

Caring For Backyard Conservation Buffers

A Guide to Protect Clean Water and Wildlife.



The watershed region drained by the Stony Brook and Millstone River covers 265 square miles and includes 26 municipalities and five counties located in central New Jersey. The Stony Brook-Millstone Watershed Association was established in 1949 and works with municipalities, local organizations and citizens to protect and improve water, ecosystems and land use decisions in our watershed region.

How land is protected or developed is reflected in the quality of our streams.

Backyard Conservation Buffers

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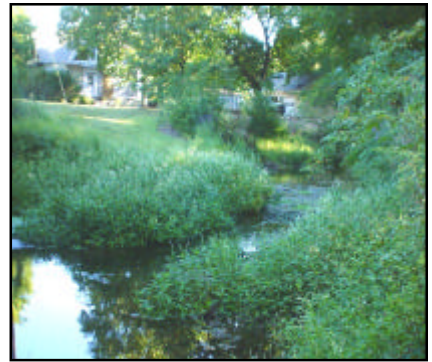
Sensitive environmental areas are often impacted by nearby roadways, commercial, and residential developments. This construction can reduce forest cover and wildlife areas, and increase stormwater runoff and pollutants from fertilizers, pesticides, road salts, or dumping. The best way to protect sensitive areas is by restricting construction activities and by providing protective conservation buffers around streams, lakes, wetlands, floodplains, and critical wildlife habitat areas.

This guide will help residents like you better understand: 1) why your property may include protected conservation areas and their importance, 2) laws and regulations that prohibit certain activities in these areas, and 3) how to care for a conservation buffer in your backyard.

Importance of Conservation Buffers

Conservation areas should be protected because they benefit all citizens in a variety of ways: by filtering pollutants and keeping our streams and drinking water clean; by controlling storm runoff to prevent flood damages; by controlling erosion; and by providing wildlife habitats and recreational opportunities.

In the past, construction was not carefully regulated and over 39% of the wetlands in New Jersey have been drained, farmed or filled. In addition, thousands of homes and businesses were built in dangerous flooding zones along our streams and rivers. Wildlife areas have become fragmented or lost, which is a primary cause for declines in wildlife populations.



Citizen Awareness is Essential

A conservation area is best left in its natural state, because disturbance can reduce its usefulness as a wildlife habitat or stream buffer.

Federal, state and municipal laws now offer the needed protection for these important conservation areas. But these lands are often privately owned, and maintenance and stewardship of these sensitive environmental areas is the responsibility and role of residents and property owners.

Preserving conservation areas is effective only when residents and community members understand 1) where these areas are located, 2) the ecological benefits provided by these areas, and 3) respect their role in protecting them.

Educating residents and businesses will help protect conservation areas and will help avoid potential costly legal or enforcement actions if disturbances occur, such as clearing trees. Look for information about conservation areas and restricted activities in your town newsletters, calendars, website, or with your tax records. Or contact your town planning office for information and assistance.

Ecological Benefits of Conservation Areas

- Provides wildlife habitat
- Reduces water pollution
- Protects water supplies
- Minimizes impacts from storms, flooding, and droughts
- Refreshes our air quality
- Provides recreational opportunities
- Provides aesthetic and economic values to the community

Protective Policies

When you purchase property, the deed may already identify conservation easement areas that need to be left undisturbed. However, newly adopted regulations and laws, such as stream corridor ordinances or wetland rules, could affect your property without being identified on your deed. These rules create a conservation area similar to a utility easement right-of-way, which is protected against being disturbed, even though you own the land.

Some developers place sensitive environmental areas under a protective **Conservation Easement**, which is a permanent, legal restriction that is recorded on your deed and filed with the county clerk. An easement ensures that the current and future property owner abides by any conservation restrictions. These conservation easements may be deeded to the town, who is responsible to ensure that the easement area is not violated by disturbances, such as clearing.

NJ Conservation Buffer Laws

Conservation areas are present in all communities, and they may be in your backyard. New Jersey officials recognize that the most cost effective way to protect drinking water, reduce flood damage and preserve wildlife habitats is to protect these areas from development. Restricted activities in conservation buffer areas are typically outlined in state laws and regulations enforced by the NJ Department of Environmental Protection (NJDEP), and by local municipal land use ordinances. Listed below are a few examples of conservation areas and some of the restrictions that may apply to your backyard.

