

P U B L I C H E A R I N G

before

SENATE ENERGY AND ENVIRONMENT COMMITTEE

on

Senate Bill No. 3091
(Pinelands Protection Act)

APR 26 1979
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Held:
April 17, 1979
Assembly Majority Conference Room
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank J. Dodd (Chairman)
Senator Joseph Hirkala (Vice Chairman)
Senator Lee B. Laskin

ALSO:

Michael Catania, Research Associate
Office of Legislative Services
Aide, Senate Energy and Environment Committee

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SENATOR FRANK J. DODD (Chairman): This is the fourth public hearing of the Senate Energy and Environment Committee considering S-3091, the Pinelands bill. We will pick up where we left off at six o'clock at the last hearing. I apologize again for the fact that we had too short a time and too many speakers. We will start out this morning finishing up first with the prior speakers on the list. We will then attempt to consider the amendments that have been proposed. I will defer to my gentleman from southern New Jersey to lead us in the pledge of allegiance to the flag. This has been the Committee's practice. We don't have a flag but we will wing it. Would you lead us?

(Whereupon the audience recited the pledge of allegiance to the flag)

SENATOR DODD: Stanley Cramer, President, Mullica River Wetlands Association.
S T A N L E Y C R A M E R: Mr. Chairman, ladies and gentlemen, my name is Stanley Cramer. I'm President of the Mullica River Wetlands Association. I owned and managed the Chestnut Neck Boat Yard on the Mullica River from 1953 until 1977. In March of 1977, I sold one half interest in the boat yard to my piney wetlander partner, 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 moratorium has made me a preserved wetlander piney - one of the endangered species.

I am truly concerned about what is happening to we who own land and make a living in the State of New Jersey. My forefathers have lived in this country since its 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 wild-life and natural area? Are we going to be able to pay the cost and the 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.

New Jersey 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 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 DEP 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 had 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 that 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 New Jersey since 1973. And with the word Pinelands put in the place of Wetlands, the text of presentation would be up to date and applicable to the Pineland problems. I really don't know if government is listening or not. We who operate businesses in the wetlands have been given quite a bit of relief and a change for the better over the years. I think 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 New Jersey, 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 the 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 the State government told me a few years ago that the State of New Jersey intended to own or control all the open land in the State of New Jersey. This included all the wetlands, the farm lands, the woodlands, and the open land in the State of New Jersey, and I am seeing it come to pass. The question that I have to ask myself is, "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 don't 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 imposes upon us unthinkingly.

Many of the people speaking are concerned about the protection area of the Pinelands 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 landowners 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 Township 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 that many of them 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.

Governor Byrne is trying to do to the pineys what Mayor West did to Bass River Township a few years ago.

In conclusion, what concerns me most are rules and regulations but no answers. The government can regulate. Why do they have to buy or confiscate our land through taxation? Who drew the Pinelands Preservation area as shown in the Governor's moratorium? I called Mayor West yesterday morning and asked him who drew these boundary lines on the Governor's moratorium. He said that he had nothing to do with it. So, my question is - who drew this boundary line? I spend most of my time trying to save what I have worked a lifetime to build. I'm no lawyer but I have to be. I'm a crane operator and I don't like to take this much time to come up here and explain what is happening to me. But, who is going to speak for us? I think the man who has had the course is the man who can tell it best.

A few years ago, they tried to impose a Wild Scenic River Act on us. If that Act had gone through, I could have lived in my home on the Wading River for another twenty five years or, at my death, it would go to the government. The Governor's power upsets me. When a man has this much power in the State of New Jersey, we are getting close to central government - and that scares me. It scares a lot of the rest of us.

I mentioned Joe Forsyth's problem in here. Joe Forsyth is a man who owns two hundred and sixty acres of wetlands and swamplands in Lacey Township. He is from Bayhead, New Jersey. At one time, he was assessed at over a million dollars. We fought his battle and got his assessment way down. But this man is seventy two years old. He bought this land a few years ago to enjoy when he got older. He liked to hunt, he liked the outdoors, he liked to fish. Today, he is being taxed - after all the reductions and everything else that we got in relief - he is being taxed at over three thousand dollars a year for his land. This man makes about ten thousand dollars a year as a sign painter. We are being told by the DEP that man should save this land and keep it natural. But, Joe is the one who is paying the bill on it, and this upsets us. Thank you.

SENATOR DODD: Samuel Alloway, Southampton Township. Charles Cheeseman from Evesham Township. Mrs. Jessie Lewis, Washington Township.

J E S S I E F. L E W I S: I want to thank this Committee for hearing me. Before I begin, the Mayor of our township asked me if I would read a letter. Would you object?

SENATOR DODD: Proceed.

MS. LEWIS: This was also sent to several newspapers. "To the Editor: Dear Sir: Washington Township, located in the "protected" area of the Pinelands, bounded on one side by the Mullica River and on the other by pine forests, has a total of 107 square miles. Of this, 86 square miles belong to the State, leaving us 21 square miles over which we have control.

Our population numbers 690 souls living in 200 homes. These are gathered together in small communities of Wading River, Lower Bank, Green Bank, Jenkins and Hogwallow.

Our families are descendents of the original settlers in this area. The simplicity of their lives has led them to care for their river and woods with frugal control, keeping the land in its primal wild state of pristine beauty.

On these lands, the present owners have been paying taxes from forty to one hundred and fifty years, through numerous generations. But suddenly the land has become very valuable in the eyes of the State and federal government. To our way of thinking, their given excuse of wanting to protect the area sounds more than suspicious. Especially now, since we are living under the threat of confiscation through regulation. Who knows what sort of manipulations are going on behind the scenes of our Legislature?

What we do know is that our invested lives to our homes and land, our investment of hard earned money spent year after year on spiraling taxes should not be legalized away. To this date, the State maintains a double standard of taxes. They pay ten cents on the acre and have since 1954, but not the bedeviled taxpayer. His pockets have been gouged by inflation and a deluge of taxes. To date, he is paying nine to one hundred and fifty dollars per acre. This is a disgraceful lack of balance and smells all the way to heaven as seizure by taxation because many have been forced out of their homes, unable to meet this overtax.

Our land is unique and valuable. Why should not the State purchase what is available at fair value and compensate the municipalities in taxes in perpetuity, equal to the same rate land owners have to pay?

If the State of New Jersey can confiscate land, what will be next? Your homes, perhaps? Your constitutional rights? Land is the basic right of any citizen to buy and own. When your basic rights are gone, what is left? Earl Hill, Mayor of Washington Township."

Shakespeare spoke a pungent truth when he said, "In time we hate that which we often fear." How many of you who live in north Jersey in long established neighborhoods, in homes that existed before the Revolution, whose lives and well being depend upon their homes and businesses have any idea what it is like to live in fear? Fear of our State capital, Trenton? No?

Well, let me acquaint you with many of your neighbors in south Jersey who live in fear of our capital. We are in communities as old or older. Our lives and well being depend upon our homes and upon our businesses. I am speaking generally of your neighbors of the Pinelands in south Jersey and in particular of those people in the so-called "protected" or "preserved" zone along the Mullica River. I know them well. I am one of them. I am a piney. Most of our families are direct descendents of those who lived and worked there before the Revolution.

The graveyards of Green Bank, Lower Bank, and Pleasant Mills, all on the Mullica, bear witness to the fact.

During the depression years of the thirties, the E. C. Sooy estate sold hundreds of acres of land to the State. I am speaking specifically now of woodland acreage around Green Bank. Other estates later sold property to the State, namely one piece called "Crowley's Landing." This is all within Washington Township. We who are descendents now living in this general area of Washington Township, find that the State-owned land surrounding us offers us no protection. Instead, we the people have become the endangered species of our quiet forest.

The State has opened our lonely trails to riffraff tourism. They litter the woods and State parks with their bottles, tin cans, and garbage. I know, because I live there. They cause forest fires, sometimes accidentally, but more times on purpose. Crowley's Landing sees hoards of speed boats hauling skiers up and down the Mullica. Do any of you have any idea of what the wake from a speed boat towing a skier can do to a river bank? In the past ten years since the State opened its lands to such public use, some properties in Green Bank alone have lost twenty feet of land to waves. There has been an undermining of one of the oldest structures on the river, a structure that has withstood the test of two centuries of time, only to be undermined in ten years by river misuse. I know, because I live there. It has been ten years of desecration of all we hold dear. And, you call this protection? Then, of course, the DEP came along and said that no more bulkheads were to be put up to protect the land, with the excuse it would endanger the river bank and also deface the river beauty. But, all of us who live there watched while the State protected its land at Crowley's Landing with bulkheads. Such double standards breed misunderstanding and ill will between private property owners and the State. However, this is only a minor mark against them.

The State owns 80% of the land around us which comes to about 50,000 acres, and I believe that is the Wharton Tract inclusive. In 1954, before the Wharton estate sold their land, they were paying thirty-five cents per acre in taxes. When the State bought the land in 1954, they dropped the taxes to ten cents an acre. In spite of inflation, they have remained there ever since. In comparison, private property owners paid on the average of two to three dollars per acre back in 1954. But, with inflation, taxes have kept soaring until people are now paying from nine dollars to over one hundred and fifty dollars per acre. This unbelievable inequity places a shameful burden on the taxpayer. Since he has to make up the loss of ratables, his taxes keep lacerating his security, to the point that pushes some of the less fortunate right out of their homes in which they felt they were safe for the rest of their lives. Most of us senior citizens who live on a limited and fixed income have grown to know this fear of inflation in taxes as the State continues to gobble more and more land. This is again a double standard, this time in our tax situation. And, the State is showing its true colors by its disgraceful lack of concern for the old and the poor. It also represents taxation without representation. I might remind this hearing that our Revolution was fought because of such abuse.

