



Making Wildlife Protection a Reality

Smart Growth Recommendations from New Jersey Future

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How and where we grow is the most important factor in determining if New Jersey's wildlife and vital natural areas used as habitat are preserved. Habitat destruction – often the result of uncoordinated and poorly planned land development – is the single biggest threat to wildlife.

Despite the fact that New Jersey is projected to be the first state in the nation to reach full build-out, in 20 to 40 years, opportunities to preserve habitat are plentiful: roughly one-third of the state is undeveloped but not preserved. When combined with the state's preserved lands, these lands – ranging from scattered marshlands in the urbanized Raritan Bay to unbroken forests to farm fields – provide habitat for a startling array of wildlife, including 73 state threatened and endangered species. This land must be carefully managed.

State and local government – using land purchase, zoning, and regulatory powers – will play a large role in the fate of these remaining open lands. In order to protect wildlife, coordination among all levels of government is required, as is the willingness of government to incorporate environmental data into existing plans and regulations.

Tools to Use

The Wildlife Action Plan & Landscape Project

New Jersey has two important sources of wildlife and habitat data that provide an excellent base of information to inform governmental land use decisions: the Wildlife Action Plan and the Landscape Project.

The New Jersey Wildlife Action Plan

Submitted to the U.S. Fish and Wildlife Service (USFWS) by the NJ Division of Fish and Wildlife in October 2005, the Wildlife Action Plan is a blueprint for conserving wildlife before it becomes too rare and costly to protect.

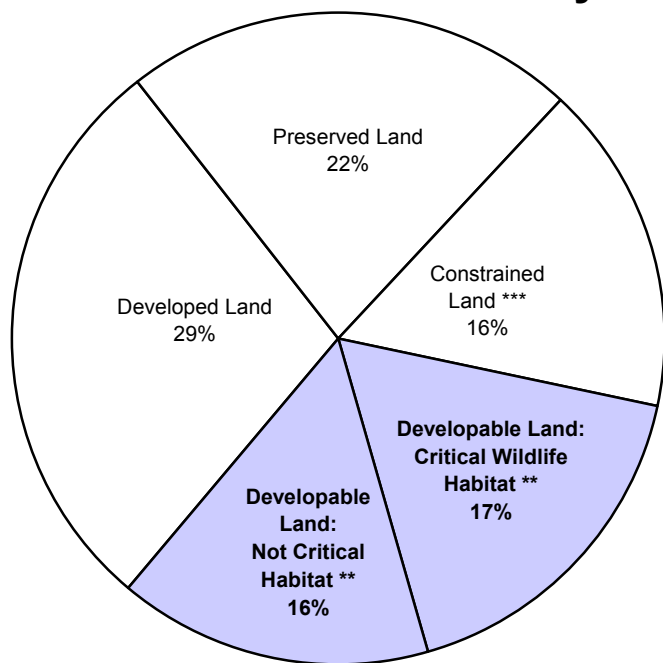
The Action Plan, required by the federal government in order for New Jersey to continue qualifying for State Wildlife Grant funding, offers valuable wildlife and habitat preservation recommendations for all levels of government. Because a wide array of partners, including government agencies, conservation and planning groups, landowners, and other members of the public helped develop the draft plan, its collaborative roots are seen throughout the document in its guidelines for better coordination of wildlife protection among state and federal agencies, municipalities, and partners in the conservation community.

Recommendations in Brief

1. Develop a Wildlife Action Plan implementation strategy and long-term monitoring plan.
2. Strengthen partnerships with local officials and land use professionals.
3. Empower local governments to protect biodiversity.
4. Make the New Jersey State Plan the focus for integrating the Wildlife Action Plan into state agency planning, spending and regulation.

For detailed recommendations, see page 4.

Land Use in New Jersey *



About half of the land estimated to be available for development is critical wildlife habitat.

