

New Jersey Highlands Council **Letter 85**

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Web Response

Date: April 28, 2015 To: Ms. Margaret Nordstrom, Executive Director New Jersey Highlands Water Protection and Planning Council 100 North Road Chester, NJ 07930 From: Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation RE: Comments re Highlands Scenic Resources Protection for the Highlands. Council RMP Monitoring Program and Recommendations Report 1. The scenic beauty of the New Jersey Highlands is both a valuable and a fragile resource. The Highlands' scenic resource is highly valued by residents and visitors, as well as artists and landscape planning professionals. In the 1800's, Jasper Cropsey, an important American artist of the Hudson River school, painted Greenwood Lake and other Highlands sites. More recently, the Highlands were recognized as a "landscape of national significance" in the federal USDA/Forest Service 1992 New York-New Jersey Highlands Regional Study, which found that the Highlands delineate "where the pavement ends and nature begins." The report cautioned that the region faced "the immediate prospect of unprecedented urbanization and change," a conclusion reinforced by the Study's 2002 Update. 2. The 2004 New Jersey Highlands Water Protection and Planning Act is clear in its intent to protect scenic and aesthetic resources. The Legislature's "findings and declarations" introducing the Highlands Act conclude: "The Legislature further finds and declares that the protection of the New Jersey Highlands, because of its vital link to the future of the State's drinking water supplies and other key natural resources, is an issue of State level importance that cannot be left to the uncoordinated land use decisions of 88 municipalities, seven counties, and a myriad of private landowners; ... and that all such aforementioned measures should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations..." C.13:20-2 Highlands Act Goals for the Regional Master Plan in the Preservation Area include to "preserve extensive and ...contiguous areas of land in its natural state, thereby ensuring the continuation of a Highlands environment which contains unique and significant natural, scenic and other resources representative of the Highlands Region;... protect the natural, scenic, and other resources of the Highlands Region...; [and] prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area." P.L. 2004, Chapter 120, C.13:20-10.b Highlands Act Goals for the Regional Master Plan in the Planning Area include "protect and maintain the essential character of the Highlands environment." C.13:20-10.c. 3. Protection and enhancement of the scenic resources of the Highlands (RMP Goal 4B), will be a major factor in the Region's success as a tourism and recreation destination, and deserves far more attention than it has received thus far. In addition, the RMP needs to recognize that, for the purposes of scenic protection, natural and cultural resources are interdependent and inseparable. Effective protection of the Highlands' scenic quality will strongly affect and increase the Region's ability to attract and sustain agri-tourism, eco-tourism and heritage tourism, as well as a wide range of outdoor and cultural recreational activities that contribute to the Highlands economy in a variety of ways. 4. The Highlands RMP includes a baseline Scenic Resources Inventory of 131 scenic resource areas, which is comprised of publicly-owned federal, State and county open space and recreation lands that "may encompass elements of high scenic quality." However, Policy 4B1, "to maintain and periodically update the Highlands Scenic Resources Inventory," has not been implemented. 5. In October 2008, after more than a year of consideration, with several drafts and substantial public input, the Highlands Council passed Resolution 2008-57 by a vote of 10-1 (with 3 Council Members absent). The vote approved a Procedure for local governments and the public to nominate regionally significant scenic resources in the Highlands, as a first step towards their evaluation, potential inclusion in the Scenic Resources Inventory, and protection. Unfortunately, the approved Procedure has not yet been implemented. The procedure was "an initial step in the development of the Council's scenic resources program," and responds to RMP Policy 4B2, "To provide a process whereby regionally significant resources may be nominated, considered and included in the Highlands Scenic Resources Inventory." Resolution 2008-57 includes approval of a volunteer seven-member Scenic Design Advisory Board to be convened to assist with the process. The Procedure states that the Highlands Council "may also designate and institute region-wide protection standards for broad categories of regional scenic resources that warrant protection." In addition, "the Highlands Council will also develop guidelines and ordinances... to assist [local] officials, public agencies and private entities in the fulfillment of these procedures." The resolution authorized the Executive Director to finalize the procedures and update them as necessary. 6. The RMP's second major scenic protection goal is Goal 4C, that "conforming municipalities and counties include minimum standards for historic, cultural, archaeological and scenic protection in municipal and county master plans and land development regulations." Policy 4C1 requires that "conforming municipalities and counties include a Historic, Cultural and Scenic Resource Protection Element in municipal and county master plans and development regulations..." (Emphasis added) However, scenic resource protection elements have not been required in municipal plan conformance submissions, nor has the RMP requirement in Policy 4C3, that conforming municipalities include in their development regulations minimum standards for the protection and enhancement of scenic resources included in Highlands Scenic Resources Inventory, been implemented. We strongly encourage the Council to include these requirements in municipal plan conformance.. 7. We note that the Highlands Council Scenic Resource procedures identify a broad range of regionally significant scenic resources for potential consideration, including: 1. Scenic byway/corridor: Transportation corridors that have outstanding scenic, natural recreational, cultural, historic or archaeological significance. Included are roads, trails, rail-trails, foot trails, bikeways, and waterways. Regionally significant trails in the Highlands include the Appalachian National Scenic Trail and the Highlands Millennium Trail. 2. Panorama and Valley: The Highlands is characterized by steep sided ridges and lower elevation valleys, where scenic panoramas may encompass a combination of scenic resources within a viewshed. 3. Ridgeline, mountainside and geological feature, such as cliffs and rock outcrops: "Because of their prominent elevation and size, ridgeline scenic resources are particularly damaged aesthetically by inappropriate development. The intent of ridgeline protection is to ensure that development near ridges does not rise to the height of the ridge top and does not stand out in contrast to the surrounding area." Inappropriate development may also detract from the scenic qualities of adjacent mountainsides and geological features. 4. Natural features, including vegetation and water features: The scenic resource procedures contemplate "natural features that include water and vegetation features that meet the designation or criteria of the National Wild and Scenic Rivers Act or the Regional Master Plan Critical Habitat features." RMP Critical Habitat includes: 1. Critical Wildlife Habitat (habitat for rare, threatened, and endangered species); 2. Significant Natural Areas (regionally significant ecological communities); and 3. NJDEP certified vernal pools. 5. Cultural landscapes, including community gateways, landmarks, and historic or archaeological features: Included are four types of cultural landscapes recognized by the U.S. Department of the Interior (DOI), including historic sites, historic designed landscapes (e.g. notable parks, campuses and estates); historic vernacular landscapes (i.e. functional - villages, industrial complex, agricultural) and ethnographic landscapes (i.e. heritage resources of associated people, such as settlements or sacred sites). Thank you for the opportunity to comment. Submitted by: Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation Master of Landscape Architecture, Harvard Graduate School of Design Mid-Career Master in Public Administration, Harvard Kennedy School of Government American Society of Landscape Architects (ASLA) - Past Member Registered Landscape Architect Massachusetts #242

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