- A **stream buffer** includes undeveloped lands that border a stream, lake or river. It can also be referenced as a stream corridor or riparian area. NJ state law restricts development in the 100-year floodplain area, and also requires a minimum 25-foot buffer along most streams.
- **Category One (C1) streams** are priority waterways that provide drinking water to millions of NJ residents, or provide habitats for trout, or habitat for species that are listed as threatened or endangered. State law requires a 300-foot buffer to protect these C1 streams.
- The **Delaware and Raritan Canal** and all tributaries to the canal are protected by state law to preserve its use for drinking water and public recreation. These protective buffers extend 100 ft. from the 100-year floodplain. Additional restrictions also apply to protect the Canal parkland from development.
- **Municipal Stream Corridor Ordinances** can be enacted to protect buffers along the streams in their communities. Some towns protect a 75 foot stream corridor, while others extend to 150 feet from the stream.
- Most **wetlands** are protected by a 50-foot required buffer. This buffer can be increased to 150 feet around exceptional wetlands, if rare plants or animals are present, such as the wood turtle or cooper's hawk. A 150-foot buffer is also required by the state around **vernal pools**, which are small breeding ponds for salamanders and frogs found in wooded areas during the spring season.
- **Setback requirements** in town ordinances may include buffers extending from 20 to 150 feet that border and separate developments. These areas often include small wooded areas, open fields, or drainage areas.
- **Stormwater basins and drainage swales** that control storm runoff are designed to prevent flooding and protect public safety. Municipal regulations protect these areas from being regraded or disturbed.



Backyard Conservation Website Resources

Stony Brook-Millstone Watershed Association
www.thewatershed.org

National Wildlife Federation-Backyard Habitat
www.nwf.org/backyardwildlifehabitat/createhabitat.cfm

Native Plant Society of NJ
www.npsnj.org/reference.s.htm

New Jersey Department of Environmental Protection
www.state.nj.us/dep

North Jersey Resource Conservation and Development Council
www.northjerseyrcd.org

Rutgers Cooperative Extension - Restoring Riparian Buffers
www.rcrc.rutgers.edu/nj/riparianforestbuffers/restoring.htm

Stroud Center
www.stroudcenter.org/images/treevitalize/backyardbuffers.pdf

Stepping Into Stewardship VA
www.dcr.state.va.us/stewardship/svresourceguide.htm

USDA- NRCS Natural Resource Conservation Service
www.nrcs.usda.gov/programs/index.html

Wildlife Habitat Council
www.wildlifehc.org/managementtools/backyard.cfm

Caring For Backyard Conservation Buffers

It's important to respect the boundaries of any conservation area, and to live in harmony with nature to protect the streams and habitats on your property.

Residents can visit the municipal planning office to review maps to understand if critical environmental areas are located near their home, and where state regulations or local ordinances may apply.

Some communities post maps and regulations on their town website for residents to readily understand these restrictions. Fines, permits or compensations may be required if conservation areas are disturbed.

Conservation buffers can be marked with surveyed monuments to reduce the uncertainty about property boundaries and restricted conservation areas.

Residents Have a Role

Enhance these conservation areas by planting native plants or trees that will benefit you, wildlife, and protect waterways. Native plantings evolved over thousands of years to uniquely adapt to the local environment and meet the needs of wildlife, such as blooming or ripening berries in time with seasonal migrations. Native plantings also typically require less maintenance.

Our resource section identifies several useful websites to help with lawn and garden decisions, and local nurseries can help you choose appropriate native plantings.

River-Friendly Residents

Also consider becoming a **River-Friendly Resident** through the Stony Brook-Millstone Watershed Association. The River-Friendly program offers *Free* personalized guidance on maintaining a beautiful yard, landscaping naturally, attracting wildlife, and at the same time reducing your family's exposure to chemicals and reducing the pollutants entering local waterways. The River-Friendly Certification Program helps you to understand environmental issues and encourages practices to improve water quality, conserve water use, and wildlife habitats.

These River-Friendly practices could include soil testing, using an Integrated Pest Management (IPM) program to reduce pesticide use, or planting on stream banks to control erosion.

For more information about these programs or conservation buffers contact the Watershed Association.

Common Prohibited Activities

- *No disturbance to natural vegetation.*
- *No clearing brush or trees, mowing meadows or lawn.*
- *No excavation or soil removal.*
- *No dumping of trash, grass clippings, leaves or waste.*
- *No applying fertilizer or pesticides.*
- *No installing landscaping, fences, playground equipment, or sheds.*



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