

New Jersey Highlands Council **Letter 94**

OT	S	RT	DT	EA	F	RI	CE

Attributes

<b>Response Type:</b>	1 - Letter
<b>Delivery Type:</b>	W - Web-based submission
<b>IP Address:</b>	[REDACTED]
<b>Form Letter:</b>	

Web Response

[REDACTED]

Respondent

<b>Organization Type</b>	Preservation/Conservation
<b>Organization</b>	New Jersey Conservation Foundation
<b>Email Address</b>	[REDACTED]
<b>Title</b>	
<b>Name</b>	Wilma Frey
<b>Address 1</b>	[REDACTED]
<b>Address 2</b>	
<b>City</b>	Far Hills
<b>State</b>	NEW JERSEY
<b>Zip</b>	07931
<b>Country</b>	UNITED STATES
<b>Created On</b>	4/30/2015 1:37:00 PM

# Letter 94

## Comment 1

██████████  
██████████

To: Ms. Margaret Nordstrom, Executive Director  
New Jersey Highlands Water Protection and Planning Council

From: Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation  
RE: RMP Monitoring Program and Recommendations Report

### 1. Implementation of the RMP

The Highlands Regional Master Plan is noteworthy, monumental achievement. I would say that it sets a “gold standard” for regional planning, in terms of its seeking and relying on the best available science when it was written, its comprehensiveness, and the specificity of its goals, policies and detailed objectives, all based on the solid foundation of data and information contained in the Technical Reports that are an integral part of the RMP. The Highlands RMP is an ambitious plan – a plan that truly seeks to protect the critical water supplies, forests and other natural and cultural resources of New Jersey’s precious Highlands Region, as well as to ensure that future development and land uses enhance, rather than degrade, the quality of life for both the human and non-human inhabitants of the Region.

I would plead that the RMP not be watered down or dumbed down or backed away from. It demands to be implemented. New Jersey needs for it to be implemented, through the comprehensive goals, policies and objectives that were so carefully developed.

The RMP needs, in fact, to be even more comprehensive, by the addition of several major issues (described in New Jersey Highlands Coalition comments): Climate Change, Energy Issues, and Linear Development. These issues have moved to center stage in the Highlands and New Jersey since 2008, and clearly should be addressed in any update of the RMP.

### 2. Indicators and Milestones:

Progress towards many RMP goals may be identified by reviewing the Municipal Implementation Plans and Schedules for all fully or partially conforming municipalities, noting their deadline dates and completion of tasks as progress, vs. the failure to do so. These tasks create the foundation of the indicators and milestones needed to evaluate the progress, implementation and impacts of the RMP. This critical review should be undertaken by the Regional Plan Association and Council staff.

## Comment 2

██████████  
██████████

### 3. RMP - Council Communications:

The Highlands Council should increase its efforts to inform the public of municipal progress towards Plan Conformance, especially when major milestones are reached. As of now, even in municipalities that are working towards Conformance, the progress is either totally unrecognized by the public or perceived as lacking achievements or end points. The council should identify the

steps along the way (the passage of conforming ordinances that protect stream corridors, steep slopes, karst, forest, etc.; revision of the Master Plan and/or Land Use Ordinance, completion of a Water Conservation Plan, identification of Scenic Resources, protection of Historic Resources, or success in achieving any of the multiple objectives in the RMP) that would be marked, publicly acknowledged and recognized in Council press releases when achieved. In that manner, municipalities would see their accomplishments recognized publicly, and the Highlands Council itself would likewise receive greater recognition, instead of laboring in the shadows as is often the case today. As a result, the Plan Conformance process would be more widely understood and better appreciated, which would be beneficial for all involved.

### **Comment 3**

████████████████████  
████████████████████

To: Margaret Nordstrom, Executive Director  
New Jersey Highlands Water Protection and Planning Council

From: New Jersey Conservation Foundation

Re: Comments re Highlands Natural Resources Protection – Critical Habitat  
For the Highlands RMP Monitoring Program and Recommendations Report

Critical Habitat:

Re Policy 1F1.3: Vernal pools cannot function in isolation, a fact supported by the state initiative, Connecting Habitat Across NJ (CHANJ), which recognizes the importance of contiguous and interconnected habitats. The Highlands RMP needs to maintain, if not increase, the existing 1000 foot buffer for vernal pools. The Highlands Council has already mapped vernal pools and their respective buffers, but much more needs to be done at the state and municipal levels to ensure their continued protection.

Re Policies 1F2 – 1F9: The Highlands is home to 75 Federal and State Rare, Threatened and Endangered animal species, including amphibians, birds, Lepidoptera (butterflies), mammals, freshwater mussels, Odonates (dragonflies) and reptiles, plus 137 Rare and Endangered plant species. The number of rare species is larger than those species listed as Threatened and Endangered. Rare plants include all those determined by the NJ DEP Natural Heritage Program to show a degree of imperilment of S3 or greater (“rare in New Jersey”), with the Highlands home to at least 58 species of plants that are Endangered in the state, all but two with a State Heritage Rank of S1, signifying “critically imperiled in New Jersey because of extreme rarity.” Swamp Pink, *Helonias bullata*, has the distinction of being a federal Threatened species.

Despite recognition by the State and protection in the DEP Highlands rules, rare species are frequently ignored in the planning and development approval process, if they are not listed as Threatened or Endangered. In addition, on site survey work is frequently either insufficient or nonexistent. To improve the protection of rare species in the Highlands, better surveys must be required in areas where any Special Concern or Rare plant or animal species may exist, based on

the Natural Heritage database. Such surveys must be conducted by appropriate and fully qualified 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 site have been quantified, existing populations of rare flora and fauna must be avoided.

Although not something that is currently included in the 2008 RMP, “No Net Loss of Habitat Value” guidelines are being developed by NJDEP and may in the near future be applied to the Highlands Region. Faced with this potential, we stress that existing critical habitat must not be exchanged until a fact-based result showing positive increased value to a habitat is established. While recovery of rare plant and animal populations through habitat restoration is a laudable goal, and in general, ecological restoration should be encouraged as a long-term public policy, long-term restoration is not mitigation for destruction of local populations of rare species. Restoration projects take decades, and are fraught with uncertainty. It is impossible for restoration projects to provide population benefits in time to mitigate for a habitat loss that quickly destroys or subtly pushes a local population to extinction. If long-term restoration is to be allowed to mitigate for known impacts to a suite of declining and/or rare species, the restoration must be conducted, completed, and show quantifiable expansion greater than the anticipated losses of the population of the species in question, before permitting a habitat loss to occur.

Submitted by:

Emile Devito, PhD, Manager of Science and Stewardship, New Jersey Conservation Foundation

Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation