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Community Planning in an Ecologically Sensitive Landscape: The New Jersey Pinelands

How do suburban communities interact with fragile natural environments? What political mechanisms can effectively reconcile growth and preservation interests in ecologically sensitive areas? My paper has to do with community planning in a protected watershed. Encompassing much of south-central New Jersey, the Pinelands National Reserve consists of about 1.1 million acres, or 22% of the total land area of the state. It is home to cranberry and blueberry growers, a number of endangered animal and plant species, and fifty-six municipalities, from the outer Philadelphia suburbs in the west to the Jersey Shore in the east. It was also an early experiment in collaborative institutional design. Created by both a 1978 federal statute and the state Pinelands Protection Act of 1979, its administration takes the form of a combination of municipal, county, state, and federal governments.

Pinelands communities have their own unique identity based partly on the landscape in which they are embedded. At the same time, they face similar pressures for growth as in other areas of the nation's most densely populated state. I am interested in the way that Pinelands communities negotiate their ecologically sensitive physical surroundings and their complex political environment. In the broader study on which this paper is based, I present data to illustrate the development pattern over time in the Pines, and to show how this pattern differs from the statewide development pattern. It turns out that the Pinelands Reserve is the only region in the state that fulfills the "smart growth" vision of land use development, as opposed to a

sprawl pattern of uncoordinated growth. I then use interview data and document analysis to explain how and why this unusual model of collaborative governance works to balance regional environmental integrity and local community integrity.

I identify two main explanatory factors. One is the regulatory power of the agency, which has to do with the institutional and political setting in which it arose. The Pinelands Commission lacks the resources to monitor implementation of its plan. But binding state and federal statutes and the leadership of key political figures created a framework for successful planning and a clear line of bureaucratic authority. The second important factor is local buy-in. The Pinelands Commission enjoys a largely cooperative relationship with municipal governments. This has to do partly with the agency's ability to reward and punish municipalities for their actions. I find that two other important variables contribute to local cooperation. One is the promotion of a Pinelands culture and sense of identity. The other is the presence of a watchdog citizen group that serves as an unofficial liaison between the commission and Pinelands residents.

The research findings defy conventional wisdom in a couple of ways. First, collaborative planning appears most effective in an institution with top-down authority. Command-and-control and collaborative policy making are often seen as mutually exclusive, but here the latter appears to benefit from the former.[1] Second, the Pinelands Commission achieves positive long-term relations with other state agencies, municipal governments, and citizen groups despite excluding these groups from the collaborative body itself. This finding flies in the face of much of the literature and recent practice regarding the design of collaborative planning institutions.[2] The

[1] Wondolleck, Julia, and Steven Yaffee. *Making collaboration work: Lessons from innovation in natural resources management*. Washington, DC: Island Press. 2000.

[2] Innes Judith. "Planning through consensus building: A new view of the comprehensive planning ideal". Journal of the American Planning Association 62 (1996).460-472; Fung, Archon, and Erik Olin Wright. "Deepening democracy: Innovations in empowered participatory governance". *Politics and Society* 29 (2001).5-41; Healey, Patsy. *Collaborative planning: shaping places in fragmented societies*, 2nd ed. New York: Palgrave Macmillan. 2006.

takeaway is that collaborative planning must be evaluated in context. Other forms of interaction – such as top-down policymaking and grassroots conflict – have been somewhat discredited in the move to collaboration. Under certain circumstances, however, such as those present in the New Jersey Pinelands, they may be beneficial to it.

New Jersey is no stranger to the problem of urban sprawl. GIS data show that urban development gained momentum from 1986 through 2007.[3] Most of this was sprawl development, defined as development growth that significantly exceeds population growth (NJ State Planning Commission 2011). The urban growth into formerly rural areas in central and northwestern New Jersey, and the lack of new development in urban areas in northeastern New Jersey, are particularly telling. The only region where the development pattern envisioned in the State Plan has consistently occurred is the Pinelands Reserve. A Lincoln Institute study is clear about where the credit belongs: "The Pinelands has been able to retain its environmental quality and unique character because of the regional comprehensive management plan".[4] Growth has occurred near existing centers, and large tracts have remained wild. How and why does it work?