Furthermore, the Pineland Commission and the DEP keep talking about saving our area from pollution. I hear this only as double talk. In the three hundred years that people have lived along the Mullica, there was no pollution of any kind. The cedar water was pure and clear amber. The pine woods, now being invaded by motorcycle gangs with their dope and their noise, were once pristine in their beauty and only wind and song of birds disturbed the peace. On the Mullica there was always an abundance of wild rice to feed the water fowl, duck and geese were plentiful. Blue herons were citizens of the river shores and every spring, frogs and

peepers erupted in their ritual song of spring. During the past ten years, all this has changed. I know, because I live there. The State allows the misuse of the quiet waters and the boaters take their pleasures at our expense and the expense of wild life and wild vegetation of the water. But here I must confess to one pollution. We do have noise pollution and it is increasing with the expanding of the boat traffic. Our days of peace are shattered in the summer - every day, all day long. The motors on the boats have become louder and louder to the point of distraction. I have grown up along the Mullica and in all my sixty odd years, it was never like this until the State acquired land along our bank. And, this is for our protection? I fear such concern. Gone are the abundance of water fowl and wild rice. Gone are the Blue Heron and Bittern. The pickeral weed and the spatterdock do not flower anymore. The Marsh Wren does not sing and the white water violets have disappeared along with the hummocks on the Mullica shore.

Aside from all these sad changes are problems more serious to people living along the Mullica or anyothers living in the protected area. And this brings me to the much discussed Merlino-Yates Bill.

I want to see the preservation of the Pinelands as much and more than most of you. It is more to our interest to keep it so than yours. Yet there is one proposal, namely Proposal 21 on page 39 of the Proposed Amendments, as proposed by the Pinelands Mayors Coalition. I had not seen the original bill. I had only seen the mayor's amendment and I noticed that the amendment had been deleted. But the bill has not passed yet. Even though it could be deleted from the bill, I distrust with every fiber of my being anyone who would plan such seizure of land by legalized robbery. I find it appalling and completely unconstitutional. As far as I can see, there is no assurance that this proposal will be kept out of the bill. Distrust is smoldering in our pineland and I personally am distrustful and feel that they might carry it even further, saying that should the owner not sell his property at his death, the heir may not inherit until the State has first choice. I am possessed of a very strong feeling and deep suspicion that the State not only wants our water, our forests, but our land and our homes as well and wants us out of this protected area. Nothing that the State has done so far dispels my feelings or my fears and they are the feelings and the fears of all of us who live there.

Yes, we live in fear: fear of taxation without representation; fear of being taxed out of our homes; fear of north Jersey drawing off too much water thus changing completely the ecology of these pinelands; fear of the adamant confiscation of personal property for protection's sake. The security we once felt in our homes has been destroyed by these facts. The Merlino-Yates Bill is couched in words that are devised and lettered in meanings of ambiguity. I have the uneasy feeling that what others in this country enjoy as their constitutional rights may be denied us in the near future - homes and businesses destroyed to make the Pinelands a playground for irresponsible people. How in heaven's name do we fight this rape of our rights since the Legislature and the Governor back such conduct? Fear and distrust are volatile in their combination. It smolders in the Pinelands as anger and frustration. The State destroys everything it touches and now it is destroying its own people - a people who are unique in their heritage and their ways of living and working for and by and with the good earth. I am warning you - it is not a threat - it is a warning, you are pushing us too hard and too often. This smoldering anger, like a forest fire, could some day erupt into ugly actions of hate. And, hate destroys everyone and everything and every good intention. I do not trust this State. I fear its covert actions under the guise of protection. It has supplied me with ample proof of this by its increasing appetite for our land and our water,

and next it could be the usurping of our constitutional rights as home owners and taxpayers.

Just for one moment, be honest with yourselves. Let us turn the tables. How would you feel; what would you do if you were the endangered species, your land acquired, your homes threatened, your businesses ruined? The shoe hurts doesn't it? But, it could happen to you. If the legislation of this bill is passed, especially the section pertaining to the sale of private property or inheritance, then perhaps it will be the beautiful mountains of north Jersey to come under New Jersey's protection. You should think long and hard on such a possibility. Ecology and preservation are what we had for years before the State took over. We want our quiet river back, peaceful and clear, without motor oil and garbage floating on its surface and without the people who abuse it. We want the tourist with arson in his heart, and matches, gasoline and flaming arrows in his hand out of our woods. We want the despotic State out of our personal lives. We, who are bedeviled, are not beguiled.

My name would be first on a petition to secede from north Jersey if there were such a petition. Please heed this warning and stop pushing us so hard before it is too late. A Greek philosopher said, "No one loves the man whom he fears", and I say, no one loves the State which he fears. You have lost the people of south Jersey. Their trust, respect, and support will not be yours again. The time could come when you may lose even more, and then God help us all.

And, I only add one more thought. Mayor West does not represent the people from where I come from. Are there any questions?

SENATOR DODD: Is he the mayor of Washington?

MS. LEWIS: No. He is the mayor of Bass River. I am from Washington Township.

SENATOR DODD: Mrs. Lewis, can you explain that part about the bulkheads where the State does not allow bulkheading along the river, you say, and yet they bulkheaded their section?

MS. LEWIS: Washington Township put it up because the boat waves destroyed the river banks. There is no patrolling of that river whatsoever.

SENATOR DODD: This Committee toured the area last Tuesday. We saw some industry in that area - the Pacemaker Boat Works.

MS. LEWIS: Yes, That's in Lower Banks.

SENATOR DODD: I'm trying to discern whether you are saying that all motor boat traffic should be outlawed on the river.

MS. LEWIS: I would say, all speed boats.

SENATOR DODD: You can't differentiate. You can say all motorized boats, period or ---

MS. LEWIS: Well, I would love to see all motor boats out.

SENATOR DODD: Would you be willing to sacrifice the Pacemaker?

MS. LEWIS: No. I don't want to sacrifice businesses. I would like to see police protection on that river. You can motor on that river safely. It has been done when I was a young girl. They didn't speed. It is the speed and the wake of the skiers that destroys the river banks. The river bank is nothing like it was when I was growing up young. We don't even have the little skate bugs any more, The minnows, we don't have.

SENATOR DODD: Mrs. Lewis, I'm from Orange, New Jersey and nothing there is like it was when I was growing up. That's the way it is, I'm afraid.

MS. LEWIS: I know, but if the State wants to protect this area, it is not doing it. And, I know, I live there. This is not protection, don't you see?

SENATOR LASKIN: I have a few questions. I think everybody agrees with what you said to the extent that you are interested in preserving the Pinelands and that the State might be able to do a better job.

MS. LEWIS: They could, not might.

SENATOR LASKIN: O.K. But, what I am trying to do is follow your logic when you say you want to see the preservation of the Pinelands but you are opposing the bill and for good reason because of the distrust in your mind.

MS. LEWIS: I am opposing section 21.

SENATOR LASKIN: Let me ask you some specifics so it will help the members of the Committee. If you start out with the assumption that you want to see the preservation of the Pinelands, how do you do it? I'll ask you the question.

MS. LEWIS: You start out by limiting the building - limiting the huge developers from coming in.

SENATOR LASKIN: O.K. That is part of the bill.

MS. LEWIS: I'm not disagreeing with all of the bill. I am disagreeing with this particular part 21.

SENATOR DODD: If we could adjust section 21 ---

MS. LEWIS: Don't take the people's homes away.

SENATOR DODD: --- would this satisfy you if we could effectuate an amendment that would do that?

MS. LEWIS: Well, that would partly satisfy me. If you could give us protection on the river, give us protection for the woods ---

SENATOR DODD: The DEP representative just left. Before you leave today, I will track him down and try to get an answer why the State would build bulkheads and not allow the public to. That is a question I want answered and I will get you that answer.

MS. LEWIS: Fine. I'd like to know too.

SENATOR LASKIN: I want to pursue this question about motorboating. In many of the rivers in the State - the smaller rivers - we have prohibited motorboating completely. From my information, there was never such a large undertaking as the Pinelands. But, in certain parts of my area which is Camden county, our small rivers have prohibitions of motor boats. Cooper River is a polluted sewer. But to the extent that additional pollution from motor boats would make it even worse, there is a prohibition of motor boats. As a result, the only things on the river are sailboats, canoes, rowboats. I happen to believe that we should prohibit motorboating from areas that we are going to preserve. What areas are going to be preserved has not yet been decided because this bill hasn't passed. But, I have a thought that we have used in some other sections of the country, if it becomes impossible or impractical to prohibit all motors - and I'm very much aware of the wake problem, I'm a sailor, I don't use power boats - wouldn't it be a logical alternative to prohibit motors in excess of so many horsepower?

MS. LEWIS: Yes. That would be wonderful.

SENATOR LASKIN: That would be a very logical approach.

MS. LEWIS. Then the hunters who like to go down for our beautiful ducks can get down there in a reasonable time without speeding down there.

