

30th Anniversary of the Pinelands

A 10 POINT POLICY AGENDA FOR THE NEXT 30 YEARS



About this Action Agenda

Thirty years ago, the United States Congress created the Pinelands National Reserve in order to "protect, preserve and enhance the significant values of the land and water resources of the Pinelands area." The following year, the State of New Jersey adopted the Pinelands Protection Act in order to achieve this goal through the Pinelands Comprehensive Management Plan (CMP).

During the past 30 years, the residents of New Jersey have been able to witness first-hand this great experiment in land-use planning and growth management called the Pinelands. The Pinelands National Reserve and Comprehensive Management Plan are unique achievements in our nation's history. It is a daunting task to manage land use in 56 municipalities, within seven counties, in the most densely populated state in the nation. In this context and taken as a whole, the Pinelands process has been remarkably successful at preserving large areas of ecologically sensitive lands within the heart of the Pine Barrens during the past three decades.

Like any innovative and far-reaching endeavor, its strengths and weaknesses become apparent only with time. Based on our experiences and knowledge of the Pinelands, we offer this Policy Agenda aimed at making the Pinelands' next 30 years even more successful than its first 30 years.

Policy Agenda

1. Implement the Comprehensive Management Plan (CMP)

Since the CMP forms the core of the Pinelands protection effort, it is critical that these regulations be strictly implemented. The CMP is basically a two-pronged protection effort. It is a regional land use plan that sets the types and intensities of development allowed in the different conservation zones across the region. It is also a set of development regulations designed to protect natural resources even where development is permitted. For example, threatened or endangered species in the Regional Growth Areas are entitled to the same level of protection as the same species in the Preservation Area. The CMP is a body of *regulations*, not guidelines to be renegotiated with each development or gov-

ernment agency that wants special dispensations. It is critical that the Pinelands Commission apply its rules consistently, year after year, development after development. In addition, the Pinelands Commission should do more to follow up on its approvals and make sure developers built what the Commission approved. By the same token, the state should repair a critical gap in the Pinelands Commission's powers: The Commission lacks the authority to issue citations and fines for violations of its rules, an enforcement mechanism that municipalities and other state agencies already have at their disposal. Having to rely on municipal governments or full-blown lawsuits in the trial courts makes enforcement haphazard, time-consuming and unnecessarily expensive for all parties.

Action Items -

- 1) *The Pinelands Commission must strictly implement its regulations equally in all management areas.*
- 2) *The Commission must avoid giving waivers and exemptions from CMP rules to the extent it has done during the past few years.*
- 3) *The Commission must be more thorough, systematic, and consistent in its review of project proposals, especially with respect to threatened and endangered species issues.*
- 4) *The state legislature should give the Pinelands Commission the same kind of enforcement powers that municipalities and other state agencies possess.*

2. The Governor, Senate and Counties Should Appoint Pinelands Commissioners Committed to Environmental Protection

The Pinelands Commission is made up of 15 commissioners: seven appointed by the Governor; one appointed by each of the seven Pinelands counties; and one person appointed by the U.S. Secretary of the Interior. The gubernatorial appointees are subject to the review and consent of the New Jersey Senate, and state senators often block or delay confirmations through use of senatorial courtesy for a range of illegitimate political reasons. These volunteer commissioners have final say over the activities of the Pinelands Commission, including enforcement and revision of the Pinelands Comprehensive Management Plan (CMP). Individuals appointed to the Commission must be genuinely committed to the overriding environmental mission of the



Commission, which is embodied in the terms of the Pinelands Protection Act.

Action Items -

- 1) *Recognizing that Pinelands Commissioners have extraordinary power over this unique area, it is imperative that governors and counties appoint individuals with an overriding commitment to protecting the Pinelands.*
- 2) *State senators must stop using the antiquated process of senatorial courtesy to block nominations by the Governor of qualified people to the Commission.*

3. Acquire Land for Preservation

The surest way to protect natural areas of the Pinelands is to buy them for conservation. The CMP is the law today, but it is still subject to political influence and conflicting interests. In many areas, the CMP already permits habitat fragmentation by scattered, large-lot development. It is vitally important that the State of New Jersey, counties and municipalities, and private nonprofits increase the rate of land acquisition, particularly in the Forest, Rural Development and Preservation Areas, while they can still be saved. Congress has authorized, but not yet appropriated all of the \$26 million set aside to purchase lands pursuant to the federal Pinelands Act. While most towns and counties have established successful open space acquisition programs, the state Green Acres program, which provides the funding that drives all these efforts, is now out of money and in need of renewal.

