



May 10, 2011

Jaime Corbett, Project Manager
Department of Environmental Protection
Office of Land Use Planning
401 East State Street
P.O. Box 420-07B
Trenton, NJ 08625-0420

RE: Draft Future Sewer Service Area

Dear Jaime,

Thank you for this opportunity to provide public comment on the Department's proposed future sewer service areas (SSA) in Salem and Cumberland Counties. We sincerely appreciate the Department's efforts to recognize and protect the ecological significance of the region and the precious yet vulnerable resources which define it. We support the DRAFT SSA mapping as proposed by the NJDEP.

As you know, the 17 non-profit organizations constituting the South Jersey Bayshore Coalition (SJBC) have been advocates for preserving the integrity of the region's forests, waterways and agricultural soils. Several SJBC members have been actively involved in this process and have repeatedly advocated for the protection of many of the environmentally sensitive sites and areas, which the Department has proposed to withdraw from future sewer service. We would like to reiterate our support for the draft map as proposed, and identify several locations of special concern where we believe it is critical for the Department to recognize the need to protect outstanding natural and cultural resources, and prohibit sewer extensions.

At this time, SJBC is not commenting on Cape May County since the county hasn't yet completed a draft WMP for public review and comment. We have also submitted an OPRA request to the state NJDEP requesting copies of county, municipal and/or individual petitions and Habitat Suitability Determination applications in cases where local government entities and other parties are contesting areas proposed to be removed from future SSA. Once these files are made available, it is SJBC's intention to submit a second letter.

In addition, SJBC recognizes that SSA extension into environmentally sensitive areas may be appropriate in certain limited circumstances, where it is necessary to facilitate a

Transfer of Development Rights (TDR) program. As outlined below, SJBC offers conditional support for the establishment of a SSA within an area of Hopewell Township where a TDR Receiving Area has been proposed, which overlays Grassland Habitat Rank 4 by NJDEP Landscape Project and the CAFRA Zone. The proposed TDR plan would protect 12,000 acres of farmland within the Sending Zone and result in the development of 1,112 acres within the Receiving Zone. The majority of the township represents state designated grassland habitat.

Please ensure that the following sites are removed from final SSA in the WQMP, except in Hopewell Township, where SJBC outlines conditional support.

CUMBERLAND COUNTY

- 1. Rudy's Airport:** The approximately 197 acre site (B101: L2, 5 and B102: L2 and B138: Lot1) off Weymouth Road (690) and Stanley Avenue abuts Willow Grove Lake and is located on the northern outskirts of Vineland where proactive city planning has discouraged public sewers since 1992. The site is situated along the upper reaches of the Maurice River and is adjacent to The Nature Conservancy's Willow Grove Lake Preserve. It is also within the City's designated Special Water Resources Protection Area for primary groundwater recharge. It is overlain by Rank 3 Forested Wetlands, Rank 2 Forest, and a designated Bald Eagle Foraging Area. As an important part of Vineland's northern greenbelt and potential future public access point to Willow Grove Lake, the site should remain outside of future sewer service.
- 2. Holly Farm:** The approximately 1,350-acre site (B582, L1) off Route 49 in Millville represents an epicenter for many of southern New Jersey's threatened and endangered plants and animals. It also lies within the heart of thousands of acres of preserved open space between the Manumuskin River and Menantico Creek - both designated National Wild & Scenic Rivers to either side of the site. This contiguous forest ecosystem represents a state-important biodiversity hotspot, containing both Pine Barren species and maritime elements of the Delaware Bayshore forest region. It contains part of a large Natural Heritage Priority Site ranked B2 Very High Significance, and overlain by Rank 4 Forest under the Landscape Project. Development of this site would sever a critically important wildlife corridor connecting the Cumberland Forest to the Pinelands. After eight years of negotiations and public hearings, the Board of Public Utilities (BPU) approved Atlantic City Electric's plan to sell the 1,350-acre tract to a development company. At the time of this writing, a coalition of environmental groups has challenged this decision. The developer has obtained only a general development plan from the city, which does not entitle SSA on the property. The SJ Bayshore Coalition (SJBC) and many other groups oppose development of this site and consider it the top priority for preservation within the state.

