



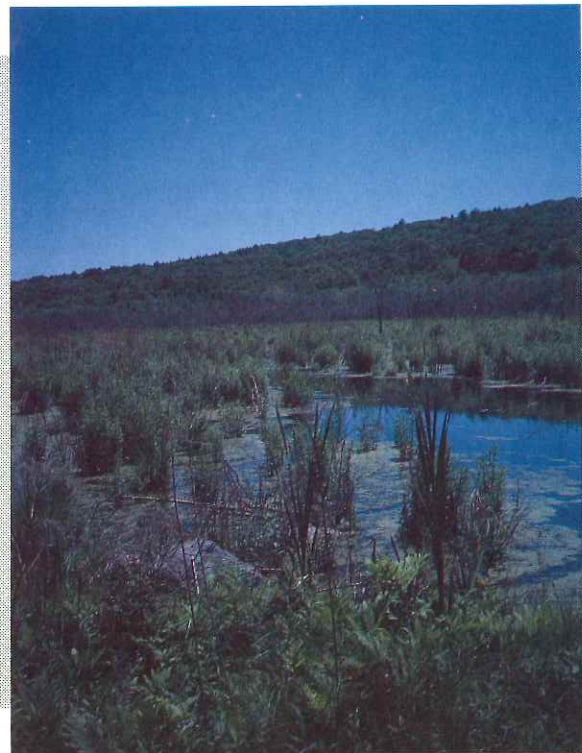
# THE NEW JERSEY NATURAL LANDS TRUST

## 1989 ANNUAL REPORT

**T**he New Jersey Natural Lands Trust was created in 1968 by the New Jersey State Legislature to find new ways of securing land for the preservation of natural diversity. The Trust obtains land through donations from private landowners and environmental organizations, as the result of mitigation projects approved by government agencies, and occasionally through purchase.

The Trust is a State-funded land preservation organization with over 3,000 acres of open space under its protection. As an agency within but not of the Division of Parks and Forestry in the Department of Environmental Protection, the Trust is able to protect the natural resources of the land it manages from destruction and from condemnation procedures. Land held by the Trust may not be appropriated by any municipal, county, or state government agency without a special legislative act.

The Trust, as an autonomous corporation, is free to respond to land preservation opportunities as they arise and is able to negotiate directly with a landowner to review and accept land and endowments. An appropriation from the State allows for a small operating budget including salaries for three staff members. Policy approved by the Board is implemented by the staff.



Leslie DiCola

*Reinhardt Preserve, Sussex County*

## PRESERVE MANAGEMENT

**T**he goal of the Trust's land stewardship is the preservation of natural diversity through both active and passive habitat management and the accommodation of public use as long as the natural qualities of the site are not disturbed. Management plans are developed for each preserve and, when approved by the Board, guide the staff and volunteers.

### Volunteer Stewardship

In a marsh on Kislow Preserve in Ocean County, on top of a twelve-foot pole, sits a miniature condominium. With twenty-four windows and a peaked roof, the graceful structure offers purple martins a place to nest in the colony setting in which they are comfortable. The



new addition to Kislow Preserve was built by Peter Van Houten, a volunteer. A second one will soon be placed at Crossley Preserve, also in Ocean County.

The expertise of volunteers, such as Mr. Van Houten, is an essential component of the Trust's land management program. Lois Morris, the Volunteer Coordinator at Crossley Preserve, contributes generously to the Trust volunteer program by leading educational walks on the preserve and sharing her knowledge of the Pinelands. She cares about the maintenance of Crossley Preserve and organizes local residents for such projects as painting gates and clearing trails.

With her help, twenty-five volunteers turned out in November to clean up a trail that runs through the preserve. Branches were cut, trimmed, and stacked by the energetic volunteers in just a few hours. One volunteer rebuilt a plank bridge over a small stream.

Boy Scouts also help out. Last spring, several Boy Scouts planted pitch pines in a field planted the previous year to fill in places that had been missed or where trees had died. Volunteers can complete in a few hours what it can take a single staff person several days to accomplish.

