

Agenda To Restore Barnegat Bay

June 24, 2010

Barnegat Bay and Little Egg Harbor are in a state of severe ecological decline, with negative consequences for the region's wildlife and economy. Its decline is a direct consequence of urban development of the Bay's watershed, polluted runoff, a failure to avoid the negative impacts of the industrial use of the bay's waters by the Oyster Creek Nuclear Generating Station, and inadequate public policies to protect the Bay. The people of New Jersey can restore the Bay by demanding bold and comprehensive action of their government, from the state to the municipal level. This policy agenda sets out the course we must take now to restore Barnegat Bay to environmental health and revive its irreplaceable natural, recreational and economic values.

The state of scientific knowledge about the Bay and the causes for its decline are well established, and the policies and actions required to reverse that downward spiral are clear. While continuing research and monitoring are critical to supporting and guiding the initiatives that will restore the Bay to health, the ongoing need for research provides no basis for delaying actions that are already long overdue.

1. Public Commitment

The **Governor** and **all elected officials** must make a public commitment now to restoring Barnegat Bay's natural resources and ecological functions through enactment of the following policies and programs. This commitment must be expressed through an enforceable instrument such as an Executive Order from the Governor, or a memorandum of agreement between all levels of government.

The Governor and other leaders should acknowledge publicly that the current system of municipal zoning and state permitting of development has created the problem, and that reliance on uncoordinated and voluntary action by all the many relevant government agencies will not be effective. A new, watershed-wide and ecosystem-based management approach is necessary and must be implemented through law and regulation.

2. Watershed-Based Growth Management

The **Governor** must institute a program of watershed-based growth management aimed at dramatically reducing the amount of nutrients flowing into the Bay from human activities in the Barnegat Bay watershed. This program must:

- a. Create science-based nutrient and water quality performance standards for new development in all parts of the watershed and the marine waters sufficient to achieve the restoration goal.
- b. Require individual development actions to meet these performance standards. The program should enable new development to meet performance standards in part through retrofitting existing development to reduce its nutrient inputs.

- c. Require all levels of government (state, regional, county and municipal) to take a watershed perspective that is protective of the ecosystem in their planning and permitting actions.
- d. Revise municipal zoning, CAFRA rules, the Pinelands Comprehensive Management Plan and Wastewater Management Plans to meet the watershed-based performance standards, retain remaining natural lands, and direct new development into established communities.

3. Immediate Actions Based on Existing Authorities

While these nutrient performance standards and implementation processes are being developed, the state, local and regional government agencies must take immediate action to curtail nutrient inputs to the Bay and reduce other impacts to the ecosystem using currently available authority, including:

- The **State** must issue the pending NJPDES permit requiring the installation of closed cycle cooling systems at Oyster Creek Nuclear Generating Station.
- Within one year, **Ocean County** must complete and implement its new Wastewater Management Plan based on the fundamental goal of restoring Barnegat Bay.
- The **State**, **Ocean County**, and **Municipalities** need to step up acquisition and permanent protection of remaining open spaces.
- The **State**, **Pinelands Commission** and **Municipalities** must use the stormwater rules, Pinelands regulations, and local ordinances to require that new development use low-impact development techniques that reduce the volume of stormwater and reduce nutrient inputs (rather than control only the rate of stormwater flows and remove only sediments). Such techniques should include:
 - Maintain the natural topography, vegetation and soil structure on both a watershed and site specific scale.
 - Convert no more than 25% of a lot, to a maximum of 500 sq. ft., from native vegetation to turf or other maintained landscaping.
 - Reduce or cease the practice of collecting and concentrating stormwater into centralized basins.
 - Require compact development lay-outs.
 - Preserve riparian buffers.
 - Minimize impervious surface area.
 - Encourage green roofs and rain gardens.
 - Create a non-native vegetation/turf replacement incentive program for existing homeowners.

- The **Governor** should accelerate the funding and implementation of restoration projects that:
 - Restore, maintain and expand stream and bay buffers in the watershed.
 - Repair and retrofit poorly functioning stormwater basins and systems.
- The **State** needs to implement water conservation measures because virtually all water use in the watershed is wholly depletive of the aquifers and surface waters sustaining Barnegat Bay:
 - Complete a water supply master plan for the aquifers of Southern New Jersey that will ensure truly sustainable use of the aquifers, protect them from unsustainable demands due to continued growth, and restore surface water flows to the Bay.
 - Cease new or increased allocations of water from the Kirkwood-Cohansey aquifer.
 - Limit domestic watering of lawns and mandate the use of rain sensors/cut-offs for all irrigation systems.
 - Require the installation of low-flow toilets, rain barrels and similar methods in new development, and the replacement of existing toilets with low-flow designs as a condition of new developments.
 - Require new development to maintain all natural soils and landscaping except where absolutely necessary, and to restore top soils where removed, altered, or compacted.
- The **State** needs to update the state soil conservation regulations to require the planting of and natural re-colonization by native vegetation in cleared and landscaped areas.
- The **State** needs to revise the Residential Site Improvement Standards to include narrower street widths and narrower pavements, reduce parking lot requirements, and allow for shared parking.
- The **State** and **Municipalities** should require continuing education in low impact development for members of land use boards, professionals, and consultants.

4. Legislation

The **Governor** and **Legislature** must enact new legislation to:

- Control the formulations and times of sale and application of fertilizers for residential use and commercial/public landscaping.
- Require the preservation and restoration of soil function and prohibit soil compaction in new developments.

5. Regulation Reforms

State agencies must revise their regulations, including:

- The **Pinelands Commission** should amend the Pinelands Comprehensive Management Plan, and the **State** should amend the CAFRA rules to require the protection of native vegetation and prohibit the alteration of natural soils during construction and maintenance activities.
- The **State** and **Municipalities** should incorporate the impervious cover limits of the CAFRA rules into the Water Quality Management Planning regulations, the Wastewater Management Plan, and local zoning ordinances.
- The **State** and **Municipalities** should implement the ground and surface water quality standard of 2 parts per million of nitrate in all development reviews and permitting.
- The **State** must adopt the pending proposed amendments to the Surface Water Quality Standards that extend the nutrient narrative criterion to marine waters.
- The **State** must enforce the current Water Pollution Control Act anti-degradation policies pertaining to Barnegat Bay, and expand them to the tributaries of the Bay.

This agenda is advanced by the following organizations:

American Littoral Society – Tim Dillingham (732) 291-0055

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GRAMMES – Grandmothers, Mothers, and More for Energy Safety - Janet Tauro (732) 295-3874

New Jersey Audubon Society – Eric Stiles (908) 766-5104

New Jersey Conservation Foundation – Emile DeVito (908) 234-1225

Ocean County chapter of the Sierra Club – Greg Auriemma (732) 451-9220

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Save Barnegat Bay – Jennifer O’Reilly (732) 830-3600