



# **New Jersey Highlands Coalition files comments on 2014 Highlands monitoring report**

By [Hunterdon County Democrat](#) on May 01, 2015 at 10:27 PM, updated May 01, 2015 at 10:29 PM

The NJ Highlands Coalition filed with the Highlands Council a series of comments regarding the 2014 Regional Master Plan Monitoring Report on April 30.

The Council requested that the public provide comments regarding issues that should be given special attention during the ongoing Regional Master Plan Review. The Coalition submitted extensive, expert comments compiled by Coalition members in areas such as Plan Conformance and Master Plan implementation, Cultural and Natural resources, Water Quality addressing Nitrate Dilution Standards, Stream Protection, Forest and Critical Habitat, Climate Change and Renewable Energy, Linear Development (e.g. pipelines etc.), Land Acquisition, and Economic Development.

Each of these comments was researched and developed by expert members of the Coalition and discussed in critical peer review meetings. The Coalition believes the Highlands Council and Staff and those hired to conduct the RMP need to know that these are the critical issues the Council must address. Although yet to be fully implemented, the 2008 Master Plan is a succeeding at protecting the region, but much more can be done to improve the economy of the Highlands, its environment and the water supply the Highlands provides to nearly two thirds of New Jersey's citizens. You will find a synopsis of Coalition comments attached, which also links to the full comment document.

## **Talking Points for Comments on the Highlands Regional Master Plan Monitoring Program**

The Highlands Council is currently seeking comments from the public regarding the Highlands Regional Master Plan (RMP) as part of an RMP Monitoring program, prior to recommending changes to the Plan. The NJ Highlands Coalition has focused on a number of important RMP indicators and has developed the suggestions below for interested parties to use as they develop and submit comments.

### **Plan Conformance and RMP Implementation**

- The RMP is a comprehensive science-based guidance document that responds directly to the requirements of the 2004 Highlands Water Protection and Planning Act, but it is only as effective as its implementation.
- The Plan Conformance Process has always been an intricate process, but changes to core ordinances have made it even more difficult for the public to follow. The Highlands Council should increase its efforts to inform the public of municipal progress, especially when major milestones are reached, as it would be beneficial for the Conformance Process to be more widely understood.

### **Cultural & Scenic Resources**

- The RMP must recognize that natural & cultural resources are interdependent and inseparable. The Council has responsibility to "maintain and update" inventories of these resources. Cultural inventory work should be conducted or overseen by a credentialed professional. A fully informed Consistency Determination for any project impact requires complete information about both kinds of resources in the area.
- As per existing guidelines to protect cultural resources, the Council should implement their required inventory, for which the State's register is an inadequate substitute. The RMP should also include requirements to recognize and protect resources in all contacts with site owners and localities.
- The scenic beauty of the New Jersey Highlands, clearly recognized in the Highlands Act, is both a valuable and a fragile resource. Effective protection of the Highlands' scenic quality will increase the Region's ability to attract and sustain agri-tourism, eco-tourism and heritage tourism, as well as recreational activities that contribute to the Highlands economy in a variety of ways.
- The RMP includes a baseline Scenic Resources Inventory, and the Council approved a procedure for local governments and the public to identify regionally significant scenic resources warranting protection. Now the Council staff needs to convene the Scenic Resources Advisory Board, crowdsource Scenic Resource nominations from the public, and follow through with implementation of the RMP's scenic resource protection goals, policies, and objectives at both the regional and local levels.

### **Water Quality - Nitrate Dilution Standard**

- NJDEP's septic density standards are based on a scientific model with valid assumptions designed specifically for the Highlands Preservation Area. The Highlands Act requires the Department to establish regulations to "ensure that existing water quality shall be maintained, restored, or enhanced."
- It is not the responsibility of the Highlands Council to address nitrate dilution standards through the RMP. Nitrate Dilution for the Preservation Area is directed by the Highlands Act and implemented by NJDEP.

### **Stream Protections**

- Stream resources are highly valued for water supply, ecosystem viability, recreational opportunity, and aesthetic use. Since surface water and ground water are often mixed in the Highlands, the protection of both is necessary.
- The Council should establish, maintain, and make available an inventory of all Highlands Open Waters and their integrity as specified in the RMP, including the Watershed Resource Values of each Highlands HUC14 watershed.

