

Appendix B: Public Comments and Highlands Council Responses

On July 11, 2017 the Highlands Council released for public comment a *Draft Monitoring Program Recommendation Report (MPRR)*. The public comment period was open through September 10, 2017 and announced by public notice.

Written public comments have been summarized below and are followed by Highlands Council staff responses. Comments received can be viewed in their entirety on the [Highlands Council Website](#)

List of Commenters

1. Ada Erik, Councilwoman, West Milford Township
2. Allegheny Society of American Foresters, NJ Division
3. Anonymous
4. Anonymous
5. Anthony Soriano, Morris County Planning Board
6. Bernard V. Navatto, Jr., Chairman, Somerset County Planning Board
7. Bettina Bieri, Mayor, West Milford Township
8. Bill Koppenaal, Department of Engineering & Planning, Sussex County
9. Cathy Brynildsen, Tewksbury Township
10. Christine G. Marion, Morris County Planning Board
11. Corey J. Tierney, Preservation Director, Warren County Land Preservation
12. David K. Dech, Planning Director, Warren County
13. Deborah Post
14. Donald Donnelly
15. Helen Heinrich
16. Judy Kehr, Clerk, West Milford Township
17. Leslie Sauer, Sergeantsville
18. Liberty Township
19. Lou Signorino, Council President, West Milford Township
20. Maria Sheridan, Morristown Airport
21. Marilyn Lichtenberg, Councilwoman, West Milford Township
22. Marion Harris, Chairman, Morris County Trust for Historic Preservation
23. Michael Hensley, Councilman, West Milford Township
24. Monique Purcell, Director, Division of Agriculture and Natural Resources
25. New Jersey Builder's Association
26. New Jersey Department of Environmental Protection
27. New Jersey Department of Environmental Protection, Natural & Historic Resources
28. New Jersey Farm Bureau
29. Paul Abraham, Mayor, Alexandria Township
30. Pete McGuinness, Councilman, West Milford Township
31. Scarlett Doyle, Township Planner, Washington Township (Warren)
32. Sharon Petzinger, Lebanon Township
33. Sue Dziamara, Planning Director, Hunterdon County
34. Tim Wagner, Councilman, West Milford Township
35. William R. Edleston, Borough Attorney, Borough of Bloomsbury
36. New Jersey Highlands Coalition
 - a. Alan R. Hunt, Ph.D., Musconetcong Watershed Association
 - b. Amy Hansen, New Jersey Conservation Foundation
 - c. Dave Peifer, Association of New Jersey Environmental Commissions
 - d. Doug O'Malley, Environment New Jersey
 - e. Elliott Ruga, New Jersey Highlands Coalition
 - f. Emile DeVito, Ph.D. New Jersey Conservation Foundation
 - g. George Cassa, Shannon's Fly & Tackle
 - h. Judy Sullivan, Esq., Ramapough Conservancy
 - i. Julia Somers, New Jersey Highlands Coalition
 - j. Marion Harris, Morris County Trust for Historic Preservation
 - k. Mark Lohbauer, Pinelands Commission
 - l. William S. Kibler, Esq., Raritan Headwaters Association
 - m. Wilma Frey, New Jersey Conservation Foundation



Natural Resources

Comment: Commenter suggests forest resource management requires more flexibility, rather than just being regulated based on extent and connectivity. Suggests forest resource management BMPs should include measures for reducing deer damage and invasive plant takeover as well as active management. Public forests need management plans as well as private landowners. Supports an update of Forest Resource mapping, and suggests including an assessment of the physical condition of the forest, not just geographic extent.

Commenter suggests simplification of the many different plans required of forest landowners including the Woodland Management Plans required for appurtenant Farmland Assessment and forestry plans required by the RMP. Commenter summarizes request to “revisit, simplify, and especially, find resources to pay for” required plans.

Highlands Council Response: Woodland Management Plans and any activities conducted under such approved plans are exempt from the Highlands Act and the RMP, and so are outside the scope of the MPRR. The Highlands Council is developing forest management guidance as discussed in the MPRR at page 14. Forest landowners who are not enrolled in the Farmland Assessment program and who do not already have exempt woodland management plans may benefit from additional guidance provided by municipalities conforming to the RMP. The recommendation regarding Forest Resource Area mapping (page 14) would consider efforts to assess physical condition of forests mapped in the Region in order to more accurately depict quality and extent of forested areas.

Comment: Commenter supports the recommendations regarding the Restoration of Streams and Riparian Areas program (page 15) and suggests that non-profit organizations and other local stakeholders be included in the plans.

Highlands Council Response: The Stream Corridor Protection/Restoration planning effort is a non-mandatory item for conforming Highlands municipalities, where water quality and stream integrity concerns have been noted. The Highlands Council welcomes assistance and technical guidance from non-profit organizations and hopes to continue to coordinate with them, as these planning efforts continue and yield actionable targets for restoration. The Highlands Council also recognizes and values the diverse skills and informa-

tion NJDEP and local watershed organizations have and would seek to partner with them, to efficiently expand and enhance existing surface water quality monitoring efforts throughout the Region.

Comment: Commenter submitted a number of comments regarding Forest Resource Management and Sustainability (page 13-14), the Science and Research Agenda (page 202-203), and Critical Habitat Conservation and Management (page 14-17). Many comments were in support of the recommendations and Science and Research Agenda items. Specifically, the commenter supports the development of a Highlands-specific Best Management Practices (BMP) manual for forestry activities, with the caveat that the document should distinguish between public and private forests in the Highlands Region. Commenter suggests the incorporation of Vermeule Maps depicting historic land use into Highlands forest mapping. Commenter suggests an added Science and Research Agenda item to incentivize reduction of forest fragmentation. Commenter supports the development of carbon sequestration models that would evaluate and determine such value, with an added distinction between public and private forests. Commenter supports the use of all Natural Heritage Priority Sites data in the definition of Significant Natural Areas. Commenter suggests that special emphasis be placed upon critical habitat guidelines within any Highlands Council specific BMP manual. Commenter suggests an additional recommendation that forestry activities proposed in Critical Habitat on private lands adhere to special BMPs developed specifically for these critical areas as proposed in a Highlands Specific BMP manual

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The MPRR suggests recommendations for updates and amendments to the RMP based on a variety of inputs. The recommendation to create a Highlands Region-specific forestry BMP manual may appear to be duplicative of the NJDEP manual; however, the 1995 manual is significantly out of date. It is not the Council’s intention to unduly burden the regulated community, but rather assist municipalities in implementation of the standards of the RMP. If the Highlands Council can constructively participate as a stakeholder in the review and update of the NJDEP manual, perhaps this would lead to a proactive collaboration that would provide appropriate resource protection and allow for sustainable forestry practices within the Highlands Region and throughout the state. This collaboration would necessarily include the resource protection standards from the RMP regarding Critical Habitat.

Regarding the commenter’s suggestions about mapping, the MPRR contains specific Science and Research Agenda items in the Forest Resource

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Management and Sustainability section (pages 13-14) to “investigate a mapping methodology to identify those lands where it would be most appropriate to attempt forest restoration” and to “develop guidance for reforestation based on specific site characteristics.” Both of these recommendations, upon further development, will include the addition of the historic forest mapping, known as Vermeule Maps. Pursuit of a valuation model for carbon sequestration in forests of the Highlands Region would necessarily consider both private and public forests. During production of the RMP, the Natural Heritage Priority Sites boundaries were imported into Highlands Council GIS mapping, and modified to remove active land use as well as utility rights of way from the data, which resulted in the Significant Natural Areas data layer. This methodology remains the RMP standard for this component of Critical Habitat mapping in the RMP.

Comment: Some commenters expressed support for the recommendations and science agenda items related to Lake Management Areas (pages 18-19). The commenters also suggested that Lake Management Plans developed for municipalities should be required to include an inventory of cultural resources and protection planning for such. Commenters suggest that the recommendation for a BMP manual for dam and lake maintenance prioritize ecological concerns, as well as safety and water quality. For the proposed lake management study of Lake Hopatcong and Greenwood Lake, the commenters suggest that the focus should be on preserving ecological integrity of lakes, water quality and water source potential.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Lake Management planning would include inventories of all sensitive resources that make lake communities unique, which include cultural, historic, archaeological and ecological aspects. The RMP states that addressing land uses within lake communities allows for potential opportunities to improve community value including the protection of the cultural and historic resources often associated with lake communities.

Comment: Commenter supports the recommendations related to Steep Slope Protection Areas (page 19) and specifically comments that steep slope protection ordinances available from Highlands municipalities should not be the only ones referenced. Commenter further states that any model ordinance language provided by the Highlands Council to municipalities wishing to protect ridgelines should be made widely available.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The recommendation to maintain a database of ordinance language protective of steep slopes would require the Highlands Council to search well beyond the Region to develop a meaningful set of comprehensive standards, so that municipalities have alternatives appropriate to each locale. Highlands Council model ordinances and guidance documents are available on the Council’s website.

Comment: Commenters expressed support for a number of the recommendations and science agenda items related to Restoration of Streams and Riparian Areas (pages 14-16). Commenters suggest redefining the definition of “development” as a spectrum, in order to differentiate among impacts to waterways depending on proposed use. Commenters support the development and continual refinement of the Highlands Open Water and Riparian Inventories, and suggest additional data sources for this. Commenters support incentives to stimulate the Stream Corridor Protection/Restoration Plan adoption on a municipal level, but request that it be extended to non-profit and other local stakeholders. Commenters suggest that Stream Corridor Protection/Restoration planning include projected impacts of climate change. Regarding comments about expanding a surface water-monitoring network within the Region by adding more stations, commenters indicate that coordination with NJDEP and local organizations to expand the existing network may be more effective.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council has recommended that the language in certain policies and objectives be clarified and refined in multiple instances in the MPRR. Specific to riparian areas, the MPRR suggests defining buffer disturbance and certain development terms (page 15) as well recommends an analysis for determining functionality of buffers while retaining resource protection. Additional data sources, where applicable, will be sought throughout the refinement and reprocessing of RMP resource information. The Stream Corridor Protection/Restoration planning effort is a non-mandatory item for conforming Highlands municipalities, where water quality and stream integrity concerns have been noted. The Highlands Council welcomes assistance and technical guidance from non-profit organizations and hopes to continue to coordinate as these planning efforts continue and yield actionable targets for restoration. The Highlands Council also recognizes and values the diverse skills and information NJDEP and local watershed organizations have and would

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seek to partner to most efficiently expand and enhance the existing surface water quality monitoring efforts throughout the Region.

Comment: Commenters expressed support for the MPRR recommendations related to Carbonate Rock Areas (page 18), but suggest that more information is needed to understand how groundwater and surface water interact in carbonate rock rich watersheds. Commenters suggest the Highlands Council provide matching grant funding to pay for updates to NJGS and USGS carbonate rock mapping. Commenters suggest that Highlands Project Reviews should include substantive review of carbonate rock issues where a municipal ordinance is not in effect.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council agrees that the interaction between ground water and surface water is integral to understanding some water quality concerns in carbonate rock watersheds. The Highlands Council is committed to using the best available data for inventorying all Highlands RMP resources, and this includes carbonate rock mapping. As new mapping becomes available from NJGS and/or USGS, the Highlands Council will update its data layers accordingly. Municipalities conforming to the RMP and participating in the Plan Conformance grant program may be eligible to use funding from the Highlands Council to inventory carbonate rock areas, or karst features, as appropriate, with an approved scope of work. The Highlands project review process includes substantive geophysical investigations in areas of carbonate rock, even where municipal ordinances exist.

