continue to operate viable farm businesses. In denying them this ability, prospects of maintaining a continued livelihood from their farm businesses could be severely affected.

In conclusion, we believe the proposed legislation represents a severe threat to agriculture. Thank you very much.

(Complete written statement submitted by Ms. Myles can be found beginning on page 22X.)

SENATOR DODD: Are there any questions? (No questions.) Ann, thank you very much.

SENATOR PARKER: Excuse me, Ann. Before you leave, has there been any actual curtailment in credit to farmers as a result of the moratorium or what has gone on in the last two months?

MS. MYLES: Well, I think the main point in this regard is that most farmers set up their operating credit in the fall before the season starts. So, when they do start farming, there will be no delay in getting the funds that they need. We issued most of our commitments before the moratorium was announced or went into effect. And we have not withdrawn any of the commitments that we gave. We haven't really had any request for additional commitments since the moratorium went into effect. However, if we do, we will have to look at them very closely because, if their real estate collateral is a major part of the consideration for the loan, we have an obligation to our farmer members to extend sound credit. We just can't give credit with no good basis.

SENATOR DODD: And that will be in the fall?

MS. MYLES: Yes, it will in most cases. And if the farmers do have a bad season because of weather or other detrimental effect, I am afraid that it will have quite an impact on the agriculture in the area.

SENATOR DODD: We would hope to have this resolved certainly before the fall. But, if not, may we ask that you plug your people into our committee effort and the commission, itself, so we can resolve this jointly.

MS. MYLES: All right.

SENATOR PARKER: But you also indicated that you felt the veto power and the power of the Governor, which a lot of people have addressed here today, would also put a cloud over the ability to get approvals necessary to properly operate a farm and be the basis for collateral. Upon what do you base that feeling or that determination that the veto power will impede?

MS. MYLES: It is not just the veto power; it is the long delay that you would have involved in the veto power. In addition, you have people looking at the cases as they come up who may not be familiar with agricultural problems and this could have a very detrimental effect on it.

SENATOR PARKER: One thing further, did you participate in the drafting of this legislation? We are trying to get the basic intent of the federal legislation, as to whether or not that was the intent. Several people have given conflicting testimony here today. We do have a report from Congressman Hughes and we haven't heard from them yet. There appears to be conflict as to what was really intended, whether that power was intended to be vested in anybody else. We are having research done now by our legal staff to determine whether the federal statute preempts that and we have to parallel it. But we are concerned about the real intent and whether there was an intent to have an oversight on the Governor or give him the additional power, vis-a-vis the commission.

MS. MYLES: Well, we had no input into any of the legislation.

SENATOR PARKER: You weren't involved when the legislation was drawn?

MS. MYLES: No.

SENATOR DODD: I would like to call Mary-Ann Thompson, cranberry farmer.

M A R Y - A N N T H O M P S O N: I am Mary-Ann Thompson and serve as Assistant Manager of the Birches Cranberry Company. The Birches Cranberry Company started by my great grandfather Martin L. Haines, has existed for 110 years and we are the largest independent grower in New Jersey. Our bogs are located in Woodland, Tabernacle, and Southampton Townships in Burlington County.

Before the present moratorium, the development rush put tremendous pressures on our cranberry farm. The Merlino-Yates bill gives us a breather by deferring the negative effects of improper planning until a sound constructive plan can be resolved by the Commission.

At Burrs Mill Brook, which feeds 15 percent of the cranberry acreage in New Jersey, there is intense pressure for development. In the preservation area, a proposed senior citizen development of 4,500 homes plans to dispose of sewage effluent on a lot adjacent to our cranberry reservoir. Two hundred and eight additional homes are being considered by Woodland Township for the swampy headwaters of the stream. In the protection area, approximately 38 homes want to drain their run-off into our cranberry canal and into New Jersey's oldest cultivated cranberry bog dating from 1835. Further down stream, we find 150 homes being constructed adjacent to one of our bogs. I am concerned that without the Merlino-Yates bill we will lose the pure water so necessary to cranberry cultivation as a result of incompatible development.

Cranberry growers hold land on a ratio of 10 to 1 upland to lowland in order to protect the watershed, but they do not control the headwaters of their water supply in many cases. The Pine Barrens streams are highly acidic, which is vital to growing cranberries. Nitrate or phosphate buildup in a stream leads to uncontrolled vine and weed growth so that the bogs become unmanageable for crop use. Too many nutrients from runoff or septic systems in the shallow narrow streams can cause algae growth and interfere with cranberry production. A change in the PH factor, anything over 6, will weaken or destroy the vines and crops. Siltation causes fungus to spread and in some cases can ruin the crop.

The threat of leapfrog and incompatible development is present even in the central Pine Barrens. Paisley, a Pine Barrens ghost town near Apple Pie Hill, which contains the headwaters of Roberts Branch, a main cranberry stream and tributary of the Batsto, is in danger of repopulation because builders have bought ground there for development. A subdivision of 31 homes has already received preliminary approval from Tabernacle Township. One builder's land backs up to our cranberry reservoir on Roberts Branch. The 550KV Jersey Central powerline can also be found at Paisley. The powerline's proposed path cuts across the headwaters of major cranberry watersheds. The line, with its accompanying herbicides, soil erosion, and aviation hazards opens the woods near farms to intruders and threatens cranberry production.

Eighteen months may be a long time to some, but since it will enable us to continue a 110-year farming tradition, it is a short time indeed.

I would like to make some general comments on specific provisions of the bill. There has been some concern amongst farmers with relation to the wilderness area. When I think of a wilderness area, I think of the area surrounding our farm, which is the Wharton Tract, and how they have managed that. Perhaps the Committee would consider redefining that. As new housing developments have encroached upon our farm and I find many of our neighbors breaking gates on bogs and reservoirs, running motorcycles through bogs, littering and vandalizing, a wilderness atmosphere becomes a lot more attractive.

The second thing I am concerned with - and I would like to support Mr. Lee's presentation on the right of first refusal, giving farmers somewhat of an exemption if they are not going to change the land use and also possibly people who are just passing their homestead on to their children or selling to their children for tax reasons.

I would also support the exemption on the moratorium on permits for farmers which are necessary for farm use and which they may need to get right away.

I would also like to see some stronger language emphasizing the need for farming and the promotion of farming in the area. The Committee may also consider whether something should be spelled out for agricultural assistance or technical assistance to keep farming encouraged in the area and also to enable us to keep up with technological developments so we can remain compatible with the environment.

One of my major concerns as I listened to the testimony before me, is the credit concern. For years, our land was worth in the '50's, \$60 an acre. Then in the '60's, maybe \$150. Now people are saying it is worth \$7,000 an acre. It is difficult to say whether loans are given exactly on property in the Pinelands. I know that we have for a long time borrowed money on our reputation and our longevity in business. I think the banks should take a very close look at themselves, to be sure they are not in conflict with federal red-lining guidelines.

Red-lining applies to rural areas as well as urban areas, especially for a bank that is federally chartered. It is difficult to tell what is going to happen.

SENATOR PARKER: How would that apply?

MS. THOMPSON: If they are going to make a concerted policy not to lend in the Pine Barrens area ---

SENATOR PARKER: In a certain area, you mean?

MS. THOMPSON: Yes, within a certain area. For instance, in inner-city areas, we have the same problem where they pick out a certain area and agree not to lend.

SENATOR DODD: They call it red-lining.

SENATOR PARKER: I think we passed legislation on that.

MS. THOMPSON: We also have State regulations. There are federal and there are state, and there should be a check on that.

The other thing I would suggest is this: I worked on the Pinelands National Reserve legislation and the reason I worked on it was because I didn't want it to become a national park. I wanted farming to continue in the area. If President Carter has made the Pinelands National Reserve one of his administration priorities, as a farmer, I am sure he would be concerned if farmers were having difficulty getting credit in the area. So possibly his domestic policy staff could be contacted in order to see if there are other federal agencies, such as the Farmers Home Loan, who could pick up any slack on credit or fill in the gaps where there are problems. Also there are special programs farmers can take up for disaster relief if we have a bad crop. The whole area could be looked at to make sure that there are proper programs to insure that the farmers within the Pinelands National Reserve can get credit and can continue farming in the area.

SENATOR PARKER: I saw in the paper today that the Freeholders purchased the Merkel tract as an easement.

MS. THOMPSON: Right.

SENATOR PARKER: Don't you really feel as a property owner and a farmer in that area that the farmland preservation easement or the transfer development right easement, or some way to preserve both the value of your land and everybody else's land, should be done on that basis rather than on the basis of the prohibition that is in the bill as it now stands, that nobody can build anything or you can't do anything with it except hold it?

MS. THOMPSON: I think the moratorium is necessary to keep these farmers in business who would like to sell these easements. For instance, the one just sold, there is a development right next to him which could endanger his water if it is approved. This is before South Hampton Township, and they wanted to discharge the drainage into his bog area. I think both programs are necessary and I think in order to make the easement program work we definitely need the moratorium and we need this bill.

SENATOR DODD: Senator Laskin.

SENATOR LASKIN: No questions.

SENATOR DODD: Senator Feldman.

SENATOR FELDMAN: No questions.

SENATOR DODD: Mary-Ann, thank you very much. You are a neighbor of Mr. Haines?

MS. THOMPSON: We are cousins. We have the same great-grandfather.

SENATOR PARKER: Do you have any bogs below Big Hill where Bud is or any of the others?

MS. THOMPSON: We are across the street from Big Hill and Mr. Bud is the one most directly affected by Big Hill.

SENATOR PARKER: Is there any leakage or seepage or any of the poisons or toxics getting into that?

MS. THOMPSON: I have not done a study. You would be more familiar with that, representing the landfill.

SENATOR DODD: Are you two related? Are you related to Senator Parker at all? He has cousins all over South Jersey.

SENATOR PARKERS: We are related to the Haines.

SENATOR LASKIN: In Burlington County ---

MS. THOMPSON: --- everyone is related. I will be glad to find out, Senator Parker, and give you the information.

SENATOR DODD: Thank you very much, Mary-Ann.

Mayor John Garnett, Evesham Township.

SENATOR PARKER: He just left.

SENATOR DODD: The Mayor had to leave, but we have his written testimony which will be entered into the record.

(See page for Mayor Garnett's statement.)

Jean Herb, Public Interest Research Group. You were with us at the Winslow Township hearing, weren't you?

J A N E T O T T: Yes, we were and we were at the last Trenton hearing also.

Good afternoon, Senators and fellow New Jerseyans concerned with the future of our Pinelands. My name is Janet Ott and this is Jean Herb, and we are State Board representatives to the New Jersey Public Interest Research Group, more commonly known as New Jersey PIRG. We are a statewide organization dedicated to the concern of the State initiated through student participation. We feel our genuine interest in the Pinelands is an exemplification of the fact that students are the most valid vehicles for social change since they display idealism, enthusiasm and indispensable resources. The Pinelands Preservation is an issue which concerns the entire State, as well as the counties within the Pinelands.

This area has played a major role in New Jersey's 300-year history. The bog iron industry, the charcoal industry, and the textile industries are all examples of early American technology which have affected the growth of the United States as a nation. Many industrial and domestic sites have today become tourist attractions. For example, the gristmill, main house, and store of the Batsto Estate located in the Wharton Tract serve such a function. Preservation of such places is pertinent to understanding this unique area, its culture and the rural lifestyle of the Pinelands.

Publicly owned recreational facilities include 36 Wildlife Management Areas, 8 State Parks, 5 State Forests and 2 Federal Wildlife Refuges. Federally owned Refuges restrict uses to waterfowl observation, while the State lands provide swimming, camping, fishing, hiking, picnicking and horse-back riding. I was also told I omitted canoeing. So I will add that in. Since recreation is a significant aspect of the Pinelands, regulations are critical to insure its continued viability. These opportunities, which are provided to the public at minimal costs, become even more invaluable when considering the ever increasing rate of urbanization and limited access to such facilities within the State.

Not only do the Pinelands provide us with recreational opportunities, but with academic and economic opportunities as well. We believe these uses can and should complement one another, rather than conflict with one another.

Research in timber and forest practices are continually being conducted in the State Forest areas, and provide insight and new information for those involved, as well as those who benefit from it. Educational opportunities are boundless in the Pinelands. Study of the flora, fauna, history and scientific aspects of the area should be integrated into the course study of students within the State, as this area is of unique national importance. Through areas such as the Pinelands, a sense of pride can be restored to our "Garden State." Where is a better place to start than with educating today's students? Field trips sponsored and administered by the State would encourage both teacher and student interest in this area.

Economically speaking, New Jersey's blueberry production was the largest in the nation in 1977, while the cranberry harvest ranked third in the country. Our State's cultivation of these crops is concentrated in the Pinelands area. The berry industry is the most extensive and profitable industry now active in the Pinelands without a labor intensive form. As previously mentioned, many of the various uses of the Pinelands are compatible. The continued presence of the berry industry assures the preservation of watershed lands, preservation of open space, and, in addition to being economically and ecologically desirable, presents an aesthetic resource of immeasurable value.

The bogs have become such an integral element of the natural landscape that visitors to the area have come to expect to see acres of cranberries and blueberries. We encourage the berry farmers, and industry, the expansion of farmlands, rather than development, and believe in the private ownership of such economically viable endeavors. Unfortunately, the farmers must contend with scattered and incompatible development, as well as ever increasing numbers of tourists to the area. In order to relieve the conflicts between preserving the Pinelands for recreational consideration and restricting excessive damage done by tourists with little regard to the ecology of the area, a system of intensity planning should be adopted. This should not exclude development, but adopt a systematic plan which would deter scattered and unorganized development.

As we feel that the intent of S 3091 includes all of the above considerations, we advocate the passage of this bill and make ourselves available to the Committee as a resource.

Thank you.

SENATOR DODD: On the educational part, as far as it being incorporated in the New Jersey school curriculum, this Committee would be happy if our students could learn to read and write in our schools.

MS. OTT: I know until I started researching this, I wasn't aware of all of the opportunities that were available in the Pinelands. I started speaking to a few students who lived in this area and they told me that sometimes it is incorporated into studies. I think it should be in all of New Jersey, not just the Pinelands.

SENATOR DODD: Stockton State College has a major grant on that. It is incorporated in their courses.

MS. HERB: We are also talking about grammar schools and high schools up in Northern New Jersey too.

MS. OTT: --- that aren't aware of it.

SENATOR DODD: Are there any questions, gentlemen? (No questions.)

MS. OTT: Thank you.

SENATOR DODD: Thank you very much.

Dr. Joan Goldstein. Is Dr. Goldstein here? (Not present.)

Dr. Joan Ehrenfeld. (Not present.)

Ruth Yarrow. (Not present.)

Joan Batory. (Not present.)

John Sinton. (Not present.)

Maurice Sampson. (Not present.)

Herb Wishnick. Mr. Wishnick represent the New Jersey Shorebuilders Association.

HERBERT WISHNICK: I don't have additional exhibits. They will be furnished to the Committee.

SENATOR DODD: Fine.

MR. WISHNICK: I am testifying on behalf of the New Jersey Shorebuilders Association. My name is Herbert Wishnick. I am Executive Vice President of the Crestwood Village, Inc., the developer of a retirement community in Manchester Township, Ocean County. I represent the New Jersey Shorebuilders Association, whose membership includes builders, subcontractors, and allied professions within Monmouth and Ocean Counties whose jobs and, indeed, business lives would be seriously jeopardized by enactment of Senate Bill 3091 in its present form.

The New Jersey Shorebuilders Association and the New Jersey Builders Association have always recognized the need for environmentally sensitive development within the area known as the Pine Barrens, and recognize that there are some areas which must be preserved from any encroachment by man. With respect to these specific areas, it is our position that such lands should be purchased with just and equitable compensation being afforded to the landowners therein. This concept is constitutionally mandated.

There is a large area, however, which has been defined as the Pinelands which is not as environmentally critical and which can support continued, orderly development. The primary purpose of my testimony today is to request some relief by way of amendment to this legislation for those developments which are ongoing, pursuant to validly secured municipal approvals. I speak not only for the large builder, but also for the small builder and the numerous tradesmen, material men and other laborers who depend upon the building industry for their daily livelihoods, all of whom will experience an immediate economic impact if this legislation is passed in its present form.

Furthermore, S 3091 will adversely affect the senior citizens presently residing in retirement communities located in the Pinelands, the vast majority of whom live on fixed incomes from retirement savings, from pensions, and social security benefits. Many of their communities are serviced by central water and sewage treatment facilities which have been sized to accommodate a greater number of dwelling units than presently exist.

Similar situations exist with regard to recreational facilities, open space areas, community services and other amenities which are an essential part of retirement living.

SENATOR LASKIN: Mr. Chairman, may I ask a question just for clarification.

MR. WISHNICK: Yes.

SENATOR LASKIN: You stated that the existing moratorium and the proposed

legislation would adversely affect senior citizens presently residing in the Pinelands.

MR. WISHNICK: Yes.

SENATOR LASKIN: Those who are already there?

MR. WISHNICK: Yes.

SENATOR LASKIN: How could it affect in a detrimental way those who are already there?

MR. WISHNICK: In my earlier comments, I stated that there are certain infrastructures that have been put in place for a larger number of senior citizens that have not moved in yet.

SENATOR LASKIN: In other words, the costs have been built in.

MR. WISHNICK: Those costs have been built in. If those facilities are not utilized to their fullest, the burden of maintaining those facilities would devolve upon the people who are currently living there.

SENATOR LASKIN: The rents would increase.

MR. WISHNICK: Their cost, not the rents. In our case, they are sale units. But the costs of maintaining the facility, sewer charges and water charges and community charges for recreational facilities would increase by virtue of their underutilization.

SENATOR LASKIN: And it would be shared by those already there.

MR. WISHNICK: That's right, at an increased cost.

I started to say that once constructed, the cost of operating and maintaining these facilities is fixed. Therefore, if the total projected population is not realized, the individual residents must obviously bear a greater percentage of the cost thereof than they had originally anticipated when moving to their community.

Needless to say, such hardship is without regard to the substantial investment made by the developer in these facilities to service the community. Many developers have contracted to sell units to individual purchasers who, in turn, have already contracted to sell their own homes elsewhere. The rights and needs of these numerous individuals must be respected.

The repercussions of this bill with respect to builders who have vested rights in terms of previous permits could be devastating, not only to them, but also to their employees and the vast array of subcontractors, material men, suppliers and workers, as well as to their respective families.

Therefore, we are requesting that this Committee specifically deal with this problem within the legislation and not allow some commission or other administrative agency the absolute discretion to determine which developments shall be allowed to continue and which shall not. In order to minimize the disruption which inevitably will result by S 3091, we respectfully urge that all lands which are the subject of a preliminarily approved application for development, as that term is defined in Section 3 of the Municipal Land Use Law, or of a similar approval granted under that law's predecessor statute, be automatically exempted from compliance with the provisions of S 3091.

It is our opinion that the provisions of S 3091 far exceed the mandates of Section 502 of the National Parks and Recreation Act of 1978, which merely empowers the Governor to appoint seven members to a planning entity to develop a management plan for the Pinelands National Reserve. S 3091 prescribes many of the items which should properly be addressed by a management plan.

We see other serious problems with S 3091 which has been the subject of a written statement presented to the Committee by the New Jersey Builders Association. We do note, however, that pursuant to Section 6 (j) of S 3091, the Pinelands Commission has the power to prepare, promulgate, adopt, amend or repeal rules and regulations in order to implement the provisions of S 3091. We believe that history has demonstrated that the intent of legislation such as this is often subverted by subsequent regulations. The trend in the past few years has been toward a concept of legislative oversight with respect to such regulatory functions. Therefore, we respectfully recommend that the Pinelands Commission not be given the power to adopt rules and regulations, but merely be given the power to recommend supplemental legislation in order to effectuate the purposes of S 3091.

We also note the introduction of S 3138 by Senator Russo and others. In our opinion, this bill represents a far more humane and compassionate approach to the sensible development of the Pine Barrens. We would suggest several minor amendments to S 3138.

The events of the past week have demonstrated that the Governor is not committed to a balanced approach to growth in the Pine Barrens. The appointees to the Pinelands Commission by the Governor are all of one philosophical persuasion. The only municipal official appointed to the commission is also the only municipal official within the Pinelands area who openly supports the Governor's moratorium. No representative was appointed who would express the views of the largest economic interest in the Pinelands. Due to this unbalanced approach by the Governor, it is requested that any Pinelands legislation released by this Committee include advice and consent of the Senate for all gubernatorial appointments to the commission as found in Section 5. a. (3) of S 3138.

We would also like to see Section 15 of S 3138 stricken since we do not believe the commission should be allowed to overrule local decisions until at least a management plan is in place.

We also oppose the Governor's veto power over the minutes of the commission in so far as the commission deals with individual applications for exemption or development. We feel that this power is far too comprehensive.

With due respect to the Governor's motives and intentions, we feel certainly he has exceeded the powers vested in his office by the Constitution of the State and our statutes. This action represents the most ambitious land-use regulations ever imposed in the State. They were imposed without the benefit of the legislative process or public participation. The precedent that would be established if this action were allowed to stand would result in a total restructuring of the process by which any laws are enacted and implemented.

The alleged justification for Executive Order No. 71 is that an emergency situation exists in the area. Allegedly, this crisis exists because of the intense pressures to purchase and develop the land in question. Nothing could be further from the truth. The state and federal governments already own several hundred square miles in the area. Government ownership is ten times greater in the Pinelands area than in the rest of the State. Special regulations on water quality already cover the entire preservation zone. Regulations for floodways, flood plains, wetlands, coastal areas, and so forth, cover the entire zone. And these regulations already substantially limit development in the area. In fact, if development were to continue at the rate the Governor finds so objectionable,

less than one-half a percent of the land per year would be utilized, and its annual economic impact approaches one billion dollars.

In order to adequately protect those areas of the Pinelands that are environmentally sensitive, while imposing the least damaging impact on local and State economies, we propose that a positive, multi-faceted program of identification and purchase of sensitive lands be implemented. This plan should include the following: a delineation of all government-owned property within or immediately adjacent to the Pinelands National Reserve. The plan should include a delineation of a primary preservation area which would include all privately owned land where complete preservation is desirable for environmental purposes. Very importantly, the plan should delineate a second preservation area within which there would be a mixture of development and preservation. A Green Acres bond proposal should be enacted and this bond issue when combined with other available funds must be sufficient to purchase those lands deemed desirable for preservation; and compensation for these lands should be at full market value. An annual State appropriation for the purchase of additional lands in a secondary preservation area should be established, and this amount would be required for several years in order that sufficient land be acquired for preservation purposes. Within the secondary preservation area where building could continue to take place, a set of special Pinelands development standards should be established to minimize adverse environmental impacts. These standards would include basic criteria and constraints within which local land-use law would have to operate. And such criteria and restraint would hopefully be performance oriented. For instance, performance standards might include a limitation on the percentage of land that could have impervious cover, a percentage that would have to remain in a natural wooded state, allowable development, etc. Generally speaking, these requirements would lead to somewhat lower densities than in most areas.

A program such as this could be developed rapidly and become functional in a much shorter time than would be the case if the State or the proposed commission endeavors to develop a detailed master plan. The latter approach could lead to endless delays and very inflexible standards.

I would like to thank the Committee for permitting the New Jersey Shore-builders Association initial opportunity to present testimony expressing our views which are shared by many others. I am hopeful that our input by way of this testimony and our future input can aid the Committee in fashioning legislation to carry out the intent and mandate of Section 502 of the National Parks and Recreation Act of 1978, which is to preserve the Pinelands, consonant, nevertheless, with the economic and social rights of so many citizens of this great State. Thank you.

SENATOR DODD: Herb, have you or any members of your organization filed for the exemption, either in the preservation area or the protection area?

MR. WISHNICK: Yes, we have filed. We have not had a decision yet on that filing.

SENATOR DODD: Was it expeditiously handled? Could you give us any input on the experience?

MR. WISHNICK: I can't respond to that, Senator Dodd. Tomorrow would be two weeks since we filed it and the Board has three weeks within which to respond. I haven't heard that we have an answer yet.

SENATOR DODD: We would appreciate it if you would keep this Committee informed through Mike Catania, our staff member, of your progress.

MR. WISHNICK: I would be happy to.

SENATOR DODD: We are trying to monitor it to see if it works, quite honestly.

SENATOR PARKER: Is that one of your own projects?

MR. WISHNICK: One of our own projects, yes.

SENATOR PARKER: In Crestwood?

MR. WISHNICK: Yes, adjacent to Crestwood.

SENATOR PARKER: And you haven't applied anywhere else?

MR. WISHNICK: No, that would be the first body that we would be required to appear before and file.

SENATOR DODD: You are not in CAFRA at all?

MR. WISHNICK: Yes, we have a section that is in CAFRA and CAFRA is exempt currently.

SENATOR PARKER: Herb, you heard Mary-Ann Thompson testify about the problem with the water. How can you address that? In other words, how can you address the problem that there is not going to be nitrates or phosphates or deleterious substances put into the water which is necessary to maintain the cranberry bogs?

MR. WISHNICK: Well, we are willing to address that problem with proper assistance from engineers and consultants.

SENATOR PARKER: Can it be done technically?

MR. WISHNICK: It can be done. But we do not have an opportunity to address those problems under the current state of the art.

SENATOR PARKER: Well, don't you have an application pending now before DEP?

MR. WISHNICK: No. A recent appellate hearing or application was rescinded, was set aside, as having no effect.

SENATOR PARKER: So you didn't get to the question of design?

MR. WISHNICK: No. We addressed that in front of the Appellate Court, but we were not permitted to continue.

SENATOR PARKER: Can your engineers or engineers generally - I'll say categorically - through proper treatment of sewage keep nutrients out of the water and keep it so it won't affect the Ph factor in the streams?

MR. WISHNICK: There are many factors involved relative to that. That would have to be based on the regulations that were ultimately adopted to govern the area. Then we would address it from that standpoint.

SENATOR PARKER: I didn't know whether there was a degree of expertise that could answer their questions.

MR. WISHNICK: There is, but until we know all the ingredients that go into it, we cannot properly respond.

SENATOR LASKIN: Mr. Wishnick, you see this is a problem area that I think causes the gap between the builder and the environmentalist which has really occurred as a result of this moratorium, because the builders will testify, as you have done, in response to questions by Senator Parker --- Neither of you used the terminology, but we are talking about water quality control standards. A builder will say and you will now say, "We are waiting for the standards before we really can answer that question." You see one of the problems we have run into over the years, which is why there is this hue and cry about builders and developers raping the lands without really caring too much about it --- I am not saying that is true, but that is on people's minds. There has really been no effort - and I say that categorically - by the builders to address the problem

in the Pineland development areas of water quality control standards. Yes, you have complied with the law. You have built septic systems as approved by the local health departments. You have installed wells approved by the local health departments. But on your own, without asking the Health Department, there has been no affirmative presentation of water quality control standards and that is a problem that a lot of people are worried about.

If we allow development at all, if we allow continued development even though small, as it has been, and the health departments approve septic systems and wells based upon design and location with little regard to water quality control standards, even though we have slight development and even though you comply with the law on design and location, we are still going to have the problem of contaminating the water. I think that is what Senator Parker was getting to.

SENATOR PARKER: It is similar to Medford Lakes, Herb - George lives up in Medford Lakes. The phosphates and nitrates which are generated just by human waste - no chemicals - have caused the problem. As I understand it, two plants have been designed - one I think was done by Bell Telephone and, if I am not mistaken the other was by Kings Grant in Marlton - where their approvals require a four-step treatment and a ground recharge. I just didn't know whether the state of the art had gotten to the point where it could protect the things that she is concerned about, which are of vital concern to all of us really, about the water quality. I assume even if it is ground recharged that there is a certain amount of the phosphates that seeps through. Maybe a certain amount comes out through the filtering process, like the septic system, that will find its way into the water. I didn't know whether your engineers or the engineers of the builders who like yourself build in the pines had gotten to that point.