SENATOR LASKIN: I think that is something that should be considered even though it is not the primary function of this Pinelands Preservation Act. I think it may be something that should be written in to it.

MS. LEWIS: It would just be heaven.

SENATOR LASKIN: Prohibition of motors in excess of five or ten horsepower ---

MS. LEWIS: But, on the other hand, what are you going to do with the big yachts that come up the river? They come up to Sweetwater Casino. Now, I would not want to stop that if they kept to a minimum speed. They don't do the damage the skiers do.

SENATOR LASKIN: But, that's another problem ---

SENATOR DODD: That's the marine police.

SENATOR LASKIN: That's another problem in enforcement because I'm sure there are "no wake" signs all over.

MS. LEWIS: They don't pay any attention to them.

SENATOR LASKIN: I understand that. I'm saying that is the problem of enforcement. There are "no wake" signs all over this State. I haven't seen too many areas where they are followed. That is a problem which would have to be considered in other ways.

MS. LEWIS: Yes.

SENATOR LASKIN: What about prohibiting other things from the Pinelands? You mentioned the noise problem.

MS. LEWIS: That comes from the speedboats.

SENATOR LASKIN: Other than speedboats, is there something else?

MS. LEWIS: You have no idea of the noise.

SENATOR LASKIN: Other than the overpowered motors in boats, is there another source of noise?

MS. LEWIS: No, except for the State Park which is right beside me, which used to belong to us and we had to sell, much to my regret. On the other hand, I can't begrudge people their kind of fun. So, I just move to another part of the house on weekends.

SENATOR LASKIN: Stronger penalties for litter?

MS. LEWIS: I would love it.

SENATOR DODD: Mrs. Lewis, thank you very much. We, hopefully, will have an answer for you or the beginnings of an answer on that bulkhead issue. I'm very interested to find out why we do have the double standard.

MS. LEWIS: Yes. Thank you.

SENATOR DODD: Mr. Danny Walters, Washington Township?

H A N S E L L L E W I S: Senator, Walters was not able to be here today and asked me to read this paper with your permission. I would like the privilege of adding just one thing about the noise pollution. There is another source of noise that I find extremely objectionable and that is the so-called dirt bikes or motorcycles that go through the woods just speeding over the dirt roads. It is a tremendous racket sometimes. They don't particularly disturb us because in the area where we live there are no tracks to speak of. For the back of the woods, I know the condition exists and I know what it can do to the wildlife.

This presentation is not mine. It is from Daniel J. Walters, a member of the Washington Township Board of Education.

In considering legislation in response to the moratorium, I would like to present the dilemma that Washington Township in Burlington County faces.

While legislation is indeed being reviewed, I would like to present the track record of the State of New Jersey to indicate to you what is actually happening to the people of Washington Township.

Washington Township contains approximately 107 square miles of land which makes it the largest township in the State with the smallest population of 690 and totally contained within the prime Pine Barrens Region. In 1954, some 50,000 acres of tax-producing land or 75% of Washington Township was purchased by the State of New Jersey. Prior to 1954, Washington Township received 35 cents an acre for this land commonly known as the Wharton Tract. Immediately upon purchase, the State of New Jersey reduced that figure to an in-lieu-of tax payment of 10 cents an acre or \$5,000.

As you would expect, many people raised strong objections to this unjustified loss of revenue, but the State of New Jersey in its ultimate wisdom and power ignored the small populace with no political clout. In 1954, the average homeowner paid \$88.00 annually in taxes; today that same homeowner pays \$1,400.00 in taxes with the State of New Jersey still paying 10 cents an acre and having a much greater impact on our lives and community than ever.

It is no wonder the residents of Washington Township, more commonly known as Green Bank, Lower Bank, Jenkins, Hogwallow and Bulltown feel they are subsidizing the State of New Jersey and the entire east coast for use of our land as a recreational playground.

Our small community provides volunteer ambulance service, volunteer fire fighting service for the State lands, collects trash from our lands from visitors drawn by the State who could care less about the impact of their short stay in our community. And, above all, we provide elementary schooling and pay tuition for high school students of families that reside in tax-exempt State housing.

Our schools are at a point where we are putting classes together for better management of our money when at the same time the State of New Jersey is attempting to acquire more land and reduce our ratables even further than the 73-80 percent they already have.

Let it be said the residents of Washington Township are not against the State of New Jersey as such. We are against the discriminatory, prejudicial and unfair treatment we are receiving and have received for the past 25 years or for the entire presence of the State of New Jersey as a land owner in our township.

If bond issues can raise millions of dollars for acquiring land, then it is only reasonable and above all fair that monies be allocated through these same bond issues to pay the fair property tax responsibility as do all land owning individuals.

Any legislation must include equable tax payments to a community such as Washington Township who is so wholly engulfed, controlled, and discriminated against because of the presence of the State of New Jersey as a landowner.

Let it also be understood that there is not an environmentalist or a builder who would object to this type of fair legislation. Daniel Walters. Thank you for permitting me to read this.

SENATOR DODD: Mr. Lewis, thank you very much. William Skinner, New Jersey Contract Well Drillers Association.

W I L L I A M S K I N N E R: My name is William Skinner. I am here to testify today on behalf of the New Jersey Water Well Contractors Association. In an effort to save time and tedium, I have submitted our statement at the last hearing. I have with me specific changes and our justification for those changes in this packet we are recommending to the bill. I would just like to make a brief resume of what it contains and then I would like to address four points, one of which is not contained

in here. We support the objectives of long-term plans for the Pinelands. We further support the recognition that the best environment is one which strikes a reasonable balance between conservation of vital natural resources and orderly economic development. We, as others who have testified before us, have difficulty in accepting the proposed boundaries. We also would like to see some clarification of the exemption procedure for the protection of vested rights of the lot owners and developers who have invested substantial sums of money in reliance on existing law, and satisfy standards which insure adequate protection.

We also are concerned with the proposed 18-month moratorium. The bill is silent as to what will in fact occur if no plan has been adopted by that date.

We have offered separate definitions for a major development in the preservation area and the protection area to accommodate the different objectives of the two zones.

We, as many before us, believe the Comprehensive Plan will be one of the most significant actions taken in New Jersey during the last decade. The plan will impact about one third of the State. Such a significant final determination must rest with elective representatives.

We believe both environmental and economic impact statements should be prepared before any comprehensive plan should be deemed complete for review. We believe strongly that one member of the commission should be a geohydrologist. After all, a major objective in the long-term plan is the preservation and management of groundwater resources in the region. We believe the bill in its present form has a built-in conflict in that the commission is planner, prosecutor, judge, in regard to alleged violations. We are concerned about the creation of another layer of bureaucracy in a profession that now requires three licenses, four permits, one application for certification, three inspections, two completion reports, and a water analysis to install a simple domestic water system.

We also find offensive, as many others have, the right of first refusal. Mandatory notice should be sufficient. We also question the source of money authorized but not appropriated by the federal government. You must confront the issue of appropriation of State monies. If adequate funding of the program is not provided, the issue could develop into a bureaucratic borrowing nightmare.

Specifically, I would like to comment on four particular recommendations within our submitted testimony during this hearing. The first is the boundary changes within the protection zone. I brought a map. You may have seen it before. It was used by the engineer who was addressing himself to the uptake of nitrogen. We would propose to delete this section here which is around Egg Harbor City. It is already built up. We would propose to delete Woodbine Borough. There is a small section here that we would like to delete which is also built up. There is a section right through here and continued over into this area which would delete the city of Williamstown. Right now, the boundary goes right through the center of town. Then we would delete a corridor which runs right down along the Pennsylvania tracks to five sixty one into the Hammonton Borough line, back up to just this side of the State Forest. It follows it around, and comes back up in through this area. This particular portion up here already has some heavy industry in it - Serpentine Corporation, Patino's Mining, National Paving. If you were to ride back down through this area, in through here it is small commercial establishments, family farms and then you begin to get into the buildup around the city of Hammonton. This particular area up in here which is deleted is Medford Lakes. It is pretty

much developed already. It is residential. Over here, a large part of this area is on city water and city sewerage at the present time. This particular area back in here is also a mining area and industrial area.

Incidentally, if one looks at a satellite photograph - I know it is pretty difficult for you to see - but the Pinelands shows up as a dark red. It is fairly clear. You can see this developed corridor right down through here as a lighter zone.

SENATOR LASKIN: Will you leave that part of your testimony?

MR. SKINNER: Yes.

SENATOR LASKIN: Do you have all the recharge areas covered in your revision?

MR. SKINNER: The recharge areas? The Mullica River?

SENATOR LASKIN: Right. Do you cover it? In your revision did you delete any of the recharge areas?

MR. SKINNER: Part of it would be deleted. In that corridor, part of that recharge would go into the Mullica, yes.

SENATOR LASKIN: Maybe I'm not making myself clear. In your revision --- Turn that back to where you were.

MR. SKINNER: I think the basins were on here.

SENATOR LASKIN: I think the one in your left hand now -- You started out in your testimony by showing us what you suggested be deleted from the map. Take it from the one in your left hand. O.K. In your deleted areas, are there any recharge areas?

MR. SKINNER: Of course. All of this is recharge. Now what are you defining as recharge areas?

SENATOR LASKIN: No, no, no. In the pieces you have deleted, are there recharge areas?