Comment: Commenter recommends that the discussion of “Natural Resources” should emphasize that the environmental standards and municipal ordinances for the Planning Area should not be as stringent as those for the Preservation Area where the DEP’s regulations are applicable. A specific concern is that the 300-foot buffer from Freshwater Wetlands and for any Highlands open waters, which are virtually all waters except for swimming pools, may be imposed only in the Preservation Area pursuant to the Freshwater Wetlands Protection Act and the Highlands Act. In addition, riparian areas extending beyond these constraints are mapped and disturbance is not permitted. This restriction should apply only in the Preservation Area. In the Planning Area, the buffer should be reduced to coincide with the buffer required by DEP pursuant to the Freshwater Wetlands Protection Act regulations and no additional riparian areas should be required.

Highlands Council Response: The Highlands Water Protection and Planning Act defines “Highlands Open Waters” as “all springs, streams including intermittent streams, wetlands and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region...” Due to the recognition of the entire Region (Preservation Area and Planning Area) in the Act, the Highlands Council supports municipalities that are conforming to the RMP in the Planning Area that have committed to implementing the 300-foot buffer on Planning Area Highlands open waters. Adoption of the Highlands Area land use ordinance will allow municipalities to enforce the standards protective of this buffer as applicable. In addition, revised guidance on Highlands Open Water buffers disturbances can be found in the MPRR at page 15.

Comment: Several commenters discussed the Science and Research Agenda item proposed to develop a Highlands Forest Best Management Practices manual to supplement the current NJDEP BMP Forestry Manual, both for and against, and with many specific suggestions for changes to this proposal.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The MPRR suggests recommendations for updates and amendments to the RMP based upon a variety of inputs and data sources. The recommendation to create a Highlands Region specific BMP manual is perhaps duplicative of the NJDEP manual; however, the 1995 manual is significantly out of date. It is not the Council’s intention to unduly burden the regulated community, but rather assist municipalities’ in implementation of the standards of the RMP.

The Highlands Council would appreciate the opportunity to participate as a meaningful stakeholder in the review and update of the NJDEP manual. We would be glad to collaborate on resource protection standards that support appropriate sustainable forestry practices for the Region.

The recommendation to create a Highlands Specific BMP forestry manual has been amended to reflect that the Council will pursue stakeholder status with the NJDEP. An enhanced definition of forest fragmentation and sustainable forestry would be appropriate given the need to update the NJDEP BMP manual, as well as to improve understanding of forest management in the RMP.

Comment: Commenter requests a clarification in the definition of forest fragmentation be considered. Commenter requests recommendations pertaining to sustainable forestry practices including implementa-

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tion or planning for active management of forests. This would include discussion of forest disturbance as a component of management.

Highlands Council Response: The Highlands Council is in the process of drafting forest management guidance for municipalities and will be sure to include a discussion of these related and important topics in this guidance. Active forest management would be a component of any guidance developed by the Highlands Council and we welcome the expertise and assistance of the NHRG in the review of this material during production and when completed.

Comment: Commenter suggests incorporating the use of the Floristic Quality Assessment (FQA) into the recommendations report and subsequently the RMP.

Highlands Council Response: The Highlands Council is in the process of developing a methodology to value ecosystem services provided by Highlands Resources, and the FQA is being incorporated as the Plant Stewardship Index into this effort. A specific discussion regarding this effort is found on page 13. A recommendation to incorporate the results of this project into future amendments of the RMP is found on page 14.

Comment: Commenter suggests collaboration with New Jersey Geological and Water Survey (NJGWS) regarding the mapping of carbonate rock and associated karst areas. States NJGWS has significant data to share in this area, which may be of value. Notes that there are some land use considerations when any parcel of land is mapped with a geologic hazard. Identifying a property as likely to contain karst features may have implications for land owners and developers. Finally the commenter notes that development of model ordinances is beyond the responsibility of NJGWS.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments regarding mapping carbonate rock and associated karst areas in the Highlands Region. We look forward to working collaboratively with USGS and NJGWS to accurately map these features using the most up-to-date data.

Comment: Commenter states that changes in lake operating plans must consider downstream implications. For Lake Hopatcong, impacts on Lake Musconetcong and the required dilution at the Musconetcong Sewerage Authority treatment plant should be considered. For Greenwood Lake, any modification must take

into account the passing flows required to meet the water rights of the North Jersey District Water Commission.

Highlands Council Response: Should the Highlands Council undertake the development of a Lake Management study for Lake Hopatcong, Lake Musconetcong will be included in discussion and planning. For Greenwood Lake, the impacts/concerns indicated in the comment will be considered.

Comment: Commenter suggests that West Milford residents and elected officials have concerns about recommendations in the MPRR to undertake a lake management study focusing on Lake Hopatcong and Greenwood Lake. Suggests that such a study will result in West Milford being subject to restrictions, rules and regulations that cannot be sustained because half of that lake is not within the municipality's jurisdiction nor is it in the jurisdiction of New Jersey State agencies.

Highlands Council Response: The Highlands Council intends to include stakeholders, including affected municipalities, in the development of lake management plans.

Comment: Commenter suggests examining how public lands in the Highlands are managed and tracking acres of lands managed under stewardship plans.

Highlands Council Response: The Highlands Council will consider this comment during the preparation of the Forest Restoration project identified in the science and research agenda.



Water Resources

Comment: Commenter found it confusing to have both agriculture and irrigation numbers combined. Suggests agricultural water certifications should be broken out to establish the use and change in use to track trends in efficient use of water. Suggests this data could come from implementing the recommendations that call for better collaboration with NJDEP, NJDA and Rutgers Cooperative Extension Service.

Highlands Council Response: The Highlands Council will consider this recommendation and bring it to the attention of the proposed Agricultural Advisory Committee.

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Comment: Commenter found the reduction in consumptive uses of water (down 27%) in the Highlands Region interesting.

Highlands Council Response: The Highlands Council acknowledges these comments.

Comment: Commenter questions why additional research regarding septic density calculations is needed.

Highlands Council Response: The RMP calls for the continued refinement of water quality data and modeling. The MPRR continues these recommendations, which will provide for better, more accurate information (page 25).

Comment: Commenter suggests new build-out analysis is required for Highlands’s municipalities in light of changes to NJDEP septic density standards.

Highlands Council Response: The Highlands Council provided funding to municipalities to update the Build-out Analysis in 2015. This update was primarily intended to inform changes in affordable housing regulation. The Highlands Council does not intend to update the region-wide build-out analysis due to any changes in the NJDEP Highlands Rules.

Comment: Commenter supports recommendation identifying and addressing septic system failures in the Highlands municipalities.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenters support recommendations that encourage the use of alternate wastewater technology.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter requests that the Highlands Council amend the RMP to reflect any new nitrate dilution calculations for the Region.

Highlands Council Response: The septic density calculations for each land use capability zone within the Highlands Region, based on nitrate dilution models, have not changed since the adoption of the RMP in 2008. Septic density in the Preservation Area is regulated by the NJDEP in the Highlands Rules (N.J.A.C. 7:38). In the Preservation Area, the RMP refers directly

to the Highlands Rules and therefore no change would be necessary. In addition, the MPRR (page 25) includes recommendations for the refinement of the data and models used to calculate septic density.

Comment: NJDEP Division of Water Supply and Geoscience (DWSG) staff will make updated data available to the Highlands Council. DWSG staff can provide to the Highlands Council the most recent coverage of purveyor service areas.

Highlands Council Response: The Highlands Council acknowledges this comment and will follow-up with DWSG staff to obtain this information.

Comment: Commenter notes that the Highlands Council uses a different standard for evaluating new water availability than does DWSG. The Highlands Council also evaluates water deficits on a HUC14 basis whereas DWSG uses a HUC11 basis. These differences lead to different analyses. This is especially significant in comparing results of DEP’s water supply plan to the Highlands Council’s results. Commenter suggests that it may not be possible to reconcile the two approaches given the different implementation needs, and notes that additional policy considerations will be required.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter notes that enacting a water user fee, determining water use rates and assessing water use efficiency (pages 24 - 25) call for examining water use by users outside of the Highlands, partially or wholly depending on Highlands water. Notes these are statewide issues that should be examined closely for policy concerns and efficacy. Suggests that comparing water use rates for all users of Highlands water, from older cities in northeastern New Jersey, to suburban areas, to small towns in the Highlands, will probably reveal a wide range of costs. Commenter questions purpose of such an exercise and notes that comparing water rates will probably not provide information on relative efficiencies.

Highlands Council Response: The Highlands Council acknowledges these comments and will take them into consideration in evaluating water use efficiency and the feasibility of a water user fee. It should be noted that implementing a water user fee would require legislative action.

Comment: Commenter suggests that items included in Science and Research agenda on page 25 (improving existing monitoring networks, reviewing logistical

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regression models and refining models for estimating septic densities) appear to arise from recent issues associated with determining an appropriate Highlands septic density and the appropriateness of using a logistical regression model of groundwater nitrate concentrations as compared to additional monitoring. Commenter suggests close collaboration with NJGWS regarding these issues.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. We look forward to further discussions with NJGWS staff regarding the potential expansion of the AG-WQMN.

Comment: DWSG see the draft water supply plan, and forthcoming final version, as a summary of current withdrawals and uses as wells as a guideline for development of future water supplies. The Highlands Council was consulted and their comments on the draft plan will be taken into consideration in developing the final plan.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. The MPRR recommends the continued consultation with the NJDEP on future statewide water supply plans regarding the plans impact on the region.

Comment: Commenter disagrees with the Council's identification and definition of water deficit areas. Contends "water deficit" should be dependent on NJDEP's water allocation for municipalities and water purveyor. Supports recommendation regarding development of Water Use and Conservation Management Plans.

Highlands Council Response: In essence, Net Water Availability is estimated by subtracting from the Groundwater Availability for that subwatershed an estimate of the consumptive and depletive groundwater use, and the consumptive and depletive surface water uses that are not supported by reservoir storage or safe yield. Additional information regarding the complex calculations used to determine Net Water Availability can be found in the Water Resources Volume II – Water Use and Availability Technical Report (2008).

The ten (10) Water Use and Conservation Management Plans developed under the Pilot Program are used as models to assist in the development of municipal-wide plans. Development of the plans is funded through plan conformance grants and is currently under way.

Comment: Commenter supports recommendation on page 22 regarding prioritization of municipal-wide WUCMP development, but feels the recommendation should include working with non-profit organizations and other local stakeholders. Additionally, DEP must consult with the Council on all new water allocation permits and on all permit renewals, not just those with major modifications.

Highlands Council Response: Development of municipal-wide WUCMPs includes identification of all potential stakeholders within the subwatersheds of the municipality. The Highlands Council is copied on all new allocation permits and renewals in the Highlands Region and responds where consistent with the requirements of the Highlands Act and the RMP.

Comment: Commenter supports recommendation regarding water use rates (page 198), but encourages the Highlands Council to estimate water use rates from historical usage, unlike the methods in the draft NJ Water Supply Plan, which used an estimated future rate that was 20% lower (about 100 gpd per person) than the historical rate of individual water consumption (about 125 gpd per person). Commenter also suggests that water use rates for private potable wells must also be included in this assessment as some watersheds in the Highlands Region have water deficits due primarily to the abundance of potable private wells, as in the Lower Musconetcong watershed.

Highlands Council Response: The Highlands Council acknowledges the comments regarding development of water use rates and will take these recommendations into consideration when coordinating with the NJDEP.

Comment: Commenter notes that the recommendation to continue monitoring water withdrawals throughout the region using data catalogued by the NJGS is a first step, but relying on NJGS data is inadequate to address the intent of the Highlands Act. Commenter encourages the Highlands Council to develop a more robust monitoring program, which monitors both groundwater and surface water volume, especially in carbonate rock areas, and seek partnerships for establishing groundwater monitoring sites (e.g. NJ Wildlife Management Areas, municipal public lands) and non-profit organizations. Suggests other useful information may be available through the NJDEP well drilling permit program on well depth, depth to water, and need for replacement wells (e.g. due to an original well going dry).

Highlands Council Response: The Highlands Council plans to work with the NJDEP-Division of Water Supply and Geoscience staff regarding the rationality and

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feasibility of expanding both the groundwater and surface water monitoring networks throughout the Highlands Region. This is mentioned under the Science and Research Agenda sections of the MPRR (pages 23-25).

Comment: Commenter supports recommendation related to consultation with NJDEP on the New Jersey State Water Supply Plan (page 23), but notes this consultation should occur while the Statewide Water Supply Plan is being drafted, not after it has been released for public comment. The Plan as currently proposed addresses neither water quality nor the water needs of aquatic ecosystems. The Council must ensure that the RMP continues to address those two needs.

Highlands Council Response: In accordance with the requirements of the Highlands Act, the Highlands Council was in consultation with the NJDEP during the development of the Statewide Water Supply Plan. Comments were also submitted by the Highlands Council following the release of the Draft Plan.

Comment: Commenter supports several recommendations related to: net water availability based on data from completed WUCMPs; development of RMP sub-program to directly address PGWRAs [Prime Ground Water Recharge Areas]; development of avoidance/minimization/mitigation strategies and policies associated with development in PGWRAs; development of site design guidelines for development in PGWRAs, including permissible uses; and development of municipally based guidance for the local identification of municipally important groundwater recharge areas.”

Highlands Council Response: The Highlands Council appreciates the commenter’s support for these recommendations.

Comment: Commenter supports science and research agenda item on page 23 related to working with USGS to determine the feasibility of updating the Low Flow Characteristics of Streams in the Highlands Region report. Suggests inclusion of (1) a long-term trends analysis of base flows; and (2) a projection of base flows 40 or more years out to account for the likely impacts of climate change. To the extent possible this analysis should include river tributaries and streams, in addition to a watershed or basin level flow assessments, because of the localized impacts of water withdrawals.

Highlands Council Response: The Highlands Council will consider these comments if it is determined that updating the report is feasible.

Comment: Commenter supports the recommendation related to streamflow condition analysis simplification, but suggests that the focus should be on a more accurate analysis of stream flow, rather than a more simplified analysis.

Highlands Council Response: The Highlands Council agrees with this comment and has incorporated this change into the final MPRR. Please see MPRR page 23 for changes.

Comment: Commenter supports recommendation to “Identify potential funding sources to support the installation, operation and long-term maintenance needs associated with new gauges situated in the region.” Suggests the Highlands Council could partner with non-profit organizations to deploy and monitoring continuous flow stations.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: RMP Program: The Efficient Use of Water (pgs. 23-25)

Commenter supports recommendations related to development of municipal-wide WUCMPs. Suggests the Highlands Council should include a recommendation to help coordinate development of WUCMPs among neighboring municipalities, as most HUC14s overlap municipalities and most municipalities include more than one HUC14.

Highlands Council Response: Development of municipal-wide WUCMPs takes into account the fact that most HUC14s overlap municipal boundaries. The reevaluation of net water availability is performed on the entirety of the HUC14 subwatershed situated either wholly or partially within the municipality. Proposed deficit mitigation strategies will include coordination efforts with bordering municipalities where appropriate and feasible. Please see results of Highlands Council WUCMP Pilot Program: www.nj.gov/njhighlands/planning-conformance/guidelines/resource.html#3

Comment: Commenter supports the integration of water conservation strategies into the WUCMPs, but suggests such strategies should be mandatory in any municipality that includes all or a portion of any HUC14 in deficit.

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Highlands Council Response: During the development of municipal-wide WUCMPs, net water availability numbers are revised using the most current data available. In addition, the methodology used to calculate the numbers has been improved from that which was used during the development of the RMP. As such, a HUC14 subwatershed listed as being in a deficit condition in the RMP may actually be in a surplus condition. Updated data regarding net water availability will be published in accordance with the policy developed for GIS Data Updates (see MPRR Page 60). Regardless of the condition, water conservation strategies are proposed for implementation in the WUCMP.

Comment: Commenter suggests that since the volume water used on golf courses is extremely large, and the use is almost entirely consumptive, best management/water conservation practices should be mandatory in any new or renewed water allocation permit.

Highlands Council Response: The Highlands Council agrees with this comment and currently includes this condition in our reviews.

Comment: Commenter supports recommendation to continue coordination with NJDEP on water allocation permit actions if the coordination between the Council and NJDEP includes all permit actions, whether the permit is new or is being renewed.

Highlands Council Response: The Highlands Council continuously coordinates with the NJDEP on all permit actions concerning the Highlands Region.

Comment: Commenter supports recommendation to continue monitoring water withdrawals throughout the region using data catalogued by NJGS, but suggests the Highlands Council should take action in those HUC14s that remain in deficit. Also, relying on NJGS data is inadequate to address the intent of the Highlands Act and a more robust groundwater monitoring network needs to be implemented.

Highlands Council Response: The Highlands Council agrees with this comment and plans to work with the NJDEP-Division of Water Supply and Geoscience staff regarding the rationality and feasibility of expanding the groundwater monitoring network throughout the Highlands Region. This is mentioned under the Science and Research Agenda sections of the MPRR (pages 23-25).

Comment: Commenter suggests that all projects reviewed for consistency by the Highlands Council should be required to reduce water consumption, reuse

stormwater on site, and recycle water for beneficial reuse “to the maximum extent possible.” Suggests the phrase “to the maximum extent practicable” should be clearly defined for the purposes of the RMP and the Highlands Council should ensure that water conservation measures are used on all sites.

Highlands Council Response: All new and/or redevelopment projects in the Highlands Region are required to incorporate low-impact/green infrastructure features in order to achieve consistency with the RMP from the Highlands Council. Please see the Low Impact Development section of MPRR on page 51.

Comment: Commenter supports recommendation to develop educational materials for Highlands municipalities regarding water use efficiency and conservation practices. Suggests coordinating outreach with NJDEP and appropriate regional non-profits.

Highlands Council Response: The Highlands Council appreciates the support for this recommendation.

Comment: Commenter does not support recommendation to explore feasibility of enacting a water user fee and using funds raised to assist in compensating landowners whose future land use expectations have been impacted by the Highlands Act. Commenter notes that courts have clearly and repeatedly held that “future land use expectations” are not a taking and therefore not compensable. Commenter would support a proposal to enact a water user fee to compensate Highlands landowners willing to sell their property for preservation purposes, or willing to place an agricultural or conservation easement on their property.

Highlands Council Response: The Highlands Council’s recommendation is to determine the feasibility of a water user fee. Any resulting compensation would occur within the parameters of the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program (N.J.A.C. 7:70), which compensates willing sellers for preserving their land either through conservation easements or fee simple acquisition.

Comment: Commenter suggest that recommendation to collaborate with the NJDEP (all uses) and the NJDA (agricultural uses) to select the most appropriate metrics for water use efficiency should be broader and might be a good use of a Technical Advisory Committee (TAC). Suggests TAC should include water authorities, such as the New Jersey Water Supply

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Authority and the North Jersey District Water Supply Commission, water utilities, academics, and non-profit organizations such as watershed associations.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment and will consider a broader collaboration when developing metrics for water use efficiency. A change has been incorporated in to the final MPRR. Please see MPRR page 25 for changes.

Comment: Commenter supports recommendation to collaborate with the NJDEP to determine existing water use rates for all public community water supply systems using Highlands' water, categorize the systems for comparison purposes, and assess the relative efficiency of water uses among common classes of public community water systems. Suggests water use rates for private potable wells should also be included in this assessment as some watersheds in the Highlands region have water deficits due primarily to the abundance of potable private wells, as in the Lower Musconetcong watershed.

Highlands Council Response: The Highlands Council agrees with this comment and has incorporated this change into the final MPRR. Please see MPRR page 25.

Comment: Commenter supports recommendation to collaborate with the NJDEP, NJDA, and Rutgers Cooperative Extension Service to determine existing water use rates for all agricultural and other self-supplied irrigation uses using Highlands water, categorize the uses for comparison purposes, and assess the relative efficiency of water uses among common classes of purposes.

Highlands Council Response: The Highlands Council appreciates the support for this recommendation.

Comment: Commenter supports all recommendations on page 25 related to Water Quality Restoration (page 25). Suggests the Highlands Stormwater Management Program must ensure that municipalities address current and predicted future effects of climate change.

Highlands Council Response: The Highlands Council appreciates the support for these recommendations.

Comment: Comments suggest that the recommendation to identify if any watershed-based management plans associated with the Highlands Region have been developed and/or implemented should be changed to reflect the fact that such plans do exist. Suggests recommendation should be to collect and catalog all

existing watershed-based management plans in the Highlands, update their implementation status, coordinate support for their implementation, and prioritize for development of a plan for those watersheds within the Highlands that presently lack a management plan.

Highlands Council Response: The Highlands Council partially agrees with this comment. Changes have been incorporated into the final MPRR. Please see MPRR page 25. The MPRR includes an item on the Science and Research Agenda regarding the development and implementation of additional watershed-based management plans in the region (page 25).

Comment: Commenter agrees that existing governmental monitoring networks are insufficient to provide the level of information to management water availability and quality in compliance with the Highlands Act (page 25). Commenter encourages the Council to work with non-governmental and non-profit partners.

Highlands Council Response: The Highlands Council agrees with this comment and has incorporated changes into the final MPRR. Please see MPRR page 25.

Comment: Commenter states that USGS's current regression model has proven to be inadequate and suggests the Council should not rely on it. Suggests a new regression model should be developed, tested, and peer-reviewed before revisiting the septic density issue.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter notes that while septic density can be an important lens to interpret groundwater quality protection needs, estimating septic densities is only one of many reasons to improve the groundwater monitoring network in the Highlands. Suggests design of an improved groundwater monitoring network to collect data for a variety of potential pollutants and use of that data to prepare an analysis of temporal and spatial trends in groundwater quality and quantity in the Highlands.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Changes have been incorporated into the final MPRR. Please see MPRR page 25.

Comment: Commenter supports the development and implementation of watershed-based management plans where they are needed. However, notes that

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the Highlands Act directive to “protect, restore, and enhance the quality and quantity of surface and ground waters” (emphasis added) is not geographically limited to those places in the Highlands with “sufficient available data.” Where existing data isn’t sufficient, it is incumbent on the Council to collect sufficient data and then use that data to improve water quality.

Highlands Council Response: The Highlands Council has included proposals in the Science and Research Agenda sections of the MPRR (see pages 23 and 25) to determine the feasibility of improving the groundwater and surface water quality monitoring networks throughout the region in an effort to collect sufficient data where it is not currently available.

Comment: Commenter suggest a water fee be charged of users of Highlands water. Suggests funds raised could be used to compensate landowners, preserve land, and for forest management critical to water supply and quality.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council has long supported the concept of a water user fee.



Water & Wastewater Utilities

Comment: DWSG staff meet regularly with Highlands Council staff to coordinate reviews. A draft DWSG-SOP (Standard Operating Procedure) was never officially finalized but is used as guidance. DWSG intends to maintain the open lines of communication and coordination. DEP staff meet monthly with Highlands Council staff to discuss coordination of all issues of mutual concern.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. The Highlands Council would like to formalize the Standard Operating Procedure.

Comment: Commenter notes that on page 27 under the Highland RMP Program the 5th and 7th bullet points both refer to a build-out analysis. Should these be combined?

Highlands Council Response: The bullet points referenced in this comment are associated with two separate programs identified in the RMP (refer to pages

272 and 273 of the RMP). One program is associated with ‘Existing Areas Served’ while the other program is associated with ‘Proposed Service Areas.’