** Based on preliminary estimates from NJDEP. Sources include aerial photography from 1994, satellite imagery from 2000, Green Acres, and the NJ Department of Agriculture.*

*** Critical habitat is Landscape Project Areas 3, 4 and 5.*

**** Wetlands, beaches, or water that is heavily regulated and not suitable for development.*

The Action Plan is currently a draft; the public can provide comments through December 31, 2005. View the Plan at www.nj.gov/dep/fgw/ensp/waphome.htm. In March 2006, USFWS will adopt Action Plans submitted by all 50 states and compile them into a national wildlife plan.

The Landscape Project

Created in 1994, New Jersey's Landscape Project is an ecosystem-level geographic information system that identifies areas that are critical for at-risk animal species. The Landscape Project is an integral part of the Wildlife Action Plan, which its data was used to create.

By showing critical habitat locations, Landscape Project maps are an important tool to help state agencies incorporate wildlife protection into their goals, including land management, land acquisition, land planning and transportation planning. For example, the State Planning Commission could consistently use Landscape Project maps to delineate growth and conservation areas in the State Plan, which in turn could support a tiered approach to regulations by the Department of Environmental Protection – meaning that regulations are stricter in conservation areas. Landscape Project information is on the Division of Fish & Wildlife website: www.nj.gov/dep/fgw/ensp/landscape/index.htm

Working Together for Wildlife Protection: NJ's 2005 Wildlife Summit

Recognizing the importance of collaboration in wildlife protection, more than 140 professionals came together in April 2005 for the first New Jersey Wildlife Summit. The summit's goal was to discuss how partner agencies and organizations could most effectively contribute to the implementation of NJ's Wildlife Action Plan.

Summit attendees participated in facilitated discussions to generate implementation strategies on topics ranging from public lands management to invasive species to state and regional planning. The 2005 summit was such a useful forum that the Division of Fish and Wildlife intends to hold a wildlife summit every five years when they update the Wildlife Action Plan.

The summit was organized by the NJ Division of Fish and Wildlife and NJ Future and hosted by Duke Farms. Cosponsors included NJ Audubon, The Nature Conservancy, NJ Conservation Foundation, ANJEC, Conserve Wildlife Foundation of NJ, American Littoral Society, NJ Federation of Sportsmen's Clubs, Pinelands Preservation Alliance, and Environmental Law Institute.

Land Use Resources for Wildlife Protection

State and local land use planning, land use regulations, and land purchases can all be used to protect wildlife and habitat – particularly if the Wildlife Action Plan and the Landscape Project are integrated into these powers.

The State Plan

The State Plan should be the starting point for municipal and regional decisions about land use. If the State Plan is used in concert with the Wildlife Action Plan and Landscape Project, it can help state agencies and local governments determine what types of land use plans and regulations are needed to protect species and habitats.

The State Plan already recognizes the importance of habitat and species protection. One of its goals is to “protect the natural resources and qualities of the state” including “areas of unique flora and fauna.” The State Plan also includes a policy to protect open lands and natural systems including to “...protect biological diversity through preservation and restoration of contiguous open spaces and connecting corridors ... for the protection of wildlife habitat.” In addition, the State Plan map identifies areas suitable for growth and preservation – in large environmentally sensitive areas and small “Critical Environmental Sites” (located within growth areas).

Yet, despite the State Plan's stated commitment to habitat protection, in practice, the application of habitat data to identify State Plan preservation areas remains inconsistent. It is critical that this gap be filled, particularly in light of the fact that the State Plan is being increasingly used by state agencies to guide their regulations and development decisions. For example:

- The Board of Public Utilities adopted regulations making it less expensive for developers to build in State Plan “smart growth areas” and more expensive elsewhere.
- The Department of Environmental Protection has proposed to withdraw out-of-date sewer service plans outside of smart growth areas.
- The Department of Transportation set aside funds for transportation improvements in approved “centers” and other growth areas approved through Plan Endorsement.