MR. SKINNER: Sure.

SENATOR LASKIN: Like where?

MR. SKINNER: If you are referring to recharge in the strictest sense - a recharge to the aquifer - then we are looking at rainfall on the ground. Obviously, any of this is going to receive rainfall and will be --- I know what you are referring to. You are referring to low-lying basins and this sort of thing that is referred to in the Water Resources Report.

SENATOR LASKIN: That's correct.

MR. SKINNER: No.

SENATOR LASKIN: O.K. So, you haven't deleted any of those?

MR. SKINNER: No.

MR. LAW: There is a problem with differences of definitions on recharge.

SENATOR LASKIN: Yes

SENATOR DODD: Mr. Law, representing Senator Parker, would like to ask a question.

MR. LAW: Mr. Skinner, in addition to being Senator Parker's Aide, I also serve on the Planning Board in Medford Township. I know that Judith Palombi, the Township Committeewoman is here today in reference to the boundaries on behalf of the Township. I would like to ask you to be a little more specific about your comments for deleting that area in and around Medford Township. You made a comment that this is heavily developed. I tend to disagree with you. So, I'm asking you if you could please clarify that. I question your suggestion to delete that area.

MR. SKINNER: Part of these statements, of course, have been provided by members of the association. The extension of the protection zone northwest of Marlton Circle is unjustified because of the substantial development in the Medford Lakes area was the comment that was made.

MR. LAW: I see. You are not prepared to give a more detailed ---

MR. SKINNER: No.

MR. LAW: Just for the members of the Committee, I believe Mrs. Palombi is going to address that issue for your attention later.

MR. SKINNER: Another point that I would like to expand on briefly is the eighteen-month moratorium. We in the well drilling business cannot relocate our operations as those who work on the surface of the earth can. Different geologic sections require different drilling methods and equipment. For example, it is very difficult for someone operating power auger equipment in the Cape May and the Upper Cohansy formations to relocate to another area which would require the use of mud-rotary or cable tool drilling equipment. The transition is so costly and the experience necessary so different that it would probably result in the contractor liquidating the business unless he could exist on service and a reduced drilling load. Also, drillers become knowledgeable of detail subsurface information after years of work within a particular area of operation. This enables them to be more effective in predicting well depths and thus costs. I stress the different nature of our profession because some of our trade will have to drop out as a result of reduced demand for drilling. Unfortunately, the uncertainty of the Comprehensive Management Plan for a period over eighteen months may cause some drilling contractors to liquidate prematurely. And, we feel the unnecessary loss of capacity is not in the public interest. I might mention there are approximately three contractors right now that are relocating.

We propose no change for the definition of a major development in the preservation zone, however, we proposed the following definition for a major development in the protection zone. It would cover the division or subdivision of land into twenty five or more parcels, the construction or expansion of any housing development of twenty five or more dwelling units, the construction or expansion of any commercial or industrial-use structure on a site of more than ten acres. It would also include the installation of any industry handling hazardous wastes or producing chemicals or mining operations. They would have to be reviewed. The fourth point that I would like to go into involves groundwater.

During the last hearing, some comments were made which illustrated to me a general lack of knowledge of geohydrology by the public and even one member of the commission. As a geologist, and we as a profession responsible for the development of groundwater, find this disturbing. After all, in the Pinelands Bill when viewed in the light of Water Resources circular twenty two, the Corps of Engineers Study, the 208 Study by Gerrity and Miller, recent proposals by DRBC, and other studies which are currently under way, certainly has as one objective the management of the Cohansy and Upper Kirkwood aquifer in southern New Jersey as a major source of water supply for the Delaware Industrial Corridor and supplementary supply to the northeast network. In fact, I think in Circular 22 they were talking about a possible extraction on the order of 1.3 billion gallons being available. I think we should question that. Whether or not this is an economic, viable solution to the projected water supply shortfall problems, it is, in our opinion, subject to question and would certainly require a pilot program of perhaps five

million gallons a day to study the long-term effects. Such a pilot project would also provide cost data for demineralization in control to current drinking water standards. Those of us familiar with groundwater stratigraphy in the Cohansy and Upper Kirkwood implore you in addressing yourself to this legislation to provide for detailed analysis of any aquifer study and to discourage generalization of groundwater availability in the Comprehensive Plan. Natural groundwater or flow exists in a balanced system. Removal of substantial quantities of this groundwater must necessarily be accompanied by an unbalance which may or may not be detrimental to some ecosystem downstream. This must, however, be environmentally assessed. The stratigraphy of the Cohansy-Kirkwood aquifer can only be generalized in the broadest sense. There have been virtually no detailed studies of the subsurface stratigraphy. And, the experience of drilling contractors has been that there exists a wide variation in any one area. It is, therefore, dangerous to make assumptions on limited investigations with which proposed legislation could become an unworkable law. This concludes my statement.

SENATOR DODD: Have you had any experience with filing for exemptions for drilling at this point?

MR. SKINNER: I have had one industrial which has not been granted. We have had some --- no, finally found to be under a CAFRA zone --- No.

SENATOR DODD: That is based on a CAFRA, not on a Pinelands? Have you had any experience yourself with Pinelands' moratorium as far as drilling?

MR. SKINNER: Has it affected our business as far as drilling?

SENATOR DODD: Have you applied?

MR. SKINNER: No, I have not.

SENATOR DODD: So, you have no experience in that? All right, thank you very much. Bill McGourley, Pinelands Camping Resorts Incorporated

B I L L M C G O U R L E Y: Good morning, Senators. I am here representing the Pinelands Camping Resorts Incorporated. I, also, would like to read into the record a letter addressed to the Governor by our statewide, New Jersey Private Campgrounds Association.

SENATOR DODD: Do you own a camp yourself?

MR. MCGOURLEY: Yes, I do.

SENATOR DODD: What is the name of it?

MR. MCGOURLEY: The name of my camp is Timberline Lake Camping Resort, Bass River Township.

Senators, my presence here today is to attempt to acquaint you with the role of the Campground Industry as it attempts to provide wholesome, enriching and fulfilling family recreational activities to the camping public of New Jersey. I will not go into the effect our business has on the economy of the State and local communities since that has been covered by the Director of the National Campground Owners Association, in a memo which he submitted for reading into the record last June.

Rather, let me give you some interesting facts taken from a report on a statewide survey prepared by the Eagleton Institute of Politics, Rutgers, The State University dated January 9, 1979. This report was the result of a survey taken in October 1978 to ascertain the nature and distribution of New Jersey residents' opinions, knowledge and behaviors relating to vacations and general tourism.

Table 9 of this report shows the extent of various vacation activities. This table indicated that 54% of New Jersey residents enjoyed camping as a vacation activity broken down as follows:

28% enjoyed it a lot
14% enjoyed it some
12% enjoyed it a little

This is a little aside from what is in this but "enjoy" here is a term saying that they participated in it not that if a hundred people participated, only 28% of them enjoyed it. Twenty eight percent of the population of this State were involved in camping activities on vacation is the intent of that study.

The 28% figure is borne out by the fact that a national survey prepared by Outdoor Recreation Trend Research of Durham, New Hampshire, in cooperation with the federal government, indicates that 23% of households in this country or 17.5 million households are campers.

Another fact uncovered by the Eagleton poll is that only 20% of New Jerseyans' vacations were taken in New Jersey. This means that in the past we have enjoyed the weekend visits of the citizens of this State, but vacations were taken elsewhere.

What is the significance of these facts as they relate to S-3091? Perhaps on face value they have little significance but when considered in light of soaring fuel costs and predicted fuel shortages, many of the 80% of New Jerseyans who previously vacationed in other states will choose sites in New Jersey in order to provide a worry-free vacation. In addition, many campers from New York, Connecticut, Pennsylvania, Delaware and Maryland will think twice about that camping vacation out west or down south and choose New Jersey. The Pinelands and the Jersey shore are a natural attraction and many campers will be drawn to these areas. Two thirds of all New Jersey private campgrounds are located in the Pinelands. If we are to continue to provide satisfactory camping facilities for the citizens of New Jersey, it will be necessary for many campgrounds to add additional camp sites and sanitary facilities in the next eighteen months.

This is but one reason for exempting campgrounds from the moratorium.

Throughout S-3091, reference is made to the preservation and enhancement of agricultural, horticultural, and recreational activities within the Pinelands. Agricultural and horticultural activities are exempted in Section 3. Yet, no mention is made of recreational interests.

Everyone feels that we will be allowed to continue and expand after the moratorium. Senator Dodd stated at the Winslow hearing that according to Page 7 of S-3091, campgrounds are covered as a compatible use in the Pinelands. That being the case, it is difficult to see what useful purpose is served by our being restricted during the moratorium period.

The township that our campground is located in, Bass River, has a very workable and environmentally sound campground code. Which, by the way, was passed at the insistence and direction of Mayor Floyd West who has been named by the Governor to the Pinelands Commission. In addition, we must receive approvals of the DEP and Soil Conservation Service prior to construction or expansion. These seem to be more than enough safeguards for the environment.

In light of this, and in light of the foregoing statements, I strongly urge you to include an exemption to enable campgrounds to expand during the moratorium period.

Camping has become a way of outdoor life for 28% of New Jersey residents and we must continue to provide these people with adequate facilities to enjoy this wholesome family recreational pursuit.