### **Forest & Critical Habitat**

- Though forestry activities with an approved forest management plan are exempt from the Highlands Act, forestry is a critical activity with enormous potential for negative impacts to the region's critical resources, including water and rare species. Forestry activities may be addressed through the RMP Conformance Process, either by the requirement of a model ordinance or resolution developed by the Highlands Council.
- The best method to protect core forests from inappropriate projects is to require that all proposed projects meet Forest Stewardship Council (FSC) certification standards. Many states and other entities have adopted the FSC certification standards with great success.
- The Highlands RMP must maintain, if not increase, the existing 1000 foot buffer for vernal pools. The Highlands Council has already mapped the vernal pools and their buffers, but more needs to be done at the state and municipal levels to ensure their continued protection.
- The Critical Wildlife Habitat overlay in the RMP is incredibly useful, but is too subjective. Although NJDEP has an existing list of identified T&E species, projects are proposed and no mitigation is offered because too few of these species are identified during the planning process. Instead, we strongly recommend that surveys must be conducted by experts for each taxon, using appropriate methods, and must be repeated over at least two full years during all appropriate seasons. Once all occurrences of rare flora and fauna at a proposed development site have been quantified, existing populations of rare flora and fauna must be avoided.

### **Climate Change & Renewable Energy**

- Climate change is not currently addressed in the Regional Master Plan, but protection of the large tracts of contiguous forests in the Highlands is directly related to mitigating the effects of climate change. Recent research has revealed that more mature forests with larger trees sequester greater amounts of carbon.
- The Council should address the effects of Climate Change by lessening the impacts to the region's core forests. In addition to prioritizing forest land preservation, using the Forest Stewardship Council's third-party certification guidelines to regulate forestry and linear development projects is the best way to ensure that core forests remain intact.
- The Highlands Act at Section 11(6) authorizes the Council to include energy considerations in the RMP, specifically in the Smart Growth section. The RMP does not include an energy section; we strongly recommend its inclusion.

- Goals, policies and objectives should be developed that harmonize with the State Energy Master Plan, facilitate the improvement of energy efficiency in all sectors, encourage load management, and facilitate and regulate the development of renewable sources (solar, wind, geothermal and small scale hydro).

### **Linear Development**

- The Highlands region is traversed by a number of linear projects (highways, transmission lines, pipelines, etc.) that have significant environmental consequences, especially if existing projects are expanded and new projects proposed. The RMP should ensure that Highlands resources receive a higher priority than is currently employed in the facility siting process. The Council should take a firm advocacy role to protect resources in the current regulatory framework (e.g. FERC, NJDEP, BPU, etc.)
- The RMP should include policies related to mitigation that require a thorough alternatives analysis (including the "no build" alternative) and require avoidance first, minimization second and mitigation last, when addressing consistency determination requirements. Similar requirements are found in National Environmental Policy Act (NEPA) rules.

### **Land Preservation through Acquisition**

- The updated RMP should give strong encouragement that the Highlands Council be included as a participant in all inter-agency decisions involving the use of dedicated open space funds made available through public referendum or as a consequence of legal settlements, regulatory fines, mitigation contributions, etc. in the region.
- The Council's primary objectives should be to ensure that (1) there is ample notice and opportunity for public participation in all proposed Highlands Open Space acquisitions where buyer and seller are both public entities; (2) that open space funds are not diverted to non-open space purposes; and (3) such funds are not expended on wasteful or duplicative fee simple acquisitions of open space.

### **Economic Development**

- The single most important economic factor present in the Highlands Region is its water, which supplies nearly two-thirds of the State's population, as well as critical industries outside the Region. The economy inside the Highlands Region is of importance to not only its residents, but also the State's overall economy.
- The RMP has identified the Existing Community Zone as the most appropriate location for new development, with regional development intended to take advantage of opportunities associated with development or redevelopment of brownfields and grayfields, transit villages, downtowns, and existing centers.
- In some areas, the sustainable use of the natural resources of the Region, such as agriculture, forestry and tourism, will remain a critical local economic initiative, while other areas may be well suited for technology-dependent enterprises. 'Main street' revitalization and business retention efforts may be the primary economic initiative.

For further and more detailed information on the council's report, visit <http://www.state.nj.us/njhighlands/master/monitoring/comments.html>