

RIVERHEAD NEWS-REVIEW

Editorials

Editorial: Pine Barrens Law applies to everyone, even the DEC

by [Riverhead News-Review](#) |
03/17/2016 3:13 PM

“What were we going to do? Ask them to replant the trees?”

So replied Brookhaven Town supervisor and former county legislator Ed Romaine when asked last week why the town took no action against the state Department of Environmental Conservation, which [it suspected of violating state law](#) by clearing a half-acre of trees in one of Long Island’s most protected areas. Specifically, Brookhaven believed that last summer, when the DEC cleared state land on South River Road in Calverton to create an updated boat ramp at Forge Pond, it did so without the required permission of the Pine Barrens Commission.

The answer to Mr. Romaine’s question is really quite simple: Yes, the town can ask the DEC to replant trees.

But instead of taking the agency to court, both the town and the nonprofit Pine Barrens Society — which for decades has held itself up as a protector of the environment — [have backed away from legal action](#).

No adequate reasons for this have been given.

The DEC can still be forced to replant the trees. More important, if that were to occur, it could set a legal precedent and ensure that, in the future, the DEC comes before the Pine Barrens Commission just as any other landowner would have to. Surprisingly, either such a precedent doesn’t exist or the DEC has brazenly ignored it.

According to the 1993 Pine Barrens Law, the Core Preservation Area comprises the “largest intact areas of undeveloped pine barrens.” It is a heavily protected swath of about 100,000 acres spanning from Coram to Flanders and from Wading River to the Great South Bay. The law’s purpose is to protect that land, which is deemed of “critical importance to the state because it overlies the largest source of pure groundwater in New York.”

Given the population density that surrounds it, this open land’s environmental value for future generations is beyond measure.

Because the Core Preservation Area is so strongly protected by the state, owners of private land within its boundaries must obtain waivers from the Pine Barrens Commission — a five-member council comprising town, county and state leaders — to take certain actions. Cutting half an acre of trees would unquestionably qualify as one of them.

The shoulder-shrugging that has occurred since this issue arose last summer is inexcusable. “Sorry, it won’t happen again” shouldn’t appease organizations concerned about the Pine Barrens, members of the Pine Barrens Commission or taxpayers.

A double standard now exists: It’s OK for the DEC not to seek a waiver for activity within the Core Preservation Area, but everyone else has to.

The DEC should absolutely replace at least some of the trees it cut down. And a precedent should be established that will prevent it from ever flouting the Pine Barrens Law again.