- 3. Durand Tract:** The approximately 80 acre site (B 578, Lot 19) off Gorton Road and northeast of Route 55 in Millville is nearly surrounded by the state's Menantico Ponds Wildlife Management Area and a Nature Conservancy Preserve. It is overlain by Rank 4 Forest under the Landscape Project and is adjacent to the federally designated, Menantico Creek Wild & Scenic River. Development of this site would significantly undermine public and private efforts to protect Menantico Creek's outstanding water quality and habitat for threatened and endangered species.
- 4. Buckshutem Tract:** The approximately 357 acre site abutting Buckshutem Road (670) is owned by the City of Millville (Block 124, Lot 16). The site is almost two miles (10,300 ft.) in length and borders the state's 15,702 acre, Millville (formerly Bevan) Wildlife Management Area. It is also located in the center of a large forest complex referred to as the Cumberland Forest, which a recent scientific study by the Nature Conservancy determined as one of the top four most ecologically-important, yet vulnerable natural areas in New Jersey. It is overlain by Rank 4 Forest under the Landscape Project. The site also includes a segment of Buckshutem Creek, which is designated as a Category-One Waterway under NJDEP's Surface Water Quality Standards, and drains to the community of Laurel Lake and the Maurice River. If Phase II of the Motorsports Park advances, much of the site will be cleared for such incompatible uses as an off-road course, restaurants, retail, R&D campus, ¾ mile tri-oval speedplex track, hotel, conference center, and storage facilities. This level of development intensity will significantly undermine the Division of Fish & Game's ability to protect listed species and sensitive habitats - particularly from illegal ATV riding that will result from creating an ATV park adjacent to hundreds of acres of state land.
- 5. Hanson Tract:** The approximately 405 acre site (Block 139, Lots 1-4) is located south of downtown Millville between Dividing Creek (555), Silver Run (627) and Buckshutem (670) Roads. It is owned by the Better Mat Corporation. The area is zoned as Agricultural Conservation (AC) and is farm-assessed. The eastern side of the site borders the Nature Conservancy's, Maurice River Bluffs Preserve. The site is largely forested and contiguous with the Cumberland Forest Complex. It also adjacent to a Natural Heritage Priority Site (B3 High Significance) and overlain by Rank 4 Forest and Grassland Habitat under the Landscape Project for a wide variety of state threatened and endangered species, including the Pine Barrens Tree Frog and Bald Eagle.
- 6. Wawa-owned parcels on Union Lake:** The Wawa Corporation owns two tracts of land along the shoreline of Union Lake within the City of Millville's Lakeshore Conservation (LSC) Zone. The site on the eastern side of the lake (Block 18, Lot 2) is referred to as the Wawa Tract and is 395 acres in size. The second site (Block 35, Lot 1) is approximately 60 acres and is situated along the south side of the lake along Carmel Road (608). It includes 3,710 feet of shoreline and offers commanding views of Union Lake from a maximum elevation of approximately 80 feet. Both sites represent ecological gems of statewide importance overlain by a

designated Bald Eagle Foraging Area and Rank 4 Forest under the Landscape Project. They are also contiguous with the adjacent 4,677 acre Union Lake Wildlife Management Area, which only increases their conservation value. They also provide a critical natural buffer to the intensively developed urban areas along Routes 47 and 49, and Union Lake. On April 13, 2011, the City Planning Board approved a land use plan for the Wawa Tract, which calls for the preservation of 210 acres of public open space along the lakeshore area. The plan calls for more intensive uses to along the eastern side of the tract, which would require public sewers. SJBC has gone on record supporting the plan as approved by the board, so long as sewers remain prohibited in the areas identified as Environmentally Sensitive State Planning Area 5.

- 7. SJ Hospital/Hopewell Nursery:** The approximately 694 acre area is located on the western outskirts of Millville within the city's rural Agricultural Conservation (AC) Zone. There are two sites which are bisected by Route 49. The northern site is 313 acres in size that is adjacent to Naab Avenue and currently owned by SJ Hospital (Block 3, Lot 54). The southern site is 380 acres in size and borders Fairfield Township. It owned by Hopewell Nurseries (Block 36, Lot 9). The area including both sites is several miles away from existing public sewer and abuts both pending and preserved farmland as well as two state Wildlife Management Areas, and the county fairgrounds. The area includes several hundred acres of contiguous, farm-assessed land on prime agricultural soils. At present only a general development plan has been approved at the local level. Extending sewers into this area will undermine the dominant agricultural land use of the surrounding area and represent a terrible example consumptive sprawl.
- 8. Upper Deerfield Township:** Sunset Lake 100 LLD has local approvals to build 374 homes on the 112-acre site (Block: 1601 and 1701; Lots: 1, 2, 5 and 12), which borders Old Deerfield Pike (606), Cornwell Drive (622), Sunset Lake and Cornwell Run Creek. To accommodate the homes at a density of five to an acre, the heavily wooded site will be clear-cut. Given the steep slopes and extensive frontage along Cornwell Run, we are deeply concerned that water quality at Sunset Lake will be adversely impacted as a result. The lake is part of Bridgeton City Park and serves as an important public swimming and recreation area for thousands of residents and visitors each year. Unfortunately, Sunset Lake is already closed to the public at times due to high bacteria counts. The mature woodlands and forested wetlands on the site are Ranked 3 under the Landscape Project, which needs to be updated to a greater conservation value since there is a documented population of state-threatened Swamp Pink (*Helonias bullata*), as well as state-designated Bald Eagle Foraging Area on site
- 9. Hopewell Township:** The Department has proposed to withdraw future sewer service from an area within the township where a TDR receiving area has been planned for some time. The boundary of the township's planned receiving area will be affected by DEP's proposed map in two areas. The northern Planned Village District is located south of Route 49, largely east of Barrett's Run Rd

(661), west of Bridgeton City, and north of Roadstown Rd (626). The southern Planned Village District is located south of Greenwich Rd (607), East of Barrett's Run Rd (661), west of Cubby Hollow Rd, and north of Trench Rd (699).

