



## STATE-WIDE WRAPUP

by Jeff Tittel, Chapter Director

*"It's not how well you farm the land but how well you farm the government."*

In 1935, New Jersey's first State Plan proposed to save 2 million acres of farmland. In 1998, Governor Whitman proposed to save half a million acres of farmland. So far in New Jersey we have only permanently protected approximately 150,000 acres of farmland.

Current farmland zoning practices are producing more houses than crops in our farm fields. When East Amwell and Readington changed from 2 acre to 6 acre residential zoning (a change that reduced the number of new building lots that could be put on a farm), the former Secretary of Agriculture, Art Brown, opposed the change, and the Farm Bureau joined with the NJ Builders Association in a lawsuit to try to stop the rezoning. The Vice President of the Farm Bureau who sued was just named the new Secretary of Agriculture.

When Governor Whitman obtained her open space and farmland legislation, the agricultural community won language in that legislation that requires basing the cost of buying (i.e. protecting) land on whatever zoning was in place in 1998. This year additional legislation was passed mandating that land acquisition values be based on whatever wastewater management planning rules were in place in 1998. This makes for a very confusing method of appraisals, and also makes the land more expensive. It's like trading in your 1998 car this year and getting the 1998 value of the car. Land should be appraised at fair market value. The net effect of these rigged valuations is to make the land more expensive: for a fixed appropriation of open space dollars, it means we save less land.

Another program that is supposed to help save farmland is the Farmland Assessment Program. Any property in New Jersey that is five acres or larger, and produces \$500 worth of income per year, can get a tax break. Such lands are assessed at only 5% of their market value. This tax break results in over \$250 million a year in revenue loss to municipalities alone. The program is used by many developers to bank land for years - until they are ready to build. 14 of the 18 largest farmers in New Jersey are developers or real estate speculators. In some counties half of all farmland is owned by developers and real estate speculators taking advantage of a Program that is supposed to protect farmers, but is instead used to protect developers. When they convert this land to development they pay virtually no penalty. Of the remaining farmers, 25% of those receiving Farmland Assessment are "gentlemen farmers" - estate owners selling wood or hay to neighbors.

Most people think that farms are benign to the environment. This may have been true 100 years ago, but today farms use a tremendous amount of energy, water and chemicals. Yet most environmental protection laws and regulations either exempt farms or permit self-regulation. For example, cranberry growers in the Pinelands who apply fertilizers, pesticides and herbicides are exempt from surface water quality standards. According to the USGS, nitrate levels in South Jersey wells are the highest in the country. Almost all those nitrates come from farms. The worst violator of clean water standards in New Jersey is a farm in Hunterdon County. There are no limits on the amount of groundwater that can be withdrawn for farm irrigation and this has led to the depletion of aquifers in many parts of

## The Myth of Farmland Protection in New Jersey: a Special Report

New Jersey. There are also special exemptions for the agricultural industry in New Jersey's Freshwater Wetlands Law, such as the one that allows destruction of 10 acres of wetlands per year to expand a cranberry operation.

The farm lobby is one of the most powerful in the State, due not only to its own power but to its alliances with the NJ Builders Association, the chemical lobby, realtors and other groups that have historic anti-environmental records. Earlier this year it worked with the chemical industry and the builders to pass legislation that prevents municipalities from having standards stricter than the DEP's when it comes to cleaning up farmland contaminated by historic pesticide use, such as arsenic. The DEP regulations were written by the agricultural

industry. The Farm Bureau is more pro-development even than the Builders Association. Many towns that try to plan and zone to save farmland have seen the wrath of the farm lobby. Harassment, intimidation and threats are all tactics that have been used to stop towns from downzoning. It opposed the State Plan the first time around; it opposed preservation in the Highlands; it opposed strengthening the watershed rules; and it opposed TDR legislation.

The Secretary of Agriculture is not picked by the Governor (with advice and consent of the Senate), but rather is appointed by the State Board of Agriculture. According to the New Jersey Law Journal, "this arrangement turns the New Jersey constitutional structure on its head." It's like the Chemical Industry Council appointing the DEP Commissioner. The Board of Agriculture also directs agricultural research at Cook College and has used its power to block environmental research on the impacts of farming.

The Sierra Club wants to protect farming in New Jersey. We desire to change the Farmland Assessment Program as other states have done so that only real farms qualify. (For example, in New York State you need 10 acres and \$5,000 worth of farming income to qualify.) When farmland goes to development there should be a stiff penalty, such as the imposition of full taxes for the previous 10 years, and with those moneys going to the Farmland Acquisition Program. We would like to see zoning densities that protect the viability of agriculture rather than promote development, such as the Agricultural Preservation zoning in the Pinelands. Another option, used by Maryland's Agriculture Protection Area, permits a property owner either to sell development rights or transfer development rights to a growth area. New Jersey desperately needs legislation to allow transfer of development rights. Farms and agri-business should have to comply with the same environmental protection rules and regulations that apply to everyone else, and enforcement should be by the DEP. We need a Secretary of Agriculture picked by the Governor (with the advice and consent of the Senate), who is answerable to the people rather than to the farm lobby. The Board of Agriculture should include representatives from consumer groups, environmental groups and farm workers. According to the US Department of Agriculture, we are losing farmland faster today than at any time in our State's history, and twice as rapidly as any other state. Unless we work to change the way we do business, the next generation of children will have to go to the mid-West to see a farm.