More projects with volunteers are planned for next year. In between projects, volunteers also monitor the preserves, watching out for disturbances or potential problems — a priceless contribution to the Trust's land management program.

### Monitoring and Habitat Management

In addition to supervising the efforts of the volunteers, the staff ecologist, Leslie DiCola, posted and monitored several properties this year. With the assistance of a volunteer, she conducted a bird-breeding survey at the Limestone Ridge Marsh Preserve in Warren County and at Crooked Swamp Caves Preserve in Sussex County.

Monitoring the properties held by the Trust is one of the most important components of land management. For the preserves to be properly protected, it is essential for the staff or volunteers to walk and post the preserves routinely.



Leslie DiCola

*A purple martin house is erected at Kislow Preserve, Ocean County*

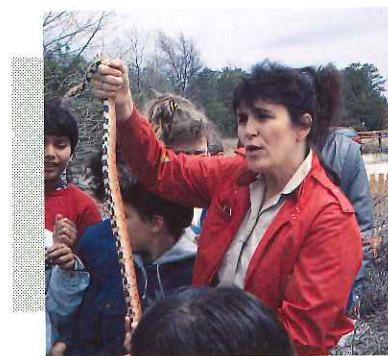
The monitoring enables the land stewards to catch and possibly prevent abuses of the land such as dumping, development encroachment, destruction of habitats, or any changes to the preserve due to activities on adjacent properties such as new roads or construction. Regular supervision of the land brings the staff into contact with local residents who may eventually become stewards of the preserve. It also may lead to the future acquisition of adjacent property.

Good land management practices require the steward — whether volunteer or staff — to stay in touch with the land under his or her care through routine monitoring.



## ENVIRONMENTAL EDUCATION WEEK

As part of a series of events conducted last April during Environmental Education Week by the Department of Environmental Protection, the Trust held an outdoor education program on Pinelands habitat and history for 6th-grade students. Two volunteers from a local environmental organization conducted a walk through the area explaining the ecology and history of Crossley Preserve. An environmental consultant exhibited a pine snake and a corn snake and explained how the snakes live in the hibernacula on the preserve. The program was the first educational event organized by the Trust. Two programs are planned for 1990 — at Crossley Preserve and at the Taylor Wildlife Preserve in Cinnaminson.



Leslie DiCola

*A pine snake is exhibited at the outdoor education program at Crossley Preserve, Ocean County.*



## MESSAGE FROM THE CHAIRPERSON

December 1989

Once again I am proud to present the Annual Report of the New Jersey Natural Lands Trust, which summarizes the Trust's achievements for 1989. As with past years, the accomplishments are the result of combined efforts by the Board of Trustees, by the staff, and by the volunteers — all of whom dedicate their energies to preserving open space in our state.

During the past year, the management of the preserves increased with the help of volunteers who have become an indispensable part of the Trust. Management activities included clearing trails, posting, monitoring endangered species habitats, and studying a portion of a preserve that was burned under controlled conditions.

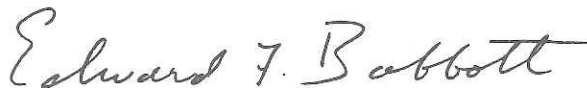
Outreach also expanded this year. As part of Environmental Education Week, the Trust sponsored an outdoor ecology day for students at Crossley Preserve. In the autumn, a volunteer naturalist led a walk for local residents through Crossley Preserve.

This year, the Trust and The Nature Conservancy jointly published a handbook entitled **The Landowner's Options Handbook — A Guide to Land Protection in New Jersey**. The handbook offers information to landowners on the various ways to protect the natural qualities of their land. Also developed in 1989 and available for interested groups is a 20-minute slide show on the purpose and activities of the Trust.

As the year comes to an end, so does my term as Chairperson of the Board of Trustees. The organization has grown solidly since 1984 — the year the Trust gained a staff and an executive director. During the past five years, land acquisition has increased, management policies have been clearly defined, and a volunteer program has been established. Trust landholdings have grown substantially from fewer than 800 acres in 1983 to over 3,000 acres in 1989.

