



NEW JERSEY HIGHLANDS COALITION

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November 30, 2018

New Jersey Board of Public Utilities Commissioners:

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c/o: Aida Camacho-Welch, *Secretary*

New Jersey Board of Public Utilities

ATTN: BPU Docket Number: QO18060646

44 S. Clinton Avenue, 3rd Floor, Suite 314

PO Box 350

Trenton, NJ 08625-0350

rule.comments@bpu.nj.gov

RE: Comments on Community Solar Energy Pilot Program –

Proposed New Rules: N.J.A.C. 14:8-9.5 - Project siting requirements

The New Jersey Highlands Coalition is a non-profit 501.c.3 coalition of nearly 100 organizations and businesses which seeks to protect, enhance and restore the water, forests, farmland and other natural, historic, scenic and recreational resources of the New Jersey Highlands Region. These goals were embodied in the 2004 New Jersey Highlands Water Protection and Planning Act, the DEP Highlands Rules for the Highlands Preservation Area, and the 2008 Highlands Regional Master Plan (RMP). The Highlands region is nationally significant, as recognized in the 2004 federal Highlands Conservation Act, which provides funding for land preservation in a four-state Highlands Region that includes New York, Connecticut, and Pennsylvania.

The New Jersey Highlands Coalition supports the development of appropriately-sited community solar to advance clean energy, as well as greater access to solar energy for residents and communities that have generally lacked access to solar energy. We support NJ DEP's 2017 updated solar siting guidelines that identified rooftops, brownfields, landfills and areas with existing impervious coverage that are generally urban, commercial or residential areas, as the preferred locations for community solar projects. We believe that additional sites appropriate for solar development beyond these locations may be identified with careful analysis and guidelines.

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However, the draft Community Solar Energy Pilot Program Rule does not contain such careful analysis and guidelines and runs the risk of fostering solar development on inappropriate lands and inappropriate locations. This is of particular concern regarding the Highlands Region, which is, as noted, recognized for its natural and cultural resource values in both state and federal law.

The 2004 NJ Highlands Act delineated an 860,000 acre Highlands Region, comprised of 88 municipalities located in portions of seven counties: Bergen, Passaic, Morris, Sussex, Warren, Hunterdon and Somerset. The Act also identified and delineated the most environmentally critical, primarily forested half of the Highlands as the “Preservation Area,” with the other half of the Region designated as the “Planning Area.” The Preservation Area is subject to the DEP Highlands Rules, while conformance with the Highlands Regional Master Plan is intended to provide improved planning and enhanced resource protections in the Planning Area.

The Regional Master Plan, which includes fifteen Technical Reports that document the research and analysis supporting the RMP, delineated six zones in the Highlands Region. The zones are based on the character, quality and environmental sensitivity of their resources, and their appropriateness for development. The RMP also identified specific Resource Priority Areas. These identified zones and priority areas provide a sound basis within which the appropriateness of proposed community solar installations can be determined.

Because of the region’s federal- and State-recognized resource values and because of the regional planning initiative established by the Highlands Act and administered by the Highlands Council to guide appropriate development for the region, we propose the following requirements for the appropriate siting and location of Community Solar Pilot Program Projects in the Highlands Region, based on the Highlands Act, the DEP Highlands Rules and the Highlands Regional Master Plan.

1. In the Preservation Area, community solar projects should be restricted to Redevelopment Areas approved by the DEP and Highlands Council.

2. In the Planning Area, proposed community solar projects may be considered and evaluated in the Existing Community Zone and the Conservation Zone.

In the Planning Area, community solar projects should not be allowed in the following areas delineated by the Regional Master Plan:

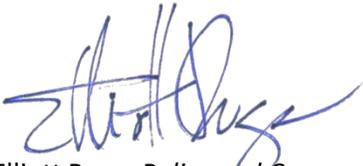
- A. The Protection Zone;
- B. The Environmentally Constrained Existing Community Zone;
- C. The Environmentally Constrained Conservation Zone;
- D. The Lake Management Zone;
- E. The Conservation Priority Area;
- F. The Agricultural Resource Area;
- H. The Highlands’ Special Environmental Zone, and other natural lands, historic sites or historic structures identified for resource protection or preservation.

3. Re: Green Acres Lands: We are deeply concerned that, although the Project Siting Requirements (14:8-9.5) proposed in the draft rule appropriately bans solar development on preserved farmland, it allows for solar development on Green Acres lands with special approval of NJ DEP. Like preserved farmland, solar development

should not be permitted on Green Acres lands - anywhere in the State, including the Highlands - that have been set aside to protect natural, scenic and recreational resources. Possible exceptions might include solar canopies on parking lots at parks, or rooftop solar on park buildings, but any such exceptions should be clearly stipulated.

We urge that the specific requirements described above be included in the Final Community Solar Energy Pilot Program Rule.

Thank you for your consideration of our comments.

A handwritten signature in blue ink, appearing to read "Elliott Ruga". The signature is fluid and cursive, with a large initial "E" and "R".

Elliott Ruga, *Policy and Communications Director*

