



State of New Jersey

THE PINELANDS COMMISSION

PO Box 7

NEW LISBON NJ 08064

~~(609) 894-9622X~~

(609) 894-7300

CHRISTINE TODD WHITMAN
Governor

October 28, 1998

Ms. Peg Brancheau
Amy S. Greene
Environmental Consultants, Inc.
18 Commerce Street Plaza
Flemington, NJ 08822-1743

RE: Garden State Parkway/Application of
Herbicides/Memorandum of Agreement

Dear Ms. Brancheau:

I am responding to your October 26, 1998 inquiry regarding the application of herbicides to the Garden State Parkway and Commission's regulatory jurisdiction over this activity. As stated in the April 10, 1992 correspondence between Mr. William Harrison of the Pinelands Commission staff and Mr. Gary DeFelice of the New Jersey Highway Authority, that portion of the Garden State Parkway from its intersection with the abandoned-right-of-way of the Pennsylvania Railroad near South Toms River south to its intersection with Alternate Route 559 in Egg Harbor Township is within the state designated Pinelands Area. Within these boundaries, the Pinelands Commission has direct permitting authority.

Any development proposed on those portions of the Garden State Parkway which are located outside the state designated Pinelands Area but within the federally designated Pinelands National Reserve, is subject to the Coastal Zone Management Rules. These rules, specifically N.J.A.C. 7:27E-3.44(b) require that "Coastal development shall be consistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978, P.L. 95-625, Section 502, creating the Pinelands National Reserve, and the State Pinelands Protection Act of 1979 (N.J.S.A. 13:18A-1 et seq.)." In keeping with a memorandum of agreement between the Pinelands Commission and the New Jersey Department of Environmental Protection, the Commission comments on any CAFRA (Coastal Area Facility Review Act) permit applications involving development in the overlap between the Pinelands National Reserve and the Coastal Zone. These comments are based upon the consistency of the development with the provisions of the Pinelands Comprehensive Management Plan and any applicable Memorandum of Agreement. They are taken into account when the Department makes its decision on the CAFRA permit application.



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

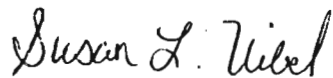
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With regard to the application of herbicides to the Garden State Parkway in the Pinelands National Reserve, the Commission will comment on the consistency of this activity with the Memorandum of Agreement between the Commission and the New Jersey Highway Authority regarding herbicides, and with the other provisions of the CMP if a CAFRA permit is required from the Department of Environmental Protection.

I hope that this information will be of assistance to you. If you have additional questions, please call me at (609) 894-7300.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Uibel".

Susan L. Uibel
Regulatory Programs

cc: Todd DeJesus



AMY S. GREENE
ENVIRONMENTAL CONSULTANTS, INC.

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4 Pages total



97-0257.01
Info Rec'd
8/26/98

October 26, 1998

Ms. Susan Uibel
The Pinelands Commission
PO Box 7
New Lisbon, NJ 08064

Via Facsimile - 609-726-8794 0974

RE: Garden State Parkway Herbicide Memorandum of
Agreement with The Pinelands Commission
Design Contract No. 133-572D
ASGECI Project #1556

Dear Ms. Uibel:

We would like clarification from the Pinelands Commission regarding an issue that come up at our meeting with you on August 20, 1998. At this meeting, the Pinelands Commission represented to us that only the areas between Interchanges 30 and 80 of the Garden State Parkway (within the Pinelands Preservation and Pinelands Protection Areas) will be regulated by the Pinelands Commission in regards to the application of herbicides. We were told that the application of herbicide along the Garden State Parkway within the Pinelands National Reserve (between Interchanges 80 and 81, and between Interchanges 12 and 30) would not be reviewed or regulated by the Pinelands Commission.

However, a letter dated April 10, 1992 from Mr. William Harrison to the NJ Highway Authority (attached) appears to state that under N.J.A.C. 7:50-3.44, application of herbicides in areas within the Pinelands National Reserve would be regulated by the Pinelands Commission. We feel that Mr. Harrison likely meant to refer to N.J.A.C. 7:7E-3.44 - the regulation that gives the Pinelands Commission review authority over coastal construction permit applications. It is our understanding that the application of herbicide is no longer a regulated activity under CAFRA.

We would like your interpretation of this letter and a final written statement clearly delineating the portions of the Garden State Parkway where the application of pesticides would be reviewed by the Pinelands Commission.

Ms. Uibel
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Your prompt attention to this request is appreciated. Please do not hesitate to contact either Lois Anderson, Steve Balzano, or me regarding this letter.

Very truly yours,
AMY S. GREENE ENVIRONMENTAL
CONSULTANTS, INC.


Peg Brancheau
Project Manager

PB/lea

cc: Mr. Bharat Patel, NJHA; Mr. Fred Hofmann and Mr. Paul Cinko, T&M;
Mr. Randy Wood, PB; Ms. Lois Anderson and Mr. Steve Balzano, ASGECI

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The Pinelands Commission

P.O. Box 7, New Lisbon, N.J. 08064 (609) 894-9342

April 10, 1992

Gary DeFelice
NJ Highway Authority
Garden State Parkway
Woodbridge, NJ 07095

Dear Mr. DeFelice:

As a follow-up to your conversation with Susan Uibel of our staff on April 3, 1992, enclosed is a copy of Section 7:50-6.37(c) of the Pinelands Comprehensive Management Plan. This standard of the Plan prohibits the application of any herbicide to any road or public utility right-of-way within the Pinelands unless it is necessary to protect an adjacent agricultural activity.

This regulation would affect the Garden State Parkway from its intersection with the abandoned-right-of-way of the Pennsylvania Railroad (now a Jersey Central Power and Light right-of-way) near South Toms River south to its intersection with Alternate Route 559 (Ocean Heights Avenue) in Egg Harbor Township. These are the boundaries of the State designated Pinelands Area over which the Pinelands Commission has direct permitting authority. The entire right-of-way of the Parkway between these 2 points is within the regulatory jurisdiction of the Pinelands Commission. The standard mentioned above would also apply to the following portions of the Parkway:

- a. the intersection of the Parkway with the abandoned-right-of-way of the Pennsylvania Railroad near the South Toms River north to its intersection with Route 37.
- b. the Parkway's intersection with Route 559 in Egg Harbor Township south to interchange 128 of the Parkway.

These segments of the Parkway are located within the federally designated Pinelands National Reserve. In accordance with N.J.A.C. 7:50-3.44, the New Jersey Department of Environmental Protection and Energy insures compliance with the policies of the Comprehensive Management Plan, including the one noted above.

Any use of pesticides in the Pinelands would have to meet

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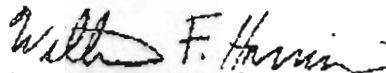
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the water quality and endangered species protection requirements of the Comprehensive Management Plan. You should contact the Pinelands Commission before any application of pesticides to see if any issues are raised.

I am enclosing a copy of a Pinelands Land Capability map which illustrates the boundaries described above. Would you please take the necessary steps to make certain that no herbicide is applied to the Garden State Parkway within these limits? Thank you for your attention to these matters. Please call Susan Uibel at (609)894-9342 if you have any questions.

Sincerely,



William F. Harrison, Esq.
Assistant Director

WPH/ba/SP14A

cc: Robert Howell
Susan Uibel

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Encl. N.J.A.C. 7:50-6.87(c)
Pinelands Land Capability Map