I extend my sincere thanks to Tom Hampton and the excellent professional staff of the New Jersey Natural Lands Trust, to the Board of Trustees who have given consistently and enthusiastically of their time and knowledge, and particularly to Newton LeVine, Vice Chairperson for the past four years, who was always ready to step in during my absence. I look forward to continuing to work as an active Board member with the New Jersey Natural Lands Trust as it moves forward into the 1990s.

Sincerely,



Edward F. Babbott  
Chairperson

### Board of Trustees

*Policy for the Trust is set by an eleven-member Board of Trustees. Six members are appointed by the Governor from the recommendations of a nominating caucus of conservation organizations. The remaining five members are State officials.*

Edward F. Babbott, Ed.D.  
Nicholas Conover English  
Geoffrey Cromarty for Assistant Commissioner Helen C. Fenske — DEP  
James Hall for DEP Commissioner Christopher J. Daggett  
Honorable Walter Kavanaugh, Assemblyman, State House  
Commission Representative  
Frank Leary  
Newton LeVine  
Laura Sanders for State Treasurer Feather O'Connor

James Truncer  
John Weingart, Director of Coastal Resources — DEP

### Officers

Edward F. Babbott, Ed.D., Chairperson  
Newton LeVine, Vice Chairperson  
David F. Moore, Secretary/Treasurer

### Staff

Thomas F. Hampton, Executive Director  
Leslie DiCola, Ecologist  
Beverly Mazzella, Real Estate Coordinator  
Masha Rozman, Counsel  
JoAnne Ruscio, Management Assistant



# LAND ACQUISITION

**U**ndeveloped land fulfills many functions necessary for the continuation of life. Meadows, forests, and marshes provide habitat for wildlife. Wetlands help ensure clean drinking water, control flooding, and recharge aquifers, while woodlands, in addition to helping clean the air, offer respite from congestion for hikers, bird watchers, and others who enjoy nature.

The value of a parcel of land is determined by many factors — usually those factors include what the property can be converted into for high financial returns. The monetary worth of land preserved in its natural state is difficult to assess. How can one measure the financial value of a cedar forest or a freshwater stream? To the Trust, the significance of a piece of land is not in the possibilities for development but in the environmental and aesthetic contributions of the property.

In 1989, the New Jersey Natural Lands Trust acquired over 380 acres through several different methods: fee simple donations, conservation easements, and the fulfillment of mitigation requirements. The benefits of protected open space such as the parcels acquired by the Trust will be appreciated by the current and future residents of New Jersey.

## **Collins Easement Stockton, Hunterdon County**

Douglas and Lieselotte Collins granted a conservation easement to the Trust to permanently protect 2.8 acres of hardwood forest of American beech and shagbark hickory. Spice bush shrubs and blackhaw shrubs, along with wildflowers such as bloodroot, spring beauty, and toothwort grow on the property, which is crossed by two seasonal streams.



Leslie DiCola

Limestone Ridge Marsh Preserve, Warren County

## **Congleton Wildlife Sanctuary Hardyston Township, Sussex County**

In 1989, the Trust received from Commonwealth Land Concepts, Inc., an outright donation of 78 acres to be protected as a wildlife sanctuary. Conservation easements for open space preservation were granted on three adjacent properties in 1988, bringing the total

acreage to 122 acres. The Trust will receive conservation easements on the two remaining lots when they are sold.

The property was originally farmed by the Ohly family, who wished to preserve part of the land that had been owned by their family for more than two centuries. The Ohly family worked with Karl Kehde, a land-planning expert, and the Commonwealth Land Concepts, Inc., a company offering alternative land development projects. The farm was subdivided into five 15- to 22-acre lots. Deed restrictions were placed on each lot with a four-acre building site excluded.

The property consists of open fields, forested slopes, meadow, marsh, stream, and outcroppings of limestone with diverse habitats for wildlife.

## **Curlis Lake Easement Hopewell Township, Mercer County**

James and Rhonda Vinson donated an easement on a 9.5-acre portion of their property for preservation. The upland portion gently slopes to open and forested wetlands. Two small streams drain into Curlis Lake. Wildlife is abundant due to the diverse habitats on the land surrounding the lake and in the beechwood forest on the adjoining property. Although the easement is important in itself as open space, the value of the land may increase in the future by providing public access to the adjacent beechwood forest.