Comment: Commenter suggests adding an additional recommendation to the lists of Recommendations for water and wastewater utilities on page 30: Prioritize Municipal Wastewater Management Plan (WMP) development and identify those priorities to NJDEP.

Highlands Council Response: The Highlands Council continuously coordinates with the NJDEP on Water Quality Management Plan (WQMP) amendments and municipal/ county WMPs within the Highlands Region. Prioritization is conducted at a staff level and inclusion in the MPRR is not required.

Comment: Commenter questions need for different approach than rest of NJ to capacity and demand status discussed on page 112.

Highlands Council Response: The Highlands Act designated the Highlands Region as an area subject to more stringent environmental standards. In keeping with the intent of the Act, the method for calculating capacity and demand is more conservative than in the rest of the state.

Comment: Commenter suggests that Septic Maintenance programs in the Highlands Region should be voluntary. Suggests mandatory programs would create unfunded mandated costs to both the municipality and its residents.

Highlands Council Response: To date, no Highlands Municipal Septic System Maintenance Plan Ordinance has been developed or adopted. The MPRR (page 31) contains recommendations intended to review the Septic Maintenance program including a review of the effectiveness of existing septic maintenance requirements. Septic System Maintenance program initiatives developed in the future would likely be funded by the Highlands Council’s Plan Conformance amended grant agreement program for conforming municipalities.

Comment: Commenter notes that the Build-out Analysis for Non-Highlands Approved Service Areas in Hunterdon County will be completed by the Hunterdon County planning department, not the Highlands Council staff.

Highlands Council Response: The Highlands Council is only conducting the build-out analysis for conforming municipalities within the Highlands Region.

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Comment: The commenter strongly supports the recommendation for alternative waste water treatment plants. This will have broad impacts in other sections of the report (Future Land Use, Landowner Equity, Sustainable Economic Development). The commenter agrees with the need to better monitor existing septic systems and septic failures, as the burden of clean ground water should not be solely focused on new septic systems. However, there needs to be a process to address business, including farm business expansion of waste water systems. Better coordination of DEP rules and the Highlands RMP, when encouraging businesses to grow or stay in the region.

Highlands Council Response: The Highlands Council appreciates these comments and support for its recommendations. Wastewater treatment for commercial development is an issue of concern in the Region since public sewer service is not widely available. This is a major reason for Highlands Redevelopment Area and Highlands Center designations. The Council seeks to locate development in the most suitable locations, where it will have supporting infrastructure to sustain it.

Comment: Commenter suggests the Council coordinate with NJDEP to ensure the adoption of more reasonable Wastewater Management Plans that identify new sewer service areas for development, particularly in the Existing Community Zones and Centers. Commenter questions the decrease in sewer service areas in the Existing Community Zones and Centers. (pages 154 and 159)

Highlands Council Response: There are currently 6 adopted Wastewater Management Plans within the Highlands Region. The Highlands Council is continuously coordinating with the NJDEP on the development and adoption of Wastewater Management Plans. The Wastewater Management Plan amendment process is a NJDEP protocol and documents are not public information until NJDEP publishes the Water Quality Management Plan amendment in the NJ Register.

Sewer Service Areas could decrease in Centers due to more accurate mapping. The mapping for sewer service areas is developed and refined through the 2009 and 2015 Build-out Analysis and through the adoption of Wastewater Management Plans. The 2002 mapping originated by NJDEP may not have reflected the most accurate information. The mapping for the MPRR identifies the areas that have pipes in the ground and wastewater flowing to a treatment plant. Therefore, sewer service areas may have decreased in ECZ and Centers based on the in ground piping and wastewater flowing, not the Future sewer service areas that the Highlands Council finds to be consistent with the RMP, which includes ECZ and Centers.

Comment: Commenter noted an omission in a Highlands Act Goal related to Water and Wastewater Utilities on page 27.

Highlands Council Response: The Highlands Council has incorporated this change into the final MPRR. Please see page 27.

Comment: Commenter notes several omissions in RMP goals, objectives, and programs related to water and wastewater utilities.

Highlands Council Response: The Goals of the RMP for “Sustainable Development and Water Resources” are listed in the MPRR. The commenter lists the policies and objectives under those goals. It should be noted that the MPRR discusses recommendations for modifications and refinement of the RMP. Any item contained in the RMP that is unaddressed in the MPRR would remain in the RMP unchanged.

Comment: Commenter supports the RMP Wastewater System Maintenance program and its elements, yet notes issues with adoption and enforcement of such ordinances and the resulting impact on communities.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter states that indicator reports do not provide sufficient insight into whether or not the Highlands Act’s goals and objectives are being met. Cites as an example the finding that most of the water supply EAS lies within the ECZ of the Planning Area, and that most of the wastewater EAS lies within the ECZ of the Planning Area. Includes other specific examples.

Highlands Council Response: The indicators contained in the MPRR provide baseline documentation that will be tracked through iterative monitoring reports and may reveal evidence of additional impacts of the RMP over time. Regarding the data used, the mapping has been updated and refined through both the 2009 and 2015 Build-Out Reports, Wastewater Management Plans and amendments, and the Water Use and Conservation Management Plans.

Comment: Commenter supports several recommendations::

- Develop procedures that improve coordination with WMP partners to accelerate development and adoption of WMPs.

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- Update EAS data for both wastewater and water utilities on a regular schedule.
- Continue to coordinate with NJDEP on water allocation decisions and project reviews that demand public water and/or wastewater utilities, particularly regarding sensitive resources.
- Identify and prioritize areas that are in need of upgraded infrastructure.
- Investigate opportunities for creating grant programs to assist with infrastructure upgrades.

Highlands Council Response: The Highlands Council staff acknowledges and appreciates this comment.

Comment: Commenter feels the content of the Water and Wastewater Utility topic chapter in the MPRR was insufficient. Suggests that if the indicators were more reflective of showing how well the Water and Wastewater Utility programs succeeded in meeting the fundamental goals and objectives of the Act and the RMP for this topic, there would be more meaningful recommendations to make at this time.

Highlands Council Response: The Highlands Council staff acknowledges and appreciates this comment. The indicators contained in the MPRR provide baseline documentation that will be tracked through iterative monitoring reports and may reveal evidence of additional impacts of the RMP over time. The Highlands Council anticipates that there will be more useful data on the EAS of water and wastewater in the future.

Comment: Commenter has a number of concerns in the Water and Wastewater Utilities section of the Report. States that Water and Wastewater Utilities are lumped together in a way that terms and statements are applied in a manner that makes it difficult to ascertain whether the report is referring to wastewater or water supply systems. Suggests making terminology consistent with standard language used in applicable rules and regulations.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The laws, regulations and rules that apply to water and wastewater utilities are cited in the Highlands Utility Capacity Technical Report, (which provided the foundation for the water and wastewater components of the RMP) but were not repeated in the MPRR. While the Highlands Council has endeavored to use consistent terminology to date, we will continue to coordinate with state agencies to maintain consistent terminology.

Comment: Commenter questions the findings on page 30 related to water supply EAS, i.e. the extent of the mapped water supply service area has increased. However the reason for this is not provided and can be complex, potentially attributed to the following: ground water contamination requiring conversion from private well to public water systems or other ground water supply constraints; change in the methodology for delineating or defining water service areas. The decrease in wastewater EAS is attributed to more accurate mapping; however, it should be clear that a change in the method for delineating Wastewater service areas has also taken place, affecting the size of the service area. Finally the indicator does not recognize the critical impact rainfall patterns have on wastewater flow. Dry weather patterns are the primary factor, coupled with more efficient plumbing fixtures and population decline in much of the Highlands Region.

Highlands Council Response: The indicators contained in the MPRR provide baseline documentation that will be tracked through iterative monitoring reports and may reveal evidence of additional impacts of the RMP over time. The increase in public water supply EAS may be attributed to many factors, including conversion of private well to public water systems required because of groundwater contamination or other groundwater supply constraints, or increases in mapping accuracy. However, the methodology for delineating or defining water service areas has not changed. The water and wastewater service areas identified in the report are defined in the RMP on page 432 as "... areas connected to either an existing public wastewater collection system or public water distribution system where such infrastructure is already constructed. It does not include areas of designated sewer service areas or water service franchise areas where collection, transmission, or distribution systems do not currently exist."

Comment: Commenter states that the map on page 111 is unclear for a number of reasons and specifically questions whether the mapped Wastewater Service Areas on page 111 are consistent with the Sewer Service Areas adopted for Somerset County's Highlands municipalities. Suggests that if sewer service areas are defined as individual tax parcels or facilities/building footprints currently served, then this definition should be provided.

Highlands Council Response: The map referenced is an update of Figure 3.30 on page 120 and 121 of the RMP and the legend correlates with capacity data. It identifies the EAS and the capacity for wastewater treatment plants. For the definition of EAS, please refer to the previous response. The sewer service area mapping that Somerset County prepared for NJDEP is

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a different map than what is shown here. That map is of the sewer service areas, depicting areas assigned and unassigned to wastewater facilities. No Somerset County municipality is conforming for the Planning Area of the Highlands Region; therefore, no update to a Wastewater Management Plan or build-out analysis would inform updates to this map. The EAS mapping is accurate to the best of our knowledge and Somerset County may request the GIS shapefiles or download them from our website (data-njhighlands.opendata.arcgis.com).

Comment: Commenter notes that there is no estimate of future additional wastewater flows or water demand from vacant potentially developable land, future infill and redevelopment in the MPRR and questions why.

Highlands Council Response: The commenter is correct that the MPRR does not address future wastewater flows or water demand; it did not intend to. The MPRR provides a baseline evaluation of RMP implementation and does not reflect a revised build-out analysis.

Comment: Commenter questions references throughout the document to a build-out analysis that appears to have been performed for “conforming” municipalities. Notes that neither change in population growth between 2002 and 2012 based on census trends, nor estimates/projections of future municipal population growth based on the aforesaid build-out analysis are provided in the MPRR (see tables beginning on page 148). Commenter suggests that existing and projected population (and household growth) are a key determinant of future wastewater and water supply demand. Change in acres of sewer service area and water service area from 2008 – 2016 provided in these tables is not a determinant of future wastewater and water demand in and of itself. Future Service Area must be distinguished from Existing Areas Served, then Future Service Area must be coupled with vacant potentially developable land and associated allowable development densities and land use types and estimates of growth in designated redevelopment areas in order to predict future sewer and water needs within the Highlands area, which this report does not appear to address.

Highlands Council Response: The analysis discussed shall be resolved through Recommendations contained under the future land use section of the MPRR, including the revision of the Land Use Capability Zone Map series and the development of a Smart Growth Map in accordance with the requirements of the Act (C.13:20-11.a (6)(d)), which shall “identify transportation,

water, wastewater, and power infrastructure that would support or limit development and redevelopment in the Planning Area.”



Agricultural Resources

Comment: In the land in Agriculture Preserved Land Indexes, commenter questions 95% of Agricultural Resource (ARA) being preserved.

Highlands Council Response: The Highlands Council agrees that the ARA preserved farmland figure is in error and has provided corrections. Thank you for bringing this to our attention. Please see pages 34 and 127.

Comment: Commenter would like to see the restoration of the farming assistance program and expected to see more detailed reporting of the benefits of the program, including number of farms helped, acres of land impacted, etc. in the MPRR. Commenter indicates that \$418,000 was spent in three counties and recommends the results of the grants should be shared.

Highlands Council Response: The Highlands Council provided the referenced funding through its county agricultural grants program. Information and deliverables related to this program are no longer directly available on the Highlands Council website; however, the Council will provide the information upon request. The Highlands Council continues to promote the use of its grant funds for county projects and, with the creation of an Agricultural Advisory Committee, the Council will likely seek to increase grant funding in this area.

