



The Pinelands Commission

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REPORT ON STATE AGENCY PLAN

September 29, 1988

Department of Environmental
Protection
Division of Fish, Game & Wildlife
CN 400
Trenton, New Jersey 08625

Findings of Fact

I. Background and Discussion of Agency Plan

N.J.A.C. 7:50-4.52(e) provides that any state agency may submit to the Commission for review and approval, a comprehensive plan of its existing and planned land use, resource management and development activities within the Pinelands. This section also sets forth the elements that should be included in the plan and provides, upon Commission approval of the plan, that the Commission shall review proposed developments in accordance with the Pinelands Comprehensive Management Plan (CMP) as modified by specific provisions of the approved agency plan.

N.J.A.C. 7:50-4.52 authorizes the Commission to enter into Memoranda of Agreement with state agencies which allows the agency to carry out specified development activities without securing individual development approvals from the Commission.

Over the past several years, the Division of Fish, Game and Wildlife has been working on a comprehensive plan for the wildlife management areas under its administration in the Pinelands. The Division has prepared this plan in cooperation with Pinelands Commission staff, and has been extremely responsive in addressing concerns raised by Commission staff. This plan, entitled "Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands", dated September 21, 1988, is the subject of this report.

N.J.A.C. 7:50-4.52(e) provides that state agency plans address the following elements: 1) be based on a current and comprehensive inventory and analysis of

Pinelands natural resources; 2) set forth the character, location and magnitude of development within the Pinelands; 3) ensure that all development is carried out in accordance with Pinelands standards, provided, however, that alternative or additional techniques may be included in the plan if these are consistent with Subchapters 5 and 6 of the CMP; 4) prescribe standards for capital improvement projects; 5) identify resource management practices consistent with the objectives of the CMP, and state and federal Pinelands acts; 6) be compatible with surrounding land uses and local plans; and 7) be otherwise consistent and contain all the provisions necessary to implement the CMP.

The Division's wildlife resource management plan is organized into two parts. The first part discusses the authority and mandate of the Division in managing the state's wildlife resources, the Division's goals, recreational role in the Pinelands, and the various wildlife resource management activities conducted on the nine Wildlife Management Areas within the Pinelands Area. Wildlife management activities are further described according to: terrestrial habitat manipulation, e.g., forest management, revegetation, and field clearing and maintenance; aquatic habitat manipulation, e.g., dam restoration and construction of off-stream impoundments, water level management for waterfowl and fish, liming, fertilization, and aquatic vegetation control; and species management, e.g., introduction of indigenous and non-indigenous species and provisions for endangered species. Also discussed in this part are facilities development and maintenance activities, as well as policies for recreation, research and teaching on Division administered lands, and land acquisition.

Part II of the plan describes each management area, briefly discussing its natural characteristics, history of acquisition, past, present and proposed management practices, and any facilities development projects anticipated in the foreseeable future. The Wildlife Management Areas described are: **in the Preservation Area**, Colliers Mills (c. 12,235 acres in Jackson and Plumsted Townships), Manchester (c. 2,376 acres in Manchester Township) Greenwood Forest-Pasadena (two separate but contiguous management areas described together in the plan, c. 16,333 acres in Lacey, Barnegat and Manchester Townships), Stafford Forge (c. 2,788 acres in Eagleswood and Little Egg Harbor Townships), Swan Bay (c. 1,078 acres in Washington Township) and Port Republic (c. 775 acres in Galloway Township); and in the Protection Area, Winslow (c. 6009 acres, Winslow and Monroe Townships) and Peaslee (c. 14130 acres,

Maurice River and Upper Townships and Estell Manor City).

The descriptions of the practices at each management area are substantially consistent with the Pinelands Comprehensive Management Plan. Activities described in the plan which would be categorized as development and normally require individual applications to the Commission include the following: facilities development at Winslow, Tuckahoe and Colliers Mills WMA's, tree cutting for purposes of forest management, field clearing for wildlife habitat management, and the extraction of gravel for road maintenance. The description of these activities has been found consistent with the CMP. The plan also contains provisions for furnishing the Commission with an annual plan for certain of these activities, and notification prior to commencing on-site development.