## **Earl Brugler Preserve Knowlton Township, Warren County**

Lawrence Fox donated two parcels to the Trust. The larger twenty-two acre parcel lies adjacent to the Delaware Water Gap National Recreation Area and is habitat for two endangered species—the timber rattlesnake and Cooper's hawk. This pristine tract, with its abundant wildlife and lush, green woodlands and wetlands, is typical of the New Jersey highlands. The site includes a mixed oak forest with some low-lying wetlands overlooked by a rocky slope.



### **Elm Spring Preserve Wantage, Sussex County**

Formerly part of the Elm Spring Dairy, this 10.8-acre parcel was donated by Joseph and Marie Colligan. The slightly hilly tract is mostly meadow that was used for grazing until 1974 and is currently undergoing natural succession. The meadow is abundant with wildflowers while the surrounding wooded area is a mixed oak forest. Three streams cross the lower field, which consists of sedges, grasses, and various ferns.

### **Moorestown Project Area Moorestown, Burlington County**

Once subdivided into small lots and now in individual ownership, the 170-acre tract is a valuable wetland habitat surrounded by dense development. In an effort to save the land, a Moorestown citizen group, Citizens Advocating Responsible and Equitable Zoning (CAREZ), asked the Trust to serve as the recipient of individual land donations. Due to the continued efforts of CAREZ, eleven additional parcels of wetlands and uplands were donated this year bringing the total number of parcels in this project to thirty-three.

### **Mystic Island Preserve Little Egg Harbor Township, Ocean County**

A State wetlands permit was issued in 1980 for the filling in of .72 acres of wetlands to construct an access road on Mystic Island. A condition of this wetlands permit required that .74 acres of filled wetlands be restored. The restoration was successful and the Trust received title to the replanted areas and 169 acres of adjacent unspoiled saltwater coastal marsh from S&J Development Corporation.

Mystic Island Preserve is a nesting site for the threatened species, the osprey. The preserve is tidal saltwater marsh edged by red cedar, bayberry, and flora that includes *Spartina alterniflora*, *Spartina patens*, and *Distichlis spicata*.

### **Primrose Brook Preserve Harding Township, Morris County**

The Primrose Brook Preserve was donated by the Prudential Insurance Company of America in 1989 to complete a mitigation requirement by the U.S. Army Corps of Engineers. The 87-acre tract is made up of meadow and scrub shrub wetlands and is adjacent to the Great Swamp Wildlife Refuge.

The preserve consists of a 5-acre buffer zone, 15 acres of wet grasslands undergoing planting, and 67 acres of emergent and forested wetlands. The conversion of the 15 acres of wet grasslands to forested wetlands is part of the mitigation requirement being undertaken by Prudential.

## **PROTECTING OPEN SPACE**

**D**evelopment pressure in New Jersey is intense. Out of the 5,000,000 acres that make up this diverse state, only about 725,000 acres are protected by public agencies. Even with the passage of the Open Space Preservation Bond Act in November, funding for acquisition is extremely limited. Land in New Jersey is more in demand than ever before. The unplanned development that is running rampant through New Jersey is changing the ecology of the Garden State at an alarming rate.

With the continued loss of open space, critical habitats of rare and endangered species are destroyed or permanently altered. Globally, 1,000 to 10,000 species are lost each year. In New Jersey, there are over 600 species of rare or endangered plants and animals. Since the 1800s, at least 33 of these species have been lost. The continued destruction of natural diversity hurts us all.

Realizing that much of the effort to preserve land must come from the private sector, the New Jersey Natural Lands Trust, with the New Jersey Field Office of The Nature Conservancy, published **The Landowner's Options Handbook** this past year. The handbook describes the various options available to landowners who wish to preserve the natural attributes of their property. It illustrates how property owners can work together with private, nonprofit conservation organizations and government agencies to preserve open space through a variety of methods that can be tailored to individual needs.