Action Items -

- 1) *A new urgency must be placed on acquiring natural lands in the Forest, Rural Development and Preservation Areas. This effort should include purchase of forested lands with Pinelands Development Credit restrictions, because these restrictions are not sufficient to protect natural resources.*
- 2) *The state and counties should place a high priority on purchasing natural lands outside the Pinelands boundary that affect downstream or nearby Pinelands habitats.*
- 3) *Congress should appropriate the remaining monies that were part of the current Pinelands acquisition fund authorization.*
- 4) *The people and government of New Jersey need to renew their statewide commitment to fund the Green Acres program.*

4. Become Better Stewards of Preserved Lands

The natural resources found in our public open spaces are not necessarily preserved simply because the land has been acquired and will not be developed. For example, eliminating wildfires will, over time, degrade the natural value of most Pinelands habitats, since it interrupts natural forest dynamics and reduces early successional habitats. The kind of prescribed fire usually practiced in the Pinelands does not help and can actually reduce habitat values for plants, wildlife and soil micro-fauna. The Pinelands needs a more sophisticated approach to natural lands stewardship that includes measures that replicate a natural wildfire regime. Further symptoms of poor stewardship include the presence of illegal and/or irresponsible Off Road Vehicle (ORV) traffic, collecting of rare species, and other harms to the land. Changes in the hydrology of wetlands - either raising or lowering of the water table - as well as a loss of water quality can destroy the very values that prompted protection in the first place.

Action Items -

- 1) *Government at all levels must direct attention, resources, and creativity to open space stewardship issues. PPA and other non-profit organizations must be committed to cooperate in addressing these concerns through forums like the Pinelands Stewardship Council and the Partnerships for Plant Conservation Committee.*
- 2) *The Pinelands Commission and other agencies need to periodically inspect lands preserved through the sale or transfer of development rights to ensure deed restrictions are respected.*
- 3) *The state should prepare and implement plans for state-owned lands. Currently there are few, if any, plans for how these properties are to be managed.*

5. Adopt New, Sustainable Development Philosophies in Pinelands Growth Zones

Most Pinelands efforts are focused on protecting natural resources in conservation areas. But in the long run this effort will fail if Pinelands growth zones are developed with typical sprawling subdivisions. So far, most Pinelands growth areas are models of the same inefficient sprawl development found elsewhere in New Jersey and across the country. This approach uses land very inefficiently, ensuring that we will run out of land far more quickly than we need

to and that we will continue to emit far more greenhouse gases than we would with better community design. The Pinelands rules currently do very little to ensure that development is done according to sustainability principles. Government and industry need to change this approach and build neighborhoods that feature compact, mixed-use development with a variety of housing options: waste minimization, water conservation, bicycle/pedestrian/public transit-friendly transportation networks, energy-conserving green buildings, native plant landscaping, enhanced stormwater design, and communities that take advantage of using existing agriculture and wildlife corridors as their boundaries.

Action Items -

- 1) *The Pinelands Commission should partner with non-profits and industry professionals to develop a sustainable design vision for the Pinelands region.*
- 2) *The Pinelands Commission should amend the CMP, and municipalities should adopt ordinances, to encourage innovative sustainability principles and enhanced site design in Pinelands growth areas.*

6. Government Needs to Protect the Aquifers on Which People and Nature Depend

There is growing evidence that the pumping of the Kirkwood-Cohansey aquifer is lowering the water table and draining wetlands in many parts of the Pinelands, yet government has so far failed to address these and expected future impacts on a cumulative, regional basis. In addition, we can no longer focus our efforts only on the Kirkwood-Cohansey Aquifer system as the sole aquifer of concern for the Pinelands. The aquifers beneath the Pinelands and beyond are currently being stressed to their limits. Water levels in almost all of the aquifers are declining on an annual basis, putting even greater pressure on the shallow Kirkwood-Cohansey Aquifer to provide potable water.

Action Items -

- 1) *The State needs to mandate greater water conservation at all levels of government. This includes, state, county and local government.*
- 2) *The State needs to update the water allocation rules so that they are more sensitive to potential impacts to surface water bodies from groundwater withdrawals from shallow aquifers.*
- 3) *Since water can be exported up to 10 miles beyond the*

Pinelands boundary, there needs to be greater accountability to determine if this requirement is actually being followed.

7. Government Needs To Protect and Restore Water Quality

Numerous studies show that development is polluting Pine Barrens habitats with excessive nutrients and other contaminants such as pesticides and herbicides. This creeping threat to native plants and animals does not respect political or property boundaries, and we are losing Pine Barrens habitats even in the highly-protected Preservation Area and in state parks and other preserved lands. Contamination from septic systems, fertilizers and road runoff is also poisoning Barnegat Bay and other coastal estuaries, which are losing aquatic vegetation, shellfish and other species to the effects of eutrophication. State, regional and local governments have no common policy agenda to turn back this tide.