MR. WISHNICK: For example, we operate a sewer treatment plant in Ocean County. One of the requirements by the State has been third phase treatment with spray irrigation. We are currently using that plant with spray irrigation and the State has been very happy with that operation.

SENATOR PARKER: But does that spray irrigation take out the phosphates and nitrates?

MR. WISHNICK: No. The fourth stage would take it out. Spray irrigation does not. To answer Senator Laskin, as builders we are willing to sit down and resolve the issues and the problems that exist, but not under the framework of this kind of a devastating moratorium.

SENATOR LASKIN: You don't have any objection to very stringent standards so long as you know what they are and they are written down somewhere.

MR. WISHNICK: We have to understand and we have to be able to plan for them. I think the other consideration in this particular case where we are talking about 20 percent of the State is that I don't know that it is required that such a blanket area be removed from development.

SENATOR PARKER: I am talking about in the core and generally about our treatment facilities. There is another problem which I think is of major concern - and I would say advisedly you are the best developer and are a leader in the area - and that is surface water. Is there any way or state of the art that is developed that controls the surface runoff, the problem being, for instance, a lot of oil on the streets getting into the surface water and affecting the quality of the water. I know they have swales.

MR. WISHNICK: Well, they have swales. They have paved areas where the water can leach through rather than run off. We have experimented with different

fertilizers which create different chemical balances which would not denigrate the water quality to the extent that it has been. There are many advances in technology in the state of the art that would enhance the quality of life, if you will, and the environment. The core area is a separate problem certainly.

SENATOR FELDMAN: If there are no further questions, I want to thank you Mr. Wishnick.

MR. WISHNICK: Thank you.

SENATOR FELDMAN: At this time, we will take a five-minute break.

(Short Recess)

SENATOR DODD: Mr. Lipman.

E D W A R D V. L I P M A N: Senator Dodd and other members of the Committee, my name is Edward Voorhees Lipman, Past President of the State Board of Agriculture, member of the Board of Directors of Ocean Spray Cranberries, Inc., and a public trustee of Rutgers University.

I am here this afternoon representing the American Cranberry Growers Association, which is a cultural organization of cranberry growers. I have a prepared statement. I would prefer not to go into it. I would prefer to say a few remarks about the cranberry industry, particularly in Ocean County where I guess I am about the last commercial cranberry grower in the county. I would like to talk a few numbers. They are simple, but they are very striking.

I was employed by Ocean Spray in 1946 to organize a cooperative. We had a small plant in Bordentown that did about a million dollars gross sales and no cranberry grower members. At that time, there were approximately 475 cranberry growers in New Jersey in seven counties. Most of these counties are the ones involved with the Pinelands, except Middlesex and Monmouth which were part and parcel of the cranberry scene.

At that time, the 475 growers produced an average of 90,000 barrels on approximately 13,000 acres of cranberry bogs. Now in 1978, which was the last product year that we had, there were about 45 cranberry growers left in New Jersey. They grow cranberries on approximately 2500 acres as compared to 13,000. They are practically all in Burlington County, except my property which is in Ocean and another small grower. But because of improved technology and harvesting methods, we now average, instead of 90,000 barrels of cranberries a year, somewhere over 225,000 barrels. This is a striking tribute to American agricultural ingenuity. Most of the cranberry people in New Jersey are not like Edward Lipman. They are long generations of cranberry growers. You will hear this afternoon from William Haines, Jr. His grandfather was in the Civil War and he started Hog Wallow where the Haines come from. I don't want to steal a bit of his thunder. But I would like to talk a bit about people like the Haines. Bill's father was probably the man that kept cranberries in New Jersey. He is probably one of the best conservationists in the State. He has maintained the scene in the Pinelands that all of us are here talking about today.

SENATOR DODD: We had the privilege of meeting Mr. Haines, Sr. at the Winslow Township hearing a few weeks ago.

MR. LIPMAN: You know the type of man he is face to face. I would like to say one short thing about him. When we were struggling with somewhere about 4,000 laborers at harvest season in New Jersey and the laborers scooped our crops with steel-tipped boxes that they dug into the vines, and pulled back, he just said that there is no way he could grow cranberries that way and he personally went out and developed

water harvesting so that we are still in New Jersey.

You gentlemen may want to know what happened to the some 420 growers that used to grow cranberries from Monmouth to Cape May. I probably know more about New Jersey cranberry growers than anyone because I have called on every one of them. I have been on every property in New Jersey. From Rev. Durell's property way down on the tip of Cape May County to way up to Buckalew's property near Forsgate Farms in Middlesex County. As a matter of fact, I at one time owned the bogs on Route 33 just outside of Asbury Park in Monmouth County that were built by divided interests by the ministers that built Ocean Grove.

SENATOR PARKER: That is where Pat now has his restaurant.

MR. LIPMAN: I owned cranberry bogs on Route 33. I was forced to sell them to Cowboy City because Earle, the Navy Ammunition Depot, upstream from me, bulldozed the top of a mountain up there and all the water that used to come through my flood-gates and flood my bogs went north to Raritan Bay. So I was lucky to get away from that one.

Then I had a place on Cedarbridge Road in Ocean County and Lakewood Township put a sanitary landfill at the head of my stream. It polluted the bogs until the vines died. They took that property from me.

Ocean County has been forced out of the cranberry industry by unwise leadership in the county. Our Farmland Assessment Bill has maintained agriculture in all of New Jersey. I want to say as an old-time agriculturalist that the Legislature of the State of New Jersey has been extremely wise and foresighted in maintaining farmland assessment because it probably is one of the best tools for maintaining open space and environment that we have in the State. The Farmland Bill was not very popular with the Ocean County Board of Taxation. So I was successful in getting all the cranberry growers, except a few very stray mavericks that for reasons known unto themselves did not want to participate with their fellows, together. All of those growers participated in the same returns per barrel, whether they grew in Ocean, Monmouth, Burlington or Atlantic County. And in Ocean County, the farmland assessment was a battle. I have twice been to the State about Berkeley Township and won both times. But it takes a lot of money and a lot of time. With lesser dedication, I would have said, "To heck with it. Sell the land to the developers and let them build houses on it."

In Jackson Township, they even went to the Supreme Court with it. And after the Supreme Court said no to them, they now have it back to the Appellate Courts again. Each time, I have to pay lawyers. If you want to look for more environmental protection, we should see to it that the public officials that are entrusted with running these programs which are passed by the Legislature are mandated to obey the programs.

SENATOR PARKER: It should be the Governor, too.

MR. LIPMAN: Well, I have to say, Senator Parker, that I haven't seen anyplace where the Governor has interfered with farmland assessment at this point. That is an environmental tool that we should never lose sight of.

The Governor with his embargo - and I will get to one little paragraph that I wrote him in a letter --- And this is the major reason that I came here today. I knew that Stephen Lee and Bill Haines would tell you what they think ought to help this bill. I want to tell you what the average farmer thinks of this thing and why. This one paragraph might tell you. "The cynicism and suspicion of the motives behind the moratorium that are sweeping over rural people in South Jersey

are unbelievable. These can be understood when one sees the results of the wetlands legislation which, too, allowed government to usurp private ownership." I believe if the bill that is before us - the Merlino-Yates Bill - is passed, government will usurp private ownership.

SENATOR PARKER: The Wetlands Bill didn't go anywhere near as far as this. I was instrumental in that. There was lead time in the Wetlands Bill.

MR. LIPMAN: Yes, certainly, Senator Parker.

SENATOR PARKER: And the Wetlands Bill was much more restrictive in area and covered a much less area of ecological significance. Of course, there was the estuary where all of the small fishes and everything developed that fed all the other fishes in the world.

MR. LIPMAN: Fine. We are for the Wetlands Bill. But we feel very strongly ---

SENATOR PARKER: I think there are some very significant differences between this and the Wetlands Bill.

MR. LIPMAN: If you would let me finish what I have here, I will try to make it brief. There are a lot of people who want to talk and I appreciate your courtesy.

What the Wetlands Bill --- those of us in Burlington County, and I am a grower in Burlington County, and all around the perimeter of South Jersey, see the Meadowlands up in Hackensack being developed for private interest and public interest, for housing and for highways, with very little regard, at least ostensibly, for the environmental peculiarities of that area. Dr. Martin, who was my father's predecessor as Dean and Director of the Agricultural Experiment Station, said that those Hackensack meadows had the greatest collection of organic matter for agricultural growth that we have in the State. The reason that people are cynical about this is that the Wetlands Bill prohibited any use of private ownership except farming. Now we understand that the environmentalists up in DEP are saying don't cut salt hay from wetlands. If this is so - and I am sure, Senator Parker, it is something that the Committee should look into - that means that the agricultural uses of the wetlands that we enjoy are going to be jeopardized. We hope that we will be able to maintain them. But the farmers are afraid that regulation on top of regulation, bureaucratic finger on top of bureaucratic finger in pie after pie, is going to make it so that we just can't farm.

So I would like to leave with the Committee a list of about ten items that we want in the bill. They have all been mentioned here before, so I won't read them. But they are things such as: Right to Farm legislation, In Lieu of Tax legislation, payment of property rights usurped from private ownership - this sort of thing. It is private ownership that we are talking about and the people that are there have maintained the environment. At the Haines' property, particularly, they have had hundreds of thousands of visitors to look at the open spaces of the Pinelands, so they can see what is there. Without them, you wouldn't get into that kind of area.

The last point I want to make is that somewhere in your bill there should be some protection against vandalism. We know that vandalism is wherever there are people. People who are on boards of education can tell you that. But in places where farmers have large land holdings, where they can't protect all their land holdings, vandalism is absolutely getting to be one of the most serious scourges in the State of New Jersey. I feel while you are considering this bill and you are trying to attract people to the Pinelands with what is in the bill, we should see to it that they are forced to respect the private ownership, the

public ownership and the ecological importance of those lands. We would be remiss, Senator Parker and Senator Dodd, if we didn't take great cognizance of this vandalism. It is ever increasing. One of the growers said to me today, if you drain such and such a stream, the bottom of it would be paved with beer cans and bottles. Well, this is true. In Ocean County, we get garbage, tons and tons of garbage. So vandalism is important. We would like some State help. If we are going into the Pinelands with a public program, we would like State help to keep the public respectful of what is there.

Thank you for permitting me to speak.

(The material Mr. Lipman submitted can be found beginning on page 29X.)

SENATOR PARKER: We have tried that to some degree by giving our Conservation Officers the power of arrest because with the canoeing down the Wading River or on the Oswego, hippies and all different groups have been in there, preying on everybody when they come down, getting drunk and throwing their stuff all around. We have tried to address that problem. We did get some legislation passed. But it is a tough problem because of the vast area and the number of forest rangers we have and the number of conservationists.

MR. LIPMAN: My little wetlands bog has a chain across the main road. About four times a month, somebody comes in there with a pair of bolt-cutters and cuts it and tears up my pumphouse, breaks up the floodgates, and then it is an expensive job to put it back. Sometimes you lose a piece of crop. The State Police have been superb. They have come in and they have tried to catch people. But it all happens in the wee small hours of the morning and you never catch them.

I appreciate being here. But agriculture has been the mainspring of that whole area that we are talking about. Let's have the right to farm down there. It is very important. I will leave with you a letter I wrote to the Governor about this and the points that we would like included in the legislation. Thank you.

SENATOR DODD: Thank you, Mr. Lipman.

William Thomas, Ocean County Board of Realtors. Mr. Thomas, are you going to summarize your statement?

MR. THOMAS: Yes, I will.

SENATOR DODD: The entire statement will be included in the record for publication.

SENATOR PARKER: We have about ten more witnesses and we have a dinner tonight that we have to go to, a legislative dinner.

W I L L I A M P. T H O M A S: First of all, I would like to introduce myself. My name is William P. Thomas. I am Chairman of the Ad Hoc Committee on the Pinelands Moratorium for the New Jersey Association of Realtors. On my right here is Tom Thomas, who is no relative, who is former Director of Planning for Ocean County. The statement is made in conjunction with Mr. Thomas who is familiar with this and, as a matter of fact, worked in quite some depth in Ocean County while he was Director of Planning.

SENATOR DODD: I spoke at the Ocean-Monmouth Development Authority luncheon two weeks ago.

MR. THOMAS: The statement speaks for itself. The only thing that I don't have in here is the fact that since the last ground was bought by the State government, which was as far back as 1964 when the Double Trouble tract came up, there has been no money out of the Green Acres bond issue of '74. There has been offered time and

time again thousands of acres for sale to the State. We have had to even jostle the State to send a form letter out rejecting them. These things were put in at assessed value, not market value. Each time the State turns it down. Now, with this, we are going to grab it all at one time and practically shut down the operation.

SENATOR PARKER: In '68, they had appropriated, I think, \$25 million to acquire the east, west and central plains. Then for some reason, I guess it was Governor Byrne or the Legislature at the time that put the kibosh on it. That was the area everybody, from the National Parks Service and the Philadelphia Academy of Natural Sciences, said should be acquired immediately. The money was lost and I don't know why.

MR. TOM THOMAS: Senator Parker, that is absolutely correct. In fact, if you look back at the history of preservation of the Pine Barrens in the last few years, you will find that the municipalities and the counties have been more instrumental in preserving the critical areas of the Pine Barrens than has the State. In addition to that, several of the municipalities have active programs currently to acquire portions of Cedar Creek and also they have passed resolutions for several years. I have testified before various committees, as you know; and one of the things that is striking is the fact that all the critical areas that have been addressed - and I am sure, Senator Dodd, you have heard over and over again - have been supported, particularly in Ocean County, for acquisition for a long period of time.

I had the pleasure of serving at one point on the Ad Hoc Committee to preserve Cedar Creek. We urged the State to acquire portions of Cedar Creek. We urged them to put Cedar Creek in the Wild and Scenic Rivers Act, and so on. To date, I think that the State, if you are talking about good faith, has really fallen flat on its face.

SENATOR PARKER: Then it is your position that we ought not let them do it again and just take this land without just compensation?

MR. TOM THOMAS: I think the statement which is submitted on behalf of the New Jersey Association of Realtors --- and I think the realtors and the builders who have been in the Pine Barrens for a long period of time recognize that there are sensitive areas within the Pine Barrens which should be preserved. There is a lot of legislation on the books which has not been implemented to date that would preserve some of these. The sensitive areas, particularly the stream-corridor areas where a lot of the sensitive vegetation and some of the eco-system occurs - I think, if I can speak on behalf of the realtors, they are supportive of some sort of a moratorium for 18 months on those stream corridors. How that is to be defined is difficult. But there are definitions which perhaps could be incorporated into legislation which would protect the stream corridors plus the core areas, which I think have been pretty well defined by the federal and the state governments.

Bill is here today to speak on behalf of the Association. That is in the statement. And, Bill, if you want to expand on that, I think you can.

MR. WILLIAM THOMAS: We thoroughly recognize the fact that there has to be a certain amount of protection in there. There is no question about it. Our position is that this is a delicate thing that requires a scaffold and a meat axe has been used on it. We realize what the ecological value is to land values in particular. We are well aware of it. But this is no way to go about it.

SENATOR PARKER: Well, you are on the beach, right?

MR. WILLIAM THOMAS: Yes.

SENATOR PARKER: Did you find any problem with property values when the Wetlands Act went through?

MR. WILLIAM THOMAS: Actually, property values went up on the beach, but not in the wetlands. They took a shellacking there. There is no question about it.

But when you draw a line down the west side of Long Beach Island and you say that that is Pineland, you have to be walking seven miles through water. And I haven't seen a pine in there yet.

SENATOR PARKER: And then the eastern part, they put a moratorium on anyway, right?

MR. WILLIAM THOMAS: Well, they are going to try that. That's next week's ---

SENATOR PARKER: East of Bay Avenue.

MR. WILLIAM THOMAS: East of Long Beach Boulevard, yes.

Gentlemen, that's all we have. Thank you.

SENATOR DODD: You will keep this Committee informed of any specific problems you have with the Commission or with Environmental Protection. We are trying to learn as we go along on this as well.

MR. WILLIAM THOMAS: I will be delighted to, Senator.

SENATOR DODD: Thank you for your testimony.

MR. WILLIAM THOMAS: Thank you.

(Written statement submitted by New Jersey Association of Realtors can be found beginning on page

SENATOR DODD: Betty Greenberg, River Touring Section, Atlantic Chapter of the Sierra Club.

B E T T Y G R E E N B E R G: I am speaking for myself and for my grandchildren. I am also speaking on behalf of the Appalachian Mountain Club and the River Touring Section of the Atlantic Chapter of the Sierra Club.

My name is Betty Quick Greenberg. I live in Englewood, New Jersey, and I love canoeing in the Pine Barrens. I find it is possible, with only one day to spend, to go paddling on a relatively wild and untouched and very beautiful section of river, right here in New Jersey, which in addition to being generously paved, heavily industrialized and overly polluted, is the most densely populated state in the nation.

Last year, I went canoeing eight times in the Pine Barrens. Three of these were trips which I led. They were among the Pine Barrens trips scheduled by the River Touring Section of the Atlantic Chapter of the Sierra Club. I might mention that each Club trip brings money into the area for such things as canoe rentals and shuttle service.

I want to describe one of these trips, a scouting trip made in the company of five friends. We used three canoes, two of them rentals.

The day was a mild Sunday in early June. For seven delightful hours we were in another world, a natural world. There were no roads, no cars, no trucks, no buildings of any kind, no telephone lines, no powerlines. There were no motor boats. Motor boats and fallen logs are incompatible. Canoes are different. It was fun to duck under a log less than fourteen inches above the water's surface or pull and lift the canoe over the logs that couldn't be ducked. While on the river, I saw no one except my fellow paddlers.

We paddled quietly on the narrow, winding, coffee-colored stream. Sunlight filtered through the branches overhead. Patches of wild blue iris appeared where

there were breaks in the vegetation overflowing the banks. Blueberry bushes loaded with ripening fruit leaned out over the water. Yellow water lilies were in bloom. In mid-afternoon we found an inviting spot where we stopped to eat our lunch and take a swim.

A trip in the Pine Barrens is to my life what yeast is to bread making. It transforms the quality of the whole. It makes me aware of the importance of preserving wilderness areas both in far away places where I have never been and in our own State of New Jersey. For the opportunity to experience wilderness is a necessity in any life concept that sees people as more than cogs in the big economic machine.

There are many people who, like myself, enjoy the wildness and the natural beauty of the Pine Barrens. We want a change from the smells and sights and sounds of urban areas. Some of us are members of groups such as the Appalachian Mountain Club and the Sierra Club. We come to canoe, to camp, to hike, to observe nature, to refresh the spirit.

Of course not everyone chooses to get away from motors and pavement and power lines for a day. But if areas such as the Pine Barrens don't exist, if they are not protected, there will be no choice.

I want that choice. I want it for my granddaughter who was my canoe partner on one trip. I want it for my fellow Club members and for everyone who values the uniqueness and wildness of our New Jersey Pine Barrens.

Therefore, on behalf of the Appalachian Mountain Club and the River Touring Section of the Atlantic Chapter of the Sierra Club, I applaud the Governor's moratorium and strongly support the Merlino Bill.

I would like to add one thing. Earlier, it was mentioned that we should be in the Pine Barrens while this is being considered. I would like to offer my services either Saturday, April 21st, or Saturday, April 28th, to any of you who would like to have me put together a trip on one of favorite sections of river there. I love the upper Toms River. I like the Wading River. I like the Batsto. I like the Mullica River.

SENATOR PARKER: The Toms River is not even in the moratorium area.

MS. GREENBERG: It is not in the critical area. But the upper Toms River I believe is in the preservation area.

SENATOR PARKER: Very little of it.

MS. GREENBERG: If it isn't, it should be.

SENATOR DODD: Perhaps Senator Feldman will represent the Committee on one of those.

MS. GREENBERG: I had better check on that because there are some delightful areas that are more wilderness-like than anything you will find on the Wading or the Mullica or the Batsto.

SENATOR PARKER: We asked that they all be included in the Scenic Rivers Act and nothing has been done about that yet.

MS. GREENBERG: I repeat, I would be delighted ---

SENATOR FELDMAN: I believe the Chairman has arranged for one of our meetings to be in the Pinelands.

SENATOR DODD: Next Tuesday, we will be taking a trip, but I am afraid not as leisurely or as beautiful as you have described. This will be in a helicopter, which won't give us the flavor of it. But you have given a most vivid and beautiful description. Thank you very much.

MS. GREENBERG: Thank you.

SENATOR DODD: Edward Lyon, Shamong Township.

A D D I S O N G. B R A D L E Y: My name is Addison Bradley. I am consultant to Shamong Township. The Township Committee and members of the Planning Board are here.

My statement today is a brief statement of this entire report that was submitted to you. The report also includes a request that was submitted to the Pinelands Review Board, a request of waiver from the restrictions as listed in the preservation zone.

I brought a map here with me. What I would like to do is orient you with Shamong Township, which is Indian Mills. Tabernacle is at the top of the map, Medford Township, Waterford Township, Washington Township. This route right here (indicating) is 206. Everything that you see that is white is the Wharton Tract, which is approximately 54 percent of the township. The area that is in blue is covered by the Governor's Executive Order and is in the preservation zone. The additional area that is in the yellow is that area that is added to the preservation zone by the Merlino Bill.

SENATOR PARKER: That is not in the Governor's order, but was added by the Merlino Bill?

MR. BRADLEY: Yes. I don't know what that was for.

MR. CATANIA: That is one of the few areas where the description from the Executive Order and the bill was different. The description in the Executive Order was not legally for the purposes of the bill. I think the description in that area describes something like, thence northeasterly along the most direct local road. And it wasn't felt that that was adequate for the purposes of the description in the bill. So the description was moved to the next road.

SENATOR PARKER: To 206?

MR. CATANIA: Correct.

SENATOR PARKER: Why don't we do this rather than include it in there when it wasn't intended to be included: Why don't we have you and the Township Engineer draw the boundary line in legally descriptive language so that it fits that, so we don't put any more in the township than has to be?

MR. BRADLEY: Our engineer in the interpretation of the Executive Order used what is called Dingtletown Road, which is part of the Executive Order.

SENATOR DODD: This seems to be doable now. But give us a description of the area you are trying to exempt. What does that now hold? The Committee is trying to be practical. We are jumping ahead of you.

SENATOR PARKER: That is the yellow part. Do you want the yellow part excluded?

MR. BRADLEY: And the blue part. We have a requested waiver before the Pinelands Review Board to get the blue part into the protection zone and out of the preservation zone under the Executive Order. We submitted that 13 days ago.

SENATOR PARKER: Let's take the easiest first.

MR. BRADLEY: Why don't you let me tell you what is in there so you know what the impact is.

SENATOR PARKER: I am afraid for you to tell us.

MR. BRADLEY: What you have taken with the Merlino Bill and the Wharton Tract is 72 percent of the total township. It is not so much the area, but it is the zones involved. In reference to the industrial zone, this bill has taken 48 percent of the industrial zone. On the map (indicating), you have an industrial zone here and here, which is 48 percent. That is really misleading because this other area over here that is in the protection zone is an old quarry hole and will

never be used for industrial use, but really didn't have any other zone's use. It is open space now. It is a hole and it will never have any potential use. So far as practical industrial use, all of the practical, ratable industrial ground in Shamong Township is in the preservation zone.

SENATOR PARKER: Can I ask you a question?

MR. BRADLEY: Go right ahead.

SENATOR PARKER: Is the rest of the town in the protection zone?

MR. BRADLEY: All of it, yes, sir.

SENATOR PARKER: All of it is in the protection zone.

MR. BRADLEY: You have got us one way or the other. Really the township is looking at this from a tax standpoint. I think you are all quite aware that the residential single-family house does not carry its own base in taxes and you need other uses. You need your industrial and commercial uses to offset your tax base.

SENATOR PARKER: What is FP and AW?

MR. BRADLEY: FP is floodplain, which the zoning ordinance which I submitted to you and which you have a copy of, does not permit construction in and also in the agricultural woodlands. Those two areas are indicated. We have done extensive studies of natural resource inventories and they have been incorporated in the zoning ordinances in order to protect these areas. But what happens is that when you draw a line in relationship to 206 or one of the roads, no consideration is given for these varied land uses.

In the commercial area, the Merlino Bill takes 68 percent of the commercially zoned ground in Shamong Township. Basically, our request to you and also to the Pinelands Review Board is to change that line back to the Wharton Tract; leave us in the protection zone. We have local zoning ordinances. We have done our homework. We did not permit any construction in a floodplain. We did not permit any construction in agricultural woodlands which has a high water table. In fact, in those areas ---

SENATOR PARKER: How many feet are you talking about - a half a mile? What are you talking about?

MR. BRADLEY: I guess you might say an average of about 3 miles.

MAYOR OTT: About 3 miles.

MR. BRADLEY: This is Mayor Ott. Excuse me for the lack of introduction. This is what we need: 206 is the only attractive ratable facility, you might call it. We don't have any railroads. We don't have any waterfront. It is the only State highway we have. It is the only corridor that we have. Under the bill as it is presently, you have taken three-quarters of it. Under the Executive Order, you took half of it.

SENATOR PARKER: You want it all in the protection area.

MR. BRADLEY: In the protection area. If you go through our waiver, we have studies from Haskins and Sells, who are municipal auditors. They express the impact this will have on our tax base. Our township treasurer, who is a graduate from the Wharton School of Business and also vice president of a bank, has his complete report in here. And we have the assessor's report. This is not just an idea of emotional committeemen in a municipality. These people have gotten together all their professionals. It is all documented. And we need the relief.

SENATOR FELDMAN: Are you the Township Manager?

MR. BRADLEY: No. I am the landscape architect for the Township and have been consultant to the Township for over six years. We did the natural resource

inventory which was instrumental in developing their master plan with the engineers, Wills, Anderson and Lord, and it was also incorporated in their zoning ordinances. We have built this thing from the ground up. I know the State may feel it has to take some action to control growth. But I think this is one of the good guys that is getting hurt.

MAYOR OTT: In all our work, we have not once had any State man come down and go over anything with us. They have drawn their lines. The ecologists have drawn their lines, but not one of them has come and said one word to us that I know of - do you?

MR. BRADLEY: No. We have met. They had a Pinelands hearing the other Tuesday night and Sean Riley and his group were down there. Even after we finished our testimony, Sean came out and said that he agreed. That was probably the only thing he agreed to all year.

SENATOR PARKER: The only major development in Shamong Township right now is the State's development of Atsion Lake. They put in all the facilities. They are the biggest mover there right now.

MR. BRADLEY: Yes.

MAYOR OTT: We feel if they can do that and do it right, there is no reason why we can't do the rest of it right, because they are right on the lake.

SENATOR DODD: Mr. Mayor and Addison, I think especially since you talked with the DEP people, perhaps we could save you some time and anguish and achieve just exactly what you want if you could hook up with Michael Catania, our Aide, promptly within the next day or so.

MR. BRADLEY: No problem.

SENATOR DODD: Set up a time with him before we break up, which is going to be very doable. I think this is an example of where this Committee can be flexible and realistic.

MR. BRADLEY: We have found in even meeting with the Pinelands Review Board, the staff down there seemed to feel our request was reasonable. The only question that they had was whether they could really act on it or not because it was an Executive Order, and those problems. What we have had to do is make this application not only administrationwise, but also legislativewise.

SENATOR DODD: We will be as realistic as possible.

MAYOR OTT: I would like to clarify one thing on the Board of Health. We do not have the last say on a permit. It had to come from the county before any of this started. Now it has to come from the county and also the State. So it is not that we just issue a permit and they go ahead and build. We do not have the last say. We cannot issue it unless they give us the okay.

SENATOR PARKER: I see Springers Brook, or part of it. It looks like the very tip end of it. What else, other than Atsion Creek which goes in the Mullica River, which goes up the other way, do you have draining from that area, if anything?