**Copies of THE LANDOWNER'S OPTIONS HANDBOOK are available from the New Jersey Natural Lands Trust office. There is no charge for the first twenty copies. Additional copies cost \$1 each.**



David B. Snyder

*Stiff Goldenrod—endangered in New Jersey.*



# FINANCIAL REPORT

DECEMBER 31, 1989

The Trust receives in-kind services for personnel, counsel, office space, and equipment. This cooperative relationship is not included in the financial sheet as no funds change hands. However, the benefit is real and comes from the Department of Environmental Protection with the exception of counsel, which comes from the Department of Law and Public Safety. The Trust is supported by State appropriations and not by membership dues or fees. The Trust thus spends only minimal amount of time and energy on advertising and fundraising activities. Its entire appropriation is devoted to staff salaries and the costs of acquisition and management of its lands.

Even more important than direct funding is the invaluable contributions of volunteers in terms of the assistance they provide. No dollar estimate is placed on this service.

The value of land as an asset is based on the monetary value placed on the property through either local tax assessment or appraisal of fair market value. Prior year land values have not been adjusted to account for inflation.

A Statement of Receipts and Disbursements is available upon request.

## BALANCE SHEET — GENERAL OPERATING

CURRENT ASSETS	DECEMBER 1989	CURRENT LIABILITIES	DECEMBER 1989
Cash - Checking	43,923.73	Donor Dedicated Funds	
Cash - State Accounts	42,182.22	Hovnanian Management Fund	10,964.24
Passbook Savings	700.00	Congleton Management Fund	16,257.12
General Investment Funds	202,476.78	Board Dedicated Funds	
Shorebird Fund Value	947,420.61	Wetland Acquisition Fund	89,055.55
Receivable - Lakehurst/Earle	988.15	Land Management Fund	38,506.23
Receivable - Coastal Zone Management	10,000.00	Hiss Acquisition	2,518.80
Land	6,958,333.00	Notecard Preparation	1,007.52
<b>TOTAL ASSETS</b>	<b>\$8,206,024.49</b>	Shorebird Dedicated Fund	
		Encumbered Shorebird Funds	589,431.30
		Unencumbered Shorebird Funds	357,989.31
		Nondedicated Investment Funds	44,167.28
		Limestone Security Fund	700.00
		Land	6,958,333.00
		General Net Worth	97,094.10
		<b>TOTAL LIABILITIES</b>	<b>\$8,206,024.49</b>

## DONORS

*The New Jersey Natural Lands Trust gratefully extends its thanks to those who have generously donated lands or endowments during the past year to help preserve and protect New Jersey's natural heritage.*

Robert and Helen Brody  
Citizens Advocating Responsible  
and Equitable Zoning (CAREZ)  
Joseph and Marie Colligan  
Douglas and Lieselotte Collins  
Commonwealth Land Concepts, Inc.  
Richard and Sheryl DiMedio  
Loretta Dougherty  
Fanwood Foundation

Lawrence Fox  
Mary Herbert  
Hovsons Inc.  
IWSWHS of Trenton  
Robert and Donna Jones  
William A. Nolan  
Prudential Insurance Company  
of America  
Charles and Nancy Rapp

S & J Development Corporation  
Jessie Sands  
Judith and Robert Spires  
Elaine M. Trout  
Richard and Elaine Young  
James and Rhonda Vinson

# THE HIGHEST AND BEST USE OF LAND

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by Nicholas Conover English

The "highest and best use" of land has often been regarded as the most dollar-productive use of the land. It is suggested herein that this concept is wrong and contrary to the public welfare.

Under the government's so-called police power, the use of land may be restricted in order to promote the public welfare. This is the zoning power. Zoning regulations are constitutionally invalid if they deprive the owner of making any use whatever of his or her property, but they may validly restrict a property to a use which is "appropriate" even if it is not the most profitable use. An "appropriate" use may, in some circumstances, mean leaving land in its natural state, so as not to destroy wetlands or pollute the water supply for example. The practical problem, however, is that all too often a municipality, in exercising its zoning powers, will regard "appropriate" as something approaching "highest and best use" in terms solely of profitability.