Now that is the end of my prepared text. But, there is one other statement that I would like to make in relation to the moratorium. Back in 1972, our township had a one-year moratorium while they rewrote the Campground Code. Then we had a two-year moratorium while the Master Plan was rewritten. If this eighteen month moratorium is put into effect, that will mean that through that moratorium period, out of the last eight years we would have spent three and a half years not being able to do anything with our land. That concludes my statement as a representative of Timberline Lake Incorporated and the Pinelands Camping Resorts Incorporated. That is an association of eight campgrounds that are located within the Pinelands preservation zone. It is an association that was formed to promote and better the recreational activity in that area. I believe it was formed in about 1972.

SENATOR DODD: Scott ---

MR. MCGOURLEY: Scott Hazard.

SENATOR DODD: Raider O'Reilly. He is a member of the association.

MR. MCGOURLEY: Yes.

SENATOR DODD: He was here two hearings ago.

MR. MCGOURLEY: Right.

SENATOR DODD: We flew over your campgrounds last week. It was a very attractive sight. I will reiterate that it is our intent to help and foster camping in the Pinelands. What is your definition of a campground as opposed to a trailer park?

MR. MCGOURLEY: Do you mean as opposed to a mobile home park? Well, I feel the difference is that a mobile home park is one that is used for residential purposes much in the way that a conventional home is used. They call them manufactured homes these days. In terms of campgrounds, we are not, by State code, allowed to have a unit other than a travel trailer which is defined as a travel trailer that can be pulled in accordance with the Motor Vehicle Code 39-1. That pretty much is limited to about thirty five foot in length and eight feet wide.

SENATOR DODD: What is the length of stay?

MR. MCGOURLEY: Length of stay in our area in a State park is limited to about two weeks. In our area, half of our campgrounds are filled with people who rent a site for the whole season which is May 1st to November 1st.

SENATOR DODD: Is that by law or by choice?

MR. MCGOURLEY: By choice.

SENATOR DODD: Could they stay longer if they'd like? Is it conceivable that someone could stay there all year round?

MR. MCGOURLEY: No.

SENATOR DODD: Why not?

MR. MCGOURLEY: There is an exception in the State Campground Code that says that during the months from November through April, they can not stay longer than twenty-one consecutive days.

SENATOR DODD: By moving one day, would that satisfy the law?

MR. MCGOURLEY: No. You mean moving to a different campground? Possibly they could do that, yes. But, they couldn't stay within that campground.

SENATOR LASKIN: I'm just curious about your figures. If we assume these statistics - which I don't think you assume, I don't either - that 28% of the residents of New Jersey are campers, that would mean close to three million of our people are campers. I would doubt that very much. My problem is how ---

MR. MCGOURLEY: I think it is 28% of the households.

SENATOR LASKIN: Oh, okay. It is still, to me, a rather significantly high statistic for New Jersey people. I don't think there are that many campers here. That's neither here nor there. Especially when you show us that the New Hampshire study indicates that there are seventeen million households in the United States, I would think that the New Jersey figure would be very disproportionate to that figure if that one were true. What I am trying to understand is, if we assume that 28% of New Jersey residents - and that's what you say in your study, not households - are already enjoying camping a lot, and if we assume that there are already facilities for that astronomical amount of campers from our State, and if we assume that campgrounds are under the moratorium, how are you conceivably being hurt as a campground operator under the moratorium if we already have facilities for 28% of our residents who are enjoying it a lot?

MR.MCGOURLEY: We don't because as I said in here that 80% of New Jerseyans vacation somewhere other than New Jersey. So, we have not, in the past, been enjoying 80% of those people camping in New Jersey. They could be going to New York, to Maine.

SENATOR LASKIN: Yes but these are people who are both campers and noncampers. Eighty percent of our residents vacation somewhere outside of New Jersey.

MR.MCGOURLEY: That's the total.

SENATOR LASKIN: I'll try to be a little more specific in what I am asking you. Have you been detrimentally effected - your industry that is - by the moratorium? And, if so, how?

MR.MCGOURLEY: In my particular instance, I have 120 acres in my campground. I'm paying taxes on the full 120 acres. I'm paying full insurance cost on the whole property. These two items have gone up astronomically in the past few years and unless I am able to expand sites to be able to attract more people, then I will not be able to continue to operate. I haven't made money in that place since I started building it ten years ago. I didn't mind breaking even but now it is a situation where I am going in the hole. Unless I'm able to utilize all the land that I own in terms of campsites, I can't cope with the fixed cost of the taxes and the insurance.

SENATOR DODD: Bill, as a fellow businessman, the fact that you do have the campsites and the moratorium say would be in effect, where no one else can come in and build a campsite or campground next to you in competition, wouldn't that be in your favor?

MR.MCGOURLEY: No. I don't mind competition. I found that you can go to Cape May County and find a campground every half mile. The more campgrounds, the more people they attract to the area - because they are all promoting the area.

SENATOR DODD: A large Canadian population.

MR.MCGOURLEY: Yes.

MR. CATANIA: Mr. McGourley, I'd like to ask two different kinds of questions. (1)With respect to the effect of the moratorium, has there been anyone in your association that has had recent plans for expansion that has applied for an exemption?

MR. MCGOURLEY: No.

SENATOR DODD: Have you, yourself, applied?

MR. MCGOURLEY: I have not because if I read the moratorium correctly, it says that within the preservation area there are only two ways that you can achieve an exemption, hardship or public need. Whereas, in a protection zone they do add

the third factor which is-if it is compatible with the intent of the moratorium. That's the question. I feel as if it would be a waste of my time to go up there knowing that they will not --- In other words, the exemption form I saw was strictly related to housing because they wanted to know how much you had put into the house or into your project. Now, my project I would have to say is a ten-year long project starting with the investment in the land and the money I have put into it in terms of improvements. That would be a pretty hard thing to term as a hardship.

MR. CATANIA: The other thing I'd like to pursue with you is, you mentioned that you expect, with the fuel shortages, there will be more of a demand for camping in New Jersey. You see a need for extra campsites and additional sanitary sewer facilities at the campground that you run. Could you explain a little bit the system that is used for sewage? Do you have individual hookups?

MR. MCGOURLEY: I have a central showerhouse with two separate septic systems - I'm sorry, three. They are two for solids and one for liquids. But, in addition to that, I have forty-one individual septic systems on sites. They have been there for eight years. We have a lake on our property and the original sites were put in when we could put a septic system within 100 feet of the lake. Now our township requires 300 feet from the lake. With the ones that are in there within 100 feet of the lake, we have our water tested three times during the season and the highest coliform count --- At this time of the year it is zero; you can drink the water. The highest we have ever had in season was last year at fourteen coliforms. One particularly dry year it was twenty two. The cutoff where the State Health Department closes the water is something like 220. So, what I'm saying is with forty-one small septic systems and one huge one, within 100 feet of the lake, we haven't done anything to pollute that water in ten years.

MR. CATANIA: The additional sanitary sewer facilities that you foresee a need for would be the same type?

MR. MCGOURLEY: Yes, where it is possible. We have some land where it wouldn't be possible to put a septic system in.

MR. CATANIA: Do you also provide services for people who might be travelling around and have their own holding tanks that they can dispose of at your campgrounds?

MR. MCGOURLEY: Yes. That is dumped into one of our master systems. We don't accommodate people off the road. If they stay there and at the time they are there their holding tank is full, we allow them to dump it there. I might add also that in ten years, I have not had to pump one septic tank. There is one other consideration that you have to think about in terms of camping. That land is actually only being used twenty five percent of the time. Our season is from May 1st to November 1st but it is busy for eight weeks of the summer and weekends in May and June and September and October. So, the actual use of those septic systems is twenty-five percent as opposed to if a house were there and it were being used year around.

MR. CATANIA: You needed local, county, and State approval to put those individual on-site disposal units in?

MR. MCGOURLEY: No. At the time it was strictly county. When we put it in the township was using the county Health Department. That was before DEP so the county was the sole authority.

MR. CATANIA: Now you are within the critical area for sewage purposes and you need approval?

MR. MCGOURLEY: Right. And we need DEP approval strictly for putting in sites even if we had existing sanitary facilities that would accommodate more sites. We would still have to go to DEP for them to review what we were going to do in terms of putting sites in.

SENATOR DODD: I would recommend that you get that started with DEP. Keep this Committee informed of your progress.

MR. MCGOURLEY: O.K. fine. I'll do that right away. Thank you, Senator.

SENATOR DODD: Thank you, Mr. McGourley. Eugene Hornberger, Bass River Township.

EUGENE H. HORNBERGER, SR.: Good morning, everybody. I only have issues. Ladies and gentlemen, I'm not used to speaking in public even though I'm in the public all the time. I'm a baker by trade. My name is Eugene Henry Hornberger Senior. My bakery is in New Graetna and I reside in Port Republic on the Mullica River.

SENATOR DODD: And, I know the bakery. I have been there many, many times.

MR. HORNBERGER: I'm not a speaker. I'm not usually a flag waver but due to the fact that this is our constitutional right is the reason I stress the pledge of allegiance to the flag at these meetings. The one I was most discouraged with was at the Stockton State College which is environmentally programmed. It took twenty-five minutes to a half an hour to secure an American flag to have our pledge of allegiance there.