SJBC would like to express conditioned support for extending sewerage capacity to the proposed TDR receiving area districts in the following instances.

- a. DEP conditions final approval of future service area upon final local Master Plan and implementing ordinances and such state approvals as required at the time of local adoption.
- b. Final state approval of the future service area boundaries are conditioned on the township reducing the size of the proposed receiving district to reflect ongoing and prior farmland preservation activities occurring since 2005, when the current receiving area map was first proposed. This is necessary to reflect reduced build-out potential, which in turn reduces the need to extend sewage capacity to areas that are designated habitat (Grassland Rank 4) under the state's Landscape Project.
- c. Future sewer service is not extended east of Cubby Hollow Road, or south of Trench Rd (699). This area is not within the township's planned receiving area. However, Sunny Slope Farms has petitioned the state to have it included for future sewer service.
- d. A state DEP approved Habitat Conservation Plan (HCP) is developed that offsets and mitigates impacts to Landscape Project designated grassland habitat within the Receiving Zone, and implementation mechanisms are in place to make the TDR program effective.

SALEM COUNTY

- **Carneys Point Township and Oldmans Township:** Salem County has proposed an alternate or "potential" SSA map in Oldmans Township, which we feel is inconsistent with the WQMP rules set forth in N.J.A.C. 7:15-5.25(h). While the SJBC objects to this "potential" SSA, we also would like to stress that, should this area be approved, it should not extend east of Interstate 295. Likewise, in Carneys Point Township, the County has proposed a vast SSA spanning much of the Township. In both of these communities, the SSAs include areas that are environmentally constrained and mapped as critical wildlife habitat. Over 10,000 acres of forests - most of which are forested wetlands - exist in this part of northwest Salem County. The proposed SSA map overlays Landscape Project Rank 4 habitat, which includes one of the only known areas within South Jersey with documented sightings of State-endangered Bobcats. The SJBC strongly urges the DEP to remove environmentally constrained and sensitive areas from the SSA, especially those areas surrounding the NJ Natural Lands Trust Game

Branch Preserve. We believe that the Oldmans Township “potential” SSA proposal adequately buffers the Preserve and its associated habitat, however, the Carneys Point proposal does not. In Carneys Point, the proposed SSA is highly fragmented as the planners attempted to carve out as much developable space regardless of its size, proximity to wetlands or designation of critical habitat. The vast network of waterways and tidelands in both Carneys Point and Oldmans are critical to the environmental sustainability of the Delaware Bay Estuary and serve as globally important habitat for migratory birds. Both the Carneys Point and Oldmans proposed SSAs include important farming nodes that are essential components of the regional foodshed and agricultural complex. A water quality management plan should protect not only the agricultural land base, but also the water resources that are so vital to a viable agricultural industry. Carneys Point and Oldmans Township have adequate room for significant future residential and commercial growth. Both towns have developing business parks. The larger Gateway Business Park in Oldmans is under development in an environmentally sensitive area along the Beaver Creek. Both communities have ample room for growth west of the 295 corridor as well as extensive opportunities for infill development and adaptive redevelopment within their existing population centers and developed sewer areas. If the townships are interested in supporting urban and suburban levels of growth outside their existing town centers, they should be encouraged to pursue an inter-municipal or regional TDR program that will protect and preserve environmental and agricultural resources. In summary, the proposed SSAs in Carneys Point and Oldmans are far too large for this region and include far too many environmentally constrained and critical areas. The SSAs as proposed will promote unsustainable growth that will come with great environmental, social and economic costs to the region and should not be approved.

- **Woodstown Borough (Block 15, Lots 2, 3 & 29):** A habitat Suitability Determination has resulted in Lots 3 and 29 being re-assigned to the SSA after the Department’s initial recommendation for removal. The SJBC believes that the decision to include these lots in the SSA should be reversed and Lot 2 should also be removed from the SSA based on the presence of critical wildlife habitat. We refer to New Jersey Conservation Foundation’s April 12, 2011 letter to DEP for a detailed rationale regarding this recommendation.

Thank you again for the opportunity to comment.

Sincerely,

Matthew Blake, Manager
Delaware Bayshore Program
American Littoral Society

Kelly Mooij, Director of Government Relations
NJ Audubon Society

Sandy Batty, Executive Director
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Enclosures (1)