Comment: Commenter recommends adding additional indicators to better understand the health of the agriculture economy in the region:

- Number and nature of Right to Farm complaints since 2008 (CADB and SADC data). NJDA can work on this.
- Market value of crops 2007 vs. 2012 (Ag 2012 Census).
- Economic value of agri-tourism and direct marketing to towns and counties. NASS
- Comparison of acres/numbers of major commodities 2008-2012. NASS
- Number of new farm conservation plans developed and implemented (NRCS and Soil Conservation District data).

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- Number of scale of projects that have used the Agriculture Development process for new buildings and farm expansion.

Highlands Council Response: The Highlands Council acknowledges and appreciates these suggestions. However, in order to produce a useful MPRR document that retains a focus on priorities, the Highlands Council had to reduce the total number of suggested possible indicators to a manageable number. It was also helpful to consolidate items in a number of cases, to create representative indexes composed of various parts. The MPRR does include the full list of Indicators considered, beginning on page 205.

Comment: The commenter generally supports the MPRR recommendations listed on page 35 and adds additional suggestions, thoughts and ideas, including:

1. “We suggest that the RMP promote organic agriculture in the Highlands Region through education and technical assistance as a way to fulfill multiple Highlands Water Protection and Planning Act resource protection and sustainable economic goals, including especially protection of water quality, biodiversity, human and environmental health.”
2. “We strongly recommend first prioritizing a transition to organic agriculture as noted above, and then the reduction of synthetic pesticides, herbicides, etc. through IPM.”
3. “We support marketing assistance that promotes Highlands’ products within already existing venues, including farmers’ markets. Many farmers have experienced a decrease in farmers’ market attendance due to the over-abundance of such markets.”
4. “Research into the benefit of cooperatives could be useful for Highlands farmers. In Pennsylvania, the Lancaster Farm Fresh Coop successfully supports local farmers while selling to customers, both retail and wholesale, in the tri-state area.”
5. “If an Agricultural Advisory Council is established, it is important that it include organic farmers in its membership, and include cross-sector representation in order to address the marketing and supply-chain issues faced by farmers, (e.g. marketing diversification specialists, consumers, retailers, and distributors).”

Highlands Council Response: The Highlands Council appreciates these comments and will bring these issues to the attention of the Agricultural Advisory Committee proposed in the MPRR (see MPRR page 35).

Comment: The commenter suggests offering competitively awarded grants to non-governmental organizations to provide marketing assistance and training and

suggests such resources be offered on a regional basis (e.g. a scenic region like the Highlands versus the political boundary of a County).

Highlands Council Response: Funding for NGOs may indeed be helpful, but Section 18 of the Highlands Act limits Highlands Council Plan Conformance grant funding to municipalities and counties only. It may be feasible for municipalities or counties to contract the services of other entities to complete Highlands grant tasks.

Comment: The commenter supports forest sustainability recommendations regarding proactive management of deer populations and incentives to encourage control of both invasive species and deer, as these are vital to agricultural production as well.

Highlands Council Response: The Highlands Council appreciates the comment and agrees that these are issues of concern to the agricultural community that will be brought to the attention of the Agricultural Advisory Committee proposed in the MPRR (see MPRR page 35).

Comment: The commenter provides information on additional programs of interest that the Highlands Council may wish to consider:

- The national Sustainable Agriculture Research and Education (SARE) program.
- The Marin Land Trust (MALT) in California, for agricultural practices that sequester carbon.
- The Marin Carbon Project – a consortium of ranchers, scientists, nonprofits, agencies and policymakers, for information on adding compost to soil for soil health and for carbon sequestration.
- Carbon Farming practices to reduce or reverse a farm’s greenhouse gas emissions.

“In 2014, the American Carbon Registry, a group that certifies carbon offsets, used results from the Marin Carbon Project to approve a protocol for adding compost to rangeland. Through the new protocol, ranchers who spread compost on their pastures can now sell carbon offset credits through voluntary carbon markets.”

Highlands Council Response: The Highlands Council appreciates this information and will bring these issues to the attention of the Agricultural Advisory Committee proposed in the MPRR (see MPRR page 35). Please note that the RMP does address the concept of carbon sequestration, and the MPRR includes it among recommendations for the Science and Research Agenda (see Forest Sustainability). Incorporating effective carbon sequestration strategies into agricultural practices is

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a logical extension of the idea. A recommendation regarding a potential climate change technical study has been added to the MPRR at page 45. Such a technical report would likely review carbon sequestration issues.

Comment: Commenter suggested increased emphasis on development of Agriculture Retention and Farmland Preservation plans in municipalities with agriculture. This includes encouraging town to adopt and upkeep Right to Farm ordinances in accordance with the SADC model Right to Farm ordinance.

Highlands Council Response: The Highlands Council agrees that municipal participation in developing Agricultural Retention/Farmland Preservation Plans has been limited thus far. The MPRR states that the main program issue facing the Highlands Council in this regard is “limited implementation of existing RMP programs.” The Plan Conformance program does require such plans of its agricultural municipalities, but does not dictate the timing for completion. In some number of cases, municipalities appear to rely on existing farmland preservation plans while addressing other items they see as taking priority. The recommendation for an Agricultural Advisory Committee (MPRR page 35) is in recognition of these issues and through the committee the Council will continue to encourage their completion along with Right to Farm Ordinances.

Comment: Commenter notes that only 12 towns have developed a Right to Farm ordinance acceptable to the Council.

Highlands Council Response: The Highlands Council continues to promote adoption of Right to Farm ordinances, particularly for communities of the Highlands Region located within the Agricultural Resource Area.

Comment: Commenter supports the establishment of an Agricultural Advisory Committee and suggests development of a formal process for consultation with agricultural support agencies in the Highlands including: NJ Department of Agriculture, USDA Natural Resources Conservation Service, Rutgers Cooperative Extension, USDA Farm Service Agency, USDA Rural Development, the National Agricultural Statistical Service, and county agriculture development boards.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council will forward these issues to the attention of the Agricultural Advisory Committee proposed in the MPRR (see MPRR page 35).

Comment: The commenter suggests revisiting cluster development requirements to examine why cluster development has been lacking in the Region. Commenter supports noncontiguous cluster and the encouragement of alternate wastewater technology.

Highlands Council Response: The Highlands Council believes that the lack of cluster development in the Region results from both the slow growth period as a result of the recent recession and the fact that few properties exist in the Region that are large enough in acreage to support cluster development. The model Highlands Land Use Ordinance requires cluster development in the Agricultural Resource Area, wherever a project proposes construction of four or more single-family homes. Based on septic density requirements in the Preservation Area, such development would require a minimum of 100 acres. For forested lands, the minimum acreage requirement climbs to 352 acres. The Highlands Council appreciates the support for noncontiguous cluster options and remains interested in alternative wastewater treatment technologies, particularly for application in densely developed areas with failing septic systems.

Comment: Commenter suggests there should be a relationship between the Woodland Management Plans required for appurtenant Farmland Assessment and the many types of forestry plans required by the RMP. Requests the Council revisit, simplify, and find resources to pay for the required plans.

Highlands Council Response: Approved Woodland Management Plans and associated forest management activities are exempt from the restrictions of the Highlands Act and RMP. The Highlands Council is in the process of developing forest management guidance that may be adopted by conforming municipalities and this guidance may be of use to non-farmland assessed forest owners. Please see page 14 of the MPRR for amended language concerning the recommended Highlands Specific BMP manual.

Comment: Commenter suggests that the term “Farm Conservation Plan” should be used instead of “Agriculture Conservation Plan.”

Highlands Council Response: The Highlands Council has modified the label to “Farm Conservation Plans.” Please see page 213.

Comment: Commenter feels indicators for Agricultural Resources are insufficient and others were identified during TAC meetings, which were not included

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Highlands Council Response: In order to produce a useful review of the RMP that retains a focus on priorities, the Highlands Council had to reduce the total number of suggested possible indicators to a manageable number. It was also helpful to consolidate items in a number of cases, to create representative indexes composed of various parts. The full list of Indicators considered is included in the MPRR, beginning on page 205.

Comment: Commenter supports cluster development recommendations.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter supports additional farmland preservation in the Highlands Region, especially using the federal Agricultural Land Easement program, which requires an impervious cover limit.

Highlands Council Response: The Highlands Council recognizes the impacts that impervious coverage can have on water quality and appreciates the commenter's support for farmland preservation in the Region.

Comment: Multiple commenters expressed concerned with the low number of completed Agricultural Retention/Farmland Preservation Plans and inquired about the total number of municipalities in the Highlands Region required to complete such plans.

Highlands Council Response: The Highlands Council agrees that municipal participation in developing Agricultural Retention/Farmland Preservation Plans has been limited thus far. The MPRR states that the main program issue facing the Highlands Council in this regard is "limited implementation of existing RMP programs." The Plan Conformance program requires such Plans of its agricultural municipalities, but does not dictate the timing for completion. In some number of cases, municipalities appear to rely on existing farmland preservation plans while addressing other items they see as taking priority. Coordination with SADC, CADBs, Municipalities and the Farm Bureau should take place to determine where the Highlands Council grant funding for these planning activities can best be leveraged. The Council will bring these issues to the attention of the Agricultural Advisory Committee that is recommended to be established (see MPRR page 35). In addition the total number of municipalities in the Highlands Region required to complete such plans has been added to Table 1 on page 192.

Comment: Commenter questioned the inclusion of the Open Space Program as an indicator for Agricultural Resources.

Highlands Council Response: Please note that the MPRR identifies the Open Space Program in the referenced section as an Indicator "related to Agricultural Resources" (emphasis added). The commenter is correct that the Open Space Program includes farmland, an edit has been made to the indicator, and page numbers and links to the indicators are proposed to be added to the final MPRR to aid in referencing various indicator sections of the MPRR.

Comment: Commenter suggests coordination with county agriculture development boards and the SADC in the Highlands Council's role as Regional Clearinghouse for Farmland Preservation, Stewardship and Technical Assistance referenced in the Agricultural Resources Topic Area chapter.

Highlands Council Response: The concept of serving as a Regional Clearinghouse appears in a summary list of programs already included within the RMP, under the subtitle "Coordination Efforts." (Page 33) Please note that the preceding text explains that such coordination refers to coordinating with other county, state, and federal agencies. While this summary text does not specifically mention county agriculture development boards or the SADC, the RMP itself does so repeatedly.

Comment: Commenter questioned the Agricultural Resource Area (ARA) preserved farmland data in the Agricultural Resources Topic Area chapter and the Agricultural Land Use and Preservation Index indicator report.

Highlands Council Response: The Highlands Council agrees that the ARA preserved farmland figure is in error and has provided corrections. Please see pages 34 and 127.

Comment: Commenter suggests additional metrics for measuring the continued viability of agriculture throughout the region.

Highlands Council Response: The Highlands Council acknowledges these comments and will bring these issues to the attention of the Agricultural Advisory Committee that is recommended to be established (see MPRR page 35).

Comment: Multiple commenters suggested increasing outreach to the farm community with regard to existing loan opportunities from state and federal sources.

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Highlands Council Response: The Highlands Council agrees with the commenters' suggestion to begin with better education about existing opportunities, as these may address much of the need. Working with existing credit agencies to expand options may also be worthwhile. As for all MPRR recommendations, the Highlands Council will research and carefully evaluate the concept of establishing an Agricultural Loan Bank before any actual implementation gets underway. The Council will bring these issues to the attention of the Agricultural Advisory Committee that is recommended to be established (see MPRR page 35)

Comment: As to measuring the change in median per-acre value of property sales and assessed value for preserved and non-preserved farmland, the commenter suggests checking with the SADC first, to see if these numbers already exist.