Unfortunately, the dependency of municipal budgets upon the property tax influences a municipality to zone for maximum tax revenues rather than for the larger public welfare, which a fair reading of the New Jersey statutes calls for. The over building and suburban sprawl in the headwaters of the Passaic River, with the consequent flooding downstream and degradation of the public water supply, result from municipalities in those areas being more concerned with their tax revenues than with the problems of people living downstream. Yet the latter are part of the public whose welfare the zoning power is supposed to consider.

While zoning restrictions may limit the use of land to something less remunerative than its most profitable use, it is a fact that in many instances developers will pay a higher price for land than its market value at the zoned use, in the expectation, and with the conscious intent, that the zoning restrictions can be attacked in the courts. In this situation, many municipalities will change the zoning to accommodate the developers rather than undergo the expense of a lawsuit; in short, expediency is made to triumph over sound planning and land-use restrictions geared to the public welfare. It is primarily the expense factor, plus the uncertainties inherent in litigation, that dictate this course of action,

even though the New Jersey courts have repeatedly declared that zoning restrictions are not invalid merely because another use would be more profitable.

In the celebrated Mt. Laurel case\*, the New Jersey Supreme Court was careful to say that the obligation to provide housing is always subject to environmental considerations, but this admonition has largely been ignored in practice. Perhaps it is not yet too late to heed it.

The repeated insistence by developers and land-owners that the highest and best use of land means its most profitable use, has engendered a widely held attitude that has skewed the land-use control system in this state. The result has been urban sprawl and environmental degradation. It is wrong to think of natural lands as being devoted to something other than their "highest and best use" — which may be as undeveloped open space. They are benefiting the many, rather than enriching the few.

So also with lands preserved in their undeveloped state by the New Jersey Natural Lands Trust. Such lands aid in the preservation of clean water and clean air, and in the protection of plants and animals with their irreplaceable contributions to the world's gene pool, and the peace of open space in the most densely populated of the fifty states. The Trust believes that open space should be maintained, and it is from this premise that we should begin our evaluation of "highest and best use".

What is required is a new conception of "highest and best use", a new ethic of land use and land ownership. Owners and developers should not look upon land as a consumable commodity to be exploited for immediate financial profit, but all of us should recognize, as the American Indians did, that we are custodians of natural resources and hold them in trust for the benefit and enjoyment of future generations — our children and grandchildren and their descendants to the end of time.

\*Southern Burlington Co. NAACP v. Mt. Laurel, 67 N.J. 151, 186 (1975); and see Caputo v. Chester, 92 N.J. 158, 311-312, 315 (1983).

# PRESERVES AND EASEMENTS

## Sussex County

1. Reinhardt Preserve
2. Elm Spring Preserve
3. Congleton Wildlife Sanctuary
4. Crooked Swamp Caves Preserve
5. Wallkill River Project Area
6. McCarthy Preserve

## Warren County

7. Limestone Ridge Marsh Preserve
8. Earl Brugler Preserve

## Morris County

9. Primrose Brook Preserve

## Hunterdon County

10. Isenburger Preserve
11. Readington Preserve
12. Collins Easement

## Somerset County

13. Flemer Preserve

## Middlesex County

14. Stevens Easement

## Mercer County

15. Highfields Easement
16. Curlis Lake Easement

## Burlington County

17. Taylor Wildlife Preserve
18. Moorestown Project Area
19. Holly Ford Ice Preserve

## Ocean County

20. Crossley Preserve
21. Audubon Easement
22. Barnegat Preserve
23. Lin-Lee Preserve
24. Lazarus Preserve
25. Kislow Preserve
26. Mystic Island Preserve