Because the State Plan is an increasingly important factor in agency development decisions, adequate wildlife and habitat protection is becoming more and more dependent on the meaningful integration of habitat data into the State

Plan and the State Plan map. For information on the State Plan, visit: www.nj.gov/dca/osg/plan/index.shtml

Municipal Land Use Planning

Municipalities have considerable control over how land is developed and preserved. Three important tools at a municipality's disposal are the conservation element of a master plan, the Plan Endorsement process, and use of Transfer of Development Rights. Towns should integrate wildlife data into the use of these tools.

Conservation Element

Municipal master plans may include a conservation element to provide for the "preservation, conservation, and utilization of natural resources." Natural resources include "endangered or threatened species of wildlife." While a conservation element is optional, it can help towns identify local natural and cultural features, and to outline strategies to preserve these resources. This element should be used to evaluate potential development impacts to habitats and other natural spaces and be the basis for zoning ordinances and other regulations to protect wildlife.

Plan Endorsement

The Plan Endorsement process – where towns petition the State Planning Commission for a finding of State Plan consistency – could support habitat protection, particularly if the State Plan is revised to incorporate habitat data. Plan Endorsement has the potential to bring many municipalities into the fold: some 80 towns have initiated participation in the Plan Endorsement process so far; another 150 – 200 are expected to apply in the next few years. New Jersey Future is developing recommendations to ensure that the Plan Endorsement process leads to on-the-ground implementation of the State Plan through revisions to local master plans and zoning ordinances.

Transfer of Development Rights

The Municipal Land Use Law authorizes the use of Transfer of Development Rights (TDR), allowing towns to implement the landscape-scale preservation for habitat protection using private resources. Towns are using TDR to protect farmland, historic districts, and environmentally sensitive areas, such as Montgomery Township's Sourland Mountain. Planning grants from the state TDR Bank and the Office of Smart Growth help towns enact TDR. For more information on TDR, visit www.nj.gov/dca/osg/resources/tdr/index.shtml

Land Purchases

Land acquisition, while permanent, has a high price tag which limits its application and highlights the importance of combining land purchases with planning and regulation. The Green Acres program is an important piece of the land purchasing equation; the Garden State Green-

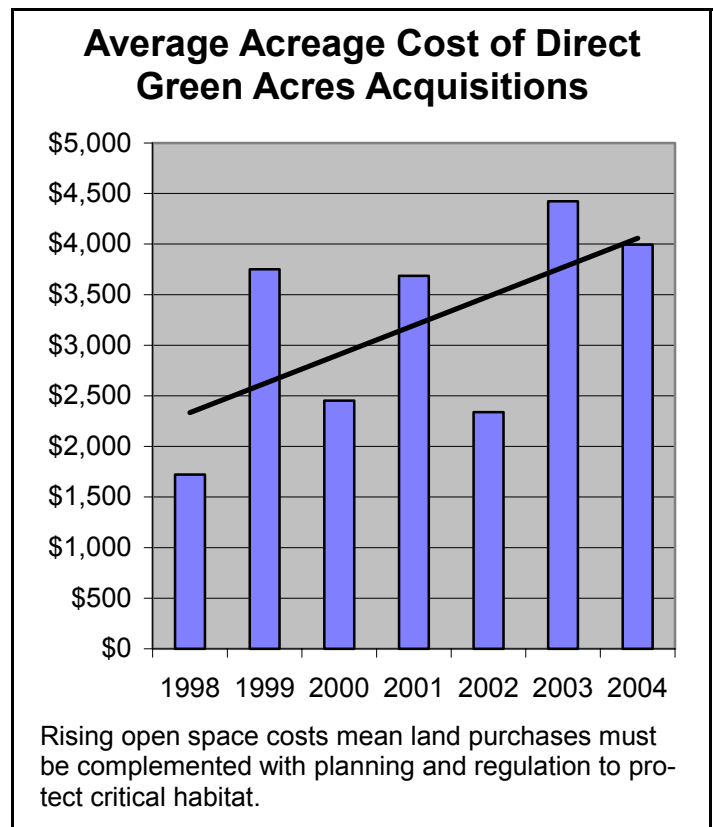
ways program can help guide land purchasing decisions to make them as strategic as possible. Both of these tools should be used in conjunction with the Wildlife Action Plan and Landscape Project data to maximize their effectiveness for habitat preservation.