Highlands Council Response: The Highlands Council searched for these figures and found that they are not available through the SADC or other known sources.

Comment: Commenter suggests the research agenda should include compiling data from County Agriculture Development Boards.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council will take these into account as we implement the RMP goals concerning agricultural retention. We acknowledge that retention of agriculture in the Region requires an active, engaged agricultural community.

Comment: Multiple commenters expressed support for recommendations related to agri- and eco-tourism, while offering suggestions for enhancements to the recommendations, and additional specific suggestions for how these recommendations might be implemented. Commenters noted concerns over potential traffic issues related to agritourism. Commenters also noted the important connection between tourism and economic development in the more rural parts of the Highlands Region.

Highlands Council Response: The Highlands Council appreciates these comments and will consider each as the Highlands Council moves forward with the recommendations for Highlands tourism programming. The Council will bring these issues to the attention of the Agricultural Advisory Committee that is recommended to be established (see MPRR page 35)

Comment: Multiple commenters expressed concern over recommended changes to the definition of "disturbance" as it relates to agricultural use. One commenter expressed support for the change.

Highlands Council Response: The Highlands Council appreciates these comments and has modified this recommendation. The recommendation to "Amend RMP Definition of Disturbance" on page 15 has been removed and replaced with language focused on coordinating with the NDJEP to allow for certain exceptions to buffer area rules, conditioned upon implementation of significant restoration/enhancement mitigation initiatives. Please see page 15 for complete text.

While encountered during Highlands Project Reviews in the context of agricultural disturbances, this issue is actually of a broader nature. The Highlands Council intent is to encourage and incentivize stream corridor and Highlands Open Water buffer restoration in accordance with the goals and policies of the RMP. In review of various development proposals, the Council has identified opportunities to achieve restoration or significant enhancement of degraded or non-functional stream buffers. To take advantage of these opportunities, the Highlands Council recommends permitting limited development in degraded buffer areas, in exchange for meaningful restoration projects that result in significant net improvements to stream corridor protection that would not likely occur otherwise. The MPRR recommendations on page 15 already speak to this issue.

As to agriculture, the New Jersey Department of Agriculture regulates Highlands agricultural uses, pursuant to N.J.A.C. 2:92, "Agricultural Development in the Highlands." The main requirement therein is for development of Farm Conservation Plans in the event of significant increases in agricultural impervious coverage. As required by the Highlands Act, other Highlands resource regulations do not apply to agriculture. In fact, NJDEP Highlands Rules explicitly exempt agricultural disturbance from Highlands Open Waters requirements unless one seeks to develop "previously-disturbed" agricultural areas for non-agricultural uses. Accordingly, both the RMP and the Highlands Council seek to educate and incentivize farmers to restore/enhance stream buffers where they intersect with agricultural lands.



Historic, Cultural, Archaeological and Scenic Resources

Comment: Commenter states that the goals outlined for historic, cultural, archaeological and scenic resources are clear and concise. Further suggests that many of the issues addressed in the section are currently handled by the State Historic Preservation Office (SHPO) and questions who will be responsible for undertaking the work described.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Historic resource protections are the purview of SHPO and the Highlands Council incorporates that information into the Regional Master Plan; however, there is opportunity to expand the inventory of historic resources to include those that may have particular local significance. Additionally, the Highlands Council would like to more fully implement the resource protection goals for historic and scenic preservation as contained within the Highlands Act. The responsibility for these efforts will likely be shared between the Highlands Council and our constituent county and municipal partners.

Comment: Multiple commenters expressed support for the recommendation to amend the Plan Conformance Program to make review of impacts on historic, cultural, and archaeological resources a required component, in compliance with the stated goals, policies, and objectives of the RMP.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter supports the recommendation to consider amending the language of the RMP to more strongly reflect the intention of the Highlands Act goal to “preserve . . . historic sites and other historic resources.” Suggests that the Highlands Council has the authority to identify historic and cultural resources, as part of a Highland resource area, in the Planning and Preservation areas ((N.J.A.C. 7:38-1.1(d)) and should utilize this authority fully in furtherance of the RMP goals.

Highlands Council Response: The Highlands Council acknowledges this comment. The Highlands Rules section referred to gives the NJDEP authority to

confirm the location of Highlands resources, not the Highlands Council. Although the Highlands Council coordinates with the NJDEP on its implementation of the Rules, Highlands Council activities are directed by the Regional Master Plan.

Comment: Commenter supports the recommendation to gather information related to historic preservation efforts in each Highlands municipality and county and prepare, and keep up-to-date, an inventory of Certified Local Governments, historic preservation plans, survey, and ordinances. Suggests adding “for Highlands municipalities and counties” at the end of the sentence.

Highlands Council Response: The Highlands Council appreciates this comment and has incorporated this change into the final MPRR. Please see MPRR page 38 for changes.

Comment: Commenter supports the recommendation to coordinate with the NJ Historic Trust to establish a mechanism for tracking public spending on historic, cultural, and archaeological resources and to work in cooperation with SHPO to initiate an education and outreach program.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter stated that cultural resources cannot be separated from natural resources, but the RMP provides detailed plans for natural resource protection and only generalities related to cultural resources. Suggests that amendments to the RMP should include specific programs for cultural resource protections. Further suggests cross-referencing cultural resource language with other sections of the RMP, such as water resources, agricultural resources, transportation, and others.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The MPRR includes a recommendation to consider amending the language of the RMP to “more strongly reflect the intention of the Highlands Act goal.” (page 38)

Comment: Commenter supports the use of Highlands Council grant funding to inventory cultural resources, but believes the conformance process should require municipalities to adopt a cultural resources element as part of the municipal master plan. Further suggests requiring establishment of a historic preservation commission and an environmental commission.

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Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The MPRR recommends amending the plan conformance process “to make the review of impacts on historic, cultural, and archaeological resources a required component.” The actions undertaken by each municipality will be specific to individual municipal conditions and resource needs.

Comment: Commenter states that Native American and Indigenous Peoples sites are not well-represented on the New Jersey portion of the National Register of Historic Places. Suggests the RMP increase the importance of processes and funding for recognizing, mapping, protecting and preserving Native American and Indigenous Peoples sites, landscapes, rock shelters, cemeteries, etc. that are located in the New Jersey Highlands Region.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. The MPRR includes a recommendation to consider amending the language of the RMP to “more strongly reflect the intention of the Highlands Act goal.” (page 38)

Comment: Commenter notes that although scenic resources are recognized in the Highlands Act, these resources have not yet received the protections they deserve. Suggest a mandatory scenic resource component in the Highlands land use ordinance.

Highlands Council Response: The Highlands Council acknowledges this comment and will take it into consideration in future iterations of the model ordinance.

Comment: Commenter suggests that identification of scenic resources and review of impacts on those resources be a required component of plan conformance.

Highlands Council Response: Scenic resource protection is currently a required component of plan conformance. The RMP identified 131 scenic resources in the baseline inventory. The inventory currently includes national historic landmarks, publicly owned parks, forests, and recreation area. A Procedure for Nomination, Evaluation, and Inventory of Highlands Regionally Significant Scenic Resources was passed by Highlands Council resolution in 2008, but no additional nominations have been made.

Comment: Commenter supports the recommendation for scenic resources education, specifically the development of a “municipally oriented outreach effort to assist in the identification and nomination of potential Highlands scenic resources.” (page 39)

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter supports the recommendation that the Highlands Scenic Resource Inventory be updated and further notes that scenic resources comprise a wide spectrum of values beyond preserved lands. Offered several suggested additions to the inventory.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. The Procedure for Nomination, Evaluation, and Inventory of Highlands Regionally Significant Scenic Resources establishes a process for adding resources to the inventory.

Comment: Commenter disagrees with the recommendation to review the Procedure for Nomination, Evaluation, and Inventory of Highlands Regionally Significant Scenic Resources to determine if modifications are appropriate. States that there has never been a serious or sustained effort to implement these procedures, so there is no way of knowing how well they might work. Instead, the Highlands Scenic Design Advisory Board needs to be appointed and implementation efforts initiated.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter supports the recommendation to include a section on recreation in the RMP. Suggests that recreation, when managed properly, can contribute to economic development in the region with minimal environmental impact.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter suggests that protection of cultural resources should be addressed in multiple other sections of the RMP and cultural resource protection procedures should be implemented throughout the region.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

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Comment: Commenter suggests that the Highlands Council should not develop a new Highlands inventory of cultural resources because the State Historic Preservation Office (SHPO) already maintains a statewide inventory.

Highlands Council Response: The Highlands Council acknowledged, in both the RMP and the Historic, Cultural, Scenic, Recreation, and Tourism Technical Report, the inventory of cultural resources maintained by SHPO and incorporates these all by reference. As the SHPO list is updated, the Highlands inventory follows. The Technical Report states that the inventory includes only those resources expected to meet national and state register criteria and “many more resources are important locally and deserve consideration and support when planning projects are initiated. Much of this information can be drawn from local knowledge and local history” (page 2, Historic, Cultural, Scenic, Recreation, and Tourism Technical Report). The Highlands Council is not duplicating the SHPO efforts in identifying cultural resources.

Comment: Commenter suggests the Highlands Council may wish to include New Jersey Scenic Byways, such as the Warren Heritage Scenic Byway, and scenic railroads, such as the Delaware River Railroad, in the Highlands Scenic Resource Inventory. Further suggests adding a number of parks, natural areas, greenways, and trails which are not only natural resources, but also cultural and scenic resources. States that in addition to federal, state, county, and municipal lands, there are a number of multi-jurisdictional resources like the Morris Canal Greenway, the Highlands Trail, the Warren-Highlands Trail, the 911-Memorial Trail, and others that may be appropriate to include in the inventory.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council adopted the Procedure for Nomination, Evaluation and Inventory of Highlands Regionally Significant Scenic Resources in 2008 to provide a mechanism for adding to the Scenic Resource Inventory. The MPRR includes recommendations to review the Procedure and to develop a municipally oriented outreach effort to assist in the identification and nomination of potential Highlands scenic resources (MPRR page 39). The Highlands Council recognizes the important role that County and other officials may have in this process and has added a recommendation to encourage greater involvement by County officials and other interested organizations. Please see MPRR page 39 for changes.



Transportation and Air Quality

Comment: Commenter states the MPRR looks great and is well thought out.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter notes that transportation is not addressed as it relates to tourism in the region. Suggests a need for coordination across towns and counties, for expanded public transportation to rural areas, bike friendly roads and other beneficial programs that can facilitate improving tourism and agri-tourism in the region.

Highlands Council Response: The Highlands Council appreciates these comments and will consider each, both as agri-tourism in the Region grows itself, and particularly, as the Highlands Council moves forward with the recommendation for a Highlands tourism program.

Comment: Several commenters addressed concerns regarding climate change and its impact on the Highlands Region.

Highlands Council Response: The Commenters' overarching concerns refer to the effect of climate change and the incorporation of climate change objectives into the RMP Goals, Policies and Objectives. The RMP in Part 9, Air Quality states that “The Highlands Act recognizes that the Highlands Region includes “exceptional natural resources such as clean air” (Section 2) and the Highlands RMP seeks to establish mechanisms for the protection and enhancement of air quality resources for the Highlands Region that consider the interplay of air quality conditions at local, regional, interstate, and global levels. The RMP policies support the State Global Warming Response Act in reducing the level of greenhouse gas emissions in the state by the year 2020 through the reduction of mobile sources, resource protection and energy efficient practices. The RMP also recognizes the importance of the State Energy Master Plan as a means to plan and evaluate for energy efficiency and greenhouse gas reductions at all levels of government.”

