



# NEW JERSEY HIGHLANDS COALITION

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New Jersey Board of Public Utilities,  
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**Re:BPU Docket No. QO18060646**

**New Jersey Community Solar Energy Pilot Program:**

**Draft Community Solar Energy Pilot Program Application Form**

December 21, 2018

Dear Secretary Camacho-Welch:

The New Jersey Highlands Coalition is a non-profit 501(c)3 coalition of nearly 100 member 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 NJDEP 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 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.

The Community Solar Draft Application does not provide sufficient protection for

lands that New Jersey has placed a premium on preserving through acquisition or conservation easements or protecting through regional planning: our remaining open spaces, especially forests, which sequester carbon and provide clean water, scenic beauty, wildlife habitat and outdoor recreation, as well as certain farmlands.

**Specific recommendations regarding the Draft Pilot Program Application Form:**

**Re: Section A. I. – Minimum Qualification Requirements:** Item 3 states that “The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.” *In addition to this requirement, similarly, the Board should “not consider Applications for projects on State, county, municipal or nonprofit Green Acres lands, as defined in N.J.A.C. 14:8-9.2 or on land owned by the DEP” except for projects entirely located on parking lots or structures on the site.*

**Re: Section A.III – Special Considerations for Project Siting:** Section A.III requires a “meeting with the NJ DEP’s Office of Permit Coordination and Environmental Review to determine what permits may be required and to identify other potential issues.” *For a project proposed to be located anywhere within the New Jersey Highlands Region, whether in the Planning Area or the Preservation Area, it is essential that the applicant be required to meet with the New Jersey Highlands Water Protection and Planning Council, to ensure that the proposed project is consistent with the Goals, Policies and Objectives of the Highlands Regional Master Plan.* For a project proposed within the Pinelands, a similar meeting with the Pinelands Commission should be required. The Highlands Council utilizes a comprehensive checklist to determine consistency with all goals, policies and objectives of the RMP. *A Determination of Consistency from the Council should be required prior to submitting an Application to the BPU.*

**Re: Appendix B: Evaluation Criteria (pg. 22):** We support the NJDEP’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 solar development. We urge the BPU to include strong incentives and other policies within the solar application criteria in order to encourage solar in these locations.

*In addition to ranking sites, it is necessary to prohibit certain locations outright.* Given New Jersey’s ranking as the most densely populated state in the nation, future solar developments of all forms must be to subject to clear siting guidelines, including criteria and prohibitions that guide solar development to preferred locations and avoid unnecessary conflicts with the State’s longstanding and ongoing land preservation and natural resource protection efforts.

We support the prohibition of solar development on preserved farmland, which is already proposed for this this pilot program. The list of prohibited lands should also include Green Acres

lands—funded by New Jersey taxpayers—that have been set aside to protect natural, scenic and recreational resources. Solar could be allowed, based on design and careful review, on legally permitted structures and parking lots on Green Acres lands.

**The Evaluation Point System:** The siting of community solar and solar in general is of extreme importance to the health of our State, so the application should provide more weight for appropriate siting, totaling at least 40 potential points out of the proposed 100 points total.

**In the Highlands Region:** Because of the Highlands Region’s federal and State-recognized resource values and 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 Highlands Preservation Area,** community solar projects must be restricted to Redevelopment Areas approved by the NJDEP and the Highlands Council, as per the DEP Highlands Rules at N.J.A.C. 7:38.

**2. In the Highlands Planning Area,** proposed community solar projects may be considered and evaluated in the *Existing Community Zone and the Conservation Zone*. Community solar projects should be prohibited in the following areas delineated by the Highlands Regional Master Plan (except for installations on *existing* impervious surfaces):

- 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;*
- G. *The Highlands’ Special Environmental Zone;*
- H. *Land under the jurisdiction of the Natural Lands Trust;*
- I. *Lands designated by the Highlands Council as Scenic Resources;*
- J. *Designated Historic structures, historic features, and Historic Districts (solar installations must not adversely impact the historical integrity of the resource, or the visitor experience.*

**3. Guidance Documents:** We recommend that the Board issue additional guidance that more fully describes appropriate siting. The siting restrictions described above should be incorporated into all guidance manuals and documents issued by the Board.

Thank you for the opportunity to comment on this important program.

Sincerely,

Elliott Ruga, Policy and Communications Director  
New Jersey Highlands Coalition

Signatories:

**CAPP** (Coalition Against the Pilgrim Pipeline), Ken Dolsky, Director

**Citizens for Sustainable Planning**, Tom Koven, Director

**Eco Action Initiatives of Warren County**, Laura Oltman, Director

**Friends of Sparta Mountain**, Katherine Evans, Director

**Morris County Trust for Historic Preservation**, Marion Harris, Chairman

**Musconetcong Watershed Association**, Alan Hunt, Executive Director

**New Jersey Conservation Foundation**, Michele Byers, Executive Director

**New Jersey Forest Watch**, Silvia Solaun, Director

**Passaic River Coalition**, Laurie Howard, Executive Director

**Trout Unlimited, East Jersey Chapter**, Richard Malizia, Conservation Chair

**Union Forge Heritage Association**, William Honachefsky Jr., Director