MR. BRADLEY: A lot of that is in the headwaters there. You have what they call the Muskingum Brook which feeds into Springers. You also have your Indian Mills Lake and you have your Indian Mills Brook.

SENATOR PARKER: Indian Mills Lake - where is that? That's way up the other way. Where does that drain?

MR. BRADLEY: That drains down here (indicating on map.) We have used USGS.

SENATOR PARKER: That is all in the protection zone up there too - the floodplains.

MR. BRADLEY: Right. But the impact on the township's tax base is devastating. Thank you very much, gentlemen.

SENATOR DODD: I hope we can do that.

SENATOR DODD: William Ridgway, member of the Pinelands Review Commission.

W I L L I A M G. R I D G W A Y: My name is William Ridgway. I was a member of the Pinelands Review Commission. I am currently vice-president of the Homebuilders League of south Jersey, a member of the Audubon Society, and a member of Common Cause.

I believe the Merlino-Yates Bill S-3091 should not be adopted in its current form and possibly should never be adopted. The bill states, "in order to effect the purposes and provisions of this act and the federal act, it is necessary to impose certain interim limitations upon the local approval of applications for development in the preservation area, and upon certain State and local approvals in the pinelands area." The bill goes on to say that no State approvals or financial assistance will be granted in the pinelands for any structure or disturbance, that no application for major development will be approved in the pinelands by any municipality or county and that no application for development in the preservation area will be approved by any municipality or county unless approved by two thirds of the total membership of the Pinelands Planning Entity to alleviate hardship or for compelling public need and is consistent with the purpose and provisions of the act.

United States Congressman Hughes states in his March 16th letter to Governor Byrne, "The development of a fair, independent and wide-ranging management plan will certainly take several years. For that reason, it is proper to address the question of interim protection in the critical area of the pinelands. A moratorium on the construction of new highways, industrial parks, and water or sewage treatment facilities in this critical area is a reasonable response to this problem.

Without question, there are projects on the drawing board which could adversely impact the environment of the pinelands. However, I feel that existing law, which includes CAFRA, coastal zone management and 208 water quality standards, in combination with the recommendations contained therein, will adequately protect the pinelands during this interim period.

The imposition of a blanket moratorium over 23 percent of New Jersey is an overreaction to the problem."

The Pinelands Review Committee, of which I was privileged to be a member, addresses the problem of interim regulations as follows. The Committee recommends that the following measures be adopted as part of an interim planning and management strategy for the District: 1) a moratorium, not to exceed 18 months, on all construction in the preservation area, 2) a moratorium not to exceed 18 months on all new applications in the protection area, 3) an exemption procedure for both areas where the determinant will be whether financial hardship outweighs ecological damage, and 4) an administrative process for lifting the moratorium in the protection area for projects that conform to and carry out the intent of the goals and objectives for this area. And, I'd like to say for clarification that there was a great deal of discussion at that meeting. Under item 2 where they are talking about all new applications, they are not talking about building permits but applications for subdivision approval or major development.

The Merlino-Yates bill further states that a major development means five or more houses.

The Coastal Area Facilities Review Act which is designed to protect the ecologically sensitive shore area, limits reviews to subdivisions of more than twenty-four homes.

The bill in paragraph 14 provides for a review of all municipal and county approvals by the Pinelands Planning Entity. This in effect means that a

fifteen member volunteer committee meeting once a week must review the actions of all fifty-four municipal planning boards and make a determination within forty-five days. This, I am sure you realize, is an impossible task and the commission will either make rubber-stamp decisions or become so bogged down in the procedural paperwork that they will lose sight of their primary responsibility - planning.

On this point, Congressman Hughes in the letter referred to earlier states, "There was never any intent to authorize the planning entity to draft and implement the management program. These are distinct responsibilities and they should be carried out independently, not necessarily by the same planning entity. Moreover, the enacting legislation or other authority which will be needed to implement the plan should be withheld until the management plan has been drafted and there has been an opportunity to review and approve it."

Paragraph 21 of the bill calls for the government to have the right of first refusal on all lands in the preservation area. The commissioner of the Department of Environmental Protection has 60 days to accept the offer, however, there is no limit for the time in which the purchase must be consummated. What redress would the seller have if the funds are not available until some future fiscal year?

Bill S-3091 will erode the tax base in every municipality and create a rush to the county boards of adjustment to obtain relief on all land taxes. The assessed value of the land in parcels larger than 10 acres in size is \$3,305,000 in Pemberton Township, \$6,217,000 in Bass River Township, \$3,208,000 in Woodland Township, \$4,138,000 in Tabernacle, \$3,520,000 in Evesham, and \$2,954,000 in Maurice River. Reduction of these assessed values with no reduction in total expenditures will place an excessive tax on those remaining tax payers and cause some to move because they will be unable to afford the taxes.

Congressman Hughes states in his letter, "I am convinced that no conservation program will work unless we secure the support of the broadest possible spectrum of interest groups, not the least of which are the people who have the most at stake - those that live and work in this region we refer to as the pinelands."

This legislation has obviously been created without a reasonable gestation period, which would have allowed for study of the Pinelands Review Committee Report, formation of the Pinelands Planning Entity, and the formulation of a proper management plan for the pinelands with adequate consideration for the plants, trees, animals, water, ecology, economy, and the present and future residents.

As a builder, I understand the problems of dealing with the ever-changing rules and regulations, the increased time span from the spark of an idea until the samples open and the rewards of building and moving buyers into their new homes is realized. I am currently building a ninety-three home development in the pinelands which had an approval from the Department of Environmental Protection prior to the time I acquired the land for septic tank installations for all homes. On January 23rd, 1978, the Department of Environmental Protection issued the critical area water standards which voided my approval and proclaimed in the announcement that they were aware of the hardship this would cause builders who were in progress and that rules for applying for exemptions would be issued. My job was shut down and the rules for exemptions were published in May after a delay of four months. I met with the Department of Environmental Protection to get all the facts, submitted my application, and in August was granted approval for twenty lots and an exemption for the last twenty-five lots. I did not lose any lots. I lost seven months of

productivity, several customers, and the good will of the customers who had to pick up the added costs of the delays and inflation.

Excessive government regulations are the largest single factor in the ever-increasing cost of new homes.

The Uniform Building Code Act designed by the builders and enacted by the Legislature to lower construction costs has become an abomination and raised the cost of housing by three to five hundred dollars per house.

The Department of Environmental Protection has insisted on the construction of large sewer plants in Pemberton Township and Ocean County which now will be operating at a fraction of their capacity.

The failure of the administrative arm of our State government to give careful consideration to the effects of the rules and regulations promulgated has become a major source of irritation and waste for the residents and lower echelons of government. The cost of such government is prohibitive.

Unfortunately, the Governor of our great State has issued an Executive Order stopping all State permits until the Legislature passes legislation which is compatible with his Executive Order. The constitutionality of this order is being challenged in the courts. Somehow, the cart is attempting to pull the horse. The Merlino-Yates bill is attempting to fulfill the mandates of the Executive Order and extends the regulations far beyond the Executive Order.

In closing, I would like to quote again from Congressman Hughes' letter of March 16th to Governor Byrne. "The local units of government rightfully expect to play a meaningful role in carrying out the management plan. There was never any intent in the federal legislation to impose excessive regulations on the local units of government. Indeed, it was felt that overregulation would prove counter-productive and would lead to confrontation in the pinelands instead of cooperation.

Once again, we are talking about the question of balance. The planning entity should be an independent agency which has a balanced membership and is free to make the best possible recommendations for protecting the resources of the pinelands. This independence is not achieved if the planning entity's recommendations are subject to an absolute veto by the Governor or if its leadership is controlled by a gubernatorial appointee.

I do not think it is reasonable to extend this moratorium to the fringe areas of the pinelands as well as to the critical core, or to broaden it to include all licenses, grants or permits. This is exactly the type of overregulation which polarizes the pinelands community and cuts into our essential public and official support.

At the same time, I am afraid that this blanket moratorium could effectively shut off the flow of federal funds into south Jersey by tying up the entire A-95 review process. That would cost us millions of dollars in vital federal aid and would deny the many communities and thousands of residents of the pinelands the rights which are afforded to all other citizens of this country.

The imposition of a blanket moratorium over 23 percent of New Jersey is an overreaction to the problem."

Everyone agrees that certain areas of the pinelands must be preserved. However, can we, to satisfy the whims of a lame-duck Governor, continue to fragment the people of the State of New Jersey, lose major federal funding, and possibly fail to preserve any of the pinelands - a goal which can be accomplished with proper planning, a viable economy and sensible growth?

I have included with my notes a copy of the letter from Congressman Hughes to Governor Byrne. I would also like to take a moment to respond to Senator Laskin's statement though he is not here. The Homebuilders League of South Jersey has, in conjunction with the county Board of Health in Burlington County, donated \$12,000 and provided sites on which monitoring wells can be installed for the monitoring of wells and septic systems to see what that action is. So, the Homebuilders League is interested in cooperating with the federal, State, or local governments. We are willing to put up our money in order to make those things function. We are willing to do the engineering, the design, whatever we can. But, it is very, very difficult for us to operate in an atmosphere where we must put out money and large investments years ahead of the construction, when the rules are constantly being changed while we are making those plans. Thank you, Senator.

M R S. E U G E N E A B R A M S: Senator Dodd and fellow members, I first would like to thank you for this opportunity of speaking with you today. Also, I'd like to thank you on behalf of the farming industry for your deletion of the word indigenous that you indicated would be deleted from this bill.

SENATOR DODD: That is a senatorial courtesy that you can count on.

MRS. ABRAMS: Thank you. I attended the previous Senate meeting that you held in Winslow Township. You indicated at that time that you wanted to hear from the people who would be affected by this bill. Therefore, I would like to speak to you as one of the vegetable growing families of Shamong Township, Burlington County.

My husband bought our farm from his father who had been a farmer for over 50 years in Shamong Township. My husband is one of fourteen children born on this farm. Seven of his brothers are farmers or in a farm-related business.

Farming is my husband's livelihood. We have worked, sacrificed, invested, and borrowed to keep this farm in our family. Our sons are now working with us in this farming business. A young man cannot go out on his own nowadays in the farming world. He needs ground, financial backing, and a lot of guts. I feel that my sons have this and should not be denied this right and opportunity to continue working our family farm. The Merlino-Yates Bill 3091, lines 23 to 25, on page 9, states the ground will remain in an indigenous state - this is what I thanked you for but I still must bring it out that the statement said that the ground will maintain a wilderness environment. I don't believe that sweet corn, tomatoes, carrots or any other vegetables would be classified as allowed in a "wilderness environment."

This bill also states on lines 6 to 8, page 19, that the Commission of the Department of Environmental Protection be given the right of first refusal before any property can be transferred within the pinelands area. This means that the State will have the first say to our ground. If the builder doesn't want it and it cannot be farmed, who else but the State will take it? And, yes, when this occurs, our ground value will be reduced to nothing. So, where do we stand? All that we have done through the years to protect, preserve and conserve our land, as all farmers do, is lost. The farmer puts back into the ground more than he ever takes out. We have done all of these things, and now, we will not be able to pass this onto our children or be compensated enough to allow us to relocate into another farm area or start again. I feel this bill is unconstitutional and that our rights are being infringed upon.

Our Township of Shamong contains 54% of State-owned land at the present time. Three hundred and twenty-seven acres have just been offered for Green Acres

acquisition adjacent to the Wharton Tract. The people in our area agree that preservation is needed, but it should be on a voluntary basis. We agree development will have to undergo difficult changes with stringent rules and regulations but a plan must be established that will be workable for all of us. No one should be denied the right to make his livelihood.

In testifying for the Merlino-Yates bill, Senator Yates testified that he foresaw total public ownership of the entire pinelands area. He is telling the farmers that his concern, as well as Senator Merlino's and Governor Byrne's for agriculture is non-existent.

I plead with you not to support this bill. Let us farm our land. Let us pass this land on to our children - or if need be - sell it to whomever we choose. And I thank you for this opportunity.

SENATOR DODD: Thank you, Mrs. Abrams. Is Indian Mills the same section that we talked about with Mayor Ott?

MRS. ABRAMS: Yes.

SENATOR DODD: I'm hoping we can at least correct your problem.

MRS. ABRAMS: Thank you very much.

SENATOR DODD: Cameron Boehme, League of Women Voters.

C A M E R O N B O E H M E: Good afternoon, practically good evening. I am Cameron Boehme, Natural Resources Director of the League of Women Voters. We welcome this opportunity to comment on S-3091.

The League of Women Voters of New Jersey supports S-3091 the proposed Pinelands Protection Act. We believe this strong legislative proposal is necessary to preserve and protect the inherent values of this major segment of the State - the Pinelands. The natural resources, the still high quality water resources, the ecological, cultural, and agricultural resources are of value to all citizens of the State. We support the preparation of a Comprehensive Management Plan because we believe the State should set guidelines and standards for local governments to follow. Rational development will only be possible with a carefully prepared management plan which will evaluate the inherent land-use capabilities of the entire area. Local governments are under severe pressure to expand their revenue base. They are hard pressed to allow development unless guidelines and standards have been set. The most reasonable way to set the guidelines and standards would be through a process which includes the input of local citizens and which is based on the natural characteristics of the land. This is the kind of process proposed by S-3091.

The State of New Jersey has reached the degree of development where the interests of localities and of land speculators have to be carefully balanced against the interests of the State at large. It is difficult to balance these interests.

The League of Women Voters of New Jersey takes the position that the right of the public to preserve a high-quality water resource and an important recreational natural resource is more important than the right of speculators to profit. We recognize that individual land owners and individuals directly involved in the construction of buildings may be hurt by delays caused by the moratorium. We understand that hardship exemptions are available to help these individuals in the short run. In the long run there is clearly a great need for housing construction in this State. In this time of rapidly increasing energy costs and of increasing water supply and sewer costs, this housing must be built where transportation, water

and sewer services are already available.

Last Saturday and Sunday a conference supported by the New Jersey Department of Energy took place at Ramapo College. We heard specific details of the decreasing yields for new oil exploration. We heard of the primary role of OPEC countries in supplying oil and of their power to withhold supply. The most telling conversation was with an oil driller. He stated that we are now using up as many BTU's to obtain oil as we are gaining by the new drilling. In view of the serious supply problems, it seems paramount for the future economic health of this State that no further scattered development occur. There are acres and acres of land in our cities in dire need of rehabilitation. Although not presently attractive to builders, redevelopment of these areas would not only provide many jobs but would make use of existing transportation, water, and sewer service and would thus maximize the benefit of the tremendous investment which has been made by all of the State in providing these services. Thank you.

SENATOR DODD: We have just yesterday been told of the suspension of all drilling off the coast of New Jersey and that the wells cost some \$60 million for zero results. Your point is well taken. Wayne Lippincott. Is Mr. Lippincott here? Lippincott Engineering Association, President.

WAYNE LIPPINCOTT: I will be very brief. My name is Wayne Lippincott. I am a professional engineer and planner. I am the President of Lippincott Engineering Associates, a thirty member firm comprised of engineers - that is soil engineers, hydrologic engineers, soil scientists, botanists, and chemists in addition to routine type of engineering professionals. So, our staff is fairly diversified.

I had a prepared statement but I decided to leave it and address one issue only inasmuch as I saw some interest among the Committee membership regarding water quality. There were some statements made earlier today that ought to be addressed at least in a very preliminary fashion. If you have questions, I will try to answer them.

There was a question regarding the aquifer of Cohansey. I think that is of major interest in most people's minds. Let me just drop the overlay of the outcrop of the Cohansey. Incidentally, this is a DEP map showing State-owned forest and lands which I'm sure you are familiar with.

SENATOR DODD: I was just commenting, Wayne, you have better maps than we do.

MR. LIPPINCOTT: I thank you for the comment. We have done a lot of work. We have worked at it a long time and have been in contact with DEP for a long time. I wish they would bring consultants such as ourselves in for consultation.

This aquifer that I showed here is the outcrop of the Cohansey. There are some overlying formations elsewhere but this is the outcrop of the Cohansey - that is the formation they are trying to preserve. This overlay indicates watersheds. I'd like to point out one major inconsistency that I believe exists. This red line indicates what we know is the watershed moving in a southeasterly direction. This area in here is part of the Rancocas Creek watershed. That water, falling on this ground, ends up in the Delaware. We've heard a lot of speculation on ground-water contamination. A drop of water landing here carrying nutrients, "contaminants", ends up in the Rancocas; it does not end up in this aquifer. This aquifer has been pictured as a vast sponge. Nothing could be farther from the truth and more inconsistent. Granted, it has a tremendous volume of water but it is interspersed with clay lenses. There are lots and lots of inconsistencies. That is, it is not

a sponge. Why am I saying this? The indication from much testimony is that if sewer effluent, septic effluent - effluent of that nature - containing nutrients enters this ground, it will end up in the aquifer and in the groundwater system. Published DEP literature does not support that position. It ends up in the estuaries if it ends up in the groundwater system at all. The major contention that we find we have with DEP and their review is they do not take into account any nutrient uptake in the vegetation. Therefore, if that nutrient uptake does not go up in the vegetation, it would end up in the groundwater system. That's their position.

One forest burn - one burn of the vegetation, this vegetation must burn for it to remain in its condition, that is, for it to remain in the pineland state - one burn will put out more nitrate contamination - in one fire - than you could put out in two or three years of the septic system.

SENATOR DODD: What is the recommended burning for an area?

MR. LIPPINCOTT: How often? I really can't answer that question. I think a forester would have to answer that question.

SENATOR DODD: I think it is eleven to thirteen years.

MR. LIPPINCOTT: Eleven to thirteen years, okay. We don't find those nitrates in the groundwater system that should be there from a burn. Why? Well, because they don't stay in the groundwater system. If they enter, they flow with the groundwater and move to the estuary or they are taken up in the vegetation. We feel, from the work that we have done, that this is the case. You heard Bill Ridgway make a statement earlier regarding the cooperation of the homebuilders. Two years ago when the DEP embarked on their project, we asked to have input. We felt that we had access to the builder. We had direct access to the builder. We had the full-scale systems that we could monitor. We did not make the proper connections. We did not have the funding. We did not get the funding. Therefore, the builders at Burlington County - on their own - set up a project for a limited study program. That study program is already over eighteen months into operation. We have as many as fourteen wells on one septic system. There is no indication at this point in time that they are getting the predicted nutrient loadings at all into the groundwater system - those that were predicted by DEP. Why? Because there are certain aspects that they are not permitting us to use in our calculations. We do not find, in all of our monitoring work and we are doing a substantial amount, the contamination that is predicted because the predictions are based on a fallacious model - the one that is being used presently in DEP. Much of the data that has been generated earlier does not satisfy the present predictions by DEP. It is for this reason that I feel that I have to address the groundwater question. We do not see - and we would have seen over years and years of natural decomposition because that is what is happening in the septic system, the decomposition of organic matter - we do not see the groundwater system contaminated. We must distinguish between septic effluent, which is essentially an aerobic, and that from a treatment plant - sewerage treatment plant. We heard testimony by Mary-Ann Thompson. I have to disagree with her chemistry. The cranberry grower applies more nitrate to the cranberries than is presently allowed from a septic system under the groundwater standards in the critical area. They apply more phosphate than is presently allowed. As to the concern about pH, the pH from a septic system is not a problem at all. It does not alter the pH. In fact, it may drive it down. The pH from a treatment plant goes up because in the tailend of the process, they apply lime. So, naturally the pH is going to go up in a treatment plant process.

All that I am saying is that the scientific information is here and it is available. It hasn't been utilized. It hasn't been studied in the proper perspective. I'm not saying that we have the total answer. I am saying that it is here. And, if a concerted effort is made, there is no problem with groundwater contamination from on-site disposal if properly constructed. We can find problems and I can give rational justification for those problems. Most of them are improper construction. So, the wherewithal is here. I don't want the Committee to come off with the impression that we are in some kind of a technological vacuum as to how to handle some of these problems.

I mentioned this aquifer before. Let me just overlay one --- This is the Senate Bill 3091. If the groundwater contamination problem is the issue and they are concerned about the aquifer, why is so much of the aquifer not in that region? I'm not saying it should be. I don't think it needs to be. But, I am just talking about being consistent. There is a vast portion in this region of the State that also goes up into this area. You see small outcrops of it here. There is some other Quaternary formation over top of it. All that I am saying is that I don't think the groundwater quality is the issue. In fact, I can find plenty of conflicting DEP water resources study work that says essentially - and I don't want to upset too many people - you can pump water out of this region without even hurting the vegetation. I know there is plenty of testimony that would be contrary to that but certainly Durand and the Conjunctive Use Model done some five years or more ago looked at the Mullica River watershed and said, "Look, we can take out a hundred and twenty million gallons a day and live with it." That's recorded. That's in your own documentation. It upsets me very greatly to see the inconsistency or the available information and it not be allowed to be brought in. I'm not saying that you gentlemen aren't allowing it. I'm just saying it is here. Let's make use of it.

That study also showed, incidentally, that if it weren't for agricultural runoff which can never meet the present groundwater standards in the critical zone - in fact, that is what upsets the farmers so much, they couldn't possibly live with those groundwater standards because of the amount of nutrients they have to apply - but if it weren't for those agricultural runoffs there would be a substantial breakdown in the food chain for the shellfish industry because they need that. This area is literally nutrient starving which is one of the reasons a pygmy forest exists. Nothing else can exist.

I'll stop there. I don't want to use up any more time. I did want to get these aspects in. We have a vast amount of information in our office and I am certainly willing to make it useable and provide input anywhere I can to help.

SENATOR DODD: This has been a different light on this, Mr. Lippincott. We haven't had a presentation refuting what we have been led to believe on this. I would ask you, if you would, to be available to this Committee for further consultation.

MR. LIPPINCOTT: I would be happy to.

SENATOR DODD: Mary-Ann Thompson, the nutrients that you use in your cranberry farming, nitrates and phosphates, could you ---

MS. THOMPSON: We do not use any nutrients because there is muck there and it already has enough nitrates in it for production. There are varying amounts of nutrients. We have reports by the Agricultural Department showing we do meet the standards. We have reports that show the contrary. So, there is a great deal of varying opinion on this matter. I would be glad to supply the Committee with more information on this and more expert testimony.

SENATOR DODD: Fine. Thank you very much.

MR. LIPPINCOTT: Just one comment. When I spoke of agricultural runoffs, I was not talking about agricultural cranberry runoffs. I was talking about the general industry per se. Of course, there is much documentation that cranberries can tolerate substantially greater nutrients than are normally fed. I didn't want to confuse that issue.

SENATOR DODD: Wayne, thank you very much. Nan Hunter Walnut.

NAN HUNTER WALNUT: Senator Dodd, this will be brief and I hope painless. I am speaking today as a citizen of the State of New Jersey and as one of those "little people" in the Pine Barrens who is a land owner who, contrary to the impression you have been getting, wholeheartedly supports the preservation measures proposed in S-3091 and Executive Order No. 71. I have been a resident of the Pine Barrens for nearly 10 years, and when the land was purchased, it was solely for the construction of one home on twenty acres with the understanding that the rest of the land was to be left in its natural state. This thinking prevailed when the purchase was made, it still prevails, and hopefully upon our demise, will be kept open land through the suggested Pinelands Memorial and Gift Fund, as proposed by the Pinelands Review Committee's report. Such a program would give persons the opportunity to create a "living" memorial to loved ones as well as the principle of pinelands preservation.

What concerns me the most is that without a regional overview and legislation to implement a preservation effort, the thinking of a few people will possibly destroy the area for all - in the name of the fast buck.

As an example, I quote from an article that appeared in The Wall Street Journal: "For instance, Albertus Pepper, Jr., who owns 60 acres in Chatsworth, a hamlet of 300 persons that has sometimes been called the 'capital of the pines' says, 'I've babysat this place for 33 years and if there's money to be made, I'd like to have a share of it.' To protect their rights, he says the pineys are 'going to lay some lawsuit on the state and the environmentalists'."

From the same article, the then vice-president of a large building association said: "We have big plans for the Pine Barrens." Also, a local realtor from the Marlton area was quoted as being bouyant over a projection he has heard that Atlantic City's casinos and off-shore drilling will generate a demand for 50,000 houses. By no stretch of the imagination can these statements be construed to mean preservation of the Pine Barrens.

A high-ranking official of the Homebuilders Association has been rather vocal in his opposition to the so-called moratorium. On March 30, 1979, I studied public records and came up with the following rather interesting facts.

This man is currently developing in Shamong Township 90 acres, with approximately 100 homes. A review of the Central Pine Barrens Critical Area Weekly DEP Report shows that an additional 144 units are being planned, for a grand total of some 243 units in Shamong Township alone by this one individual. This is despite Senator Parker's stating that the only development in Shamong Township has been Atsion Lake. No wonder this developer does not want to see any type restrictions placed on his vested interests.

There has been a lot of hoopala about transporting water from the Pine Barrens to north Jersey. My personal opinion is that less Christian or charitable attitudes have not been seen since the first Christians were fed to the lions some two thousand years ago. One of the speakers at the March 20, 1979 Senate Energy and Environment Committee's hearing referred to the Pinelands Review Committee's report

in which he stated that mention was made about exportation of the water to north Jersey. Gentlemen, I was a member of the Pinelands Review Committee, and in our report the following was stated: "The Committee recognizes that the ground water supply within the District, particularly that from the Cohansey aquifer, is a critical element of the Pinelands ecology and economy, e.g. cranberry agriculture. With proper management and monitoring of withdrawals, this ground water supply should be maintained for the use of the future Pinelands area population. Until it can be proved that water diversion would not adversely affect the Pinelands ecosystem, the Committee recommends against the exportation of ground water."

Also, under the goals for the planning and management of all lands within the Pinelands Preservation Area, it is stated: ".to protect and preserve the quantity and quality of existing surface and ground water for the citizens of the Pinelands."

I assure you gentlemen, that this was of major concern to those of us who served on the PRC, as we were concerned not only with the economic impact such a withdrawal would cause, but also the ecological impact - the preservation of the high quality of the water as well as its chemical attributes that all go into maintaining the ecological characteristics of the Pine Barrens.

We environmentalists - and I consider myself one - have been ridiculed, called less than complimentary names, and have been jeered at, but we have remained steadfast in our aim to preserve this unique area for future generations of New Jersey residents and the country. We have no personal axe to grind, no profits to be made, merely a dedication to an ideal.

I, therefore, feel that the Merlino Bill would provide the step forward that is needed to help preserve the Pine Barrens. Thank you.

SENATOR DODD: Thank you Ms. Walnut. We skipped over Mr. Harry Wooden, member of the Evesham Township Council.

H A R R Y H. W O O D E N, JR.: Thank you very much Senator for the courtesy you are showing me. I do have a tight schedule with a council meeting tonight. I am Harry Wooden. I am a councilman from Evesham Township in Burlington County. Three quarters of our township is currently included in the area indicated in the moratorium as the protection area and in this bill as the Pinelands area.

I wish to preface my remarks and testimony by proposing to this honorable and distinguished Committee and to Senators Merlino and Yates two suggestions for amendments to the bill.

The first suggested amendment addresses the provision in the bill for the State's right of first refusal on realty transactions, Section 21. It appears to me that in the vast majority of the sales or transfers of properties involving individual single-family homes - probably in 99 plus percent of these cases - the State will decline to purchase the property. Yet, the sale of the properties and the obtaining of beneficial financing will be held up by the process of administering this requirement. For these situations I believe that this will create an unnecessary administrative nightmare which will not in 99 percent of these cases serve the intent of this bill. I strongly urge that this provision be modified to make this section - the State's right of first refusal - applicable only to sales involving lots without existing buildings.

