



NEW JERSEY HIGHLANDS COALITION

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Re: Comments on the Final Proposed State Strategic Plan (New Jersey State Development and Redevelopment Plan)

In carrying out the mandates specified in the New Jersey Water Protection and Planning Act (PL 2004 CH.120), the New Jersey Highlands Council employed the best available GIS and Light Detection and Ranging (LIDAR) tools to map the land characteristics and environmental features within the Highlands region so that the goals and policies of the Act would be faithfully reflected in the Regional Master Plan. As a result the Highlands Council has produced a level of mapping detail that exceeds any other State agency mapping, including that of the Department of Environmental Protection. Whereas the NJDEP maps ground and surface water and other ecologically linked resources and impacts within watersheds at the scale of a HUC 11¹, the Highlands Council developed its mapping at a more detailed and finer level, at the scale of a HUC 14 subwatershed.

The Highlands Council developed the Land Use Capability Zone Maps (LUCZM) using 21 indicators to characterize the Highlands Region, which can be categorized as mix of feature-based, intensity and integrity indicators. The LUCZM were meant to provide all levels of government (Federal, State, county, and municipal) and the public with an indication of areas where special consideration is required to protect regionally significant resources. This detailed mapping project was undertaken “blind to the line” between the voluntary Planning Area and the mandatory Preservation Area because appropriate indicators exist regardless of the legislated Preservation and Planning Area boundaries. In fact, the difference between the two Areas was not necessarily determined by the presence or the lack of environmental features—the Highlands Act goals are fundamentally the same for both Areas. The primary difference between the two Areas is in how the goals of the Act would be achieved. In the Preservation Areas, Highlands Act goals would be met through regulatory means (i.e., NJDEP Highlands Rules); in the Planning Area these same goals would be achieved through voluntary conformance to the Regional Master Plan.

Whereas the State Plan Map integrated policy goals and existing land features, the LUCZM series was derived primarily from an accurate mapping of existing indicators which would in turn largely inform policy and land use decision making. The decision-making utility of the map series would of course depend upon whether or not a municipality with land in the Planning Area chose to conform to the policies of the Regional Master Plan. However, the information provided in the LUCZM series, and in the separately available indicator layer maps, are important tools and should be referenced in any land decision making within the Highlands Region.

This is why, per the Highlands Act, no NJDEP Water Allocation Permit, or Wastewater Management Plan Amendment, may be approved in the Highlands Region by NJDEP without first obtaining a determination of consistency by the Highlands Council, regardless of whether the municipality has elected to conform.

¹ HUC: hydrologic unit code, USGS standard of measure.

Any responsible land use decision must employ the best quality and most accurate information available. The Highlands Council has mapped land characteristics that are necessary to understand the water resource values that the Highlands Region provides to the State, and which aren't available elsewhere. In non-conforming Highlands municipalities, land use decisions may not be bound to the policies of the Regional Master Plan. But decision makers should at the minimum be aware of the potential impacts upon our State's water resources, which is information that the Highlands Council is positioned to provide.

The Final Proposed State Strategic Plan improves upon the October 2011 Draft Plan by its recognition of and deference to the State Planning authorities, including the Highlands Council. However, in the Plan's identification of Priority, Alternative, Priority Preservation, and Limited Growth Investment Areas, non-conforming Highlands Planning Area municipalities are categorized with the rest of the State, as if severed from their true and real geographic location within the Highlands Region.

It could be argued that the role of any State agency would be to support and not ignore legislative intent. Municipalities should be encouraged by the Office of Planning Advocacy to voluntarily conform to the Highlands Regional Master Plan, an important program of the State. Municipal participation either in the State Strategic Plan or, for the Planning Area, the Highlands Regional Master Plan, is carefully voluntary and consistent inter-agency support for each other's related optional programs could not be considered heavy-handed or over-reaching.

But political and other complications might interfere with such policy consistency among our State agencies. However, less arguable and more fundamental is the recognition by the State of the Highlands as a region of special significance requiring a separate body of the State to steward and protect its water resources. And although the Legislature, in its infinite wisdom, proscribed that part of the Highlands would be exempt from mandatory compliance to the Highlands Act and instead, gentle persuasion would be employed, nonetheless, the Planning Area is part of the Highlands Region, and as fully mapped, inventoried and evaluated as the Preservation Area. Nothing in the Highlands Act supports ignoring the information the Highlands Council has gathered. And the Office of Planning Advocacy would be less than diligent if it did.

It is our recommendation that in identifying the appropriate categories for growth and preservation in the non-conformed Planning Area, the Office of Planning Advocacy consult with the Highlands Council for a determination of the presence of Highlands resources. The information is readily available. It would be negligent to ignore it.

Sincerely,



Elliott Ruga
Senior Policy Analyst

cc: State Planning Commissioners (by email)
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