Before I go any further, I want to apologize for the last meeting we had here for speaking out when the last person spoke. I believe that he was asked a loaded question and I couldn't think of that word "loaded." I used the word "fleeced" which was wrong. I'm sorry about that but I believe he was handed a loaded question.

SENATOR DODD: Aren't we all?

MR. HORNBERGER: If he were to answer yes, he would have been wrong. If he had answered no, he would have been wrong.

SENATOR DODD: We were handed a loaded bill, Mr. Hornberger.

MR. HORNBERGER: Well, that's why I am here.

SENATOR DODD: That's why we are here to try and correct as much as we can.

MR. HORNBERGER: All right. So that's the flag issue. The fairness is the people who live in this area. Their taxes are going to be unwarranted; they just cannot pay them. They will not be able to pay them. The more the State takes over, the less the community gets. For instance, we have people who own portions in the community where I pay taxes - both places, especially my place of business. People on the outskirts own large parcels of ground. They pay approximately \$30,000 a year for their land. With this moratorium going in, they are going to ask for a lesser tax base because they are so regulated that it is not valued at the high cost they are paying now. So, instead of our community getting \$30,000 we'll be fortunate to get \$10,000. These are not actual figures but they are foreseen figures. The few people who live in my town and pay taxes are approximately eight or nine hundred people. Just from one place, we have to pick up \$20,000 as an increase. Our mayor says it can happen. It has already started. Our taxes doubled last year. It will go up approximately 17% this year and much more next year. I wish that I had a job where I could retire at age sixty. I would be retired and not here. But, I must continue on working.

We have to take care of our ecology. I know this; we all know this. This is why we are here. They bring in pictures of frogs and whatnot but they never bring in a picture of one of these people who own a small piece of property that they intended to live on or will on to their kin. Never has anybody worried about the person - people, mammals, like us. What are we going to do? We're not a frog so we don't have a voice. We don't have as many voices, let's put it that way.

SENATOR DODD: You don't have as loud a voice, let's put it that way.

MR. HORNBERGER: I'm sorry I don't have my usual voice today.

This is about the fairest public hearing I have encountered. Why I'm saying this is the wetlands was a mockery. We went to the wetlands hearing on our constitutional rights and so forth and all it was was a public hearing. They had their minds made up what they were going to do before the hearings were even implemented. They just had the hearings for due process of law. Your voice meant nothing. Here, at least I believe, you are listening.

There were a few people ahead of me who touched on the tax issues and I already covered that.

Thank God there hasn't been anybody militant yet. But, I believe if I had bought property in New Graetna or the preservation area, I might have been militant and I am not a militant person. But, I believe that I would have been forced to be militant. I served in the service only thirteen months. Thank God that's all I had to serve. But, I would like to serve again if necessary to save our rights and our constitutional rights. That covers pretty nearly everything. I thank you for this time

SENATOR LASKIN: I want to know if you are the Hornberger who had a bakery on the White Horse Pike for so many years?

MR. HORNBERGER: That was me.

SENATOR LASKIN: O.K. The best cinnamon buns in south Jersey.

MR. HORNBERGER: As I say, I can bake. And, I'm sorry I can't talk just a little bit more because I think I could go on for an hour.

SENATOR DODD: Gladys Wilson, Bass River Township.

G L A D Y S W I L S O N: Good morning, ladies and gentlemen, Senators. I, Gladys Wilson, am here to testify for the interest of the citizens of Bass River Township, the Bass River Township Business Association of which I am secretary, and of my own interest as the owner of Union Hill Campground.

I am not overwhelmed with Governor Byrne's moratorium or the Merlino-Yates bill. What one did not think of, the other did to strip us of our rights. The Governor's moratorium is imposing hardship on the people of south Jersey. No building means no work and no work means no food for their families. The Governor gives me the impression he would rather give out food stamps and welfare instead of having people work. I believe in preserving the Pinelands. I certainly would not want to see the forest all cut down and developers move in on us. I also do not want to see the people of my township or any other township get hurt and lose their homes, lands, and businesses to the State after living here all their lives. The Governor's ruler has stretched a bit too far. His idea for the Pinelands and the Merlino-Yates bill of crossing highways, taking in homes, businesses, and towns is a big joke, wishful thinking on their part. Those old pine trees have stood there and have not done any harm for years. The Pineys have preserved those old trees or they would not be here today. Now, all of a sudden they want us out, especially to preserve the watershed and make more recreational areas, meaning campgrounds.

I am a Piney and proud of it. My ancestors came to the United States in the early 1600's from France, Holland, and England for freedom. My relatives have lived in Bass River Township for six generations. From a Piney's view of the whole situation, I cannot call this freedom. This is my home, my roots are here, and I love it here. This is one Piney who is not going to be scared out. The Governor thought the Pineys would be a big pushover. Pineys do not give up. They will fight for their rights until Hell freezes over. Governor Brendan Byrne, you'd better have second thoughts. We are not Indians that you and Senators Merlino and Yates are trying to push out. We are Pineys. Thank God, I have enough Piney blood in my veins to stand up and fight for my rights--the rights which my Piney ancestors had fought for so long ago.

When you own a business, home, or land and cannot sell it to whom you want or give to your children and have to give the State the right of first refusal, (1) this is an act of dictatorship, (2) first step toward communism and (3) this is against the fifth amendment. Senators, this is a very serious situation. How would you feel if this was dumped in your lap? I feel that you would feel the same as we do. Senators, we put you in office to represent us - not the Governor. Please fight for us by making amends to all these bills. Give us freedom to our lands, homes, and businesses.

At the present time, the Bass River Township map looks as if it has State cancer. The Governor's moratorium and the Merlino-Yates bill want all of the Bass River Township land except three percent. Now that three percent isn't much to have left. That was so planned that it takes in just where the mayor lives and our commissioners. The mayor is on one end of the town and the commissioners are on the other end of Bass River Township. So, they are safe. They won't have to worry about their land being taken care of. The Governor had this land steal all planned so sweetly. Make a low offer to the Pineys. If they refuse me, I'll raise their taxes so high that the majority will lose their homes. The rest that try to hang in there will not be able to carry the burden. The township will go bankrupt. Then, the State pounces down on the handful of people like a flock of vultures and grabs up the whole township. Nice thinking. If the State of New Jersey had to pay the same tax rate we have to pay, there would not be all this land stealing. The State only pays \$1,200 taxes a year to Bass River Township. Senators, I ask for one more amendment. The State should pay the same tax rate that all other land owners have to pay. The State operates campgrounds and several primitive campgrounds in competition with the private campground owners who have high taxes, high license fees, and high insurance premiums to pay. The State only pays ten cents an acre; no license fees; the State undersells us; and their campgrounds are always filled first. I have worked for the State for 22 years and not on the payroll. State campers stop every Friday night at my snack bar asking where is Harrisville, Bodine, Martha, Hawkin's Bridge, Godfrey Bridge, Beaver Branch, Lake Oswego, Lake Absegami, Crowley's Landing, Button Wood, Batsto, and Penn State. The next morning several of them come back and ask, "Do you have a restroom?" I ask, "Is that all you want?" "Oh, no, we will buy something when we come back." They use my hot water to wash with, steal the soap, the towels, and I guess the State doesn't even furnish Sears, Roebuck catalogues because they even steal my toilet tissues. It's the truth because I experience it every weekend when I am open. I'm tired of standing there and telling them the same thing. I'm saying them in my sleep. They leave the restroom filthy and don't spend a cent. Some come in from Lake Absegami with water tanks and ask,

"Would you fill these up? The water is bad over there. We cannot drink it." I am tired of furnishing a free restroom for the State's customers. Wouldn't it be great if private campgrounds could fill their woods full of customers and send them to Lake Absegami to take their baths and use their toilets? We know we would be closed down. Well, that is what my restroom is - closed down to State Camper Freebees. The State has outhouses and hand pumps. We would be closed if one were found on a private campground. The State would like us to think their outhouses do not pollute. They would like us to believe the private campgrounds and Pineys pollute. We, the private campground owners, have to spend thousands of dollars to put in a septic system to the State's approval. They get away with anything. Do as I say - not as I do. The State of New Jersey is the biggest polluter. They have outhouses at Crowley's Landing which drain under the road into the swamp. Then, the swamp water drains through a culvert into the Mullica River. Outhouses at Harrisville drain in its lake. Every one of these primitive campgrounds has outhouses distributed all through the woods which I know a lot of people are aware of. The State tried to steal a parcel of my land a few years back. They had a "For Sale" sign on it and I had to get an attorney to prove to them I owned it. I have worked hard to get my land, home, and business just like many other people. Then I had the State come and try to steal it. I do not intend to set the State up in business. I have had it with the State.

The Merlino-Yates bill I do not approve of. Look at the top of the map which I'm sure you are all aware of that they outlined. Senator Merlino should work in a pantry. He is terrific on cutting a large portion of pie for his friends in that area where his biggest supporters live. Does he think we are all blind?

The day the Governor signs the Merlino-Yates bill, as written, he has declared a revolution in the State of New Jersey. Sincerely, Gladys A. Wilson.

SENATOR DODD: Thank you very much. Winifred Meyer? Is there anyone that we had scheduled who has come in since? Samuel Alloway? Charles Cheeseman? If not, that concludes our public portion.

H E L E N H A Z A R D: May I read something that is not on the agenda? This is from a gentleman of about 72 years of age and he didn't have it put on. Is it possible to read it?