## EYE ON WASHINGTON

by Dennis Schvejda, Chapter Conservation Co-Chair and Federal Issues Coordinator



### BUSH ADMINISTRATION

The League of Conservation Voters released its 2001 Presidential Report Card, assigning President George W. Bush a D- for poor environmental performance during his first year in office. The 32-page report grades the administration on appointments (D), budget (D+), and initiatives (F) ranging from energy and climate change (F) to pollution and public health (D). The report card shows that corporate interests, and not the public interest, drive administration policy.

The environment was rarely mentioned in President Bush's first State of the Union address. The address, which came at the end of the President's first year in office, was focused on the war on terrorism.

In response to the address, the Sierra Club urged the President to match his commitment to safeguard our borders against terrorism with a renewed effort to protect our homeland—and the wild places that make it so special—against pollution, drilling and other development by the energy, mining, and logging industries.

The Bush Administration announced that it will no longer consider a business' record of environmental, tax or labor abuses when handing out federal contracts, overturning a rule put in place on former president Bill Clinton's last day in office. Bush's Office of Management and Budget, which reviews federal rules, has also singled out 12 other guidelines on environmental protection for change or abolishment.

### AGRICULTURE

Charles Schwab — whose net worth is estimated to be \$4 billion — doesn't have to foot the entire bill for his private duck club. He gets plenty of financial help in the pursuit of his sport. Last year, he and his family received \$564,000 in federal price supports for growing rice.

Despite having a real agricultural economy, New Jersey gets shafted when it comes to federal aid. A new study released last week shows that, over the past five years, New Jersey has netted only \$1 for every \$1,580 in federal farming subsidies doled out by Congress.

### AIR POLLUTION

The Bush Administration has given every indication that it wants to weaken an important law that forces dirty, coal-fired power plants to clean up their emissions. The prospect of regulatory rollback has prompted many utilities to snub a long-standing government push to install expensive clean-air upgrades to their old generating plants. Why bother when Washington may soon make the costly rules go away?

### ARCTIC REFUGE

President Bush claimed that America's workers support his controversial proposal to open the Arctic National Wildlife Refuge (ANWR) to energy exploration. But conservation groups say many labor leaders oppose the plan, and the shareholders of oil giant BP are asking the company to carefully weigh the risks of drilling in the Refuge.

John Hovis, United Electrical, Radio and Machine Workers of America Union General President, had this to say: "The Bush-Cheney scheme to drill for oil in the Arctic National Wildlife Refuge, and

*The Sierran's Quarterly Report  
On Major Environmental  
Issues Before The U.S. Congress  
and Federal Agencies*

to encourage oil and gas drilling in other sensitive areas of our country, is no solution. The large energy corporations who have crafted the Bush-Cheney plan are merely looking to cash in on their election 'investment' at the expense of the environment and consumers."

The Interior Department has concluded that oil drilling in the ANWR would not violate U.S. treaty obligations to protect polar bears, rejecting at least two draft reports by its main biological agency suggesting otherwise.

### BUDGET

The budget released by the Bush Administration - the nation's first deficit budget in four years - is meeting criticism from all corners, particularly from the environmental community. At a press conference, representatives from several conservation groups denounced the financial "shell game" employed by the administration to fund its priorities.

### ENERGY

With war in the oil-rich Middle East and memories of energy shortages last year, President Bush is offering a new budget that pushes development of more oil, gas and coal on public lands in the West.

A federal agency has found that allowing a company to drill eight natural gas wells on federal land adjacent to the Upper Missouri River Breaks National Monument and within it will have little environmental impact.

The Bush Administration is opening the red rock country near two of Utah's popular national parks to oil and gas drilling, over the objections of some park rangers in the Southwest and government scientists.

A proposal to search for oil in the Big Cypress National Preserve by detonating dynamite in 14,700 holes and drilling a 11,800-foot exploratory well has won initial approval from the National Park Service.

The Bush Administration appealed a federal court ruling that effectively halted new oil drilling off the California coast by requiring state officials to review any new exploration plans.

Because of a compromise between the Bush Administration and the President's brother Jeb, the Governor of Florida, the federal government will sell leases for petroleum drilling off Florida for the first time in more than a decade.

A dozen years have passed since the Exxon Valdez struck Bligh Reef and dumped 11 million gallons of North Slope crude into Prince William Sound, in Alaska. But new studies have found that oil still fouls some beaches while certain species continue to suffer and have yet to bounce back.

### ENRON

Vice President Dick Cheney said he would not give congressional investigators records from the Administration's energy policy development, inviting what legal experts say would be the highest profile court fight between Congress and an administration since Watergate.

Former Enron Chairman Kenneth Lay, a friend and backer of President Bush, gave the White House recommendations for appointment to a federal energy commission last spring. Bush eventually appointed two of the people on Enron's list.

President Bush and Vice President Cheney have said their refusal to give Congress information about the administration's contacts with energy industry executives was based on the executive branch's fundamental right to receive "unvarnished" advice from people outside the government. But two months

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