

New Jersey Highlands Council **Letter 78**

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The Highlands Act is absolutely necessary to protect our ecological resources and no attempt should be made to weaken , erase or hinder its protections. The quality of our lives is based on the quality of our environment. 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 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 adequate 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. 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.

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