The concerns that arise regarding the isolated situations where the house or other types of buildings may be situated on lots that have unique natural features desirable to preserve may be adequately handled under Subsection (d) of

Section 21 which is the right of the State to pursue existing means of acquisitions.

This amendment would also serve the very important purpose of relieving some of the anxiety of individual homeowners in the preservation area now being felt with regard to their ability to sell their homes at a beneficial price. I don't believe that it is the intent of the sponsors and supporters of this bill to put such individual homeowners through the administrative nightmare and unnecessary uncertainty of this process - particularly when it is so apparent it would not result in greater protection for all but an extremely small fraction of the land involved. The exceptions can be adequately handled by existing procedures. In other words, let's save anxiety and administrative costs by using "Management by Exception."

My second suggestion concerns the northwestern boundaries of the pinelands area in the bill and the protection area in the Governor's Executive Order. For those who haven't looked at a newspaper recently, I am referring to the Marlton Circle. I kind of facetiously refer to it as the gateway to the pinelands. Putting the boundary there is certainly a commendable attempt to help another landmark of south Jersey - Olga's Diner - overcome the damage resulting from the well-intentioned actions of another State department - New Jersey Department of Transportation - when they made the Marlton Circle Cutthrough.

At this point I believe it would be appropriate to request that the sponsors of this bill or this Committee consider modifying these boundaries - possibly by excluding the completely developed area of "Downtown Marlton" east and south of Marlton Circle. This would be an arc starting on Route 70 at a point approximately two and one quarter miles east of the circle and swinging around to intersect Route 73 at a point approximately one and one quarter miles south of the circle. More simply put, this would run from Route 70-Elmwood Road intersection in an arc to the southwest to Route 73-Brick Road intersection. The area included is practically all fully developed with approximately eleven hundred to twelve hundred single-family homes, a concentrated shopping district, and two major shopping centers. This area of about one and one quarter square miles also includes approximately four hundred and fifty acres of township-owned Green Acres lands. Of course, the point of the latter is, that it has been protected with State funds already - that area that is not developed.

I will try to move through the rest of this quite promptly. I think some of the points have already been well addressed

SENATOR DODD: Olga's Diner is quite well known for its cheesecake, I think.

MR. WOODEN: Yes. Now our mayor refers to being able to sit in Olga's Diner and look out on the pinelands. Joe Bricketto is advertising that fact very well with his signs.

I address this hearing as a resident and official of a township that contains a cross-section of the environmental, land use development, local planning, and local land use management conditions and issues that face the pinelands now and in the near future.

Evesham Township has significant area which has the same or extremely similar soil, subsurface water, surface water, vegetative, and topographical conditions as those found in much of the central Pine Barrens. Of greatest importance to these hearings and to Senators Merlino's and Yates' bill is the fact that the southern third of the township is underlaid with the extremely vital aquifer that underlies the pinelands.

Our township has already experienced the conflicts between honest, environmentally sound planning and the high-pressure, well-funded and politically supported development interests on a scale that is only just beginning to be sensed by the residents and governments of our neighbors to the east and southeast. We have and are now experiencing developments that are environmental disasters - that were approved in some cases because of money pressures, because of political influence peddlers, because of multi-million dollar individual liability lawsuits used to intimidate local officials, and because some developers and their lawyers know that municipal officials are at their weakest when they have not yet had the time to comprehensively plan for growth.

And Evesham has several times over faced what is one of the most important concerns facing all of the municipalities in the pinelands: that it is often far more costly and far more difficult to correct the environmental oversights and damage that result from poor planning and a rush for approval than it is to thoroughly research and plan for controlling and preventing such problems before they occur.

Restrictions and development controls are always capable of modification or reversal at a later date. But, a failure to properly plan and to control environmental impact may well turn out to be irreversible.

Aren't these last two points really what this legislation and the Governor's Executive Order are all about? There must be time and tools provided to enable comprehensive land use planning for the entire pinelands to be accomplished before the speculators nibble away so much that no plan will be effective and irreversible damage occurs.

I emphasize that the real costs of failing to do this now before the land rush gets too much momentum will hurt the honest, well-intentioned developer just as it hurts our townships and our residents. Only the speculators will grab their money and get out before the real damage is seen.

In our township we know what it is to see local officials abdicate their responsibility to effective planning and protection of the environment. We know what it means to see the Planning Board chaired by a direct representative of the speculators and developers. We know only too well the impact and costs of having former and current township officials turn their back on gross destruction of the environment because of political pressures, influence, and ambitions.

So we do know. We have lived with the very factors that lead to a conclusion that pressures can be built to a point that local governments must have a breathing spell. They must have an opportunity for regional comprehensive planning to be accomplished before these vital resources of our pinelands are exposed to the full weight of the development and speculation pressures.

That's what I believe this bill is intended to do and will do if those same speculators and vested interests don't weaken it or kill it first.

One very graphic example of the kind of pressure that some land speculators can and do apply to coerce local planning and government officials into ignoring good thorough planning is the use of Federal Civil Rights Act lawsuits. These bully-boy tactics are aimed at literally scaring the wits out of individual officials by exposing them to the blatant threat of individual liability in the tens or hundreds of thousands - even millions of dollars.

I speak from direct personal experience - once as a private citizen and now again as a public official. The first time, the developer asked for \$1.5 million from each of eleven persons, including three private citizens. You must ask yourself what can we expect these local boards and officials to do if they have to face these

kinds of threatening pressures without the comprehensive planning tools this bill can foster.

For a moment, I want to draw your attention to the nature and intent of much of the opposition to this bill and to the Governor's moratorium. Please note that while I said, "much of the opposition", I did not say much of the visible and audible opposition. That's an important distinction. The real threat that is addressed here - speculative, irresponsible development interests - makes itself only partially visible. Many of the developers, landowners, and construction interests that have been clearly visible and audible in their opposition are not the worst threat faced by the pinelands. That threat hides behind gullible and susceptible local officials and builders and politicians.

That threat is maybe best represented by the claim that the Pinelands Environmental Council has already prepared a comprehensive plan for the pinelands. I won't even dignify that smokescreen of an answer with a response other than to point out that the PEC "Plan" was produced under the leadership and direction of a man who has been one of the largest speculative landowners in the pinelands. Some officials on both the county and local level have tried mightily to have us believe that such was the answer to the problems of development in the pinelands - and then want us to stand aside while the pinelands are stripped and paved over and the speculators line their pockets.

I close my plea to you with an example that may help bring the basic issues into clearer focus. The Homebuilders League, the New Jersey Builders Association, etc. have all claimed the 6,000 - and then they reduced it to 3,000 - jobs will be lost and that \$90,000,000 will be lost from the area's economy if this bill is adopted or the Governor's moratorium continues. Let's consider for a moment that you are faced with a proposition that development be permitted on the lands adjacent to the Grand Canyon and on the floor of the Canyon. That is a shock even to consider but let's go on with the example.

The environmentalists would call for prohibition of this development. Government officials would call for studies of the impact while the speculators would urge that thousands of jobs are there just waiting to be created and just look at the boost to the local economy. Just imagine all the tax ratables that would come.

As the opposition to this idea began to build, the speculators are, meanwhile, trading money and land hand over foot. Each news release increases the growth in the value of land in and around the development area. Then the State says that there is a moratorium for 18 months to enable local, county, and state - I should add federal - officials to develop a comprehensive plan for the region to determine what land could be safely developed around the Grand Canyon without damaging that priceless national resource and to determine how best to preserve those lands that are too sensitive to be touched.

Of course, the developers scream to the press and the public about all the jobs that will be lost - all the ratables that will be lost. They even claim that the State is taking away the "American Dream" of free enterprise. Many of them shout about communism and Hitler tactics. Posters proclaim "Environmentalism equals communism."

Now think about this. If you looked at the Grand Canyon as it is now, would you see thousands of lost jobs there? Would you see millions of dollars of lost tax ratables there, hundreds of millions of lost income into the economy?

No. I think you would all see what is really there. And you would see that what must be preserved is more valuable than we can ever imagine - a priceless natural resource. Would you claim that it is communistic or Hitler-like to try to protect the Grand Canyon? I do not think so. I know you wouldn't.

Does the preservation of the Grand Canyon represent communism at work? I don't think you would believe that. I believe that you know that one of environmentalism's finest examples is the continuing effort to save America's Grand Canyon - certainly not a threat to human rights.

That's what you have in front of you here in New Jersey. To New Jersey, to the residents of this area, to this State, the pinelands represents what it really is - a precious natural resource. It does not represent jobs and ratables pulled out of the thin air like in my example, but something worth protecting and managing properly.

Just remember, the honestly concerned and responsible developer and land-owner will still be around when the planning period is fulfilled, when the Comprehensive Management Plan is implemented and they will find an honest and responsible way to live with it. It is only the speculators and the politicians whom they support - or who they are - that see their manipulative profits and influence threatened by this bill. I urge your support and approval of it. Thank you.

SENATOR DODD: Folks, we are starting to run out of time. They close this place and our stenographers are running out of gas as well as your chairman. How many people do we have here who have not testified and are planning to testify? How many people would be willing to submit their written testimony to be recorded into the record? Then, we are going to have to continue the hearing. We will run to six o'clock and do as many as possible and we will continue the hearings on the 17th. I call Mr. James Furlong, President of the Southern Jersey Fur Takers Association.

J A M E S F U R L O N G: Senator Dodd, my name is Jim Furlong. I'm President of the Southern Jersey Fur Takers which is an association representing twelve hundred organized sportsmen in the southern region of our State.

You will find my testimony somewhat different from what you heard today but the sportsmen of this State have some valid concerns. I am here today by action of the Board of Governors to oppose this legislation S-3091 which is known as the Pinelands Protection Act.

We strongly support the philosophy and rationale behind a planned and directed management and development program for the pinelands. However, we oppose S-3091 as written.

The pinelands have historically been the result of a unique interaction between Man and the natural environment. Man's activities have helped to shape the Pines as we now know them.

The language of the bill concerning permitted activities is sufficiently vague to allow the overseeing body to severely restrict any human activity. Historic activities such as agriculture, forest and wildlife management including the pursuits of hunting, trapping, and fishing may be in jeopardy unless the language of the legislation is made more specific.

We are endeavoring to insure that Man will not be locked out of the pinelands area or certain sections of it. We are apprehensive of phrases such as "recreational significant", "appropriate uses", and "wilderness environment." Any natural area has no intrinsic value in and of itself. These areas become of value when they supply the needs of Man. In its present state, the Pines can provide a wealth of resources to the citizens of the State. These resources must be managed

and conserved if the pinelands is to be a natural environment rather than a museum display.

The case for wildlife in the pinelands as it is throughout the entire country, is a serious one. The well-intentioned but misinformed environmentalist/preservationist supporters of this legislation may unknowingly be the underlying cause of the decline and eventual extinction of the wildlife they believe they are trying to preserve.

Though the terms "preservation" and "conservation" are often confused, there is a fundamental difference between them. Preservation implies complete protection with a minimum of human disturbance. Certain irreplaceable habitats for wildlife must be kept intact. Animals threatened with extinction must be totally protected so that man can continue to enjoy and learn from them.

Conservation, however, means the wise use of a renewable resource. Like the trees of the forest, game animals are a renewable resource: they produce an annual surplus that can be safely harvested by man. Wildlife cannot be stockpiled; that is, the annual surplus of individuals that arises from animals' natural propensity to overproduce cannot accumulate for very long. Each unit of land, at a given time, has a definite carrying capacity for each species, a limit to the number of species it can support. A land unit may temporarily harbor an excessive population, as at the end of the reproduction season. But the scythe of mortality factors inevitably will cut the population back. Protection will not alter this basic law of population biology.

In animal populations, safety does not lie solely in numbers. Wildlife sometimes can be protected to death. The results of allowing a deer herd to multiply beyond the carrying capacity of its range have been documented all too often. Poor growth, weakened physical condition, and starvation are sure to follow, with the smaller less competitive fawns, the first to fall victim; and the severely damaged range takes many years to recover. Over-abundant muskrats may burn out a marsh by eating so much of the vegetation that almost none is left to support a muskrat population.

Conservation implies management of the animals, their habitat and the people who use them. Aldo Leopold, one of America's foremost wildlife conservationists, said, "We have learned that game, to be successfully conserved, must be positively produced rather than negatively protected. We have learned that game is a crop, which nature will grow and grow abundantly, provided only that we furnish the seed and a suitable environment."

The attitude of the general public, which includes the environmentalist/preservationist supporters of S3091 is somewhat based on anxiety about the welfare of wildlife and the notion that the annual harvest is immoral and unnecessary. They either don't care or are not aware that wildlife management is a profession in itself, in fact, had it not been for scientific management of wildlife since the turn of this century, there would hardly be anything left to harvest. In 1900, the beaver had disappeared from the entire Mississippi Valley and every eastern state except Maine; today it is common in nearly every state of the continental U.S. And, I might add, in New Jersey also. In 1895 the White-tailed deer had been eliminated from more than twenty-five states - only 350,000 survived south of Canada; today the forty-eight lower states support more than 12 million Whitetails. In 1930 the wild turkey had disappeared from all but a few southern states; today there are wild populations in forty-three states, including some where they originally did not exist. The wood duck had been so reduced in numbers by 1915 that many naturalists expected its imminent extinction; today it is the most common breeding species of waterfowl in the eastern United States.

The future of the wildlife in the Pines must be left to the professionally-trained wildlife managers and not to the armchair expert preservationist. It cannot be imagined that the temporary increase of animals following cessation of hunting, trapping and fishing would improve any of the welfare factors, i.e. food, water and cover. Certainly no more habitat would be created. For the browsing animals such as deer, the food supply would eventually be reduced as the population increased, just as the amount of pasture grass would decline under an overabundance of sheep.

Mortality factors, on the other hand, would be favored. Starvation and disease in particular would increase because such factors are density-dependent. The more animals per unit of range, the greater the pressure on food resources. The higher the population density, the more frequent the contact between individuals and the greater the opportunity for disease organisms and parasites to be transmitted from one to another.

We know that game animals and furbearers will die whether we harvest them or not. Death will occur whether we see it or not. There is no moral justification for preferring the unobserved natural death to the observed harvest death.

The future of wildlife is a critical question. In the absence of hunting, trapping and fishing, who would continue the research, education, field work and effective enforcement of meaningful laws and efforts to reduce pollution of wildlife habitat? It takes little imagination to realize that without these activities - funded voluntarily mostly by the sportsmen - all wildlife would suffer greatly.

In conclusion I would like to leave you with a few thoughts. The sportsman shows every indication of continuing to support programs such as non-game and endangered species management, which are of at least equal benefit to the non-hunter. But it would be unrealistic to expect him to continue his present level of contributions, including financial, without an opportunity to pursue his chosen endeavor. During my thirty years afield in the woods, fields, and on the streams, rivers and ocean, I have had the opportunity on many occasions to observe the effects of overpopulation in wildlife, raccoons so weak they could barely walk; some with worms literally protruding from their legs and feet; others suffocating and starving as a consequence of mucous-clogged nasal passages and numerous foxes with their entire bodies punctured by oozing sores from chronic mange. Wildlife management practices as conducted by our fish and wildlife agencies must continue to be wildlife's benefactor or we will have no one to blame but ourselves. The time is past for infighting among the various philosophies of conservation. The time is at hand for a joining together to develop and support programs of mutual interest; the wise management of our environment and its wildlife, and all our other natural resources.

Thank you.

SENATOR DODD: Thank you, Mr. Furlong. Daniel Farrand.

D A N I E L F A R R A N D: Good afternoon, my name is Dan Farrand. I live in Long Valley, Morris County. My father and I farm 500 acres on which we grow corn, hay and soybeans. I am a member of the Executive Committee of the Morris County Board of Agriculture, serve as State chairman of the Young Farmers and Ranchers Committee of the New Jersey Farm Bureau, and I am a member of the American Farm Bureau Federation's Young Farmer and Rancher Advisory Committee as well. I have lived on a farm all my life and hope to do so for the rest of it. Whether I can stay in New Jersey or not is another matter. You have already heard testimony from the Farm Bureau and I agree with that position. As a young farmer whose future is threatened, I feel I should speak.

You may question my concern about S-3091, the Pinelands Protection Act, since I don't reside in that section of the State. My concerns are twofold. As State Chairman of the YF&R I represent many of the State's young farmers. A majority of our members are from south Jersey and many of these farmers reside in the pinelands area. We are the farmers of tomorrow and after studying S-3091, we have doubts that we will be allowed to farm tomorrow. "Be allowed to farm", doesn't that statement strike something within you? Agriculture is the most basic industry known to man, almost as old as man himself. Agriculture is the foundation upon which this country was built. Other countries have land as good as we do. Other countries have as much or more rainfall than we do. What we have that they don't is the free enterprise system and private ownership of the land. S-3091 limits agriculture to that which is indigenous to the area, cranberries or blueberries. I realize that there has been a discussion of this statement and we appreciate what the Committee has decided in that regard. However, when you talk about preserving the pinelands you are talking about a long period of time - forever. And, bureaucratic regulations can change overnight. Without regular input from the people in agriculture, suddenly you wake up and there is a new regulation. This is a major concern of especially the young farmers who are going to be the future of agriculture. Agriculture is a rapidly changing industry. Those who cannot adapt are left by the wayside. What is profitable today may not be profitable tomorrow; witness the move away from vegetable into grain production in south Jersey. By placing limits upon what we can produce, you are restricting our options. That is not the point, however; no one should be able to tell a private farmer what he can or cannot produce on his land.

By totally closing the area to development, you would also take away another valuable tool of today's farmer. Without the possible value of development, a farmer's land is worthless. Therefore, when he goes to the bank for a loan, there is less money available for him to borrow. Especially among young farmers, debt is a necessary evil in the operation of a farm. Due to the Governor's moratorium, lower borrowing power is already a fact.

My second concern in speaking to you today is personal. Both my father and myself are landowners. I would think that every landowner in the State would be up in arms over this confiscatory moratorium and proposed legislation. Today S-3091 does not affect me directly since I don't own land within the pinelands area. However, if this bill is passed and upheld by the courts - both unlikely for I believe in justice - then it is only a matter of time before I will be affected too. This bill, if upheld by the courts, would establish the precedent of taking property rights without just compensation - something guaranteed in the United States Constitution. Unfortunately, our court system relies all too heavily upon precedent and if some liberal judge were to uphold this legislation, the rest of the State would be in danger. I have seen it time and time again. Once government gains a toehold, it is like cancer, it just keeps growing and growing. As a matter of fact, in my area today the State is already trying to do almost what is being done in the Pines in the form of a fish hatchery along the Pequest River. It started with several hundred acres for the hatchery itself. Next, the DEP asked for a buffer zone of several thousand acres where restriction would be placed on development, pesticide use and livestock operations to name just a few. Lately, we've been hearing rumors that the DEP wants up to 6,000 acres surrounding the hatchery to fall under its restrictive control. If S-3091 is passed and upheld in the courts, there is no doubt in my mind that some form of environmental preservation will be upcoming in north Jersey.

Please don't misunderstand me. I love the land, nature, and open spaces. I abhor development. My family was forced off the land we had farmed since the American Revolution - in which my ancestors fought - because of urban pressure. Today we are beginning to feel some of those same pressures again. As much as I may dislike what he does, it is every landowner's constitutional right to do with his land what he wishes. Many farmers put in many lean years and the land is all they have to use for retirement. I can remember the years when my father was just able to make ends meet. He has paid his dues. If he wanted to sell the land for whatever purpose tomorrow, I could not begrudge him that.

If you feel it is absolutely necessary to preserve a portion of the pinelands then there must be just compensation to the landowners. If S-3091 is passed in its present form, the farmers in the pinelands would become nothing more than serfs, paying taxes and working for the State. Our country was formed by people searching for freedom. Many of these people wanted to own, truly own land. Through the years private ownership and free enterprise have kept this country great. Are you going to be the first to begin tearing down what we have fought for over 200 years to keep?

Thank you for the opportunity to present this testimony.

SENATOR DODD: Thank you, Mr. Farrand. Bill Haines, Jr. member of the Young Farmers and Ranchers. Are you a member of that organization?

W I L L I A M H A I N E S, JR.: Yes, that's right. My name is Bill Haines, Jr. My father testified at the last Committee meeting. I am speaking as a member of the Farm Bureau's Young Farmers and Ranchers Committee but as a member who farms and lives in the preservation area. I have about six pages here and most of the points have already been covered adequately, I think, by Dan and by Stephen Lee. But, I would like to emphasize some of the things that I think are important.

Now, with my father, I farm about 800 acres of cranberries and 200 acres of blueberries. We are the largest cranberry grower in the State and I'd like to think that we are one of the best in the country. We're successful and besides the blueberries and cranberries we own a heck of a lot of land. There are apparently some people in this State that think we should feel guilty about that. Let me say here that I don't. I'm proud of it. I think that is the issue here.

I'd like to also say that I am an environmentalist. I don't think the people behind the moratorium and behind this bill would like to include me in their brigade. And I'm damn glad of that. But, I love the Pines. I love them as much as anyone who has testified before this Committee on this issue. I canoe them all seasons of the year. I hike them and I actively care for them. But the issue isn't whether the pinelands should be saved - they should -; the issue is who should control the land? Is it the people who bought it, work it, pay taxes on it, or the State of New Jersey? Apparently according to this bill, there are some people who believe the State of New Jersey should confiscate all rights to control it.

We heard an argument comparing the pinelands to the Grand Canyon. I may be mistaken but I believe that the Grand Canyon was always publicly owned. Unfortunately, in some eyes the pinelands aren't. Any action that is taken that lowers the value of someone's land, should compensate for that lowered value. I don't see how anyone can look at it otherwise.

You can talk about the value for loans, you can talk about future security, but the thing is if you have a thing of value, the State doesn't have the right to take it away from you.

The second thing I want to bring up is the right to farm. Now, if they take our rights away from us or they buy them - whatever the final plan is - if all I can do with my land is farm, I'd better have the right to farm it. I don't mean some vague encouragement like that included in the Merlino bill stating that they are going to promote agriculture and it has to be compatible with the wilderness environment. There is no way on God's green earth that you can farm in a wilderness environment. There has to be in any legislation a specific guarantee that we are going to be able to continue necessary practices and to change those practices if conditions and technology warrant it. Also, we are going to have to be allowed to expand our operations.

The third thing that is wrong with the bill is the first right of refusal. I'm not sure exactly why this was included in the bill but as I see it, it could be used as a tool to limit agriculture and to stop the expansion of agriculture. When a farm is passed on to a son oftentimes it is sold to the son. The State could, if they choose, step in and buy that property and, in effect, end up farming the operation. If a farmer wants to expand, often he has to buy land from his neighbor. The State could stop that if they chose if it is included in this legislation.

The fourth thing that I am concerned about - to get away from the farming aspect and the property rights aspect - is that there is no local input - no real local input at all in this. The people who are most affected by this should have the most to say about it. Under this Commission there are seven people appointed by the Governor. He appoints the Chairman. He appoints the Executive Director. He has veto power over the whole thing. There is no way that there is any local input in that. I don't think that is fair at all. I think that after this Commission, as mandated by the federal legislation, develops their plan, makes their study, that whoever implements this plan should give a fair representation to the people. The municipalities should be represented, the mayors, the cranberry growers, the blueberry growers, the environmentalists, everyone should have a say - a real say. They shouldn't be hand picked by the Governor.

On the same issue, our farm is located in Washington Township, Burlington County. We have a population of seven hundred, give or take a few. We are the largest township in land area in the State. We also happen to be the only municipality which is completely in the preservation zone - the only one. We currently have in our township the outright ownership of 73% of our land by the State through the Wharton Tract and some State forests. Seventy three percent and they pay us ten cents an acre in taxes. They control another 15% of the land through the Wetlands Act. Any taxes from that, because the land has been rendered virtually worthless, is minimal. So, our township has a tax base which is based on about 12% of the land in the township. But, we have to educate our kids on the revenue that 12% produces and the ten cents an acre from the State. We can barely afford to do it. We have only 106 kids in our grade school and it costs the local taxpayers \$2,600 a student to educate them. That is one of the higher ones in the State. It is mainly because we have to provide all the basic services that everyone else in the State expects and deserves. But, the number of students is so small it drives our cost per student way up. I happen to be vice-president of the School Board and I know that there is absolutely no fat in our budget. We have no frills in Washington Township. We don't even have a gym. For the last two years we had, for the first time, a physical education teacher. We have no art or music teacher. This year we are considering cutting a first-grade teacher and combining classes. In Washington Township, when we cut the budget, we don't cut fat. We cut right into our children's basic education. So, any legislation that comes out of

this Committee and comes out of the Senate has to include realistic in-lieu-of tax payments to the municipalities for any land acquired by the State. It has to be on a permanent basis and it has to be on the basis that any land owner would pay.

I'm as concerned with the environment as everyone is. I've heard a lot of talk here that we are saving the pinelands for future generations. Well, my kids are part of the future generation and I think their education is every bit as important as all the tree frogs in south Jersey.

The final thing is one thing I don't see wrong with the bill in that it is included but that it is not included. As cranberry growers, we don't need someone to come up here and tell us how important the water is. We knew how important the water was generations before the first concerned citizen met the first curly fern. But the only difference between them and us is, we put our money where our mouth is. We have actually acquired land to protect that water supply. We have no intention of developing it. But, we don't want it taken from us either. To get back to my point on water, we spent a lot of money on land to protect the water, we have built reservoirs to conserve it, we are currently spending a lot of money - about \$1,000 an acre - to install an irrigation system which conserves water - modern irrigation systems. Now, after all this has been said and done, we want a guarantee that the State isn't going to pump this water out from under us. We don't want a statement from DEP that it probably won't happen. We want a guarantee that they are not going to take what is the most important asset we have, away from us. This is a very emotional issue and I guess you can tell. I'm emotional about it. But, I want to thank the Committee for taking the time to hear me, and for waiting this long. If you have any questions, I will try to answer them.

SENATOR DODD: Bill, I and this Committee will be making changes. The right to pass land on from father to son - however that will work out in the bill - we are addressing that. We certainly agree with you on just compensation for the land. Let me give you an example to see what your attitude would be on the issue of a person's having the absolute right to do with his land what he will. Take away the emotional issue and the beauty of the pines and the uniqueness of it. Let's put a hundred acres up river from your water supply. That fellow who owns the hundred acres should have, according to your definition, the right to do whatever he wants to do with it. Then he puts up seventy five or a hundred and fifty homes, and a few chicken farms, and a few cattle farms, and those effluents get into your water system. Does he still have that right? What would your recourse be?

MR. HAINES: That's really a hard one.

SENATOR DODD: That's the question we are asked.

MR. HAINES: But, didn't the DEP enact or develop regulations which protect the water supply ---

SENATOR DODD: I'm saying even with all the regulations suppose it still happens? This is a great deal of the testimony that we are hearing today - that it will happen no matter how well planned or how well thoughtout the DEP plans are. Does that person have the right to pollute your water supply?

MR. HAINES: No. I don't think he has the right to pollute our water supply but I still maintain that the State does not have the right to take the value from him without paying him for it.

SENATOR DODD: We are not taking it from him. He is going to keep it. He was authorized and zoned to do that - to put in his homes and chicken farms and whatever. It just happens to be that it is evolving into your water supply. What do we do about that?

MR. HAINES: In the first place, I don't think the water supply is that likely to be damaged.

SENATOR DODD: I'm giving you a hypothetical example.

MR. HAINES: Another thing is that we own so much land. We actually invested without coming to the State and asking for help. We put our own money on the line for four generations.

SENATOR DODD: What about the person upriver though? What would your recourse be, close down a certain number of bogs and say that's the way it is? Or would you come to the State and say, "Hey, that guy is polluting. I want it stopped." According to your testimony, we'd have to say, "Look, he has a right to do what he wants with his land."

MR. HAINES: I said you can't take away his value; I didn't say he has the right to pollute.