## Gloucester County

27. Big Timber Creek Preserve
28. Squankum Branch Preserve
29. Monroe Preserve

## Atlantic County

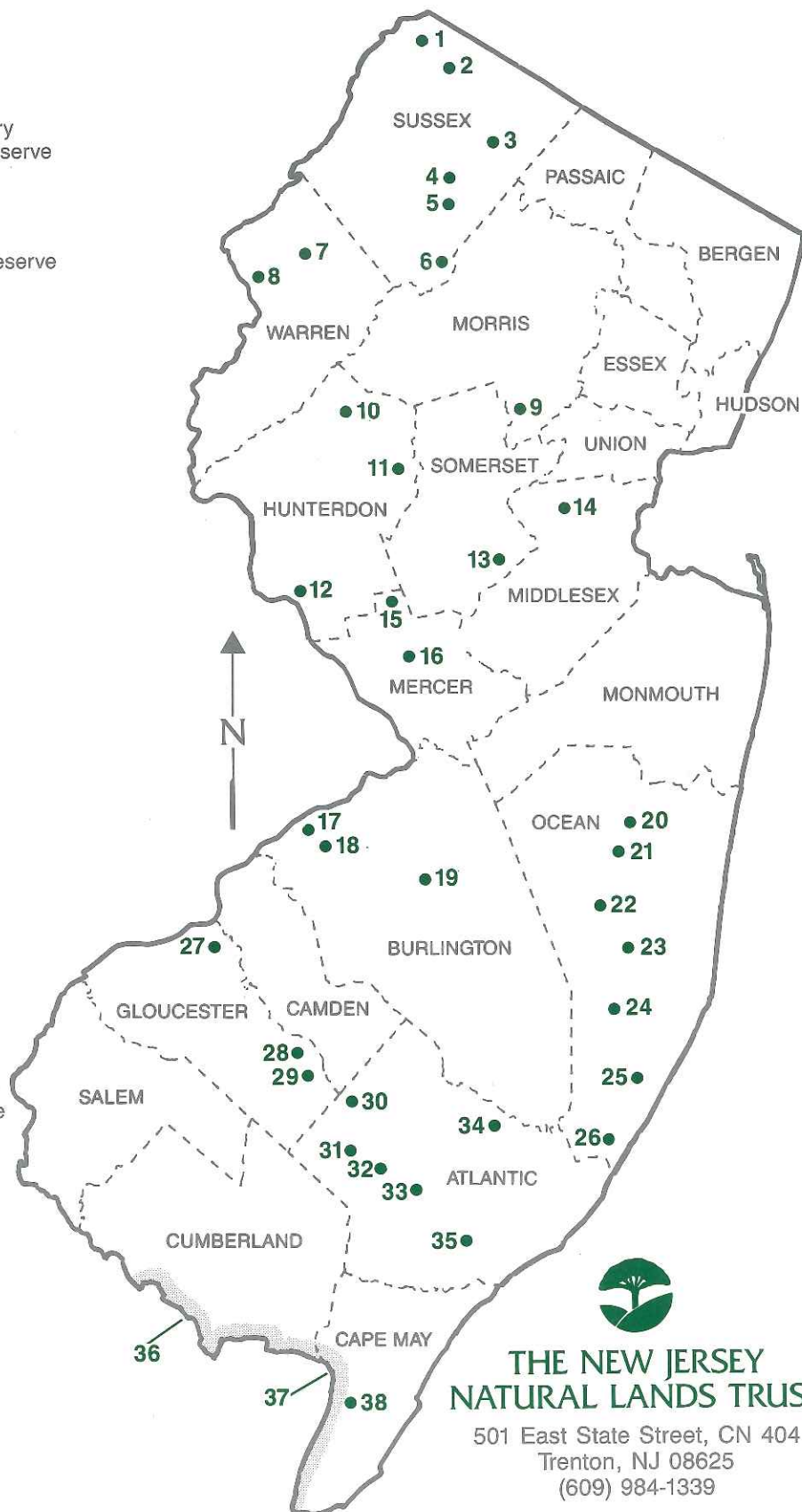
30. Folsom Preserve
31. Costa Preserve
32. Danenhauer Preserve
33. Hamilton Preserve
34. Clark's Landing Preserve
35. Heathercroft Preserve

## Cumberland County

36. Shorebird Project Area

## Cape May County

37. Shorebird Project Area
38. Frye Preserve



**THE NEW JERSEY  
NATURAL LANDS TRUST**

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