Green Acres

The Green Acres program has funded protection of tens of thousands of acres of open space, both through direct funding and through annual matching grants to local government and non-profit organizations. The program selects its direct state acquisitions based on a variety of factors, mandated by law, with protection of water resources taking top priority. Nevertheless, Green Acres estimates that 86 percent of its direct acquisitions in 2004 were critical habitat designated by Landscape Project data.

Garden State Greenways

A new tool, developed by the state in partnership with the New Jersey Conservation Foundation, offers a useful planning resource to allow all levels of government to coordinate and plan for open space purchases systematically and cooperatively, across county and municipal boundaries. Garden State Greenways provides an interactive statewide map of undeveloped lands; map-based information to assist in open space planning on the local, county, regional and statewide levels; and a database listing municipalities with open space plans. This tool is available at www.gardenstategreenways.org.



Recommendations for Implementation of New Jersey's Wildlife Action Plan

New Jersey Future calls on the State's Department of Environmental Protection and State Planning Commission to take the following actions to ensure coordinated wildlife protection in New Jersey:

1) **Develop a Wildlife Action Plan implementation strategy and long-term monitoring plan with continued input from potential partners.**

- a. Engage potential partners – from all levels of government and in the conservation and planning communities – to develop a short-, medium-, and long-term implementation strategy to ensure broad input and future collaboration.
- b. Assign responsibility for monitoring implementation of the plan to a steering committee with broad membership such as the Endangered and Non-Game Species Advisory Council (ENSAC). Ensure that the body is representative of the full array of potential DFW partners. Create a seat for a representative of the State Planning Commission staff.

2) **Strengthen partnerships with local officials and planning professionals through an outreach campaign.**

- a. Develop a printed Executive Summary of the Wildlife Action Plan and distribute it to local planning boards and commissions, professional organizations for planners and engineers and conservation organizations. Include clear recommendations on how the Plan and Landscape Project maps can be incorporated into local land use decision-making.
- b. Work with non-traditional partners such as the League of Municipalities, the Office of Smart Growth, the County Planners Association, and ANJEC to establish new opportunities for reaching local officials, including participation in seminars and conferences.

3) **Empower local governments to protect and manage biodiversity.**

- a. Create a tool kit for local governments to protect habitat that includes guidelines for incorporating the Wildlife Action Plan and Landscape Project maps into Natural Resource Inventories, Habitat Conservation Plans and model ordinances.
- b. Enhance the Landscape Project training to include: 1) advice on integrating the data into local land use plans and ordinances, 2) successful case studies (such as the sub-regional conservation planning in the Pinelands), and 3) relevant court decisions. Partner with land use planning groups to market the training.
- c. Work with organizations that grant funds for local conservation planning and land acquisition to ensure those programs incorporate biodiversity protection.

4) **Target the New Jersey State Plan as a central point for integrating the Wildlife Action Plan into state agency planning, spending and regulation.**

- a. Work with the DEP Commissioner to promote consistent and transparent application of habitat data into the State Plan map and to ensure appropriate consideration of wildlife protection in the Plan Endorsement process.
- b. Train the State Planning Commission and relevant agency staff, including DOT, DCA and Agriculture on the Wildlife Action Plan and the Landscape Project.
- c. Sponsor a seminar with the State Planning Commission and its staff to discuss ways to incorporate the Wildlife Action Plan into state agency programs, planning and spending.

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