While the RMP recognizes the importance of improving air quality and reducing greenhouse gases, there is no discussion of the longer term impacts on the water supply, environment, agriculture, the regional economy

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and physical impacts that may be caused by climate change. In response to the comments, the Highlands Council will supplement the MPRR to incorporate a recommendation on climate change (see page 45).

Comment: Commenter suggests that any site design guidelines developed as part of Green Streets Planning and Walkable/ Bicycle Friendly Site Design should be consistent with the Complete Streets concept. Any green streets should support all modes of travel.

Highlands Council Response: The Highlands Council acknowledges this comment. The current recommendation (see MPRR page 44) would establish guidelines for green streets. The establishment of guidelines would investigate those elements typically described under a Complete Streets concept and others.

Comment: Commenter suggests changes to Highlands Act exemptions related to Transportation (exemptions 9 and 10).

Highlands Council Response: This comment is outside the scope of the MPRR, as it addresses a concern with Highlands Act exemptions which are defined in the Highlands Act (C.13:20-28). The Highlands Council does not have the power, authority, or jurisdiction to change the Highlands Act.

The Act also charges the Highlands Council with reviewing any capital or other projects undertaken by any state, county or local government (C.13:20-16). The transportation component is consistent with the requirements of the Highlands Act and informs our capital project reviews.

Comment: Commenter felt there was an implied correlation in the report between improvements in Air Quality Index days in the Highlands Region since 2004 and policies contained in the Highlands Act and RMP. Commenter questions such a connection.

Highlands Council Response: The MPRR acknowledges (see page 134) that “given the ambiguous nature of contributing factors to air quality, it is difficult to ascertain the direct impact of the RMP in reducing air pollution.”

Comment: Commenter questions the need for a recommendation to create of additional guidelines to help improve air quality in the Region.

Highlands Council Response: Air Quality is specifically defined under the resource assessment of the Regional Master Plan and under the Highlands Act (C.13:20-11a (1) (a)).



Future Land Use

Comment: Commenter supports the MPRR’s focus on low impact development, cluster, and center development. Suggests the plan and the report should focus on better ways to use the state regulations that include noncontiguous cluster and other planning tools to preserve open lands/farmland and still permit appropriate development in the region.

Highlands Council Response: The Highlands Council believes that the lack of cluster development in the Region results from both the slow growth period of the recent recession and the fact that few properties exist in the Region that are large enough in acreage to support it. The Highlands Council appreciates the comments regarding noncontiguous cluster options and agrees that it may have greater potential to assist in balancing land preservation with appropriate development.

Comment: Commenter suggests that stronger emphasis needs to be placed on TDR opportunities within the Highlands Region, center designation and infill development. Suggests the MPRR should include:

- Number of towns in the areas identified in the RMP as suitable for Receiving Zones that have considered TDR; number that received grants to do a Feasibility Study
- Number of TDR programs resulting.
- Number and nature of funding sources for the Highlands Bank’s new land conservation easement purchase program.

Highlands Council Response: The Highlands Council continues to build its Transfer of Development Rights (TDR) program and to encourage and support designation of both Highlands Redevelopment Areas and Highlands Centers in viable locations in the Region. Please see pages 55-58 of the MPRR for details on the Highlands TDR Program and the Highlands Open Space Partnership Funding Program. The section includes each of the suggested bullet items with the exception of funding sources. Funding source information will be provided in the Highlands Council Land Preservation Report. The Highlands Council will consider also including such information in future iterations of the MPRR.

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Comment: Commenter supports creating a two-map set depicting past and present on-the-ground conditions but does not support the creation of a regional “Smart Growth Capability Map” map reflecting areas appropriate for future growth. Commenter had several additional comments related to mapping, development in the Highlands, and the Highlands Act requirements related to Smart Growth.

Highlands Council Response: The Highlands Act at N.J.A.C 13:20-11.a. (1) requires that the RMP include a resource assessment. The Act at N.J.S.A. 13:20-11(6) requires that the Regional Master Plan contain “a smart growth component” that includes a “resources assessment of opportunities for appropriate development, redevelopment, and economic growth...” The Act continues, stating that the Council shall prepare a “Land Use Capability Map, identify existing developed areas capable of sustaining redevelopment activities and investment; and identify undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not prime agricultural areas, and are located near or adjacent to existing development and infrastructure that could be developed.”

The Highlands Council affirms that one of the principal goals of the Preservation Area stated in the Act is to “prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area.” However the Highlands Council in the RMP recognizes the need to provide a “balance of environmental protection and sound land use, the Act requires that the Regional Master Plan provide for the preservation, to the maximum extent possible, of environmentally sensitive lands and other lands necessary for recreation and conservation, and for the protection and maintenance of lands essential to the character of the Region while supporting new growth opportunities in the Planning Area” (RMP page 39).

The Highlands Council utilized the Land use Analysis Decision Support model for the Highlands Region to develop the initial Land Use Capability Zone Map (Land Use Capability Zone Map Technical Report, 2008). The Land Use Capability Zone map is currently utilized to comply with the requirements of the Highlands Act N.J.A.C 13:20-11.a. subsections 1 and 6. The Land use Analysis Decision Support model provided for a comprehensive evaluation of both resource constraints and development opportunities at a regional scale. However, the Land use Analysis Decision Support model utilizes data sets to develop a plan for the RMP, and it neglects to encourage smart growth strategies consistent with the Highlands Council’s directive from the Act and its own stated smart growth goals.

The Highlands Council affirms the 2008 RMP Technical Report Regional Land Use Conditions and Smart Design (pp. 43-44) which states that Smart growth efforts are organized around ten guiding principles:

1. Mix Land Uses – Integrate land uses to provide alternatives to driving and offer complete communities.
2. Take Advantage of Compact Building Design – Incorporate more compact building design to use land more efficiently and make public transit networks more viable.
3. Create a Range of Housing Opportunities and Choices – Provide quality housing for people of all income levels at each stage of life.
4. Create Walkable Neighborhoods – Walkable neighborhoods are desirable places to live, work, worship and play and help foster a sense of community.
5. Foster Distinctive, Attractive Communities with a Strong Sense of Place – Developing a clear vision of places we want to create and maintain is an early step in achieving that vision.
6. Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas – Open spaces protect both the natural environment and its resources while providing a healthy setting for people.
7. Strengthen and Direct Development Towards Existing Communities – Redeveloping and supporting existing communities utilizes infrastructure more efficiently and guards against future sprawl.
8. Provide a Variety of Transportation Choices - Recognizing the integral relationship between land use and transportation, wise choices will help to alleviate our congested roadways and improve quality of life for residents and workers.
9. Make Development Decisions Predictable, Fair, and Cost Effective – The implementation of smart growth can be a collaborative effort between government agencies and the private sector. Making clear and understandable decisions about the type of development a community wants is a critical component of achieving those goals.
10. Encourage Community and Stakeholder Collaboration in Development Decisions – Involving the community early and often is key to producing a plan and implementing strategies to achieve the community’s vision. Communities should develop a strong sense of where and how they want to grow and where and how they want to preserve their natural resources. A well thought out vision with the support from the community are integral to smart growth success.

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Taken together these principles encompass the full range of goals laid out for the Highlands Regional Master Plan. They aim to create healthy communities within a clean and diverse environment, balancing development with environmental protection, accommodating growth while preserving critical habitat and open spaces, reusing land wisely, and protecting our water supplies and air quality. Smart growth considers economic development and job creation, recognizing that communities need to be economically balanced. Smart growth successes result in strong neighborhoods with a range of housing options, transportation choices, social and cultural outlets and a positive sense of community.

The creation of a “Smart Growth Capability Zone Map” would further the requirements of the Highlands Act and the RMP by encouraging development in locations that do not contain critical Highlands resources and implement a regional smart growth planning approach to development. Any such Map would be adopted by the Highlands Council using the procedures for Considering Proposals to Amend the Highlands Regional Master Plan and would be subject to thorough public review.

Comment: Commenter supports two recommendations in the redevelopment program related to creating and drafting and adopting redevelopment procedures in the Preservation and Planning Areas.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter generally concurs with several recommendations related to low impact development (LID), while offering some specific proposals for enhancements, including a suggestion related to mitigation and a suggestion to use the phrase “Permanently preserved public and nonprofit lands” in place of “Parkland” in a recommendation related to LID.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Any procedures that the Council may develop pertaining to off-site mitigation would be subject to public review in accordance with the Procedures for Considering Proposals to Amend the Highlands Regional Master Plan prior to adoption. Furthermore, any specific off-site mitigation proposed for a given project would be subject to Council review at an open public meeting. Please see page 51 of the final MPRR for the substitution of “Permanently preserved public and nonprofit lands” for “Parkland.”

Comment: Commenter generally supports several recommendations related to the Cluster Development Program, while expressing concerns regarding recommendations that encourage the use of alternative wastewater treatment systems (AWTS) for cluster development. Commenter suggests that “de-facto centers” would be in the existing community zone of the land use capability map and the Goals, Policies, and objectives of the RMP would be appropriate for them. The commenter continues that providing planning assistance grants to these de-facto centers would divert limited funding and resources from conforming municipalities and would be unfair.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Any guidelines would incorporate the Highlands Council’s 2008 RMP Technical Report “Regional Land Use Conditions and Smart Design” which sets forth ten guiding Smart growth principles (pp. 43-44). The guidelines that the Council may adopt would be subject to public review in accordance with the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan.

The RMP at Objectives 6C1a and 6C3b states that centers in the Protection Zone and Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems. The recommendation for alternative wastewater treatment systems seeks to further the existing stated objectives of the RMP that the use of AWTS of community wastewater systems may be appropriate for cluster development in accordance with the guidance provided in the RMP. The Highlands Act requires that the RMP identifies areas that are appropriate for growth including Section 13:20-6c “identification of undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not prime agricultural areas, and are located near or adjacent to existing development and infrastructure that could be developed.” The Highlands Council addresses this component of the Highlands Act through the identification of Centers. These centers may not always be appropriate for the traditional mixed-use center approach.

Regarding the identification of de-facto centers in the Region, the recognition of non-conforming municipalities and the support for those de-facto centers through planning assistance grants recognizes the regional planning implications of these areas of existing development and their significant impacts on the water resources, environment, transportation and employment of the region. The Highlands Council believes

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that the proposed program will encourage a strong regional planning approach that further protects the resources of the Highlands Region in accordance with Goal 6F of the RMP in “support of compact development, mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development within the existing community zone.” .

Comment: Multiple commenters expressed concerns and suggested amendments related to recommendations regarding Affordable Housing, and specifically Executive Order 114 and the Highlands Council Memorandum of Understanding with the Council on Affordable Housing.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council believes that the commenter’s proposed new amendment will be adequately addressed through the recommendations to update the Affordable Housing Technical Report and RMP to address changes in affordable housing laws and regulations that have occurred since RMP adoption and the recommendation to review the authority provided to the Highlands Council by the Fair Housing Act (MPRR page 53).

Comment: Commenter proposed an RMP Amendment to “Clarify Eligibility Criteria and Procedural Requirements for Legal Representation under the Highlands Act” and provided a discussion to support the proposal.

Highlands Council Response: The three requirements for legal representation, including the requirement for an actual application for development, are set forth in the Highlands Act itself, N.J.S.A. 13:20-20. The Council believes that the requirements for legal representation are adequately addressed through the Highlands Act and any changes to those requirements are legislative and beyond the scope of Highlands Council authority.

Comment: Commenter supported multiple recommendations to secure updated data sets and sources.

Highlands Council Response: The Highland Council acknowledges and appreciates this comment.