Action Items -

- 1) *The State of New Jersey, the Pinelands Commission and county and municipal governments need first to publicly recognize the critical threats to water quality from urban, suburban and agricultural development in the Pinelands.*
- 2) *All levels of government need to work with scientists, nonprofits, the farming industry and community groups to devise and implement new policies to address these threats. Such policies should include native plant landscaping, replacement of traditional septic systems with community wastewater treatment, innovative storm water treatment strategies in place of current practices, regulation of fertilizer use, and stronger controls on pesticides and herbicides.*
- 3) *The Pinelands Commission should require 300-foot wetland buffers even in Regional Growth Areas and re-designate intact headwaters and other natural areas to receive greater levels of protection under the CMP.*

8. The Pinelands Commission Should Lead the Charge to Promote Native Species and Control Non-native and Invasive Plants

The CMP states, "Vegetation represents the most visible element of the essential character of the Pinelands...." Yet the vegetation standards of the CMP are lax, vague, and unenforceable. The result has been numerous and routine planting of non-native and invasive species throughout the Pinelands. Prominent vegetation communities, such as on roadsides and in lakes, are regularly destroyed, and landscaping plans

explicitly include the use of non-natives, lime, and fertilizers. The Pinelands Commission has yet to take effective action and could make matters worse by ceding more of its authority to the municipalities and other public agencies.

Action Items -

- 1) *The Pinelands Commission needs to reject development applications that do not strictly meet the vegetation standards of the CMP, and oversee landscaping practices.*
- 2) *The Pinelands Commission should work with nonprofits, builders and municipalities to strengthen its landscaping and vegetation standards to ensure that developments and public projects use native species.*
- 3) *The Pinelands Commission and state, county and local public works departments should work together to restore Pinelands roadsides to their past status as prime habitat for characteristic and rare Pine Barrens flora.*
- 4) *The Commission needs to update its list of "threatened and endangered plants of the Pinelands" so that it is consistent with the official state list of plant conservation priorities.*

9. Government Should Increase Avenues for Public Participation

The Pinelands that we know today is in part the result of the efforts of dedicated individuals who had a vision for long-term preservation and took action to realize that vision. They educated their fellow citizens and challenged elected officials in a relentless campaign to save the Pinelands while it was still possible. Public access to the processes of government is critical for citizens to continue that campaign and safeguard the conservation achievements of the past thirty years. Current administrative procedures discourage public participation and too often give citizens the sense that their voices do not matter in comparison with those of government officials and businesses. Meetings are generally held during the day, and the Commission's procedures and standards are often very complex, and thus discourage public participation.

Action Items -

- 1) *The Pinelands Commission should re-institute its public involvement subcommittee to find ways to increase public participation in its work and in protecting the Pinelands. The Pinelands Municipal Council represents municipal officials. The Agricultural Advisory Committee represents the agricultural community. Even the foresters have the Forestry Advisory Committee. The public at large has no*

such special forum in which to influence Commission priorities and procedures.

- 2) *The Pinelands Commission should step up its public outreach, aimed not only at justifying all its actions, but also at the more important goal of building public understanding of the CMP and its development review procedures.*

10. The Pinelands Commission Needs Broader Planning Authority

The Pinelands Commission has great power over new development in the state Pinelands Area. It has very little or no authority over planning transportation infrastructure, exploitation of the aquifers, or wastewater treatment. Yet all these fields of activity affect the Pinelands environment and the ability of the CMP to meet its goals. In addition, the CMP covers the entire 1.1 million acres of the Pinelands National Reserve, but the state Pinelands Protection Act deprives the Commission of authority over development in the coastal zones and some other parts of the National Reserve. As a result, the coastal areas and other excluded lands are being drastically over-developed with predictable results for our coastal estuaries. Atlantic City drives massive sprawl development into the Pinelands, yet there is no co-ordinated planning for the Atlantic City metropolitan area. To succeed over the next 30 years, the Pinelands protection program must be strengthened to incorporate all these issues into a coherent regional planning process.

Action Items -

- 1) *The governor should appoint a study committee to explore how to achieve coherent regional planning that includes the entire Pinelands National Reserve and the Atlantic City metropolitan area.*
- 2) *The governor and legislature should expand the planning authority of the Pinelands Commission to include the key infrastructure areas of transportation, water supply and wastewater treatment. For example, the governor should designate the Pinelands Commission as the Metropolitan Planning Organization (MPO) for southern New Jersey.*

Pinelands Preservation Alliance

The Pinelands Preservation Alliance (PPA) was founded in 1989 as a 501(c)(3) charitable organization to advocate for preservation of the Pinelands and to educate the public about these extraordinary natural and cultural resources of this region.