As mentioned above, the CMP allows the Commission to enter into a Memorandum of Agreement which relieves the state agency from the necessity of applying for every development activity which it proposes to conduct. The Memorandum of Agreement which has been prepared by the Commission and Division is an integral element of the state agency plan. The purpose of the MOA is to provide for the implementation of the wildlife management plan, and to specify in what instances development applications will be necessary. Activities which would continue to require applications are generally those which would be categorized as major development, such as the construction of new buildings or expansion of existing buildings, construction or expansion of shooting ranges creating land disturbance of greater than 5,000 square feet, and activities which involve alteration of natural conditions, such as liming, fertilization or use of herbicides in natural or man-made water bodies. Examples of activities included in the plan which will not require applications to the Commission are forest management, clearing of new fields for wildlife habitat management, extraction of gravel for road maintenance, and the construction of a boat ramp, spur road and parking lot at Colliers Mills.

Conclusion

The "Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands", dated September 21, 1988, meets the requirements set forth in N.J.A.C. 7:50-4.52(e). The Executive Director recommends that the Pinelands Commission approve the plan. The Director also recommends that the Commission adopt a resolution authorizing the Director to execute the Memorandum of Agreement between the Commission and the

Division of Fish, Game and Wildlife, as a means of
implementing the wildlife management plan.

MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
DIVISION OF FISH, GAME & WILDLIFE

I. PURPOSE

The purpose of this agreement is to provide for the implementation of the Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands dated September 21, 1988 and to set forth certain understandings between the Pinelands Commission and the Division of Fish, Game and Wildlife in the implementation of said plan.