SENATOR DODD: In effect, by stopping him from doing whatever he was doing with the land, we are making it worthless then.

MR. HAINES: That's not true at all. I don't understand.

SENATOR DODD: What I am trying to say is that we are trying to walk an extremely delicate tightrope. We have limited funds. We have \$67 million to adjust for people's condemnation, if you will, or adjustments. We have Farmland Preservation Acts. We have many tools at our disposal but not enough to compensate everyone dollar for dollar and still achieve the preservation that this Committee is striving to do to compensate. On the point that your school system is such that your cost per student is so high, you don't have an exclusive on that. I represent a district of the Oranges which is on the outskirts of Newark. Several years ago they opened up a little highway called Route 280 which happens to intersect the Garden State Parkway. They took about \$100 million worth of ratables out of the heart of our district. We didn't want that highway there. We did not want the highway! When they had their public hearings we said, "Look, if we need the highway, put it over in that guy's district. Don't put it here." And they said, "This is for the good of all people and therefore we are taking this land because it is for the good of everyone in New Jersey." And, I still said, "Put it over there. We don't want it in this district." They put it there. We lost \$100 million worth of ratables right off the tax roll and got the pollution that goes with it.

MR. HAINES: But they bought it didn't they?

SENATOR DODD: They bought it at minimum value from the citizens who didn't want to sell. Now this goes on day in and day out.

MR. HAINES: But they still bought it.

SENATOR DODD: I'm saying it is not fair. But, when we live on top of each other as we do in a State as densely populated as this, we do have to have these God-awful rules and bureaucratic regulations in order for us to function as an organized society. Without them, it will just break down. This is one of the complicated consequences of living on top of each other as we do. There is no easy answer. You came here today looking for an easy answer. I don't have one. I wish I did.

MR. HAINES: I didn't come looking for an easy answer. You talk about a hypothetical situation of someone upstream from me. I don't see where any building is going to come in our township if I continue to farm because the State already has 80% of the township and over the line of the two biggest cranberry growers in the State.

SENATOR DODD: Never mind the Haines combine, how about the little cranberry grower, the fellow who was here before? He doesn't have muscle or can't afford to buy up all the land around him to insulate him. How about that guy? They are the ones we have to worry about. I'm sure the Haineses can take care of themselves as they have for generations. And, we need the Haineses in New Jersey, You are a big part of New Jersey. This bill, if anything, will ensure your continuance. You may not like all the parts of it, but the end result has got to be better for you.

MR. HAINES: I understand the problem and I understand what you are saying. But, the issue is still the same. If preserving the Pines benefits everyone - everyone has come up here and said it is the greatest natural area on the east coast - if you are going to preserve the area it is going to cost X amount of dollars no matter what. But the question is who is going to bear the cost, the people who live in the area or the people who use the area? If it is going to benefit the people in Nutley and in Glen Ridge and in Morristown, let the people in Nutley and Glen Ridge and Morristown share some of the cost.

SENATOR DODD: But, there was no compensation for the municipalities when those highway properties were taken. It shrunk our tax base, therefore, everyone else in town had to pay higher taxes. Every town has an instance like that - every municipality.

MR. HAINES: But no municipality has 80%.

SENATOR DODD: Not many municipalities have 700 people.

MR. HAINES: But our costs are still the same. Our costs are greater. We don't have any of the services you have up there. We have a school; that's it. We don't have a library. We got trash pickup last year. The municipality supplies no other services.

SENATOR DODD: I'd like to bring you up to Orange with me and let you take a look at my district. Bill, thank you very much. Ladies and gentlemen, I'm sorry we didn't get to everyone here today and I can understand your not wanting to just submit your testimony and wanting to speak because of the import of this. We will continue on the 17th. Again, thank you for your patience.

MEMORANDUM

TO: NEW JERSEY SENATE ENERGY & ENVIRONMENT COMMITTEE,
THE HONORABLE FRANK J. DOOD, CHAIRMAN

FROM: ATLANTIC COUNTY--FREEHOLDER NELSON JOHNSON

RE: RECOMMENDED AMENDMENTS TO S-3091, THE "PINELANDS
PROTECTION ACT". INTRODUCED BY SEN. JOSEPH P. MERLINO

1. SECTION 3, DEFINITIONS:

- A. "Application for Development." -- This definition should be amended to exclude any construction which disturbs less than 5,000 square feet. The disturbance of more than 5,000 square feet of the surface area of land for the accomodation of construction is the standard use in the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et.seq. This is a rational standard and would minimize potential hardships resulting from the enforcement of Section 13C.
- B. "Major Development" -- There is a need for the creation of classes of development, in particular, a distinction should be made between subdivisions of land where sanitary sewerage is available and where it is not.
- C. "Preservation Area." -- Is the boundary of the preservation area identical with the Federal Project Review Area of Section 502 of the National Parks and Recreation Act of 1978? If yes, then this legislation should so state.

2. SECTION 4, ORGANIZATION OF THE PINELANDS PLANNING COMMISSION:

- A. The Commission should be granted greater independence

Section 4G should be amended to permit the members of the Commission to elect their own chairman, vice chairman and executive director. Section 4A of the legislation states in part: "The Commission shall be independent of any supervision or control by such department or by the Commissioner or any officer or employee thereof." If the Commission is to be truly independent, the Governor ought not have such tremendous influence over the administration of the Commission.

B. Section 4H of the legislation ought to be deleted. The Governor's authority to veto the minutes of the Commission destroys its independence. I am aware of the Governor's role as Chief Executive Officer of the State in vetoing minutes of State agencies whose responsibilities are primarily administrative. However, the proposed Commission is basically a policy-making agency. The creation of a Management Plan which will impact considerably upon the futures of seven counties goes far beyond administrative details.

3. SECTION 6, POWERS OF PINELANDS PLANNING COMMISSION:

A. Section 6i should be amended to grant the Commission the authority to establish water quality standards for the entire Pinelands area in consultation with D.E.P. with the Commission having the final decisions as to the standards finally adopted.

B. Section 6l should be amended to require that the identification of lands for public acquisition be on a priority basis. The prioritizing of such lands into classes would

have the following benefits:

- 1) Enable the Commission and the State to begin making plans for funding the acquisition program.
- 2) It would minimize the need for the broad language used in Section 21 of the legislation thereby permitting the amendment to Section 11 hereinafter discussed.

4. SECTION 7, COMPONENTS OF THE COMPREHENSIVE MANAGEMENT PLAN:

- A. Section 7 should be amended to provide for the review of each component by municipal committees selected by the Counties. The Hackensack Meadowland Reclamation and Development Act, see N.J.S.A. 13:17-8, grants such review powers to a municipal committee. Were a County municipal committee to reject a particular component, the legislation could then require the Commission to adopt the component by a minimum two-thirds vote. This would maximize input by County and local governments.
- B. Section 7i(1) ought to be deleted entirely and replaced with language which would establish a graduated schedule of reprimands for municipalities which refused to comply with the Management Plan. It is obvious that the components of the Comprehensive Management Plan are basically a reprint of subsection f of Section 502 of the Federal Act. Section 7i(1) of the legislation goes far beyond the federal intent. In lieu of going straight to the

jugular of local zoning. why not first present municipalities with potential denial of State or Federal grants prior to actually supplanting local zoning?

- C. Section 7j should be amended to require the creation of regional Municipal Committees which would work with the Commission in the preparation of plans to implement the provisions of the Clean Water Act and the Safe Drinking Water Act. Experience has shown us that County sewerage authorities often are unable to deal with local sewerage problems. Rather than centralizing the planning process to an even greater degree, the process ought to be decentralized by the encouragement of inter-local sewerage programs. Sanitary sewer is one of the threshold issues for the future of the Pinelands. Control of sewer hook-ups will have a tremendous influence on where development will be located. Planning for such systems should contain maximum input from local governments.

5. ADDITIONAL COMPONENTS FOR INCLUSION IN THE COMPREHENSIVE MANAGEMENT PLAN:

- A. There is no reference made to the encouragement of cluster and planned residential development. The Comprehensive Management Plan finally adopted ought to indicate those municipalities and areas where high intensity use would be encouraged and where municipalities could expect financial assistance for the provision of sanitary sewer systems.

- B. The Commission should conduct an economic impact study as recommended in the Russo bill and in the amendment proposed by Pineland Mayors' Coalition. However, I would encourage you to broaden the scope of the economic impact study. Any such study should go beyond the impact upon municipal tax revenues and private landowners' interests. I would suggest that a third element of this component be considered, namely, the economic impact on the general community focusing upon the types of new industry which can be fostered in the Pinelands (e.g. forestry products, campgrounds and parks, sand and gravel mining) and the effect of Pinelands regulation upon existing industries (e.g. theme attractions such as Smithville and Wheaton Village, farming and horticultural operations).
- C. There is a serious need for an additional component requiring the Commission to investigate alternative technologies available in the homebuilding industry. Such technologies would include alternative methods of on-site solid waste disposal and construction of streets and curbing. The Commission should be required to work in cooperation with the D.E.P. in investigating such methods and preparing an approved listing of available technologies.
6. SECTION 9, PREPARATION AND ADOPTION OF THE COMPREHENSIVE MANAGEMENT PLAN:
- A. Section 9b should be deleted and should be replaced with

language requiring review of the Comprehensive Management Plan by County Municipal Committees as discussed in No. 4A above. If we are to have a Management Plan that is going to have any credibility with local government, this is a necessity.

- B. Section 9c ought to be deleted. The review process of the local master plans as provided for in Section 11 ought to be sufficient. Either a development will comply with local zoning or it will not. Assuming the local zoning complies with the Management Plan, what is the need for the Commission to get involved? If the legislature feels the Commission should possibly still have a say on any development, then why not establish standards whereby certain classes of major development (e.g. those over a certain maximum number) would be submitted to the Commission subsequent to local approval. The Commission would then have 45 days to review the application. Were it to find it inconsistent with the Management Plan, then a 2/3 vote would be required to overturn the local approval.

7. BOUNDARIES OF PINELANDS AREA:

- A. Section 10a states the boundaries of the Pinelands area. What is the rationale for the pie-shaped indentation in the boundaries located in Ocean County affecting Manchester, Berkeley and Dover Townships? I can divine no

rationale for such a departure from the boundaries established by the federal government and by the Pinelands Review Committee.

8. SECTION 11, REVIEW OF LOCAL MASTER PLANS:

a. Section 11 should be amended to provide for initial review of all local master plans by a County Municipal Committee. Any County review disputed by a municipality could then be appealed to the Commission which would resolve the dispute by means of a 2/3 vote. The Commission could also have authority to review any Master Plan approved by a County Municipal Committee which in its opinion does not conform to the Comprehensive Management Plan and, if need be, overturn such approval with a 2/3 vote.

B. Section 11c ought to be deleted in its entirety. The threatened supplanting of local zoning will have a chilling effect on the type of discussion that will be needed during the preparation of the Comprehensive Management Plan. In my opinion, a better approach is that discussed in No. 4B above.

9. SECTION 13, INTERIM BAN ON APPROVALS:

A. Section 13a ought to be amended to delete those state approvals the granting of which would have no substantial impact on the Pinelands ecosystem. In lieu of such blanket denials, a comprehensive list of state approvals

should be promulgated indicating which ones involve environmental considerations and which ones do not. Failure to do so will continue the same hardships and confusion created by Executive Order No. 71.

- B. Section 13b and c ought to be amended to establish classes of developments which can be approved by local governments with review by the Commission and the Commission having the authority to deny such approvals by 2/3 vote as discussed in No. 6B above.
- C. The standards for exemptions outlined in Section 13a, b and c are too vague. This is Executive Order No. 71 all over again. There is a need for the establishment of classes of development (e.g. a subdivision of less than 25 lots with sanitary sewerage accompanied by an environmental impact statement approved by a County Municipal Committee).

10. SECTION 21, STATE'S RIGHT OF FIRST REFUSAL ON PROPERTIES WITHIN PRESERVATION AREA:

- A. Section 21 ought to be amended to permit a landowner to enter into an agreement of sale and to then notify the state who would have the obligation of expressing its intent with regards to the property within 45 days. Further, as discussed in No. 3B above such right of first approval ought to be limited to those areas selected as a priority for public acquisition.

11. SECTION 22, DELINEATION OF BOUNDARIES OF PINELANDS VIS-A-VIS CAFRA:

A. Section 22 should be amended to state in clear and unequivocal terms that a parcel of property will be either within the Pinelands Region or it will be in the CAFRA zone. Overlapping of any kind should be expressly prohibited.

12. LOCAL ENFORCEMENT COMPONENT

Second only in importance to the guaranteeing of local input on the preparation of the comprehensive management plan is the need for establishing a structure providing for local enforcement of the standards articulated in the plan.

Thought should be given to empowering the Pinelands Planning Commission with a field service capability where planning expertise can be provided to local government and private individuals. Assistance could be given to local planning boards in reviewing major subdivisions, major site plans, environmental impact statements, master plans and zoning changes as well as grant applications for funding sewage projects and other major municipal improvements. Similarly, technical assistance should be provided to individuals constructing new homes and other construction.

Soil Conservation Districts in enforcing the provisions of the Soil Erosion and Sediment Control Act review development proposals, and issue certificates for approved plans, minimizing soil erosion. This existing bureaucracy is an

effective and credible basis upon which to build in providing the type of expertise which will be needed to minimize difficulties in complying with the standards of the comprehensive management plan.

An agency existing in the state analogous to what I envision is the cooperative extension service of Rutgers University. The extension service has field representatives who provide technical assistance to fruits, vegetable, poultry and dairy farmers, gardeners, homemakers and the public in general. In my opinion, through the use of additional staff having training in sewage construction and planning problems the soil conservation district offices could be made into an effective local arm for the Pineland's Planning Commission, with the Commission and executive director providing the needed direction for the overall administration of the program.

13. GUARANTEED AGRICULTURAL LOANS

Both the New Jersey Farm Bureau and the Atlantic County Board of Agriculture have expressed strong opposition to Senate Bill 3091. One of the reasons for their opposition is the possibility of agricultural lands being devalued as a result of Pinelands regulations. A farmer's land is the only collateral he has for securing loans for his operating expenses.

If his land is devalued and his borrowing diminished, farming will die. This committee should give serious consideration to language which would guarantee farmers that they will have an available source from which to borrow in the event their land values are in fact decreased as a result of the implementation of the comprehensive management plan.

REPORT TO
PINE BARRENS COALITION

From:

Isadore Candeb, AICP, PP
President
Candeb, Fleissig and Associates
744 Broad Street
Newark, New Jersey

March 30, 1979



**Candeb,
Fleissig and
Associates**

Consultants in
Community
Development and
Environmental
Planning Since 1953

March 30, 1979

Mrs. Mae G. Barringer, Chairperson
Pine Barrens Coalition
Box 366
Vincentown, New Jersey 08088

Dear Mrs. Barringer:

In accordance with our contract with the Pine Barrens Coalition we have made a limited review of the potential impact of Executive Order 71 with reference to the Statement of the New Jersey Builder Association of February 21, 1979. Our findings and conclusions are presented in this report.

Sincerely yours,

Isadore Candeb, AICP, PP
President

IC:wbd

Encl.

INTRODUCTION

The Pine Barrens Coalition has asked CF&A to comment on the impact of Executive Order No. 71, the 18 month construction moratorium in the Pinelands Protection Area. Concern has arisen over the type and magnitude of impacts, with some analyses predicting economic disaster for South New Jersey and even for the entire State.

We have reviewed some statistics, available to the general public from various State agencies and have reached some conclusions about the possible impact of the moratorium. They are presented in two sections, one dealing with the construction industry, and one dealing with the financial impact.

Construction

A review of building permit data shows that the fifty-five communities that are part of the broad "Protection Area" issued permits for an annual average of 6,510 housing units in the years 1975-1977.* Closer examination shows this consists of an average of 4,300 in the 24 communities forming the "Preservation Area" and 2,200 in the other 31 communities.

The trend of construction has been upward--more so in the 24 preservation municipalities than in the others--at least partly in anticipation of the moratorium, but also because

*1978 data are not yet available from the State.

1975 was a record low year. The 4,961 units authorized in 1977 in the Preservation municipalities is 48.5% more than the 3,341 units authorized in 1975.

The data on Table 1 show that the 24 preservation communities accounted for almost two-thirds of residential construction that occurred in the 55 minor civil division (MCD) area.

When the seven counties within which the Pineland Protection Area is located is taken as the broader housing region, however, it can be seen from Table 2 that the 24 preservation communities contributed about 36 percent of new housing construction. The Pineland MCD's as a whole--55 in total--contained over 50% of the new construction in this seven county area.

The conclusion to be gained from Tables 1 and 2 is that a complete moratorium in the Pinelands Protection Area could cause the prevention of the construction of up to 5,000 housing units a year. (The figures in the Table range from 5,401 in 1975 to 7,511 in 1977, but this includes complete counts for many (14) municipalities that have extensive areas of land outside of the Pineland boundaries.) A complete moratorium in the Preservation area alone might cause up to 3,000 units a year not to be built (similarly, Table 1 shows 3,341 units in 1975 and 4,961 in 1977 but fully half (12) of the Preservation Area towns have extensive land areas outside of the preservation boundary).

Table 1

TRENDS IN RESIDENTIAL CONSTRUCTION
 PINELANDS PROTECTION AREA
 1975-1977

Building Permits	24 Preserva- tion Area Communities	31 Protec- tion Area Communities	Total, 55 Communi- ties
1975	3,341	2,060	5,401
1976	4,612	2,001	6,613
1977	4,961	2,550	7,511
1975-77 Average	4,305	2,205	6,510
1976-77 Average	4,787	2,278	7,064
1975 Index	61.9	38.1	100.0
1976 Index	69.7	30.3	100.0
1977 Index	66.0	34.0	100.0
1975-77 Index Average	65.9	34.1	100.0
1976-77 Index Average	67.9	32.1	100.0

Source: N.J. Department of Labor and Industry, New Jersey Residential Building Permits, 1975-1977.

Table 2

PROTECTION AREA RESIDENTIAL ACTIVITY
AS SHARE OF THE REGION
1975-1977

	1975	1976	1977
Four Preservation Counties	7,807	9,765	10,225
Three Protection Counties	3,033	2,973	3,569
Seven County Total	10,840	12,738	13,794
24 as % of Four Counties	42.8	47.2	48.5
24 as % of Seven Counties	30.8	36.2	36.0
55 as % of Seven Counties	49.8	52.0	54.5
Four Preservation Counties:	Atlantic, Burlington, Camden, Ocean		
Three Protection Counties:	Cape May, Cumberland, Gloucester		

Source: N.J. Department of Labor and Industry, New Jersey Residential Building Permits, 1975-1977.

Executive Order No. 71 provides for exemptions to the construction moratorium, providing the builder/developer can meet certain conditions. The Pinelands Development Review Board was established in March to rule on applications for these exemptions. Table 3 shows the results of the first four meetings of the Review Board.

Exemptions were granted for a total of 728 units of which 695 (95.5%) were outside of the Preservation Area. Placed on an annual basis, the Review Board is therefore granting exemptions at a rate of 8,736 units per year--396 in the Preservation Area and 8,340 in the balance of the Protection Area.

What the figures show is that the Executive Order is being maintained in the core area of 24 preservation communities, but the exemptions in the outer "Protection Area" are more than ample to absorb the difference. As noted earlier, perhaps 2,000 units would be lost in the outer area under a total shut-down (5,000 in the entire area minus 3,000 in the preservation area), but this is less than one-fourth of the 8,340 annual rate established in the first month of Review Board's operations.

FINANCIAL

The New Jersey Builders Association in a release dated February 21, 1979 suggests a possible annual loss of \$932,331,000 to the State of New Jersey as a result of

Table 3

EXEMPTIONS FROM THE PINELANDS CONSTRUCTION MORATORIUM
PINELANDS DEVELOPMENT REVIEW BOARD

	Total	Preservation Area	Protection Area
1. March 2	-	-	-
2. March 9	23	3	20
3. March 16	129	29	100
4. March 23	576	1	575
Subtotal	728	33	695
Annual Rate	8,736	396	8,340

Source: New Jersey Department of Environmental Protection,
Public Information Office.

Executive Order 71. We believe, that even in the case of a total moratorium with no exemptions that this type of calculation is misleading. Since the market factors for housing in the South New Jersey market area are strong, there is a strong possibility that builders denied permits would have other options open to them for their building operations. In short, the moratorium on construction will not create a moratorium on demand, and the result should be to move the demand geographically, but not for it to be a loss to the state.

With regard to the manner in which the builders computed their estimated loss it should be noted that the application of a "multiplier effect" for purposes of computing gross dollar transfers is technically valid and a factor of 2.75 is a reasonable figure for this purpose.

However, in this instance, the item, "Median Sales Price," \$48,850 is followed by three items, "Improvements," "Land," and "Land Improvements" which have a combined total of \$48,500. It seems evident that the sales price is comprised of the land, improvements to the land and the improvement itself. The numbers bear this out. It is therefore double-counting to add these three items to the sales price. It amounts to charging for the house twice. It also seems possible that two other items, "Durable Goods and Services" and "Additional Direct Expense" might also be included in the sales price, and therefore represent further double



counting. When these figures are added and then multiplied by the multiplier factor the resulting figure is predictably awesome.

In view of the fact that Executive Order 71 also contains an exemption provision under which considerable exemptions have been made as of this date, the degree to which there will be any substantial financial impact on the building industry is very questionable. A strong argument can be made to the effect that the preservation and protection of the pineland resource area will considerably enhance the long-term quality of the South Jersey area and thus provide the building industry a long-term building base with strong market appeal.

STATEMENT OF ANN MYLES

I am Ann Myles, a resident of Cherry Hill, N. J. and General Manager of the Federal Land Bank Association and Production Credit Association of Moorestown, New Jersey, commonly known and advertised as Farm Credit Service. For the purpose of this Testimony, I am also representing the Production Credit Associations and Federal Land Bank Associations of Bridgeton and North Central, New Jersey.

These federally chartered organizations are agricultural credit cooperatives and are part of a nationwide system of credit cooperatives under the supervision of the Federal Intermediate Credit Bank of Springfield, the Federal Land Bank of Springfield, and the Farm Credit Administration which is an independent agency within the Executive Branch of the Federal Government. They are part of the national Federal Farm Credit System and have as their primary and principal function the extension of credit for farmers with the objectives, as stated in the policy of the Congress in the Farm Credit Act of 1971, "...of improving the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit...to them...."

The Federal Land Bank of Springfield, as one of the twelve district Federal Land Banks, extends long-term farm mortgage credit to farmers through the twenty Federal land bank associations located in New England, New York and New Jersey. Each Federal Land Bank Association is owned by the farmers who are borrowers from the Bank.

The Federal Intermediate Credit Bank of Springfield, as one of the twelve district Federal Intermediate Credit Banks, provides funds to the twenty farmer-owned

production credit associations in New England, New York and New Jersey to make short- and intermediate-term loans to farmers.

The banks and associations of each of these banking systems are privately, farmer-owned Federal instrumentalities with unique organizational patterns created by the Congress to give effect to its plan to establish a dependable and stable source of credit for American agriculture. Since there is no counterpart of these Systems, which themselves are entirely different, from any other businesses, banking organizations or systems, a brief outline of each seems appropriate.

The Federal Land Bank System

The Land Bank System was organized in 1917 under the Federal Farm Loan Act of 1916 to be a Federally sponsored cooperatively-owned long-term farm mortgage System. Twelve district Federal land banks were organized to make mortgage loans to farmers who were members of Federal land bank associations which the farmers were to organize to help them obtain such loans. To capitalize the System, each farmer who obtained a loan was to buy stock in his association in an amount equal to 5 percent of the amount of his loan, and his association was to buy a like amount of stock in the bank. In this way, the farmers' funds would capitalize both the associations and the banks.

The Federal Intermediate Credit Bank System

The Intermediate Credit Bank System was established in 1923 to supplement and broaden the Federal program for agricultural credit to include a permanent and stable source of short-term or production credit for agriculture. This System was to consist of twelve wholly Government-owned district banks to be known as Federal intermediate credit banks that were to furnish such credit to farmers through existing banking and credit institutions which made loans to farmers. This was to be done by having the new credit banks discount the farmers' notes given to

local commercial banks and financing institutions. In 1933, the Congress decided to strengthen and broaden the Federal program for short- and intermediate-term agricultural credit by establishing a system of farmer-owned local lending institutions called production credit associations which could utilize the services of the already established System of Federal intermediate credit banks to obtain loan funds.

The production credit associations were originally capitalized almost entirely by the Government but each farmer who obtained a loan was to purchase stock in the association equal to 5 percent of the amount of his loan. In this manner of capitalization, farmers were to become the owners of the System, which they did in 1968, when the last dollar of Government funds in the System was retired.

These New Jersey cooperative credit associations are owned by 2,256 farmers residing in New Jersey, and they presently have loans outstanding of approximately \$150 million, which accounts for approximately 50 percent of the institutional agricultural credit in the state. Affected are fruit, cranberry, blueberry, vegetable, grain, dairy, and poultry farms. Farmer borrowers obtain their credit needs for the purchase, operation, improvement, and expansion of their farm businesses from these cooperatives.

My purpose in appearing at this hearing is not to make a lengthy presentation on the adverse effects of this legislation, but to briefly express the extreme concern of our farmer-directors and borrowers, which is, that under the pending legislation our continued ability to provide for the credit needs of growers and producers may be severely affected.

We believe that limiting and relocation of the permit issuing authority of local municipalities to a state commission, with the Governor having final veto authority may create much uncertainty and a lack of confidence by landowners, businessmen, prospective landowners, and lenders on their ability to obtain needed permits. Historically, the further removed an approving authority is from the local situation, the greater the delay and uncertainty there is in obtaining a permit.

We do not perceive there are adequate administrative guidelines for implementation of the intention of the Bill which, according to language within the Bill, is to be liberally construed. Our experience in other states indicates that restrictions on land use and/or development usually has a severe impact on land and facility values. A decline in values may result from the actual use restrictions or difficulty, frequently including long delays and cost, in obtaining permits for approved purposes. We know of situations in New York State and Vermont where legislation containing similar provisions to the proposed legislation has resulted in land values depreciating by as much as 50 percent or more.

Many farmers must borrow each year to produce their crops and maintain their equipment and facilities. These loans are based on the farmers estimated ability to repay them from current operations, however, in many cases, the farmer's equity in his land and buildings must be pledged as loan collateral to safeguard the lender. Of even greater concern will be our ability to provide real estate mortgage loans. If in New Jersey the land and facilities thereon contained within the ~~and the~~ Preservation Area loses much of its resale value, it will erode the owners' real estate equity which frequently is needed for use as collateral in obtaining their continuing credit.

Without adequate credit, many operators would lose their ability to continue to operate viable farm businesses. In denying them this ability, prospects of maintaining a continued livelihood from their farm businesses could be severely affected.

In conclusion, we believe the proposed legislation represents a severe threat to agriculture.

Gentlemen:

My thanks to you and our State Government for the opportunity to speak to you on the pinelands. I will be brief, recognizing as I am sure you do, that it is about time to stop listening and start doing.

I am a Councilman in Evesham Township currently serving a ceremonial papersigning Mayorship. I have spent some six weeks trying to find a legitimate reason for including some 2/3 of my Township in the Protection Area. All of my questions were referred to Gary Patterson of the Pinelands Review Committee who has admitted that the Boundary was moved to Route 73 and 70 after the Public Hearings by God knows who influenced by the forcefulness of another Evesham Councilman. I certainly hope that our State Administration decision process involves more input than one Evesham Councilman.

The facts are, gentlemen, that the area originally defined by PRC included the source headwaters of the Mullica River in a 2½ square mile area in the southeast corner as defined by DEP for interim water quality standards. They were "developed as a means of implementing and maintaining surface and ground water standards for the Central Pine Barrens."