Conservation-minded activists, both inside and outside of government, worked for over two decades to win passage of the Pinelands legislation. The Department of Interior had researched the unique Pinelands ecology and deemed it of national significance. Public opinion in New Jersey strongly favored preservation. Pinelands preservation advocates lobbied the governor's office, the state DEP, Congress, and the Department of the Interior. National environmental NGOs like the Audubon Society took up the cause. Under continuing pressure from the pro-preservation factions of their constituencies, and under the leadership of

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[3] Hasse, John E., and Richard G. Lathrop. *Changing landscapes in the Garden State: Urban growth and open space loss in New Jersey 1986-2007*. Executive summary. NJ: Rowan and Rutgers Universities. 2010, p.4.
[4] Ingram, Gregory K., Armando Carbonell, Yu-Hung Hong, Anthony Flint. *Smart Growth Policies: An Evaluation of Programs and Outcomes*. Cambridge, MA: Lincoln Institute. 2009, p.185.

Congressman James Florio, the New Jersey congressional delegation cooperated on federal legislation. The law passed in 1978 despite significant opposition from some municipal and county governments, developers, and landowners.[5] The subsequent state legislation found a champion in Governor Brendan Byrne, who, along with Congressman Florio, made creation of the Pinelands Reserve his signature issue.

The land use authority for the reserve is the Pinelands Commission (PC). The commission presents what I call a "networked regulatory model" for participation that is less inclusive than advocates of collaborative planning would desire (Figure 1). Neither state agencies nor member municipalities are represented directly on the commission. A minority of members (7) are appointed by the governor, with the remainder chosen by Pinelands counties (7) and the federal Department of Interior (1). That is not to say this setup discourages horizontal collaboration: the PC must work with other agencies to determine how state laws will be implemented in the reserve (this is the "networked" part). But the Pinelands rules make clear that administration of the reserve is in the hands of a single agency whose authority trumps that of other state agencies. The federal presence also strengthens the authority of the institution. The Department of Interior has the authority to withdraw federal support if the PC fails to follow the goals of the Act. The federal government also pays for environmental and economic monitoring in the reserve.

The PC formulates, revises, and administers the Pinelands Comprehensive Management Plan, a binding land use plan that channels development to receiving areas and limits it in environmentally sensitive areas through a "transfer of development rights" (TDR) mechanism. A Municipal Council represents local interests. The commission is required to consult with the

[5] Robichaud Collins, Beryl and E.W.B. Russell, eds. *Protecting the New Jersey Pinelands: A new direction in land-use management*. New Brunswick: Rutgers University Press. 1988, Ch. 3.

Municipal Council in its policymaking, but the council cannot veto PC decisions. Any municipality refusing to conform its planning to the Pinelands Plan effectively forfeits its planning authority to the commission.