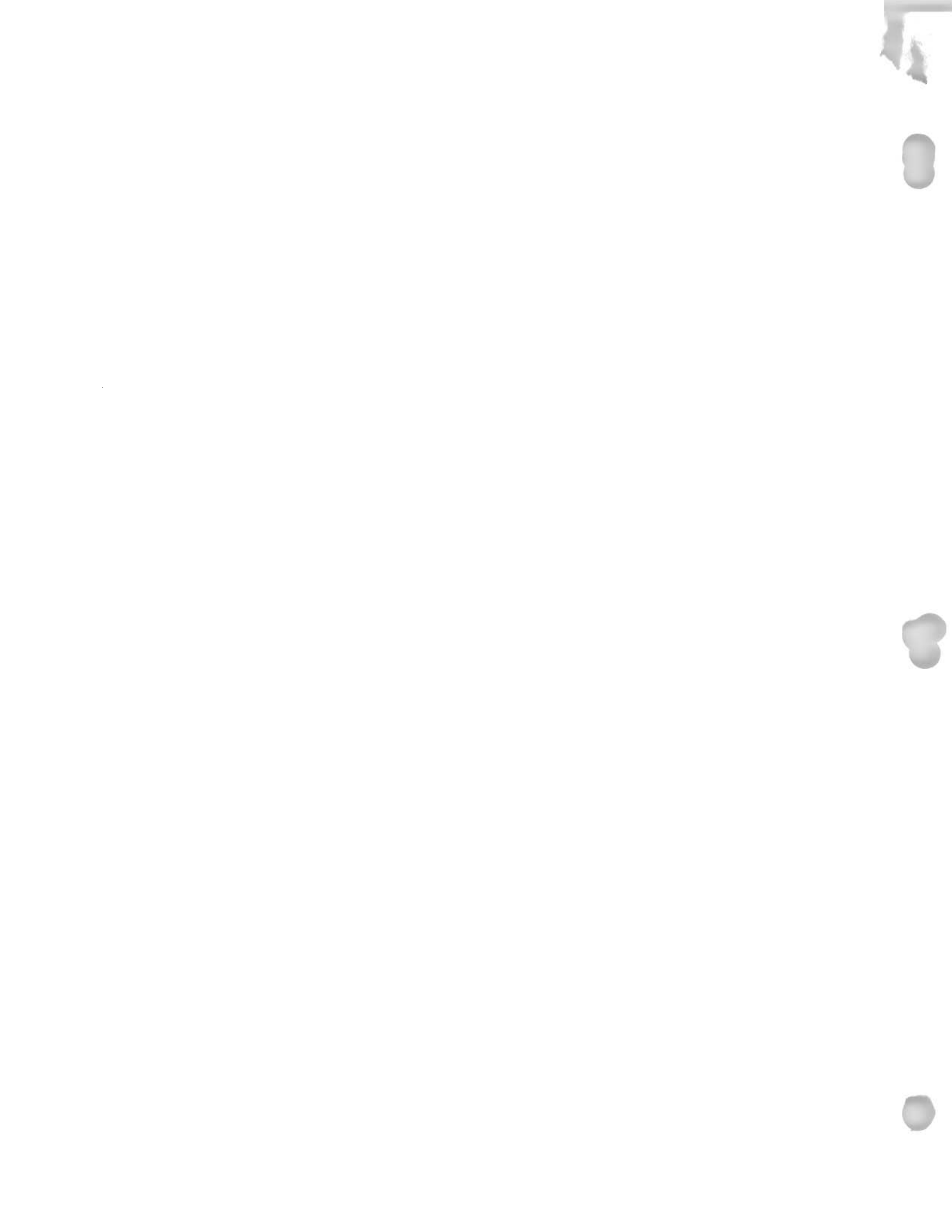
II. APPLICABILITY

This agreement applies to all development activities undertaken by the Division of Fish, Game and Wildlife which are contained within the Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands dated September 21, 1988, which is attached hereto, and made a part of this agreement. The attached plan was approved by the Pinelands Commission by Resolution #PC4-88-97 on October 7, 1988.

III. MUTUAL AGREEMENTS

A. It is mutually agreed and understood that the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife:

- 1) will adhere to the provisions of the New Jersey Pinelands Comprehensive Management Plan for all development activities conducted on lands within the Pinelands Area administered by the Division except as otherwise specified within the approved Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands dated September 21, 1988;
- 2) will apply for approval by the Pinelands Commission in accordance with the provisions of N.J.A.C. 7:50-4.51 et seq. for all development activities which involve:
 - a) the construction of a new building or the addition to or expansion of an existing building.



- b) the construction of shooting ranges involving land disturbance of greater than 5,000 square feet, or the expansion or clearing adjacent to existing ranges in excess of 5,000 square feet.
 - c) the restoration of a dam structure or construction of a new water level control structure except for the repair and maintenance of existing, functional structures or dams.
 - d) the construction or excavation of off-stream impoundments.
 - e) the liming or fertilization of natural or man-made water bodies.
 - f) the control of aquatic vegetation by the use of herbicides.
 - g) the dredging of any water body.
 - h) the disturbance of any land greater than 1,500 square feet in area not covered by the approved Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands;
- 3) will participate in quarterly coordination meetings with Pinelands Commission staff.

B. It is mutually agreed and understood that the New Jersey Pinelands Commission:

- 1) will not require the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife to submit applications for development for those activities which are so specified in the Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands dated September 21, 1988, other than those activities specified in A2 above; and
- 2) will participate in quarterly coordination meetings with the Division of Fish, Game and Wildlife staff.

IV. EFFECTIVE DATE OF AGREEMENT AND DURATION

- A. This agreement shall take effect upon the signature of duly authorized representatives of both parties and shall remain in effect until otherwise amended or terminated.

B. This agreement and the attached Wildlife Resource Management Plan for Wildlife Management Areas in the Pinelands dated September 21, 1988 which is incorporated herein, may be amended by mutual consent of both parties and may be terminated by either party upon sixty (60) days written notice.

V. SIGNATURES

For the New Jersey Pinelands Commission

Thomas D. Moore Date 11/10/88

For the New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife

Henry P. Howard Date 11/20/88

Approved as to form only

J. M. Van Dol DAE
Deputy Attorney General, State of New Jersey