SENATOR DODD: Are there any other statements in the audience? All right. Please come forward. Would you identify yourself and the parties that you are representing?

MS. HAZARD: O.K. I'm representing Joe Forsyth. My name is Helen Hazard from Bass River Township. It is called, "The Tides of Bureaucracy."

SENATOR DODD: You are Radar O'Reilly's wife?

HELEN HAZARD: Yes. I have the red hair.

Where can a citizen find the respect for human destiny? The law makers for the State of New Jersey have apparent disregard for the rights of the owners of marshes and pineland properties.

The officials pledge to uphold both the State and federal constitutions. Then they turn about face when the Right of Domain is involved. The confiscation of property rights is a big step in the direction of dictatorship. Our inalienable privileges are in jeopardy in an attempt to preserve our resources - our minerals, forest, soils, water, and wildlife. This involves personal attitudes and living standards.

We are dealing with a limited quantity - our precious world, its raw materials and the space in which we live. Those of us who are the owners of pinelands

and wetlands feel that political relationships and attitudes not common to the general public fail to afford the release from taxation, or the right to use the land from which we planned to make a living, or to get just compensation for it.

The world shrinks as the population grows larger. Our great problem is dealing with nature's assets. It is our ability and conscience which will prolong our custody of our earth - a conscience deeply involved in science and industry with the careful use of resources.

Our State of New Jersey has blundered through many projects. Their ecologists have much to learn when conservation is concerned. To sell conservation it is wise to debate and review the issues, to have grave concern for what is right or what is wrong. That means to respect our constitution, eliminate discrimination, and to keep in touch with the out-of-doors and the wide world around us.

It is the population expansion which burdens the earth. In another generation there will be four billion human inhabitants to tangle with the resource environment. Far greater quantities of food and raiment will be required. And, as space dwindles, man by force, will be kept continually crowded among his kind.

Our America is a great country. We can continue to have variety and distance. There is tremendous need for the open lands, the forest, the mountains, the farmlands, and pristine waters.

We must free the protectorate countries by national referendum and send the illegal aliens back home. Too many problems develop with the newcomers. There is continual dissention, crime, bulging welfare problems and a tremendous lack of jobs to keep all employed. And, the pressure is on the taxpayers.

Our country can help them in their homelands by giving them industrial knowledge, loans and food and encourage a high level of education. Such is a challenge, an over-riding necessity of what must be done for us to remain great.

It cost our state and national governments far more to accept the immigrants than for assistance given them back home. The money saved would go far to pay for the lands being confiscated from our citizens who are burdened with unjust taxation.

I have an education - this is Joe Forsyth of course - in biology and own marsh and swamp land from which I had hoped to make a modest living during the fading years of my lifetime. I have no future security since the State hung my plans. I have hocked most everything for the land's taxes in an attempt to hold on. To me, it has been difficult to underestimate the socialological consequences of eliminating this type of self-respect and independent living.

Reluctance among the officials is great for they derive their living through taxation. The DEP planned and formulated the takeover of the wetlands. There was and still exists no consideration for uniform valuation though restrictions are the same wherever the marshes are located. The local tax boards use their discretion or no discretion with tremendous differences in values. And the potential of those lands is ruptured. How can anyone with good religion and good conscience reason in such a fashion?

The owners of wetlands and pinelands cannot compete with our legislators. They decide with their books and those who support them.

Realistically, our Legislature needs men and women who are trained in exact jobs and industries: biologists, police, firemen, farmers, fisheries and engineering or whatever other branch supports one's livelihood. Citizen volunteers should back their leadership. Then the public attitude could be a more honest one.

New Jersey State Library

Somewhere, somehow, just returns will have to arrive for the taking of these amenities which are so perishable - the pinelands, the swamps and marshes.

When the Lord told Old Mother Nature to get busy and make up the world, she obeyed. And, with the gases, the winds and rain and snow, the glaciers, the seas and sunshine, things got hopping. She put things together in a little less than two billion years. And, this great magic could be destroyed during the blink of one geologic eye.

We Americans have one of the choicest lands on the face of the globe. It will cost little to keep but much to lose.

The DEP's CAFRA has also taken over the stewardship of the ocean which is so much more in need of protection than that of the pinelands, swamps and marshes. Most of them would always be there without any law or moratorium. The natives who own most of them and who use them, have that concern and knowledge which can best care for those most perishable places. Why should they be taken away?

Conservationists do not forget the oceans, they are in unending trouble. Most all of the life in the oceans - both plant and animal - exist from the outer continental shelves to the shores. This is comparably a small part of those giant bodies of water. Here lies a great reservoir of food and three-quarters of the globe's oxygen. Then there is sport fishing, swimming and bathing, and many other forms of recreation for the greatest number of people.

Sewage sludge, toxic river effluents, sewage effluent outfalls, oil ports and possible atomic power plants hold much potential danger to the ocean's services to mankind.

Yes, DEP, get in gear and do something about it. The influential and unmitigated tycoons will shove you behind the eight ball. Then we all will lose.

It is vital that we Americans plan and work together for our nation and for others. We could leave a respectable legacy for the future generations. Lack of consideration, unrestrained misunderstanding and greed could destroy most of what God gave us. Remember the pinelands, the swamps and marshes. If they shall remain natural, where is our financial support for our keeping these lands for posterity? Cut off the taxes or give back our privileges or buy the areas at the levels politicians get when some public works needs room or where casinos or sport complexes are involved. Our possessions are no less valuable moneywise. May we treat each other as having the same equal rights. Thank you.

SENATOR DODD: Thank you. That will conclude our public portion of the Senate deliberations. We will reconvene at one fifteen today to consider the amendments for the bill. You are certainly all welcome to attend. It is kind of like watching paint dry though. Again, thank you. You have been a super audience. This has been the longest running road show this Committee has ever had. Thank you very much.

"PINELANDS PROTECTION ACT" - S 3091

Senate Committee on Energy and Environment

April 3, 1979 Hearing

Testimony of New Jersey
Water Well Contractors Association

My name is William Skinner. I am here to testify today on behalf of the New Jersey Water Well Contractors Association, an organization comprised of the vast majority of contract well drillers in the State of New Jersey. On behalf of the Association, I want to express our appreciation for your taking the time to consider our views.

The members of our Association have a special feeling and attachment for the Pinelands. Because of the beauty of the area, a large number of our members have chosen to make their home in the area. As much as anyone who has previously testified before you, these members want to maintain the type of environment in the area which they have made their home.

It is with deep regret that we have seen a concern and an affection for the Pinelands turn into a "war" between "developers" and "environmentalists", most of whom live far away from the area in question and who are now attempting to impose their contradictory values and principles upon the Pinelands when they disregard them without hesitancy in the areas which they call home.

Efforts have now been made to devise a long term plan whose objective would be to guarantee an orderly development for the Pinelands. We support that objective and we further support the recognition that the best environment is one which strikes a reasonable balance between conservation of vital natural resources and orderly economic development and growth. Indeed, the lack of either makes for an unhealthy environment.

S 3091 attempts to provide strong protection, both on an interim and permanent basis, for an area identified

as the preservation zone. As we well know, the Dwarf Pine Forest, the west plains, the east plains, and the various stream corridors that empty into the Müllica River need the protection provided by the bill. Furthermore, while we think that the quality of the water in the Cohansey and Kirkwood aquifer lying beneath it have been greatly overestimated, we do not oppose the protection suggested in this area.

The difficulty that we have in regard to the proposed preservation area relates to the boundaries. Notwithstanding repeated suggestions by many who have testified earlier, the recent Federal legislation dealing with the Pine Barrens area does not mandate the specific areas identified in S 3091. You will notice within the boundaries of the preservation zone identified in S 3091, areas which are in close proximity to State Highway 206 and that are not part of the State forest; areas within the Rancocas Watershed which are privately owned;

certain areas of Woodland Township, Shamong Township, and Tabernacle Township; and portions of the existing built up communities in said townships. All of these areas are at least 15 miles west or north of the Dwarf Forest, the east and west plains, and the other areas which have rare and endangered plant and animal species and other unique ecological characteristics. Accordingly, there is no justification for including these areas within a preservation zone which requires extremely stringent controls in regard to development.

S 3091 recognizes the need to establish a procedure whereby exemptions from development bans could be issued in regard to certain projects proposed for the preservation zone. However, there is need for further clarification from the Legislature in order to avoid confusion and/or dispute when evaluating such applications. We would suggest an amendment which would specifically recognize exemptions for individual lots acquired prior to the moratorium established by Executive Order 71 if such lots (a) conform to existing

Department of Environmental Protection ground water and septic system standards; (b) conform to local zoning regulations of the municipality in question and the relevant sections of the New Jersey Individual Sewage Disposal System Code; and (c) covered an area of at least one acre. A second exemption should recognize development where improvements required by local subdivision ordinances have been installed or where in the alternative, a performance bond has been filed and individuals have been sold lots within the subdivision prior to Executive Order 71 in reliance upon prior preliminary approvals. We would hope that your review of these exemptions would reveal to you, as such a review has revealed to us, that they are necessary in order to protect vested rights in lot owners and developers who have invested substantial sums of money in reliance on existing law and yet at the same time satisfy standards which insure adequate protection.