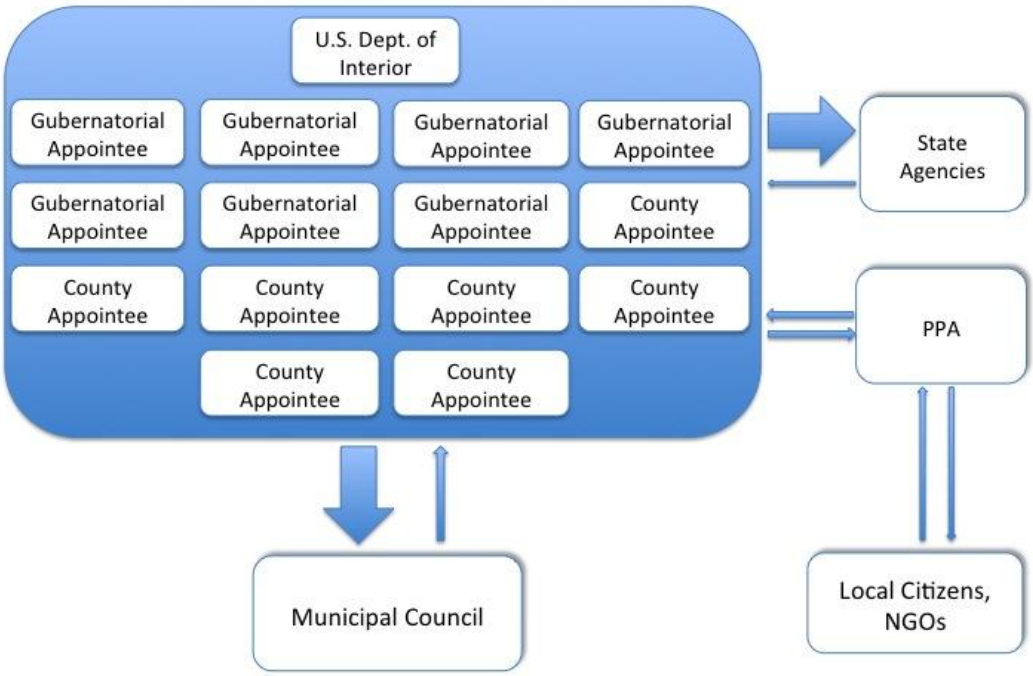

Figure 1 – Networked Regulatory Planning Model (NJ Pinelands Commission)

Why do locals accept the authority of the Pinelands Commission? The most common explanation is that they have no choice. But this is not entirely true. The commission lacks the resources to monitor local compliance with the plan once a municipality has been deemed in conformance. Thus, voluntary local cooperation is essential to effective implementation of the Pinelands Plan. Municipalities cooperate for several reasons. First, the plan gives them certain incentives. The TDR mechanism defines sending and receiving areas for growth. Those in preservation areas can sell their development rights to those in receiving areas, so both can benefit. The PC offers municipalities some financial help in complying with the plan, and its

staff works with them to help them accomplish their own land use goals within the outlines of the plan.

Second, the PC does a good job of promoting the Pinelands to its residents. It cultivates and enhances an already existing regional identity through educational partnerships with Pinelands schools as well as continuing education programs and classes for residents. PC staff work with other institutions in the region to inform residents of the many natural treasures of the Pines.[6] The annual environmental and economic reports also bolster the PC's credibility with municipalities by documenting the diverse benefits to inclusion in the Pinelands Reserve.

In addition to the structured collaboration between the commission and municipal governments, informal cooperation has arisen between the commission, environmental NGOs, and residents of Pinelands towns. An umbrella group, the nonprofit Pinelands Preservation Alliance, consolidates the efforts of NGOs. It provides publicity and press coverage for the commission's activities. It also relays information to the commission about violations of the plan witnessed by residents. It thus serves a very important function in helping the PC achieve legitimacy and compliance locally despite the PC's lack of resources for monitoring. The Alliance also mobilizes citizen action (sometimes in opposition to the commission) on issues of particular local importance.

In sum, the Pinelands Commission was created in a political context that favored a strong regulatory institution. Public opinion favored natural resource protection. Prominent politicians staked their reputations on the Pinelands Reserve and continue to defend it publicly. Federal legislation provided a framework and a mandate for state action. In the ensuing thirty years, a set of expectations and professional expertise grew around the requirements and bolstered a positive Pinelands identity.

[6] http://www.state.nj.us/pinelands/edu

Second, there was less effort to include all stakeholders and levels of government in the institution than one would expect today, and more success at inviting their collaboration with the institution from outside. Local governments have a stake in the functioning of the institution even though they are not included directly in it. The Pinelands Commission has successfully cultivated a Pinelands culture and identity that give a sense of common purpose. The PC also enjoys legitimacy through strong ties to grassroots groups, particularly the Pinelands Preservation Alliance, which fosters long-term community participation in Pinelands planning. And the successful plan has become self-reinforcing to a certain degree.

More generally, this paper suggests that command-and-control regulatory authority does not preclude collaboration; indeed, it can in some ways enhance it. Likewise, inclusion in the institution is not the only way to build long-term ties between local citizens and regional planners. In the Pinelands case, the successful implementation of the plan resulted from a collaborative process embedded in a context of binding regulatory authority and grassroots activism. There is both a clear mission set from above and coordinated citizen pressure from below. The networked regulatory model appears to have facilitated both horizontal and vertical collaboration without giving all relevant participants a seat at the table.

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