I submit that if the other 2/3 of 27½ square miles of Evesham was not critical to water standards for the Pine Barrens under DEP order, what makes it critical under the Governor's order?

I ask you to direct an inquiry into this boundary line confusion with a view to immediate change. This and the other many confusions on the Protection Zone is clouding the whole Pinelands issue and is generally responsible for all the conflicting viewpoints.

Now, what should be done about it? I believe that new or amended legislation should be prepared with the following principles:

1. Preservation of the Pinelands must be achieved.
2. An honest, practical definition of the land to be preserved must be identified - perhaps the present 365,000 acres of "Heartland." It must exclude lands already developed or committed by prior approvals to development where "highest and best use" values are prohibitive. It should include as part of a contiguous parcel, present public owned land.
3. Environmental control building standards must be established immediately for continued development in a redefined Protection Area to assure that the Preservation Area will remain pure and pristine. The Federal Government should be solicited to develop these standards on current "state of the art" principles and continuing research.

4. Once defined, the practical Preservation lands must be followed with a purchase plan which includes complete owner notification, funding, and implementation. Plans should include provision to allow family homesteads of long standing and/or operating farms producing indigenous crops to continue under reasonable environmental observance and enforcement. If one assumes the present 365,000 acres of Heartland with some 2/3 of it now publicly owned, purchase could cover some 120,000 acres. At a high average price of \$2000 per acre, the project could cost some \$240 million. Sure it is a lot of money, but is it too much for environmental heritage? With a proportional Federal funding commitment established, I would take the package to the voters on a referendum.
5. Other items - The Governor's strong one-man control must be replaced in some manner by legislative control. In general, the Commission doesn't bother me too much. Someone must do it! I doubt, however, that 15 part-time people with other earnings responsibilities can devote enough time to get the job done. Extremely strong and professional expertise assistance must be provided for successful achievement and there may not be sufficient funding for that.

In conclusion, I believe that the many overstatements of the Governor's Executive Order have created confusion and misunderstanding to the point of exaggerated defenses. This must be stopped by clarifications of all aspects. Builder's exaggerations are no more practical than those of the environmentalists. It is time for facts!

Thanks for listening!

John R. Garnett
Mayor/Councilman- Evesham Township
Phone 609-983-0244

P.O. Box 263
Marlton, N.J. 08053

Testimony given before the
Senate Energy and Environment
Committee

April 3, 1979

Edward V. Lipman

March 21, 1979

The Honorable Brendan T. Byrne
Governor of New Jersey
State House
Trenton, New Jersey 08625

Dear Governor Byrne:

The subject of your Pinelands moratorium has probably caused more uproar in agricultural circles than any one single action by a New Jersey Governor, in my memory.

The cynicism and suspicion of the motives behind the moratorium that are sweeping over rural people in South Jersey are unbelievable. These can be understood when one sees the results of the wetlands legislation which, too, allowed government to usurp private ownership. The North Jersey Hackensack Meadowlands are being developed by government, industry, and housing in spite of the legislation prohibiting this type of development on "wetlands." This development is taking place with seemingly little regard for the ecological destruction that is accompanying it. At the same time farmers and other landowners in South Jersey under the wetlands laws cannot develop or alter their use on lands defined as wetlands by the State, and now I understand that they are even being prohibited from cutting salt hay on these lands, a historic and economic use of these lands by generations of owners.

Everyone agrees that the New Jersey Pinelands is an unique, mostly unspoiled area. But it must be understood that if Joseph Wharton and others interested in the area had not owned, paid taxes on, and otherwise maintained huge acreages of the area there would be no Pinelands today.

In spite of millions of dollars being spent by government on programs that either parallel or usurp those of private enterprise, nothing has demonstrated that government can do it better. The people that are part of the Pinelands should be the people with the responsibility of maintaining it, not government.

The Honorable Brendan T. Byrne
Page two
March 21, 1979

By placing a moratorium on the Pinelands you have negatively affected the economic well-being of the people, the municipalities, and the counties of almost one-fifth of the land area of the State of New Jersey. You have done this with little regard for private property or local government. As a result of the moratorium land values have eroded significantly. This has negatively affected a farmer's ability to obtain adequate financing to grow his crops.

I strongly recommend that you alter your moratorium so that it becomes a purpose statement directed at the maintenance of this ecological rarity, allowing for its orderly development and reasonable use by those who have the greatest interest in it, the people who live there, work there, and vote there.

Sincerely yours,

Edward V. Lipman

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POINTS TO BE CONSIDERED IN PINELAND LEGISLATION

1. Need to preserve some pinelands, perhaps an additional 100,000 acres above that presently state-owned in Burlington, Atlantic and Ocean County.
2. Acquisition of these additional areas should be through development easement rather than fee simple purchase.
3. Easement value must be based on values prior to February 1, 1978, when new Water Quality standards become effective, plus real estate inflation rate since that time. ~~These values should be at least 90% of the market value.~~ *3.1*
4. Provisions as encompassed in Farm Bureau Right to Farm Policy for 1979, must be a part of such development easement program. *3.2*
5. If present landowners wish to sell their lands in the future, to someone other than blood relatives, the state could have right of first refusal. State should have no condemnation authority on any lands on which a development easement has been purchased.
6. All types of agriculture should be permitted as long as the Right to Farm provisions are not violated. This would include the clearing of additional lands in the area. (The term agriculture shall mean agriculture of all types, horticulture, floriculture, forestry, aquaculture, and animal husbandry.
7. The protection area boundry lines shall be determined by the legislature only after a final report of the Pineland Entity Commission has reported.
8. Restriction of these protection areas shall be under the jurisdiction of the municipality in the area who shall consider the Report of the Pinelands Entity Commssion when establishing these restrictions.
9. Property owners within either the Preserve area, or Protection area shall be justly compensated by the State of New Jersey, for any damages sustained by property owners, either expressed or implied.
10. All trespass laws shall continue to be in effect on property even after the purchase of development easements, and the holder of the deed shall at all times be the only considered owner.
11. No waters from the underground aquifer shall be sold or removed from the designated area from other than natural causes.
12. State of New Jersey shall reimburse landowners in area a sum of at least 50% of the total cost of all approved conservation practices on land in which the development easements have been purchased.

STATEMENT
OF
NEW JERSEY ASSOCIATION OF REALTORS

ON
PROPOSED PINELANDS PROTECTION ACT

PRESENTED TO
NEW JERSEY STATE SENATE
ENERGY AND ENVIRONMENT COMMITTEE

BY
WILLIAM P. THOMAS, CHAIRMAN
AD HOC COMMITTEE ON PINELANDS MORATORIUM
NEW JERSEY ASSOCIATION OF REALTORS

STATEMENT OF
NEW JERSEY ASSOCIATION OF REALTORS

I am here today on behalf of the New Jersey Association of Realtors, an organization of more than 17,000 which represents most of the major realty companies in New Jersey. Obviously, our members are vitally concerned with the proposed legislation being discussed today, and no less vitally concerned with Executive Order No. 71 and the severe impact that it will have and, indeed, has already begun to have on the Pinelands Region. We are opposed to Executive Order No. 71, and we are opposed to the Pinelands Protection Act as it is currently drafted.

The Pinelands of New Jersey is a unique natural, ecological, agricultural, scenic, cultural and recreational resource of the State and of the Eastern United States. The Pinelands, however, is not a wasteland region which can be treated as one large parcel of vacant real estate. The Pinelands is the home for thousands of residents, and the Pinelands Region contains the same complex legal, social, natural, scenic, cultural, and economic interrelationships which exist throughout the State of New Jersey and the remainder of the United States. While the intensity of development is not as great as it is in Northern

New Jersey or in other parts of New Jersey, the people of the Pinelands cherish the same rights and concerns of people in the remainder of the State. We are dismayed, therefore, that the Governor of the State of New Jersey has arbitrarily and without just cause stripped the residents and landowners of the Pinelands Region of their constitutional and historical rights to land ownership and to land exchange.

The ineptness of Executive Order No. 71 and this proposed Pinelands Protection Act are a sad commentary on the State of New Jersey in dealing with the Pinelands issue. We believe that the Governor has overreacted on the issue of the protection of the Pinelands and has also failed dismally in establishing a coordinated intergovernmental approach to Pinelands management. In announcing Executive Order No. 56, (i.e., the creation of the Pinelands Review Committee), the Governor made lofty promises about developing a plan to protect the Pine Barrens. Now, several months later, he is asking for additional time and dictatorial land use powers to achieve a vague and, we believe, unrealistic goal. During the past several months the Governor and the Department of Environmental Protection have imposed restrictions within the Pinelands Region through water quality standards and through other regulatory measures. Legislation has been adopted to

establish and protect scenic and wild rivers; there are air pollution controls, and numerous other State regulatory controls on new development. Implementation of the new rules, regulations and legislation has just begun. With all of these new controls, we believe there is no justifiable basis for the unusually severe Executive Order or this proposed additional legislation pertaining to the Pinelands Region. The abuse of power by the Governor in Executive Order No. 71 should not be further compounded through this proposed legislation which would legalize the Governor's override of inherent environmental protection measures.

We recognize that there are areas of isolated pollution occurring within the Pine Barrens. Ironically, however, the major polluters within the core area of the Pine Barrens today are not individual homeowners or landowners, but rather the Federal and State governments. The major concentration of residents within the Pine Barrens occurs at military bases and State institutions. The major sources of point pollution within the streams within the core and on the fringes of the Pine Barrens are in fact State and Federal facilities. Executive Order No. 71 and the proposed Pinelands Protection Act have apparently (or perhaps conveniently) overlooked this important consideration. Prevention of major pollution sources within the Pinelands Region can be implemented immediately by both Federal and State agencies at existing Federal and State facilities.

Essentially, the lofty goals of the proposed Pinelands Act are commendable. However, portions of the preamble to the legislation are misleading. We would like, for instance, to see any study that has been made to support the statement "...the continued viability of such area and resources is threatened by pressures for residential, commercial and industrial development." The primary concentrations of residential and industrial development within the core of the Pine Barrens are those facilities which are operated by the State and Federal government and have in fact been in place for several decades. Moreover, there is less intensity of development and activity within the Federal facilities today than twenty years ago; and the decline of Fort Dix, Lakehurst and McGuire have been a source of major concern during the past five years for the Governor and the State in terms of potential adverse economic impacts. The Governor could achieve a hollow victory if the rumored closing of Fort Dix materialized. Pinelands water quality would be improved, although hundreds of New Jersey residents would be out of work.

We are gravely concerned with the precedent being proposed to require that any landowner within the Preservation Area be required to notice the State and offer first refusal of property interests. This requirement is absolutely unwarranted and unnecessary. As Realtors, we are well aware that during the past

several years literally dozens of landowners within the Pinelands Region have offered large-scale tracts of land to the State government at less than market value and in many cases at assessed value, representing perhaps fifty percent (50%) of actual market value. In the past several years the State has taken a position that they would not purchase this property and have sent out form letters, with unexplained rejections, to persons who offer their property to the State. Considering that this condition has existed for several years, we question why the Governor or the Legislature should now try to impose a confiscatory form of land transaction to accomplish what could be accomplished under present land transaction practices. As Realtors we are also aware that there are thousands of acres within critical areas of the Pine Barrens which are currently on the market and which are currently available to the State on a direct sale basis or through an intermediary-type organization such as the New Jersey Conservation Foundation. The proposed notice requirement has absolutely nothing to do with land use or development controls within the Pine Barrens. Rather, it appears to be a ploy to deflate land values and thereby discourage the legitimate sale of property. In critical areas such as the Dwarf Forests and in other portions of the Pinelands such as the cedar swamps, stream corridors and headwater areas which feed the Mullica River, Cedar Creek and other streams emanating from the Pinelands area, the State has

had opportunities for acquiring the property but has not acted. It still has the right of eminent domain. We find it ironic that County and municipal governments, environmental commissions and planning boards have been urging the State to acquire critical areas of the Pine Barrens for a number of years, but to date we find that the State has not taken any action in exercising its rights to acquire these properties. The inaction of the State for the past decade in acquiring critical areas of the Pine Barrens is no justification for now imposing severe restrictions on land transactions within a major portion of Southern New Jersey and establishing executive land use control over twenty percent (20%) of the State.

The proposed Pinelands Protection Act has introduced a concept of one-man land use control which is unprecedented in the State of New Jersey. The proposal in the act to establish the Pinelands Commission with veto power by the Governor over any action of the Commission results in extraordinarily broad powers which include control over virtually every master plan and zoning ordinance within the Pinelands area. Significantly, this act, if adopted, would result in a forfeiture of historic legislative rights relative to police powers in the State of New Jersey.

This is a drastic and, we believe, totally unnecessary relinquishment of power from the legislative to the executive branch. We find it incredible that such legislation has even been introduced in the Senate of the State of New Jersey.

The proposed Act is comparable to "spot zoning" on a grand scale in the State of New Jersey, a practice which is deplored by the courts and by past legislative action in the State. The justifications offered by the Governor and the author of this legislation for introducing such sweeping land use control in the Pinelands could easily be applied to most, if not all, of the remainder of the State of New Jersey. In fact, pressures for development in other parts of the State could have a more dramatic and devastating impact on unique natural and cultural resources than any development currently proposed within the Pine Barrens itself. We deplore this bill for disregarding the long-established principles of property law and real estate equity. Section 13 of this Act is absolutely without precedent and is an incomprehensible infringement on the civil rights of the residents and landowners within the Pinelands Region.

The Board of Realtors is interested in determining what kinds of studies were initiated and completed relative to pollution of critical areas within the Pinelands. We have found that

to date the studies which have been conducted by the State, by the Counties and by other research organizations, have been conflicting and inconclusive. We found that soils experts, in all good conscience, could not support the emotional statements being issued by the Governor and his staff, implying widespread groundwater pollution in the Pine Barrens as a result of septic tank installations. We know that there are problems of ground and surface water pollution. Ironically, most of the sources have been given approvals by the Department of Environmental Protection in the form of landfill permits, stream encroachment permits, stream discharge permits and other permits. The broad allegations that the Cohansey aquifer is being destroyed by septic tank systems is unfounded. There are examples of malfunctioning septic systems resulting in limited groundwater pollution within the Pine Barrens, but in fact septic tanks do not function any differently in other parts of the State of New Jersey and, in many areas, certainly not as well as they function within the Pine Barrens. Illegal dumping practices by chemical companies along the roadways and streams in the Pine Barrens should be of greater concern in the protection of Pine Barrens water quality than septic tanks. Ironically, the majority of development within the fringe areas of the Pinelands Region is not on septic tanks but is serviced by public or private sewerage systems in accordance with guidelines and regulations

established by the Department of Environmental Protection. Most examples of septic tank pollution tend to be systems which are twenty, thirty or more years old which are malfunctioning and which should have been replaced or upgraded years ago. There is a relatively simple solution to correcting this problem and one which could be accomplished under existing legislation, namely, require updated standards for septic tank installation with provisions for requiring replacement of antiquated septic disposal systems over a reasonable period of time.

The New Jersey Association of Realtors is also concerned about the potential impact of Section 22 which requires that the Department of Environmental Protection, pursuant to the Coastal Area Facility Review Act, revise its environmental design to effectuate the purposes of this Act. In effect, the Governor will be authorized to have extraordinary control over most of the coastal region in the State. We are totally opposed to this concept of concentrated power in one individual and hope that Section 22 does not become a CAFRA "Catch 22" provision to restrict reasonable residential, commercial and industrial development within the coastal area.

The New Jersey Association of Realtors is ready and willing to assist in developing a reasonable and rational approach to the preservation of the Pinelands. We are vitally concerned with

maintaining a high quality environment since we recognize that a quality living environment is beneficial to us on a professional and economic basis and to present and future residents of our communities. We believe that the radical proposals presented in this legislation and contained in Executive Order No. 71 are not warranted and not necessary.

We believe that the State has the inherent right and responsibility to acquire land in accordance with long-established legal principles and procedures. If the Governor and the Legislature of the State of New Jersey deem the preservation of the Pine Barrens to be in the public good, then the Governor and the Legislature can utilize a number of existing options to exercise acquisition of designated critical areas including authorization for a bond referendum to acquire the Pine Barrens lands. In critical areas which are essential to the integrity of the unique natural habitat, the State can exercise its power of eminent domain and normal condemnation procedures as it now does for roadways, drainage easements, and park and recreation areas. Most critical areas of the Pine Barrens have long been identified and there is no reason for delaying the initiation of an immediate acquisition program for those areas. Work which has been accomplished by environmental, county and municipal agencies can quickly be collated and utilized as the basis for acquisition of critical areas. We believe that this reasonable

approach to preservation of the Pinelands would not only generate a great deal of municipal and county support, but would also be endorsed by most State-wide realty and other land interest groups.

In conclusion, the New Jersey Association of Realtors urges you to reject this proposed legislation and to reject the concentration of power in the executive office for land use control and usurpation of property rights. We do recommend that you develop a realistic and rational approach to protection and preservation of the Pinelands, and we believe that the Federal government would support a rational and realistic approach which would be consistent with the Federal Pinelands Preserve Act.

We do hope that the Legislature recognizes the long-term adverse ramifications and implications of the proposals which are being promoted by the Governor and which have been introduced in this proposed Pinelands Protection Act (Senate No. S 3091).

On behalf of the New Jersey Association of Realtors, I would like to thank you for your attention and would again like to offer our support in assisting you in developing reasonable and rational legislation for protecting the Pinelands Area in a manner consistent with the historical and constitutional rights of the residents of the State of New Jersey.

Testimony of James E. Ayrer and Robert Broderick
Merlino-Yates Bill, S3091
April 3, 1979

Mr. Chairman, Senators, my name is Jim Ayrer and I am a candidate for the Democratic party's nomination for Freeholder in Burlington County. I am making this statement in my name and that of my running mate, Bob Broderick.

Let me begin by saying that we stand four square behind the Merlino-Yates Bill. We are proud that our Senator is a co-sponsor of the bill, reflecting the environmental sensitivity I have known him to display for some time. We feel that the Pine Barrens, much of which is located in our County, is a priceless natural resource, that must be protected for future generations. We believe that the Pine Barrens is an ecosystem and must be treated as such if it is to survive. We insist that you cannot allow random, unplanned, development in parts of the Pines without taking the chance that you will ruin the rest. You cannot allow unplanned development in the Protection^{area} in the belief that the Preservation area will escape unscathed. It won't.

We specifically support the notion of the Governor's right to veto the minutes of the Commission. Responsibilities of this nature must be in the hands of an elected official, someone directly responsible to the electorate; not an appointed body.

We support the notion of state payments in lieu of taxes.

We would like to see a modification of the state's right to first refusal on a property that is to be transferred within the immediate family but we believe that even in this case, the safe development density of the land must be considered before the building permit is issued.

We understand the turmoil that surrounds this bill and we see it as a classic case of competing rights. On one hand, there is the owner's right to sell his land and the developer's right to buy and develop it. From the developer's point of view, the

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value of the land is purely economic: it is a resource to be used up to make a profit. He wants to put up as many homes as possible at the least possible cost to maximize his profit. If it means polluting the ecosystem, let someone else worry about that; externalizing costs has always been the entrepreneurial approach.

On the other side is the people's right to have some say about their life and the quality of their lives. The people of our county want to see open space; they don't want to see Burlington become another Essex or Hudson County with wall to wall housing developments. Recently, the Burlington County Times asked its readers how they felt about preserving the Pines. Seventy percent wanted it to stay the way it is.

They're going to need it for another reason: its water. Consistent with the development mentality of using up resources, we have been mining the Raritan-Magothy Aquifer while we have been blacktopping and building on its recharge areas. The result, the Delaware River Basin Commission tells us, is that we're taking 136 mgd from the aquifer when we should be taking 40-60 mgd if we wanted a safe yield. The level of the aquifer has dropped, precipitously in some areas, to the extent that the DRBC is considering, among other things, a moratorium on new wells in some areas. We've got to realize that resources have to be managed for the many and not for the few. They have to be managed so they'll be there for us and our children. And that's what S 3091 does: mandates a planned, rational use of our resources.

It is the responsibility of public officials to protect the rights of the people. That's your job; it will be ours if we are elected. And it's not an unusual concept to protect the rights of the many over the few: that's what Planning and Zoning Ordinances are all about. This is nothing more than a regional extension of those laws.

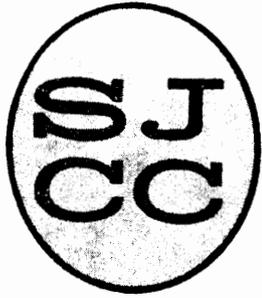
Testimony of James Ayer and Robert Broderick-Page 3
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Bob and I are not against development. We are against random, unplanned development that allows each community to do its own thing. That can ~~only~~ lead to the destruction of the Pines as an ecosystem as each municipality, in its insatiable search for ratables, allows developers to build in its township on the ~~theory~~ that if they don't, someone else, somewhere else, will. Development has to be ~~planned~~ on a regional basis.

In all this, we haven't even talked about the pure beauty of the Pines. Somehow, it's difficult to ask you to protect the Pines because we are losing too much of the beauty in our world and this is one place where we can take a stand. I don't know how you can quantify that notion to use it in your decision making, ~~but~~ there must be a place for it.

We are not blind to the economic dislocation this bill will ~~cause~~. Conservation has a high price that ~~y~~ should be borne by all of the citizens. We would recommend a fund be created to help those impacted by this bill. We would ~~suggest~~ that the first \$25,000 could be taken from the money allocated to the Pinelands Environmental Council in this year's Burlington County Budget.

Thank you for your attention.



SOUTH JERSEY CHAMBER OF COMMERCE
NORTH PARK DRIVE, PENNSAUKEN, NEW JERSEY 08109
(609) 984-3400

STATEMENT OF THE SOUTH JERSEY CHAMBER OF COMMERCE
ON GOVERNOR BYRNES' EXECUTIVE ORDER #71 AND SENATE 3091
PRESENTED TO THE SENATE'S ENERGY & ENVIRONMENT COMMITTEE.

The Executive Order does the following:

a. Establishes a Pinelands Planning Commission and directs it to develop a management plan for the Pinelands National Reserve. The Reserve is an area of approximately 1900 square miles that covers approximately 60% of the total area of seven counties, namely, Burlington, Ocean, Camden, Atlantic, Gloucester, Cumberland and Cape May.

b. Establishes a Preservation area within the Reserve consisting of 550 square miles.

c. Imposes a moratorium on development and construction throughout the entire Reserve area for a period of 18 months during which time the Commission will develop its plan.

d. Permits exceptions to the moratorium throughout the entire Reserve area in the case of compelling public need or extraordinary hardship and, in all but the Preservation area, for projects that are consistent with the intent of the Order.

If the Order stands it will virtually preclude any future development or construction in the Preservation area and will severely restrict such activity in the remainder of the overall Reserve area. This will be true, not only for the next 18 months but, indefinitely if the intent of the Order is carried out by the Commission. The Chamber strongly opposes the Executive Order. Our principal concerns are reflected in the following:

a. The effect on owners of most of the property in the designated areas will be loss of development rights on their property. As a result their land will lose most of its value. Taking an owners rights to develop property for some

Confiscating property without compensating the owner is fundamentally wrong, a clear violation of individual rights and, we hope, illegal. If the public health, safety and welfare require protection and preservation of the pine-lands, then the cost should be borne by all of the public, not just the relatively few people who have invested in land in the Pinelands area.

b. With due respect to the Governor's motives and good intentions, we feel that he has overstepped the bounds of his office and has, in this instance, taken action that could be characterized as dictatorial rather than gubernatorial. We sincerely hope that legal challenges to his action will be successful.

c. The implicit, if not explicit, justification for Executive Order #71 is that an emergency or crisis exists and that action is required now rather than 18 months from now when the management plan will have been developed. Nothing could be farther from the truth. The State and Federal governments already own several hundred square miles within the Reserve area. This is a far greater area than these governments own in the other 80% of the State. On a percentage basis government ownership in the Pinelands is on the order of 10 times greater than in the rest of the State. Further, special regulations on water quality cover the entire Preservation area and regulations for floodways, floodplains, wetlands, coastal areas, etc., cover substantial portions of the entire Reserve area. The Pinelands environment, ecosystem, and ground and surface waters are already the best protected in the State. Finally, during the 18 month period, the rate of development cited in the Executive Order as justification for the moratorium would involve only 0.5% of the total area covered by the Order. Given the extent of existing

government land ownership and regulation in the area and the small amount of land that would be absorbed by development in the next 18 months, there is, in fact, no justification for the drastic action represented by the Executive Order.

d. Of great concern to the Chamber are both the short and long range implications of the Executive Order and of past and possible future State and Federal government actions of a similar nature. Within the last few years we have seen the Wetlands Act which, in effect, confiscated all the wetlands of Southern New Jersey, CAFRA which imposes State land use control over the coastal areas, Pinelands Water Quality Standards which, if strictly enforced, will preclude any land development in the Preservation area and now Executive Order #71. Combined these measures give the State direct land use control over more than half of the total land area of Southern New Jersey. In addition, it appears that such control will be used to entirely prevent or to severely restrict any development in most of that area.

There can be little doubt concerning the next step in the series. Farmlands will be it. Various studies and reports have documented the desirability of preserving farmlands. The wetlands and pinelands will provide the precedent for the method of doing so. If the State takes over control of the farmlands it will then control land use in over 90% of Southern New Jersey. Most, if not all, farmland will be limited to agricultural use. Once again we will see a form of confiscation without any compensation.

Some might say that this scenario seems preposterous. The clear answer is that most of the scenario is already history. Also, assurances to the contrary should not be taken seriously. Within the last year, when the Pinelands water

quality standards were up for adoption, there were many assurances from the NJDEP, including the then Commissioner Bardin, that the State did not intend to preclude all development in the Preservation area. Within a relatively few months Executive Order #71 has put the lie to such assurances.

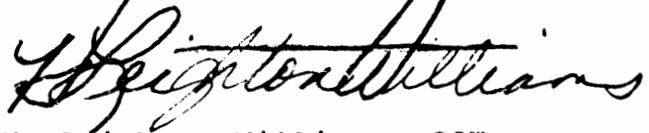
The economic implications of the State takeover and the resulting lid on development will be far reaching. There will be both immediate and long term restriction of economic activity and growth. The number of jobs, business and government revenues, property values, home rule and the general economic well being of many of the people of the area will be adversely affected.

There are other aspects of the Executive Order which are objectionable, but the four cited above cover the principal concerns. In addition to the Executive Order there is pending legislation that would supercede the Order. Senate 3091 is even more objectionable, damaging and far reaching than the Executive Order. The Chamber strongly urges all southern New Jersey legislators to resist all attempts to "railroad" the measure through. At the least the bill should not be voted on until the pros and cons have been thoroughly aired in public hearings and other forums. In the end analysis we urge defeat of any bill that resembles this measure, Senate 3091. We cannot condone the proposed legislation or any other programs that will limit South Jersey to the role of being the playground, bread basket and water reservoir for the rest of the State.

In lieu of the confiscatory approach represented by the Order and the proposed legislation, the Chamber would suggest a Green Acres program similar to those which have been highly successful in the past. In this way the State and Federal Governments could acquire title or

development rights to the lands which the public wishes to preserve
and is will to pay for.

Respectfully submitted,

A handwritten signature in cursive script, reading "H. Leighton Williams". The signature is written in dark ink and is positioned above the typed name.

H. Leighton Williams, CCE
President

I was born and raised in the Pine Barrens, both in Atlantic and Burlington Counties. My grandparents lived in a home on 42 acres of land on the Egg Harbor River in Gravelly Run. My great grandparents were the last heirs of a land grant from King George III which was approximately sixteen square miles not far from Egg Harbor. I presently live on the edge of the Pines in Evesham Township. My only objection to the Pinelands Protection Act is that it is too long overdue.

