

**SAVE BARNEGAT BAY  
906-B Grand Central Avenue  
Lavallette, NJ 08735**

**Comments**

**To the Proposed Robert J. Miller Airpark Memorandum of Agreement  
Between the New Jersey Pinelands Commission and The County of Ocean**

**Submitted April 20, 2012**

Save Barnegat Bay (“SBB”) thanks the Pinelands Commission (the “Commission”) for this opportunity to comment on the proposed Robert J. Miller Airpark (“RMAP”) Memorandum of Agreement (“MOA”) between the Commission and the County of Ocean (the “County”). SBB also thanks the Commission for its time and for the opportunity to be heard at the hearing on the MOA, April 18, 2012.

SBB’s primary purpose is to protect and restore Barnegat Bay. Protection of the bay means guarding its watershed against disturbance, decimation and destruction. The Commission’s primary purpose is to protect the pinelands, under which lies the bay’s watershed. The Commission’s plans to allow expansion of the RMAP by issuing the MOA and permitting decimation and destruction of several hundred acres of protected bay watershed and by allowing the County to substitute lands illegally purchased with County Natural Lands Trust funds flies in the face of the Commission’s purpose to protect the pinelands and the Barnegat Bay watershed.

The Commission is improperly using an MOA to skirt compliance with the Pinelands CMP. The MOA acknowledges that the proposed RMAP development projects will adversely impact critical habitat and chop down essential bay watershed land foliage. “Obstruction removal in the form of tree removal and topping is proposed to occur within wetlands and the 300 foot wetland buffers.” (page 9, MOA, III., B.) Destruction of this valuable wetland buffer land and tree canopy directly impacts the bay’s watershed by decimating critical filtration lands. In proposing wetland buffer violations, against its own rules, the Commission is not only damaging preserved pinelands, it is unilaterally destroying the bay’s precious watershed lands. While the Commission and the County maintain that this work in the wetlands is needed for FAA safety compliance reasons, SBB questions the need to extend runway 6-24, remove acres of trees and scrub vegetation when selective tree-topping appears to be sufficient to the FAA.

The proposed crosswind runway will eliminate bay watershed lands, add increased contaminated storm water runoff to the bay watershed and further rob the bay of essential protected watershed lands. While the Commission and the County maintain that the crosswind runway is essential for safer landings, SBB maintains that the RMAP true agenda is expansion of private and charter jet traffic into the RMAP. With 9 additional T-hangers, extended taxiways, another runway, extension of the existing runway and an already improved terminal, the County’s thinly veiled attempt to claim that the crosswind

runway is needed just for safety reasons is ludicrous. Additional air traffic will be a direct result of the new, expanded takeoff and landing capacity of the RMAP. Although the MOA fails to address this obvious point, SBB recognizes that RMAP will simply be a busier airport that will in turn put further stress on already stressed bay watershed habitat and lands.

Most significantly, SBB objects to the Commission and County's plans to use Open Space Trust funds to purchase virgin pinelands that will *substitute* rather than restore land that the County intends to develop. The Pinelands CMP states that "the Commission must demonstrate, and the Commission must find that any proposed development that is not fully consistent with the standards of the Pinelands CMP is accompanied by measures that will, at a minimum afford an equivalent level of protection of the resources of the Pinelands as would be provided through strict application of the standards of the Pinelands CMP" (page 12, MOA, V. *emphasis mine*). *Substitution* of one parcel of virgin pinelands for another does not afford an equivalent level of protection for pineland habitat or the bay's watershed. The Commission is allowing the County to take away and destroy bay watershed land; no amount of replacement or substitute lands will bring back this valuable watershed land. The Commission's attempt to argue otherwise by going so far as to say that habitat destruction and wetland decimation may actually help certain endangered and threatened species by stressing their homelands is such a stretch of imagination that it doesn't even warrant a response.

Quite simply, the County plans to illegally use the Open Space Trust Fund (the "Fund") to buy pinelands that are currently undeveloped as *substitute* lands rather than remediating the pinelands that will be destroyed by the RMAP expansion. Bottom line: the law and the enabling legislation that created the Open Space Trust Fund do not allow the Fund to be used for land purchases that are blatantly designed to *substitute* virgin land for developed land. The voters who first created the Fund did not intend such misuse of the Fund nor may such misuse of the Fund be allowed now. SBB cannot stand idly by while the Commission allows the County to dip into the Fund to support development. The County and its partner in crime, the Commission, are setting dangerous precedent by using the Fund to finance development. Adding insult to injury, the Fund-financed development will destroy critical Barnegat Bay watershed that can never be replaced.

Save Barnegat Bay asks that the Commission refuse to enter into the MOA with the County.

Respectfully Submitted,

Ginger Harris  
Board Member, SAVE BARNEGAT BAY