A third problem which we see with the proposed preservation zone relates to the 18 month moratorium. The bill is silent as to what will in fact occur if no comprehensive plan has been adopted by that date. As you well know, past experience tells us that it is more than likely that the Commission will not have completed its work at the end of the 18 month period. The legislation should specifically indicate how some of the standards will be alleviated if in fact the formulation and adoption of a plan requires far more than 18 months.

We have far greater concern about the standards relating to the protection zone. First, there is need for revision in the boundaries. We draw your attention especially to a triangular area of approximately 5000 to 6000 acres lying between Jackson Road and Taunton Road on the east, Stokes Road on the north, Route 73 on the South, and coming to a point at Marlton. This area should be omitted from the zone because it is already the subject of extensive development with improvements being constructed and a sewage

disposal plant having been approved. Subjecting this developed area to change through a comprehensive management plan at this late date would create chaos. This area is better left for supervision through existing statutes and municipal ordinances.

As indicated above, we are in basic agreement with the concern of S 3091 in regard to the preservation zone because of established and reliable information indicating the need for stringent controls. Leaving aside the rhetoric, we ask you to carefully review the record before you and challenge you to find the basis and need for such similar protection in the area identified as the protection zone. Furthermore, to your credit, within the last few years you have made major revisions to the New Jersey Municipal Land Use Laws and most municipalities have now come into conformance with these laws by the adoption of responsible master plans and zoning ordinances. These plans and ordinances are sufficient to provide the protection necessary unless and until more reliable information and justification of stringent controls in the protection zone can in fact be demonstrated.

If the Committee should conclude that similar controls are necessary in the protection zone, we ask you to carefully review the existing definition for "major development". It would be far more reasonable to have a more flexible definition for the protection zone than the preservation zone. Even S 3091 bill recognizes different concerns relating to the two zones. As an alternative, we would suggest that Section 3E of S - 3091 defining "major development" have an additional paragraph which is just applicable to the protection zone and which would only cover (a) any division or subdivision of land into 25 or more parcels, (b) any construction or expansion of any housing development of 25 or more dwelling units, (c) any construction or expansion of any commercial or industrial use or structure on a site or more than 10 acres or (d) any commercial or industrial use or facility relating to the production or handling of chemicals or involved with mining.

Furthermore, if you retain some of the controls in S 3091, there is need for a far more specific standard than the Section 13B guideline which would allow for an exemption if it was "consistent with the purposes and provisions of this act and the Federal act". The process of review is far too important to be guided by such an ambiguous standard.

We also have serious reservations about the proposals in the Merlino bill in regard to the adoption of a final plan and the role for the Pinelands Commission. If there has been one area of agreement in the debate regarding this bill, that area of agreement certainly has related to the fact that the plan adopted by the Commission will represent one of the most significant actions taken in New Jersey during at least the last decade. Furthermore, the plan will have tremendous impact upon almost 1/3 of the entire area of the State of New Jersey. Such a significant final determination must rest, in a democratic republic, with elected representatives. The Commission obviously has and should have a vital role to play but it should be more in the nature of making fair and detailed recommendations for final consideration by the Legislature.

Before any plan should be deemed complete for review by the Legislature or, if the Committee chooses to maintain such power, with the Commission, it is essential that there be both environmental and economic impact statements prepared and reviewed. Given the Fort Dix situation, the need for the economic impact statement has never been more important. Furthermore, there should be greater expertise among the Commission members themselves. This problem can be resolved by requiring at least one of the state members to be a geohydrologist. Other speakers may have additional suggestions in this regard. If we are all to be faithful to the goal of orderly public and private development in the area consistent with the need for preservation of natural resources

(language specifically taken from the Federal law dealing with the Pine Barrens), these requirements should be mandated by the law.

S 3091, in its present form, contains a built-in conflict in that the Pinelands Commission has responsibilities as the planning agency, a prosecutor against alleged violators of the plan, and the ultimate judge in regard to any such allegations. We would deem it far more appropriate if the Commission had the responsibility for planning and perhaps prosecuting while the final individual determinations remained with the existing authorities on the State and local levels.

As both homeowners and business persons, we would be remiss if we did not share with you our concern that the complex new bureaucracy established by S 3091 will further aggravate the existing problems that individuals have with the distant governmental bureaucracy. As you are well aware, some areas covered by the boundaries established in S 3091 are also within the CAFRA area. A great deal of planning has already been accomplished and relied upon in recent years because of the presence of CAFRA. The bill in its present form is not clear enough in resolving potential contradictions between itself and CAFRA and we would suggest that the CAFRA standards are certainly strong enough to provide the essential protections and therefore the bill should have a blanket exemption for areas covered by CAFRA. Furthermore, the paperwork burden would be simplified tremendously if the Committee were in fact to adopt our suggestion that the existing State and local authorities continue as the final decision makers and the Commission itself fulfill the important role of planner and perhaps enforcer. Indeed, given the part-time nature of the commissioners who will serve on the Commission and given the need to avoid the situation which all too often occurs when unaccountable staff make decisions for part-time commissioners, we think the Commission would be far better

served if it could concentrate its efforts on planning and enforcing and leave the difficult responsibility of final determination to agencies already in place on both the State and local level.

We also find offensive the right of first refusal provided the State in S 3091. Mandatory notice should be sufficient. From that point on, the State should be treated just as any other prospective buyer.

The commitment pledged by S 3091 represents an enormous challenge. It will require substantial expenditures of public monies. We note that the bill in its existing form is dependent upon money that has been authorized, but not yet appropriated, by the Federal government. Recent experiences with such Federal authorizations should give us pause in regard to whether appropriations in the required amounts will in fact be forthcoming. If you in fact share the commitment for the meaningful review promised by S 3091, you must confront the difficult and sensitive issue of appropriating sufficient State monies. If those monies can in fact not be provided, the deep commitment of all of us to maintain the Pinelands will quickly turn into a bureaucratic nightmare.

In regard to the amendments suggested above, we will soon forward your committee specific legislative language which would implement these proposals.

In conclusion, we support the need for a comprehensive and reasonable development plan for the Pinelands and furthermore we recognize that this is the type of action which should be addressed by members of the Legislature like yourselves rather than through executive orders which, at best, have a questionable basis under law and which represent an attempt to circumvent our constitutional processes for addressing these problems in a legislative forum. We believe that, with the suggested amendments referred to above, this committee would be reporting out a bill which would in fact meet the objective of properly maintaining a total environment for the Pinelands.



NEW JERSEY
PRIVATE CAMPGROUNDS ASSOCIATION

129 Elm Court, RD 2, Oakwood Lakes • Medford, N.J. 08055 • (609) 654-0550

March 22, 1979

Governor Brendan T. Byrne
State House
Trenton, New Jersey 08625

Dear Governor Byrne:

As Executive Director of the New Jersey Private Campgrounds Association, I am requesting that an exemption clause for private owned campgrounds be inserted in the Executive Order #71 and also in Bill S3091 sponsored by Senator Merlino and Yates.

Speaking with Senator Yates, I find that he is in agreement that camping and campgrounds are compatible with the intent of your Executive Order #71. However, without this exemption, many of our private campground owners are finding themselves with an extreme hardship because they are totally stopped from doing anything to enhance their campground or making additional campsites to handle the increasing demand for camping.

Because of the significant amount of money invested into campgrounds and no other source of income is possible other than campground fees, we are being faced with extreme hardships. Campground owners are aware of the need for regulatory action to protect the fragile balance of the Pinelands. Therefore, campground operation and the offered recreation, as we see it, is compatible with the intent of the Pinelands Protective Plan.

The private campground industry of New Jersey is comprised of approximately 145 campgrounds that provide 38,000 campsites for family recreation and the enjoyment of the outdoors. Based on a 100 day season, our campgrounds offer 3,800,000 family camper days. With a realistic 55% occupancy rate, these campgrounds play host to over 2,000,000 family camping days.

Because our industry involves the utilization of the outdoors, we are dedicated to the principles of conservation and preservation of our outdoor recreational environment. The New Jersey Private Campground Association has worked very closely with Cook College of Rutgers University and the Soil Conservation Service in the past.

Governor Byrne

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March 22, 1979

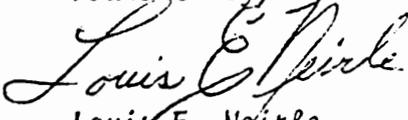
Needless to say, we are in agreement with your desire to preserve the Pinelands. Private campgrounds have a significant investment in the outdoors of New Jersey with a total investment of approximately \$40,000,000.00.

In-as-much-as two-thirds of our member campgrounds are located within the area covered by your recent Executive Order #71, we are very much concerned that our interests be considered in any future plans for the Pinelands area.

Your Executive Order, among other things, calls for the preservation and enhancement of recreational and agricultural activities within the Pinelands. The Order states that representatives of the agricultural interests are to be named to the Pinelands Commission. Yet no mention is made of representation for the campground industry!

Because of our significant presence in this critical area, and since our activities are compatible with the intent of the Pinelands Plan, we strongly urge that you take action to see that our interests are represented on the Pinelands Commission.

Your earliest response to this letter is anxiously looked for and would be greatly appreciated.

Yours truly,

Louis E. Neirle
Executive Director

LEN:ebn

cc: Senator Joseph P. Merlino
Senator Charles B. Yates - sponsors of the Bill S3091
To all other directly concerned Senators and Assemblymen