The Federal government recently acknowledged that within our urbanized state we have a natural treasure of national importance. In 1911, Whitmer Stone wrote, in what is still one of the finest botanical guides to the Pines:

The Pine Barrens are of especial interest from the fact that the region is one of the largest in the Middle States in which anything like primeval conditions remain. Always sandy and thickly covered with more or less scrubby vegetation, interspersed with swamps and infested by hordes of mosquitoes, settlers have been in no hurry to clear it so long as more valuable land was available to the westward.¹

Unfortunately, given suburban expansion within the state, development is presently encroaching upon this priceless natural treasure.

The sandy soil which is characteristic of the Pines provides a natural aquifer for the largest unpolluted water supply in the nation. "The aquifer is equivalent to a lake 2,000 square miles in area and 37 feet deep, amounting to about 17.7 trillion gallons."² Most of this water is less than 20 feet below to sandy soil. In an age when natural resources, of which water is probably the most fundamental, are recognized as limited in availability, the fragility of this essential element cannot be overlooked.

In addition to the vast water supply, the USDI had estimated that the Pines contain more than 800 species of plants, 250 species of birds, 91 species of butterflies, 24 species of fish, 38 species of mammals,

and 15 species of reptiles and amphibians. One may consult the experts for a more detailed discussion of the uniqueness of the Florida pinelands.

The Pinelands Preservation Act is the most noble effort to date to prevent this vast natural resource from becoming indiscriminately developed according to guidelines conceptualized exclusively for a profit motive. The Act does not mean an end of all development within the Pines, as the builders would have us believe. What it would bring about, however, is a responsible, ecologically sound approach to development.

This would imply a preservation of the natural ecological balance. Moreover, the development which would occur within The Pines would be of such a calibre as to warrant a significantly higher dollar value than if The Act had not been implemented. The Act, therefore, would not only preserve the quality of the water supply and maintain the integrity of the natural resources, but ensure premium values on development which does take place adjacent to this national treasure.

Land speculators have exploited this natural area since the 17th century. Many land titles are not clear today as a result of the speculation which has occurred while the area was devoid of any safeguards. Local objection to outside regulation is ill founded for this reason. If history teaches lessons, one need not look far to recognize that exclusive local control cannot preserve the Pines. The proposed commission, comprised of local as well as state residents, seems a healthy representation of viewpoints.

The Pinelands Preservation Act, in conclusion, does not mandate the end of all development in the Pines. It does, however, mandate development according to standards which would preserve the Eastern

Seaboard's largest water supply, sustain a unique natural area, and ensure quality building which would result in higher real estate values. No more comprehensive plan could be hoped for.

¹Stone, Whitmer. The Plants of Southern New Jersey. Boston, 1911, P. 61.

²New Jersey Conservation Foundation. New Jersey's Pine Barrens: Doomed to Extinction or a Model for Preservation? Morristown, 1978. P. 2

³Ibid. P.3.

Respectfully submitted,



Charles Cheeseman

April 3, 1979

To Whom It May Concern:

My name is Stanley Cramer, President of the Mullica River Wetlands Association. I owned and managed the Chestnut Neck Boat Yard from 1953 until 1977. In March of 1977, I sold one half interest in the boat yard to my piney wetlander partner, Nuncie Bruno, in order to survive general business conditions and the many laws and regulations being imposed on us by government, especially the Wetlands Act.

Our business is located in the Wetlands-Cafra area, and my home on the Wading River is in the Pinelands Preservation area. Governor Byrne with his moritorium has made me a preserved wetlander piney--one of the endangered species.

I am truly concerned about what is happening to us that own land and make a living in the State of N. J.. My forefathers have lived in this country since it's beginning. I have enjoyed the freedom and the opportunity to live a free man. I am not going to give up my precious heritage without a battle.

I feel that we should have the privilege and the opportunity to make a living and own a home in this pineland wetland area. Are we pineys that have lived here for years going to be driven from our homes and land in order to save the wildlife and natural area? Are we going to be able to pay the cost and taxes when our communities lose their land and tax base? Are we that love this beautiful natural area and call this home going to be taken into consideration?

We are conservationists--most of us chose to live in this rural area, and we do not want to see the pinelands destroyed.

We, also, realize some of the land must be used by human beings. We feel that with wise and intelligent planning, regulations, and laws--man, wildlife, and the natural area can live together.

I stress, again, that we must have regulations and laws. Government doesn't have to buy us out or force us out in order to preserve and govern this pinelands area.

N. J. Government seems to want to eliminate the small businessman. It is hard to find help and relief. I think private ownership and enterprise made this country great. In order for us to survive and lead--we must not destroy this initiative.

We as businessmen and wetland owners have had a terrible struggle and long battle in order to survive the Wetlands Act of 1970 as it was being implemented and carried out by the D.E.P. and its unelected officials. How do you get to them?

We have wetland owners being taxed so much on land they cannot use--they must lose it! We call this legal confiscation. Mr. Joe Forsyth has his case in court, and we are looking for some relief for Joe in the near future.

What we the wetland owners have had to endure is now happening in the pines. We hope we may be able to help the pinelanders avoid some of the pitfalls and problems--especially taxation! I hope there are enough people involved now--people that realize what is happening to them, people that are being hurt, people that can get together and do something about what is being forced on them by the Governor and his unelected officials.

I have copies of previous presentations made at the various Wetlands meetings and hearings held by the State of N. J. since 1973, and with the word Pinelands put in the place of Wetlands, the text of the presentation would be up to date and applicable to the Pineland problems, and I really don't know if Government is listening or not. We that operate businesses in the wetlands have been given quite a bit of relief and a change for the better over the years, and I think that this might happen in the

Pinelands, but there is nothing to guarantee us that. Once we lose the privilege to own and use land in the State of N. J., I feel that we have lost it forever. Now is the time to stand up and be heard before these laws are imposed upon us.....again by UNELECTED officials.

Is Government going to tell us what our homes and our land is worth, or are we going to be able to compete on the open market and sell our homes for whatever we think they are worth? Why should we have to sell to government first? Are we socialists, or are we a republic - a land of laws? This country was formed by intelligent men under the Grace of God, and I hate to see it destroyed.

A friend of mine in State government told me a few years ago that the State of N. J. intended to own or control all the open land in the State of N. J.. This included all the wetlands, the farm lands, the woodlands and the open land in the State of N. J., and I am seeing it come to pass. The question that I have to ask myself, "Is this the way I want to live?". Must Government own everything - must they compete against private enterprise? This is socialism no matter how you slice it, and I do not want to be a socialist. I want to live in a republic. I have seen no better form of government than this. I feel that many of the little people have more intelligence in some fields than those people in high government or high positions that have not had the experience nor have had to live with the trials and tribulations that big government sometimes impose upon us unthinkingly. ^{TO PAGE 4} A few years ago many people would not think of standing in line to collect a handout from government. They were too proud. They wanted to work, they did not want to have to depend on somebody else for a living, they were independent. Today, getting in line and getting a handout is a way of life. The people in bureaucracy, or government feeding upon government, are forcing the people into their

way of thinking and their way of life. Somebody must produce.

How does the working man or the business man have the time or the resources to combat government who has all the resources and time and all the know how to beat us down. We in the Wetlands fight have had to use persuasion and intelligence to change the things that we feel are wrong. As we look about us, we see people using force, confrontation, and violent actions. They seem to be getting relief and seem to be getting things the way they want them. Is this the American way? If it is, things have changed drastically, and I think they are a change for the worse! We have fought the wetlands battle with determination and fair play. It seems there are not enough people interested in what is happening to good citizens. People don't get involved until it effects them directly.

CONTINUED

Many of the people speaking are concerned about the protection area and what it is going to do to the economy and the building trades. I don't hear many people talk about what is going to happen to the pineys in the preservation area. Are the minority land owners in the pinelands preservation area going to be forgotten as long as others can save their own hides? Who is going to speak out for us? We want fair decisions, and we do not want to be overlooked and forgotten!

Are the proposed federal boundaries for the Pinelands the same boundaries that are being proposed in the state moratorium and legislation? We must know the exact boundaries in order to vote intelligently on the bills that are being sponsored by our representatives. Great and momentous decisions must be made! Can fair and intelligent decisions be made in a short time?

Are the local governments going to be reimbursed for the tax ratable land they are going to lose? If so, how is it going to be done, and how much are they going to receive? We must know before the law is passed

and we find the amount we receive from higher government is insufficient for our local needs. Recently, we learned that Bass River Township will have about **3%** woodland about **2%** and Washington **0%** of their land area left without pineland and wetland laws governing them. These three townships are in the preservation area. How are they going to survive? Are we that live and operate businesses in this preservation area going to survive, or are we finished?

Recently, I had the privilege of talking to Congressman Hughes. After conversing with him, reading his letter to Governor Byrne, and studying the Federal Pinelands studies, proposals and regulations, I can accept most of the Federal proposals.

I cannot accept what our governor is doing to us. Governor Byrne and Mayor West of Bass River Township are two of a kind. Governor Byrne recently appointed Mr. West to his pinelands committee, and I was not at all surprised.

They are both strict environmentalists with apparent disregard for the well-being of the piney land owners, residents, and businessmen.

Governor Byrne doesn't mind stacking the deck so he can control the pinelands the way he wants them controlled--his veto power, he picks the chairman of the 15-member Pineland Planning Commission and makes sure his appointees are strict environmentalists!

Mayor West put a moratorium on Bass River Township a few years ago which caused havoc to some residents. Some of the people of Bass River did not realize what was happening to them, and we are afraid many are going to learn the hard way. Eroding of the tax base - unpaid taxes - law suits by land owners that can't use their land, and do-nothing local government are some of the problems.

MULLICA RIVER

Sincerely,

Stan Cramer

Stanley W. Cramer
A preserved Piney and Jetlander

P.S.

An endangered Species:

P.O. Box 277 A
R.R. 2 EGG HARBOR N.J. 08215

Dial 609-652-1119

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TESTIMONY

To: Committee on Energy and Environment
of the New Jersey Senate

From: V. Eugene Vivian
Professor Environmental Studies
Glassboro State College

Director Emeritus
Conservation and Environmental Studies
Center, Inc. Browns Mills, NJ

Subject: Testimony Relative to an Act Concerning
the Development and Use of Land in
the Pinelands(S-3091, 2/7/79) .

I have studied the proposed legislation introduced by Senators Merlino and Yates. I strongly support the provisions to create a Pinelands Planning and Management Commission and District in sections 7 and 8. I subscribe to the thesis that only a regional agency with appropriate regulatory and decision-making powers can accomplish the objectives of maintaining the Pinelands Area as defined in Section 10. This is necessary because so many municipalities are partly or wholly contained in the Pinelands. No combination of separate municipal zoning and planning decisions can ever bring about the existence of a managed preservation area and a planned protection zone in the Pinelands.

In particular I refer to paragraph one of Section 2 in which the extensive high quality of surface and ground water resources are declared to be essential for "a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species...." The paragraph is continued with the statement that residential, commercial and industrial development produce pressures which threaten the viability of these rare and endangered species.

In paragraph 4 the proposed legislation cites random and uncoordinated development as the immediate threat to endangered pineland species. I am firmly convinced that only an agency which can regulate an entire area can provide not only the planning and zoning for optimum land use throughout the Pine Barrens area but also the management measures which are also essential for the continuation of rare and endangered pineland plant species.

I requested permission to present Testimony relative to the consideration of Habitat Destruction as it pertains to the proposed legislation.

As a person with extensive training and research in botanical ecology in general and with some research experience with Pine Barrens plants in particular, I request permission to offer whatever expertise I have relative to rare plant species in the pinelands and their habitats.

During the past few years I have had more than fifty students participating in researches on rare pine barrens plant species.

We have found the following:

1. Residential development is the greatest destroyer of rare plant habitats because it is so pervasive — occupying the most space. Heavy or concentrated commercial and industrial development are somewhat less destructive in that they occupy less space and thus permanently modify less of the original habitat.

Our studies have greatly expanded the findings of Dr. Silas Little, a researcher for 43 years in the Pine Barrens at the U.S. Department of Agriculture's Pinelands Research Station in New Lisbon, New Jersey. All the studies point to the singular fact that many kinds of human land use aid rather than hinder the rare pinelands plants.

Changes in environments produced by either natural or human agencies are known as disturbances. Here is a table summarizing our findings relating numerous disturbances resulting from human land use with a definite but only temporary environmental impact.

DISTURBANCE HABITATS AND THE PLANTS THEY SUSTAIN

DRY HABITATS

Type of Disturbance	Pine Barrens Community Type	Plant Species Favored
Sand Roads & Fire Breaks	Pine Oak	Broom Crowberry Trailing Arbutus Hudsonia
Lumbering, Pine or Oak	Pine Oak or Oak Pine	Trailing Arbutus Pyxie Moss Pink Ladies' Slipper
Spoil Banks from Borrow Pits or Canals	Pine Oak	Hudsonia Pickering's Morning Glory
Canals and Fire Breaks Land Clearing—Air Fields	Pine Oak	Pyxie Moss Hudsonia
Wildfires or Controlled Burning	Pine Oak	Broom Crowberry Hudsonia

WET HABITATS

Sand Roads & Fire Breaks	Pitch Pine Lowlands	Thread leaved Sundew Sand Myrtle Spatulate leaved Sundew Pyxie Moss Pine Barrens Gentian
Mossing (Stripping wetlands for Sphagnum moss)	Pitch Pine Lowlands or Cedar Wetlands	Orchids Curly Grass Fern
Wildfires or Controlled Burning	Pitch Pine Lowlands	Turkey Beard Sand Myrtle Pyxie Moss Grass Pink
Mowing on Roadsides, Fields, or Edges of Cranberry Bogs	Cedar Swamps Hardwood Swamps Pitch Pine Lowlands Pine Oak	Turkey Beard Sand Myrtle Pine Barrens Gentian Sundews, Pitcher Plant Orange Milkwort
Abandoned Cranberry Bogs	Wetlands Pitch Pine Lowlands	Red Maple, Pitch Pine Deer Grass, Red Root
Borrow Pits	Wetlands	Foxtail Club Moss Grass Pink, Sundews Fringed White Orchid Pitcher Plant Curly Grass Fern
Lumbering for Cedar Poles	Cedar Swamp	Curly Grass Fern Golden Club, Pogonia Arethusa, Pitcher Plant
Erosion on Stream Flood Plains	Pitch Pine Lowlands Pine-Oak	Yellow Fringed Orchid Sand Myrtle
Turfing-stripping wetlands for mats of shrub roots	Cedar Swamps Pitch Pine Lowlands	Orchids Curly Grass Fern

I have characterized all the disturbances listed above as temporary or impermanent – self-healing, so to speak. Residential development is most destructive of habitats in that the original habitats are covered or changed. Homeowners usually maintain their changed homesite habitats often with a grass cover. Landscaped areas in industrial or commercial areas tend to be similar. Centered as they are around buildings, the changes are naturally intended to be as permanent as possible.

In the pinelands, any of these developments will be protected to repress forest fires as a matter of common sense. But all of the Pine Barrens habitats are produced by forest fires with a frequency of 5–25 years. Without its fire ecology, the Pine Barrens area will cease to exist. Development and Pine Barrens are mutually exclusive. Ultimately as far as fire is concerned, two classes of land will be created. The developed areas will need to be well protected fire zones. The non-developed areas must remain fire-prone and available for wild fires or controlled burning.

2. On the positive side of this accounting is the evidence that older kinds of Pine Barrens industries all enhance the occurrence of habitats essential for rare pinelands plant species. These should be encouraged in all areas of the Pine Barrens. This means that with management many income producing land uses may be continued in the Pine Barrens Protection Zone. I refer to the disturbance producing activities listed above.

THE NEED FOR MANAGEMENT

Preservation alone is not enough for rare and endangered plant and animal species. The development of a comprehensive land use program assigned in the proposed legislation to the Pinelands Commission is needed to maintain rare plants and animals. Even the lands which are now or in the future will be in public ownership will not guarantee the continued existence of the rare and endangered plants under discussion. A strong plant and animal management program is needed, hopefully by public agencies such as the Division of Fish and Game is now operating in its Wildlife Management Areas. This management concept must be extended to other public lands for both animals and plants. Only a strong regional agency such as the proposed commission can accomplish this task in both the proposed preservation and protection areas of the New Jersey Pinelands.

A LAND USE PERSPECTIVE

To provide a realistic means for the continuance of rare and endangered plant species has been my concern up to this point, but I fear that many of your constituents and those of the rest of the New Jersey legislature may not be strongly concerned for the endangered plants of the Pine Barrens.

However, it is equally true that much of the entire Pine Barrens Area is needed for recreation by the residents of a state with such a high population density and with pressures from two out-of-state areas namely Greater New York and Greater Philadelphia.

The people of New Jersey must be convinced that a well-managed Pinelands Protection Zone and Preservation Zone are needed for three reasons:

First, the provision for much more desperately needed recreational space for an increasing number of citizens. Habitat destruction by uncontrolled residential development will permanently eliminate this recreational opportunity.

Second, a regional agency can plan new and creative kinds of residential, industrial and commercial development in the protection zone of the pinelands. None of the pinelands are able to support communities with the high population density found in many communities elsewhere. The sensitive ecosystem would be destroyed by high population densities. But, communities of low population densities could be planned under the aegis of the proposed commission.

This is, I believe, an attractive alternate to the unlimited population densities now produced by uncoordinated land use planning by individual communities. What community master plans do you know of which take into account the projections of neighboring communities? I believe that very few such master plans exist anywhere, even though such inter community planning and impact analysis are required in the master plans according to the present N.J. Land Use Law, CL 291-N.J. 1975.

It should be possible for people in this and succeeding decades to choose to live in communities guaranteed to maintain various voter-selected population densities for present and prospective residents. This should be possible for housing at various cost levels. Only a regional agency with regulatory and zoning power can make such a guarantee a reality.

SPECIFIC SUGGESTIONS

One feature which the proposed legislation lacks, concerns not only education and dissemination of information about the Pine Barrens but also the storage of research information about the Pine Barrens but also the storage of research information about the Pinelands. The recent Gannett News Service Telephone survey of 1001 registered voters indicates that nearly forty percent of the New Jersey's population has never even heard of the Pine Barrens! Governor Byrne, in Executive Order No. 57, which earlier highlighted first steps for planning and preservation in the Pine Barrens, pointed out the need for public education about this significant area of our state.

I strongly urge that the present legislation be amended to require a state effort to provide education about the Pine Barrens, not only for youngsters but also for various groups of the adult sector.

Only an informed population can participate in a planning effort for our priceless New Jersey Pine Barrens. The Conservation and Environmental Studies Center has been providing unique educational experiences in the Pine Barrens for 13 years. This organization stands ready to assist in providing for both of these essential tasks to save the Pine Barrens.

Second, I believe that the proposed legislation should direct the Pinelands Commission to develop and make recommendations to the Legislative and Executive branches of state government for relieving inequities and demonstrated fiscal hardships occasioned by:

1. any regulations which make it impossible for land owners to resell land or somehow to utilize undeveloped land to obtain enough profit to pay taxes.
2. municipalities whose taxable land base is so reduced that its taxpayers would be forced into exorbitant local tax obligations. This might also include sharing of agricultural lease back fees by state and municipal treasuries.

Third, I have heard many people assert that the central area designated as the Preservation area should be enough. I believe that the much larger peripheral area designated as the Protection Zone or Pinelands Reserve must also be included as proposed to:

1. Maintain clean streams draining into all the bays. The clam, oyster, commercial and sport fishing industries are all vitally dependent upon continuing the flow of water of good quality from the Pine Barrens. If land development is not regulated in the outer Protection Zone, the water quality of the bays will indeed be threatened.

2. Hopefully, planned land use regulation in the Protection Zone will allow development in the environmentally sensitive lands and prevent development in more environmentally sensitive areas. This regulation should maintain not only the quality of the vegetation, but also the quality underground water supply. An underground water supply of high quality is and will be needed by all residents of the Pine Barrens and even those as far east as the barrier beach islands.

The present land use crisis in the New Jersey Pine Barrens provides the citizens of this state with a last chance to utilize a fresh, new and creative land use planning process to an area which still has a low percentage of already developed land. If the present home building and development pressure continues unabated, the opportunity to plan creatively for a large area will have been forever lost. The moratorium will, unfortunately, be irksome to some and hurtful to a lesser number of citizens. I believe that a great democratic society in its wisdom and compassion can find means to relieve any genuine distress that could be brought about by the moratorium.

None the less, the time is now or never. It is a time when today's New Jersey citizens can do something for which they and their progeny will be forever proud and grateful. To do less than to maintain this moratorium will be our unchangable failure.

SOUTHERN NEW JERSEY DEVELOPMENT COUNCIL
POSITION PAPER ON THE
PINELANDS PROTECTION AND PRESERVATION

The Development Council is in basic agreement with the goals and objectives of various proposals which have recently been made for preservation of the New Jersey Pinelands. We are, however, in basic disagreement with the means by which such proposals endeavor to realize those goals. Specifically, we feel that the Governor's Moratorium and Senator Merlino's Bill will cause both immediate and long term economic hardship for individuals, organizations and the people of Southern New Jersey.

Both the Moratorium and the Senate Bill are confiscatory and arbitrary in nature. In the name of one admittedly valid societal concern, they ignore other equally valid concerns. These include housing, jobs, property rights, home rule, preservation of other valuable open space and tax revenues. Our analyses of the Moratorium and the Senate Bill lead us to believe that these concerns have been given little, if any, consideration.

The effect of either the Moratorium or the Bill is to virtually preclude any future development or construction in the preservation area and to severely restrict such activity in the remainder of what has been defined as the Pinelands Area. Individuals' property rights are being taken without any provision for compensation. A special group, namely land owners in the area, is being forced to pay an enormous price for public health, safety and welfare, a price which the public, as represented by the Governor and Senator Merlino, seems unwilling to pay. The Council feels that this is ethically wrong and we hope that it is illegal. Confiscatory regulations of this sort should be accompanied by programs that will directly compensate owners who have been deprived use of their property.

The issues of home rule and tax revenues have been discussed at some length by local government officials in the affected area. Basically, the Council feels that the sweeping impact of the Moratorium and the Senate Bill in both these areas will be highly undesirable and possibly devastating in some communities. If the State, through its actions, seriously depletes the tax base and assumes the powers and authority of local government, it should at the same time take on the financial burdens of local government.

Questions concerning jobs and housing have been raised by the home builders of New Jersey. The Council agrees with their concerns and feels that any program which abruptly cuts off or seriously restricts home building in the area will seriously damage the home building industry, will cause loss of many jobs and will have an adverse economic impact on the economy of the area and the State. The Council feels that the approach taken by the Moratorium and the Senate Bill to Pineland's preservation is unnecessary and highly undesirable.

We have indicated above what we have deemed to be the most undesirable aspects of these measures. The need for these measures is based upon the assumption that an emergency or crisis exists and that action must be taken immediately rather than 18 months from now when the Management Plan will have been developed. The facts belie this assumption. State and Federal Government land ownership in the area already comprises of several hundred square miles, a land area that is far greater than all of the publicly owned land in the remainder of the State. Further, much of the area is protected by special regulations on water quality and all the area by a variety of regulations covering flood plains, wet lands and coastal areas. The Pinelands natural environment is already the best protected natural environment

in the State of New Jersey. Added to this is the fact that the historic rate of development would result in use of only 0.5% of the total area within the 18 month period established for the study. Given these facts, it is clear that this is not an emergency situation and there is no need for the drastic measures represented by the Moratorium and the Senate Bill.

Recently, Senator Russo has introduced a Bill as an alternative to the Merlino Bill. This Bill appears to take a more reasonable approach. However, it has certain objectionable features, the worst of which is that it fails to provide compensation to the land owners within the core preservation area. We feel that this Bill, with some significant modifications, could form the basis for a reasonable approach to preservation of additional areas within the Pinelands. Essentially, we favor such preservation, but feel that means should be developed that avoid the serious economic hardships and confiscation of property that will result from the Moratorium and the Merlino Bill.

Adopted by the Board of Trustees of the Southern New Jersey Development Council at its meeting on March 14, 1979.

Attachment: map showing preservation area and Pinelands national reserve

SOUTHERN NEW JERSEY
DEVELOPMENT COUNCIL
ONE NEW YORK AVENUE
ATLANTIC CITY, N.J. 08401

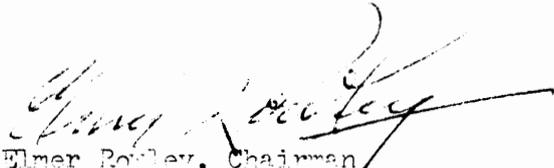
Statement before Senate Committee on Energy and Environment on S3091
Assembly Chamber, State House, Trenton, April 3, 1979

I am today representing the New Jersey Audubon Society. I was president of the Society during 1974 and 1975 and have been subsequently serving as chairman of a special Pine Barrens committee of our board of directors. During my administration, after an extensive reexamination of the problems of our Pine Barrens, the Society established Pine Barrens preservation as a priority effort. We have been much involved ever since.

We are pleased with the rapid-fire sequence of events that has taken place in the past few months--the passage of the National Parks and Recreation Act of 1978, the completion of the work of the Pinelands Review Committee and the publication of its exhaustive report, the issuance of Executive Order No. 71, and now the consideration of state legislation to establish the regional mechanism by which this precious area finally can be given a measure of protection. We hope that the current momentum can be maintained.

We see in S3091 the last piece (or certainly one of the very last pieces) of the Pine Barrens jigsaw puzzle that has to be put in place. The federal legislation provides for a planning entity to prepare a comprehensive plan for the management of the area. S3091 will provide a Pinelands Commission with authority to administer the plan. The bill legislates the governor's moratorium on development, recognizing that a year and a half or two years might realistically go by before a new plan can be developed and approved at both the state and federal levels.

From the tone of my remarks thus far, you will sense our approval of the Merlino-Yates Bill. We do approve and we urge passage. At the same time, we recognize the need for some clarification; in some cases just the elimination of a troublesome word or two. However, the basic bill must be kept in tact. The Pine Barrens are too important a resource and we all have worked too long and hard in this effort now to see the implementing state legislation become emasculated.


Elmer Roxley, Chairman
Special Pine Barrens Committee
New Jersey Audubon Society



National Campground Owners Association

The National Trade Association of the Commercial Campground Industry

PLEASE REPLY TO: John N. Davis III, Oak Ridge Campground,
P. O. Box 6, Marmora, New Jersey 08223

Mr. Chairman - Thank you very much for this opportunity to testify today on Senate Bill #3091.

I, John Davis, am on the Board of Directors of the National Campground Owners Association where I serve on the Legislative Committee. As a private campground owner within the state, I am also a member of the New Jersey Private Campgrounds Association.

Mr. Chairman, we are presented with an opportunity to help preserve one of America's most important natural resources, the pinelands. This vast preserve encompasses nearly a million acres and is widely recognized by scientists as a unique ecological community.

In the interest of time Mr. Chairman, I will keep my remarks short and to the point.

Travel is a 105 billion dollar a year industry in this country. It generates 26.8 billion dollars in wages and salaries and 15.7 billion dollars in Federal, State and local taxes. Travel affects 4.4 million jobs directly and 2.1 million more jobs indirectly. The industry then, affects 15 percent of our national labor force. Small businesses dominate the travel industry. The most recent data indicated that 99 percent of the nations 1.4 million travel related firms are classified as small businesses.

Because the Pinelands is such a unique area, I am pleased with the Senators Merlino and Yates conservation effort. The states camping industry is in sympathy with their efforts however, I feel that the private camping industry should have their own classification within this proposed legislation. I make reference to page 7 of Senate Bill #3091 line 52 which reads proprietary recreational facilities could be changed to read private camping facilities, thus making the camping industry one of the excepted uses in executive order #71 and Senate Bill #3091. I am sure it was a human error that the camping industry was not included as one of the exempt uses.

I quote Senator Merlino from the Atlantic City Press April 2, 1978, page 13, "Sunday closings would hit the state economically because tourism is its second largest industry".

In closing, as part of the States second largest industry, I request that Senate bill #3091 and Executive order #71 be amended to include the camping industry as an exempt use so that we may grow in peace and harmony with the states conservation effort which we whole heartedly support.



National Campground Owners Association

The National Trade Association of the Commercial Campground Industry

PLEASE REPLY TO:

I appreciate this opportunity to express my views and I stand ready to assist this committee by offering information and statistics on the impact of this legislation on our industry.

Respectfully submitted,

John N. Davis III, Director
National Campground Owners Assn.
Legislative Committee

JND/ed

704 FIFTH STREET
DELRAN, N.J. 08041
Apr. 01, 1971

Mr. Governor
The Honorable
Governor Bruce B. Bentsen
Trenton, N.J. 08646

Dear Mr. Governor:

I am submitting this letter as written testimony to my support of Governor Byrne's Executive Order issued February 1971 to place a moratorium on building in the Pinelands for the duration of 18-months.

In my profession I am an Environmental Engineer with graduate training in Environmental Sciences - the former has fostered an awareness of the requirements of the construction industry and the latter has enabled me to work closely in environmentally sensitive areas. Economically our family is largely dependent on the construction trade in Southern New Jersey.

When I view all the issues carefully, I believe that the moratorium is without a doubt the best approach to dealing with the critically sensitive coastal wetlands, agricultural lands, and unique ecosystem comprising the Pinelands.

Our water resources must be protected for this and succeeding generations and we must not allow indiscriminate development to destroy forever these environmentally sensitive areas.

It is clear that many persons will be economically affected, but action must be taken to prevent future more devastating setbacks. Governor Byrne in executing the moratorium is acting as a custodian of our environment and I appreciate his judgement.

to work out a comprehensive plan for future Pinelands development. Moreover, it seems essential to encourage the collection of extensive background data covering a wide sampling area to define water and ground quality so that future monitoring programs can be set up to detect any impacts or changes to standards devised.

In the interim the Pinelands Commission having been established to grant exemptions to builders offers sufficient recourse to those who present extreme hardships or exceptions. I strongly support S. 3091 and the goals and objectives outlined therein.

Another possibility prior to completion of the 18-month studies might be to encourage building in other areas of southern and central New Jersey through an agency set up to devise a location recognition and incentive program to building in economically depressed but environmentally suitable regions.

I appreciate this opportunity to express my opinions on this most delicate and controversial issue.

Sincerely,

Lynda J. Zapinski Polk

Lynda J. Zapinski Polk

LEAGUE OF WOMEN VOTERS OF ESSEX COUNTY, NEW JERSEY

April 2, 1979

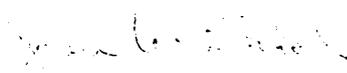
The Honorable Frank Dodd, Chairman
Senate Energy and Environment Committee
State House
Trenton, New Jersey 08625

Dear Senator Dodd,

The League of Women Voters of Essex County supports S.3091 because of its strong provisions for implementation of Pinelands protection.

Specifically, we support section 3f which requires that a majority of the total membership is required to act at a public meeting. We also support section 9c, that waivers only be granted by a 2/3 vote of the commission membership and, the broad definition of the Pinelands area to include not only the central "preservation areas" but also the major part of the national preserve.

Sincerely,


Joan W. Ertel
President
4 Harrison Avenue
Montclair, New Jersey 07042

cc: The Honorable Brendan Byrne, Governor
The Honorable James H. Wallwork
The Honorable Carmen A. Orechio
The Honorable Martin L. Greenberg
The Honorable Wynona L. Lipman



American Association of University Women
New Jersey

9 W. Beardsley Avenue
Brant Beach, N.J. 08008
609-494-5679

STATEMENT BEFORE THE SENATE ENERGY AND ENVIRONMENT COMMITTEE ON S 3091
BY WINIFRED D. MEYER OF BRANT BEACH, LEGISLATIVE CHAIR, NEW JERSEY DIVISION
OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, APRIL 3, 1979.

I am Winifred D. Meyer, and I represent, as its Legislative Chair,
the nearly seventhousand-member New Jersey Division of the American
Association of University Women.

While many would like to see the Pinelands remain pristine, we recognize
that it is not possible. For one thing, we are part of a tremendous east
coast megapolis; therefore we have, not only environmental responsibili-
ties, but social and economic ones as well.

Senate Bill 3091 shows itself cognizant of the economic and social devel-
opments and the need for them, but it does, as well, something for
which we have felt a great need in New Jersey - it approaches the prob-
lems deliberately and with care. I could go on at length, listing the
values of the Pinelands to New Jersey and the eastern United States, but
you are well aware of them. To protect them while yet progressing as a
vigorous, growing state is the problem. Planning is the key word. It is
the key word which, for example, was ignored in a good part of the Jersey
Coast. As a result we have a hodge-podge - a mixture of all types of devel-
opment and some natural areas, all jumbled together. The long range natu-
ral beauty and protection have been destroyed, and we face a future of mil-
lions upon millions of our tax dollars to be poured into correcting erosion,
nature and man-made destruction and inconsistent development. New Jersey
has no National Seashore, but we can be very happy that we are designated
a part of the National Parks and Recreation Act of 1978, and we should all
work together to, with this opportunity, really achieve a working balance
of all our objectives.

My association has, as one objective of its Legislative Program, attached,
the protection and conservation of water resources through local and state
implementation of the National Environmental Policy Act, the Federal Water
Pollution Control Act Amendments of 1972, and the Coastal Areas Facilities
Review Act, including citizen participation in water quality planning, ocean
and wetlands protection, and in preservation of fresh water resources such
as the Pinelands.



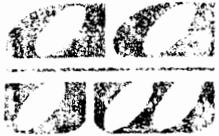
Statement on S 3091

aspect of the Pinelands, since all of the above applies here, the formation of an effective management program in this area alone is a gigantic task. This interim period, prior to the formulation of the Management Plan is no doubt crucial, and we think that it will be worth everyone's while to await a balanced plan. So it is that we find that Section 13 of S 3091, which imposes a moratorium, with certain exemptions, on development in the Pinelands area prior to the adoption of the management plan a logical approach to good planning. We are well aware that as a state which encourages economic development so much that it even physically seeks foreign investment, that the legitimate developers in the southern part of the state who want to take advantage of the exodus by people from the cities, seeking purer environment and of possibly, the so-called boom in Atlantic City, that patience is a difficult thing, but we see this moratorium with a two-fold purpose:

- 1) to discourage the fly-by-nighters, not legitimate developers, but those who have no concern for the environment and are interested only in grabbing all they can before the Management Plan goes into effect, and
- 2) and more importantly, a long range purpose: to allow time to avoid the mistakes for which all of us would have to pay economically, socially, and environmentally later, and which could be avoided by working under a comprehensive management plan, arrived at by input from local, county, state and federal governments, developers, economic and agricultural leaders, and just plain citizens. The latter, in every way, stand to lose the most under a poor plan and to gain, along with everybody else, under a well-thought-out one.

The Pinelands Planning Commission has already met and seems anxious to proceed with its task of developing a plan for the preservation and protection of the Pinelands which takes into consideration as well wise development. It behooves us all to contribute our best thinking to the Commission which must come up with a permanent Pinelands National Preserve Plan acceptable not only local and county governments and the State, but to the Federal government, which is supplying a large part of the funding.

Since the proper land use of the Pinelands affects every Jerseyite, we should like to see a specific provision in S3091 for a statewide Citizens Advisory Committee to the Pinelands Commission with, perhaps, some members appointed by the Governor, some by the Department of Environmental Protection, and



American Association of University Women
1111 17th Street, N.W.
Washington, D.C. 20036

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some, yes, some interested citizen volunteers. Of course, nominees' interests would have to be screened by the Commission to insure a social, economic, and environmental balance. Since all New Jersey is affected by what goes on here, we feel we need a state-wide view.

One small point - even though the Pinelands Commission is a separate entity it is allocated, under the N.J. Constitution, within the Department of Environmental Protection, and undoubtedly much of its work is so related. Therefore, a provision for the Commission to submit all its reports to the DEP as well as to the Government and the Legislature would seem a logical means of coordinating all efforts.

Furthermore, although we know well that our present Governor is dedicated to the preservation and protection of the Pinelands, a future one may not be. Therefore, we recommend that the Governor alone should not have veto power over the actions of the Commission, as provided in S 3091, making whatever action he vetoes null and void. We believe in the rule of law, not of one individual, therefore we propose that the power to veto, if desirable, should be delegated to a five-member panel, consisting possibly of the Governor, a member of the Legislature, the DEP Commissioner, and two interested citizens.

You notice that citizen participation in making decisions is one of our greatest concerns. It is our strong conviction that it is the intent of the U.S. Constitution that its system of checks and balances is the best way to govern. In the old days citizens were always there; now citizens are represented, but remote from government. If democracy is to continue to work, the affected individual, the citizen, must be drawn into the decision-making process.

Outside of these recommendations, we find the provisions of S 3091 generally well overdue in the preservation and protection of an area integral to our state's progress, and we recommend that the Senate Committee report S 3091 favorably at its earliest convenience.

The New Jersey Division of the American Association of University Women stands ready to contribute whatever services we can to our mutual objectives. Thank you.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

New Jersey Division — Legislative Program 1978-1980

(Items in Bold Type denote priorities)

RIGHTS OF THE INDIVIDUAL

To protect the rights of the individual under the constitutions of the United States and the State of New Jersey, we support:

1. The guarantee of full equality under the law for all; active encouragement of national ratification of the Equal Rights Amendment to the United States Constitution.
2. Laws insuring the privacy of the individual.
3. **The elimination of financial, economic, and societal discrimination against women, promoting equal rights of women to all assets acquired during the partnership of marriage; equal opportunities in quality employment, including political office; and societal freedom of choice.**
4. Right to individual choice in the determination of one's reproductive life.
5. The N.J. Division on Women and its development and financing to provide direction and guidance to cope with life's realities through timely programs, research, resources, counseling, and referral to appropriate agencies.
6. Continued review and revision of all penal systems and court procedures with emphasis on improved Family Court reform.
7. The establishment of a uniform probate code.
8. The right of citizens to be informed before public meetings with accurate data and to participate in decision-making.
9. Effective procedures for the elimination of conflict of interest in appointed and elected officials.

COMMUNITY POLICY

In these times of rapid changes affecting community living, we support:

ENVIRONMENTAL ISSUES

1. Conservation by residents and industry, comprehensive planning, and wise utilization of resources, including land and energy sources, with emphasis on the concepts of limited growth and of enforcement.
2. **The acceleration of technology leading to the development of adequate energy sources other than nuclear: with emphasis on sun, wind (individually or together), tides, co-generation, geo-thermal, and coal.**
3. **Stringent limitations on the use of nuclear reactors and the assignment of high priority to the solution of safety questions and waste disposal problems: nuclear energy should be considered only as an interim source of electric power in cases where conservation and alternate energy sources cannot meet reasonable demands.**
4. Development of citizen participation in state and local implementation of a federal urban policy and programs to preserve and rehabilitate our cities.

5. **Protection and conservation of water resources through local and state implementation of NEPA (The National Environmental Policy Act), the Federal Water Pollution Control Act Amendments of 1972, and the Coastal Areas Facilities Review Act (CAFRA); including citizen participation in water quality planning (208), ocean and wetlands protection, and in preservation of fresh water resources such as the Pinelands.**
6. Development of a safe and balanced mass transportation system including a variety of forms of transportation appropriate to a given area, such as rapid transit in cities and biking paths in the suburbs.

ECONOMIC ISSUES

7. **Equitable and adequate governmental funding through a realistic combination of the following: a fair-share progressive income tax with its attendant control of the property tax; a sales tax; other necessary and feasible taxes; and governmental accountability.**
8. Promotion of consumer protection at the local, state, and national levels.
9. Quality day-care programs.
10. Development of a comprehensive community-based health system, universally available, designed to provide a full range of quality health services, institutional and non-institutional, including preventative as well as acute care.
11. Measures to improve living conditions for the aging such as the national Independent Living Program.
12. Development of in-depth studies of the causes of child abuse, battered women, and other violence, with possible remedies.

CULTURAL POLICY

To encourage and promote an enriched cultural environment, we support:

1. Increased public financial aid for creative and performing arts, cultural centers, and libraries, with a separate budget for small groups.
2. Promotion of commercial and cable TV programming whose thrust is news and programs of interest (limited in violence and stereotype-free), specifically designed to meet the needs of N.J. residents; the cultural and educational use of mass media, including the establishment of quality criteria for programming cable TV, with AAUW as a resource wherever feasible; and the support of public educational television.
3. Procedures and financing for the preservation of all of N.J.'s cultural and historical heritages, perpetuating them by the binding of all into one state image.

EDUCATIONAL POLICY

To insure quality education for each individual to attain his/her potential and function effectively, we support:

1. **The establishment of educational goals by involving citizens, students, and professionals at all levels, with opportunities for the general public to study and react to them.**
2. **An efficiently administered program of public education, adequately and equitably funded on all levels.**
3. Promotion of educational programs with maximum opportunities for life-long general education and experience in careers, responsible citizenship, consumerism, environment, conservation, interpersonal relationships and responsibilities, life skills, and ethical principles.
4. **Strong emphasis in elementary and secondary education on the development of the basic skills of reading, writing, and mathematics.**
5. Development of a code and procedures for early identification of exceptional and gifted children and appropriate programs for both, with separate funding for each.
6. Expansion of educational services by museums and libraries, with adequate funding.
7. Increased fiscal autonomy for the community and state colleges and the State University.
8. A thorough review of policy-making and its implementation in the Department of Higher Education leading to the reinforcement of standards and quality education.
9. Adequate provision for extension of time limits on postgraduate work.
10. Comprehensive, expert family life and sex education programs in grades K through 12.

FOREIGN POLICY

We support procedures and programs which further:

1. **International cooperation, including a code of conduct for multinational corporations, emphasizing the interrelationship of food, energy, natural resources, and population.**
2. **The UN and its affiliated agencies; and ratification of the Human Rights Conventions.**
3. **Continued negotiation of mutual reduction and control of armaments with special regard to nuclear proliferation and sales of conventional weapons.**
4. **International cooperation in punishing terrorists.**
5. **The development of cultural and intellectual exchanges among the women of the world, leading to equal participation of women in economic, social, and political development.**

(For other Foreign Policy objectives, see the Association's Legislative Program)

- * re-emphasizing of AAUW Federal Legislative Program 1977-79, on a state and local level.

NEW JERSEY DIVISION RESOLUTIONS

- 1. Denigration of Women.** The N.J. Division shall appoint a watchdog committee to monitor radio and television commercials with regard to their unfavorable image of women.
- 2. Sex discrimination in State Laws.** The N.J. Division supports measures to establish a commission to study sex discrimination in N.J. statutes.
- 3. Treatment of Juveniles.** The N.J. Division encourages the petitioning of local communities to design and implement programs for the prevention of juvenile delinquency, including those for the disadvantaged and court-involved youth.
- 4. Mass Transportation.** The N.J. Division recommends to the Departments of Energy and Transportation that counties be encouraged to collect and distribute information, as Morris County has, regarding all public transportation available within the counties.
- 5. Federal Funding of Fusion Research.** The N.J. Division urges the Department of Energy, since federal funding in N.J. has been narrowed from several institutions to a few, to work with the N.J. Congressional delegation to seek more adequate and more diverse funding of fusion research in N.J.
- 6. Commendation of New Jersey Department of Energy.** The N.J. Division commends the Department upon its withdrawal of public funding of floating nuclear plant construction because of a lack of safety assurances and upon its diligence in seeking public participation in the formulation of its Master Plan.
- 7. Water Resources.** The N.J. Division urges the Governor and Legislature to adopt appropriate measures which place priority on protection of the potable water supply, particularly as it relates to energy resources and former "watershed" lands.

N.J. DIVISION LEGISLATIVE COMMUNICATORS

- President:**
 Mrs. Doreen J. Utman 609-924-9607
 P.O. Box 200, Princeton, N.J. 08540
- Legislative Chairman:**
 Mrs. Winifred D. Meyer 609-494-5679
 9 W. Beardsley Ave., Brant Beach, N.J. 08008
- Regional Assistants (Liason and Resource)**
 For branches in the indicated counties:
- Atlantic, Camden, Cape May, Cumberland Gloucester, Ocean, Salem
 Miss Harriet A. Reardon 609-263-3434
 208-44th St., Sea Isle City, N.J. 08243

- Burlington, Mercer, Somerset
 Mrs. Yvonne Irwin 609-883-1213
 102 Highgate Drive, Trenton, N.J. 08618
- Hudson, Middlesex, Monmouth, Union
 Mrs. Allison V. Carter 201-241-0598
 138 E. 10th Ave., Roselle, N.J. 07203
- Bergen, Essex
 Mrs. Elizabeth Smit 201-939-9498
 1 Montrose Ave., Rutherford, N.J. 07070
- Anderton, Morris, Passaic, Sussex, Warren
 Mrs. Donna Shaw 201-835-2642
 8 Ramapo Rd., Pompton Plains, N.J. 07444

ELECTED OFFICIAL COMMUNICATORS

The N.J. Division and the AAUW need your help in winning state and federal support for our goals. A good personal letter is one of the most effective ways you can influence a legislator's position on pending legislation. Address them and the Executive as follows:

- The President at the White House (Zip 20500) as **Mr. President** ;
 The Governor: The Honorable Brendan T. Byrne, State House, Trenton, N.J. 08625, as **My dear Governor Byrne** ;
 A U.S. Senator: The Honorable John J. Smith, Senate Office Building, Washington, D.C. 20510, as **My dear Senator Smith** ;
 A State Senator: The Honorable Jane P. Smith, State House, Trenton, N.J. 08625, as **My dear Senator Smith** ;
 A U.S. Congressman: The Honorable Betty P. Doe, House of Representatives Office Building, Washington, D.C. 20515, as **My dear Ms. Doe** ;
 A State Assemblyman: The Honorable William H. Jones, State House, Trenton, N.J. 08625, as **My dear Mr. Jones** ;

USEFUL TELEPHONE NUMBERS

- AAUW, Federal Legislation Information..... 800-424-9717
 State Legislation Information (N.J.)..... 800-792-8630
 N.J. Division on Women, Information & Referral Service . 800-322-8092
 Western Union (for Personal Opinion Mailgram to any elected state or federal official-\$2 for 15 words) 800-632-2271
 N.J. Energy Information 800-492-4242
 N.J. Dept. of Environmental Protection Hotline 609-292-7172

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

New Jersey Division

LEGISLATIVE PROGRAM and RESOLUTIONS



18

In 1921, the Association of Collegiate Alumnae (1882) and the Southern Association of College Women (1902), both created with a concern for human dignity, improvement in the status of women, and for intellectual growth (nourished by our fellowship), merged into the American Association of University Women.

In 1922, its formalized legislative program was adopted. In 1925, AAUW had in New Jersey 109 members-at-large, 500 unaffiliated college club members, one established AAUW branch, Atlantic City, one new AAUW branch, Mountain Lakes, and a third, Essex County, which was preparing to join.

In 1927, after two years of concentrated effort by a few women who were inspired by the initiative and persistence of Mrs. Charles S. McFarland, the New Jersey Division was organized. The legislative committee was one of the first five standing committees established, since it was true then, as it is today, that without responsible legislative activity, progress cannot be made toward any of our basic goals.

In 1978, united in its 55 branches, the nearly 7,000 members of the New Jersey Division, who are also members of the American Association of University Women, and of the International Federation of University Women, present the 1978-1980 New Jersey Division Legislative Program.

1978-1980

BASS RIVER TOWNSHIP TAX RATE PROJECTION

This projection has been prepared from the official tax records and budgets of Bass River Township. Only vacant lands in the Pine-land Preservation area have been used. Any lands with improvements have been excluded. There are 29,377 acres of vacant land not State owned available for acquisition.

The assessed value of these lands is \$8,522,588.00. With the 1979 tax rate estimated at \$2.68 per hundred, this represents \$235,088.00 in tax revenue. To make up for this loss will require \$.75 per hundred to be added to the tax rate.

The projection shows increases due to inflation at 10%, reserve for unpaid taxes at 13%, and acquisition at \$.15 per year over a 5 year period. The base rate is \$2.68/hundred for 1979. The reserve for unpaid taxes is based on the 1979 figure of \$160,210.00. Only the 18%/per year increase is in the projection.

The projection does not show increases for the following:

1. Legal fees due to tax appeals.
2. Increases to offset the granting of appeals.
3. Loss of income due to the moratorium such as building permit fees.
4. Capital improvements.
5. Road repairs.

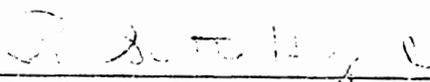
The projection, as conservative as it, points out the drastic increases we face if acquisition, as planned by the State, should begin. With all land for expansion for Bass River Township in the preservation area, there is no way we can expect to increase our ratables to offset these increases.

Payment in lieu of taxes is necessary for survival as a community. These payments must be full and continuous.

R. Scott Hazard, Chairman
Bass River Township Business Assoc.

BASS RIVER TOWNSHIP TAX RATE PROJECTION

	<u>ACTUAL</u>		<u>PROJECTED</u>				
	1977	1979	1980	1981	1982	1983	1984
Base Rate -	2.48	2.48	2.68	2.75	3.25	3.58	3.94
10%/Year Inflation -		.20	.27	.30	.33	.36	.39
Reserve For Unpaid Taxes 18%/ Year Increase Based on 1977-79 Average -			.10	.20	.44	.52	.71
Increases Due To Acquisitions -			.15	.30	.5	.60	.75
Rate/Hundred -	2.48	2.68	3.20	3.77	4.47	5.06	5.79
Taxes For Assessed Values:							
\$25,000	\$620	670	800	943	1,113	1,265	1,448
\$35,000	868	938	1,120	1,320	1,565	1,771	2,027
\$45,000	1,116	1,206	1,440	1,697	2,013	2,277	2,606



 R. Scott Hazard, Chairman
 Bass River Township Business Assoc.

4/3/79

March 16, 1979

The Honorable Brendan Byrne
Governor
State House
Trenton, New Jersey

Dear Governor Byrne:

It was good to meet with you to discuss the Pinelands and other matters of importance to South Jersey. I thought our talks were most encouraging.

As I indicated during our conversation, I feel very strongly about developing a conservation program in the Pinelands which is both fair and reasonable. I know you share my concern in this regard.

There is a basic need to strike a proper balance, one which protects the environment without violating the rights of the thousands of people who call the Pinelands home. We addressed that need in drafting the federal Pinelands legislation last year, and I thought the give and take of the legislative process worked very well. Through the patience and hard work of your staff and the many others who worked on this legislation, most of the concerns raised by people with very divergent views on the Pinelands were reasonably accommodated.

I am convinced that no conservation program will work unless we secure the support of the broadest possible spectrum of interest groups, not the least of which are the people who have the most at stake -- those that live and work in this region we refer to as the Pinelands.

It seems to me, then, that any conservation program in the Pinelands must have certain ingredients in order to be fair and reasonable. Among the essential components are the following:

1. A review process must be set up to identify the resources of the Pinelands, to draw boundaries, and to distinguish the areas of public and private ownership.

The Honorable Brendan Byrne
March 16, 1979
Page two

2. An independent and balanced commission must be established to carry out this review, and to make recommendations for managing the resources of the Pinelands. These recommendations should take into account the findings of this resource review, and the availability of existing laws and programs at the local, state and federal level which can be utilized to help implement an appropriate conservation plan.

3. There must be a meaningful role provided for the local units of government and for the public in both the resource assessment, and in the development of the management plan.

4. The critical core of the Pinelands, consisting of approximately 486,000 acres, must be protected from projects which might unreasonably degrade the environment.

5. Land acquisition in the Pinelands, particularly in the core area, must be instituted. As a matter of policy, purchase, donation or easement must be the intent, and not acquisition through overregulation.

6. Provisions must be made for payments in lieu of taxes and other compensation where economic losses would result from the implementation of a management plan.

7. Agricultural, recreational and other traditional activities of the Pinelands region must be protected.

* 8. A meaningful role must be provided for local units of government in the implementation of the management plan.

With regard to this last point, many municipalities in the Pinelands are already moving ahead with far-sighted master plans that will help accomplish our conservation goals in the Pinelands. A fine example is the areawide water quality management program which Ocean County is now developing, and the efforts by Galloway Township and Burlington County to set aside significant areas of the Pinelands for protection.

* The local units of government rightfully expect to play a meaningful role in carrying out the management plan. There was never any intent in the federal legislation to impose excessive regulations on the local units of government. Indeed, it was felt that overregulation would prove counterproductive, and would lead to confrontation in the Pinelands instead of cooperation.

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Once again, we are talking about a question of balance. The planning entity should be an independent agency which has a balanced leadership and is free to make the best possible recommendations for protecting the resources of the Pinelands. This independence is not achieved if the planning entity's recommendations are subject to an absolute veto by the Governor, or if its leadership is controlled by a gubernatorial appointee.

At the same time, there was never any intent to authorize the planning entity to draft and implement the management program. These are distinct responsibilities, and they should be carried out independently, not necessarily by the same planning entity. Moreover, the enacting legislation or other authority which will be needed to implement the plan should be withheld until the management plan has been drafted, and there has been an opportunity to review and approve it.

The development of a fair, independent and wide-ranging management plan will certainly take several years. For that reason, it is proper to address the question of interim protection in the critical area of the Pinelands. A moratorium on the construction of new highways, industrial parks, and water or sewage treatment facilities in this critical area is a reasonable response to this problem.

However, I do not think it is reasonable to extend this moratorium to the fringe areas of the Pinelands as well as the critical core, or to broaden it to include all licenses, grants or permits. This is exactly the type of overregulation which polarizes the Pinelands community and cuts into our essential public and official support.

The law suit which developers have brought against your Executive Order indicates to me that this moratorium is being perceived as a confiscation of property without just compensation. Although the litigation was brought by the developers, I know that other interest groups, including many municipalities, are exploring the desirability of joining the suit.

At the same time, I am afraid that this blanket moratorium could effectively shut off the flow of federal dollars into South Jersey by tying up the entire A-95 review process. That would cost us millions of dollars in vital federal aid, and would deny the many communities and thousands of residents of the Pinelands the rights which are afforded to all other citizens of this country.

Without question, there are projects on the drawing board which could adversely impact the environment of the Pinelands. However, I feel

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that existing law, which includes CMAA, coastal zone management and 208 water quality standards, in combination with the recommendations contained therein, will adequately protect the Pinelands during this interim period.

The imposition of a blanket moratorium over 23 percent of New Jersey is an overreaction to the problem. I think this regulation has caused a climate of instability and uncertainty, and has unnecessarily caused many people who are sympathetic to Pinelands preservation to oppose the overall conservation effort.

On a related point, President Carter has included \$12 billion in his fiscal 1980 budget for the Pinelands, and Congress will soon be considering this proposal. According to the language of the federal legislation, this money may be used to acquire lands in the Pinelands that have "critical ecological values which are in immediate danger of being adversely affected or destroyed."

I am afraid that these land acquisition funds will no longer be available to the State. The moratorium is so broad and all-inclusive that there is no longer any land in the Pinelands which is in immediate danger of being adversely affected or destroyed. Hence, no immediate need exists for such funds.

We have worked together closely on many occasions in the past on projects of importance to South Jersey, and I know we share the same goal of protecting the valuable natural resources of the Pinelands. I'm sure that by working together now, we can strengthen and improve our efforts in the Pinelands. To that extent, my staff and others who have worked on the federal legislation are available to work with your staff.

I would appreciate hearing from you further on this matter.

With kind personal regards.

Sincerely,

William J. Hughes
Member of Congress

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