Comment: Commenter suggests that any smart growth and economic development mapping updates should be developed in coordination with municipal land use goals and objectives, regardless of a municipality’s current conformance status. Suggests that development of a regional economic development plan should

similarly recognize local land use goals and objectives and done in collaboration with county economic development entities. Suggests that highway corridors zoned for commercial or industrial uses not be excluded from identification as economic development areas due to lack of sewer infrastructure.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Any economic development or smart growth mapping that the Council may undertake would be as a revision to the Regional Master Plan and in consultation with all Highlands municipalities and counties. The development of a smart growth map would include a review of property that may be appropriate for preservation or development, including commercial corridors. Furthermore, N.J.S.A. 13:20-9a, the Highlands Act, requires that the Council consult with municipalities, counties, state agencies, and interested parties prior to adoption of any revision to the Regional Master Plan.

Comment: Commenter states the MPRR does not meet the statutory requirements of the Highlands Act at C.13:20-8.a., and suggests that a thorough update of the RMP should have been completed in 2014. Expresses concerns regarding prioritization and timeline for implementation of recommendations. Suggests a more formal approach to regulatory programs and a critical examination of the Plan Conformance implementation process in light of the limited adoption of the Highlands Land Use Ordinance and Zone Map Ordinance.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Regional Master Plan (RMP) undergoes a continuous update process based on factual information received through on-the-ground verification or updated GIS analysis. The RMP identifies the Monitoring Program as the means to identify policy issues that require updating to meet the goals of the Highlands Act. The Monitoring Program Recommendations Report (MPRR) identifies recommendations based on the topic areas in the RMP. Recommendations pursued by the Highlands Council that require amendment or addendum (guidance documents) to the RMP will be adopted in accordance with the Procedures for Considering Proposals to Amend the Highlands Regional Master Plan. Updates to the Plan Conformance Guidelines (page 67) will include a review of the existing plan conformance implementation process.

Comment: Commenter believes that implementation of the RMP has failed to fulfill the statutory mandates of the Highlands Act. Recommends that revisions to the RMP should focus upon enabling the Region to

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fully realize its economic potential. States RMP has not addressed the “smart growth” component required pursuant to N.J.S.A. 13:20-11a(6), and recommends that “smart growth” be identified as a priority issue that is necessary to address or support development and economic growth in the Highlands Region.

Highlands Council Response: The Highlands Council believes that the existing Land Use Capability Zone map, including the designation of centers and redevelopment areas, complies with the smart growth requirements of Act. However, the Highlands Council recognizes that continuous refinement and improvement of the RMP should take place, and has included several recommendations in the Monitoring Program Recommendations Report to improve these components. Specifically, the Recommendations Report recommends a Smart Growth Capability Map along with Low Impact Development Guidelines, Center Guidelines, Redevelopment Guidelines, and a Regional Sustainable Economic Development Plan to guide development to appropriate areas while meeting the requirements of the Highlands Act to protect critical resources.

Comment: Commenter states that the Land Use Capability Zone (LUCZ) Maps do not satisfy N.J.S.A. 13:20-11a(6), in that a map does not exist that designates areas appropriate for future growth. Acknowledges that the MPRR recognizes this as a program issue on page 50. Supports and suggests prioritization of recommendations on page 50 related to LUCZ Maps. Suggests that the Council develop a process by which a property owner or town may petition or request a change in a Highlands RMP resource area designation of a specific piece of property based upon on-site data such as soil samples, groundwater data or habitat evaluation reports.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Highlands RMP resource area designations may be changed based on factual conditions. An RMP Update or Map Adjustment must be submitted through Highlands municipalities using the form provided on the Highlands Council website. In addition the Highlands Council will document and adopt the methodologies, policies, and schedules used for the update of all Highlands Council GIS data sets.

Comment: Commenter expressed concerns regarding the lack of consideration of the Fair Housing Act (FHA) by the Highlands Council in general and in the MPRR. Suggests the Council should evaluate the extent of zoning for affordable housing as well as the actual construction of same within the Highlands region since the Highlands Act was passed. Also suggests the

Council promulgate a policy, adopted after rule-making, which recognizes the court/COAH designation of these sites, unless it is demonstrated that development cannot be accomplished in conformance with statewide DEP regulations.

Highlands Council Response: The Highlands Council acknowledges these comments and believes that the comments submitted will be adequately addressed through the update of the Affordable Housing Technical Report and RMP that will address changes in the affordable housing laws and regulations that have occurred since RMP adoption. Such updates will be formally adopted by the Council in accordance with the Procedures for Considering Proposals to Amend the Highlands Regional Master Plan.

Comment: Commenter supports the recommendations for the Council to develop and adopt procedures for designating Highlands Redevelopment Areas.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter supports recommendations regarding Highlands Center Designation process, use of alternative wastewater treatment systems for cluster development in areas that are not currently served by traditional systems, and the Council’s work with municipalities and NJDEP to “develop alternative and innovative Wastewater Treatment Plans to address wastewater issues.”

Commenter adds that it is unclear why the draft Report states that there is a lack of groundwater nitrate data and modeling, given that the recently adopted NJDEP Septic Density Standards relies upon such updated data and contains information for the entire Highlands Region.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council intends to review both current data and modeling as part of its ongoing science and research agenda.

Comment: Commenter suggests incorporating implementation of green infrastructure in Highlands Designated Redevelopment Areas.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. Section 1.4.1 of the draft Procedures for Highlands Redevelop-

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ment Area Designations requires that low impact development for stormwater management be incorporated in the proposal.

Comment: Commenter identified areas of overlap between the Highlands RMP and The Plan 2015 developed by Together North Jersey and recommends coordination.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment and will work to coordinate with all interested stakeholders during the ongoing planning process.



Landowner Equity

Comment: Regarding the establishment of TDR receiving zones, commenter suggests the Council should focus its efforts on developing meaningful incentives for municipalities where market demand exists (or is projected) to encourage their engagement as designated receiving zones.

Highlands Council Response: The Highlands Council acknowledges this comment and agrees that additional incentives to local governments that designate TDR Receiving Areas should be identified. Please see MPRR page 57 for changes.

Comment: Commenter supports the recommendations to revisit the 2008 TDR technical report and review the existing credit valuation formula.

Highlands Council Response: The Highlands Council acknowledges and appreciates the comment.

Comment: Commenter suggests looking at alternative uses for TDR credit transfers, such as waivers, water and septic permits. Recommends having an online tool for landowners to get an idea of TDR credits a property has. Suggests the MPRR should track the number of landowners paid for the ecological services their preserved property will produce for the public (dollars calculated like similar formula in the Pinelands found on the SADC website). SADC, CADBs can help with this.

Highlands Council Response: The Highlands Council will consider the idea of developing alternative uses for credit transfers as its TDR program continues to develop. The Council currently does not pay land-

owners for the ecological services provided by preserved lands, but the concept of developing such an assessment is one that may find application at some point in the future in a Highlands program. The Highlands Council provides a tool for calculating approximate Highlands Development Credits on its website: www.nj.gov/njhighlands/gis/hdc_estimator/

Comment: Commenter suggests tracking the numbers of exemptions 1 and 2 granted and locations: county, town, and on the number on active farms.

Highlands Council Response: The Highlands Council tracks all exemptions issued by Highlands municipalities, which includes exemptions 1 and 2. The tables on page 168 of the MPRR provide the information currently available regarding exemption determinations, including a breakdown by exemption type and location in the Highlands Preservation or Planning Area. Provided only as a summary, the Highlands Council does not include municipal/county information in the MPRR. It would be possible to track the issuance of exemptions on active farmland, but as exemptions as of right they may not be fully reported; therefore the use of any such tracking would be of limited value. The Highlands Council tracks municipally issued exemptions (those issued by municipalities certified to issue exemptions) in its “Project Review” tracking sheet, under the project type “Delegated Exemptions.” www.nj.gov/njhighlands/projectreview/project_review_tracking.pdf.

Comment: Commenter suggests development of a new land preservation program that would result in the purchase of forest easements, to be operated by the SADC because of its experience with easement acquisition. Suggests support for this concept can be found in RMP Policy 1A4 (p. 139).

Highlands Council Response: The Highlands Council acknowledges the comment and agrees that such a program could be beneficial. While not focused on forest easements specifically, the Highlands Council’s Transfer of Development Rights program includes purchase of Highlands Development Credits (HDCs) for forested lands. Purchase of HDCs requires that landowners agree to conservation easements, which protect the subject properties, including forest resources. In addition, the Highlands Council’s preservation priority data uses the presence of forest as an important indicator of land value. The Highlands Council’s prioritization is then used by other state agencies to assist in the identification of future acquisitions.

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Comment: Commenter supports the recommendation regarding a water user fee to help fund the TDR bank and land preservation programs in the region.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter supports extension of the dual appraisal process beyond the 2019 current deadline and suggests tracking the appraisal values of preserved lands pre and post Highlands Act dual appraisal to provide a clearer picture of the impact on landowners.

Highlands Council Response: The appraisal values discussed are not readily available to the Highlands Council; however, it would be beneficial for the Highlands Council to track the final purchase price of open space and preserved farmland throughout the Region. The Highlands Council will coordinate with other state agencies to track this data where possible.

Comment: Multiple commenters expressed support for the recommendation to extend dual appraisal indefinitely.

Highlands Council Response: The Highlands Council appreciates support for the recommendation to extend the dual appraisal program beyond 2019.

Comment: Commenter supports recommendation to revisit HDC valuation. Opposes making HDCs bought by the HDC Bank available to towns developing Receiving Zones to sell and help pay for impacts of new development. Suggests that the effects on demand for HDCs should be examined before the market is impacted in this way.

Highlands Council Response: The Highlands Council agrees that implementation of the proposed Recommendation would need to be constructed as to not discourage the establishment of TDR receiving zones nor ultimately, negatively affect the private market of HDCs. Both the State TDR Act and the Highlands Development Credit Bank state that any sale or use of credits by the Bank may not substantially impair the private market. The Highlands Council has altered the Recommendation. Please see MPRR page 59 for changes.

Comment: Commenter had several questions regarding Watershed Moratorium Offset Aid payments referenced on page 179, including which municipalities

receive the funding (inside and outside the Highlands Region); purpose of the funding; reporting of the funding; and determination of how funding is allocated.

Highlands Council Response: The Watershed Moratorium Offset Aid account was established with the passage of the Highlands Act as a component of the "Highlands Protection Fund." The purpose of this account was to reimburse each municipality, in the State of New Jersey, that contain watershed lands and are subject to the moratorium on the conveyance of watershed lands imposed pursuant to section 1 of P.L.1988, c.163, as amended by section 1 of P.L.1990, c.19. The funds are regulated and appropriated by the New Jersey Department of the Treasury and, while they are part of the Highlands Act, the Highlands Council has no oversight of this funding and cannot influence the quantity or distribution of funds allocated to Highlands and non-Highlands municipalities alike.

Comment: Multiple commenters provided comments on lost property values and compensation to landowners; impacts on commercial development; the purchase of forestry easements; farmland and forestry assessments, and the delineation of the Preservation Area and Planning Area boundaries.

Highlands Council Response: These comments mainly concern areas outside the scope of the MPRR. The Highlands Council does not have the power, authority, or jurisdiction to change the Highlands Act. The Act established the Highlands Council and charged it with development of the Highlands Regional Master Plan and its implementation. The boundaries of the Region and specifically, the Preservation Area, are a part of the Act, delineated pursuant to Section 7 (N.J.S.A. 13:20-7).

As to landowner equity, the RMP outlined a Transfer of Development Rights (TDR) program as the primary means of compensation. The Highlands Council has also created a land preservation program (N.J.A.C. 7:70), which contributes to landowner equity through the acquisition of lands from private property owners. The MPRR provides an analysis of the implementation of these two programs to date, along with recommendations for possible amendments to the RMP to address these issues in the Landowner Equity section of the MPRR, pages 54-59.

Comment: Commenter expressed concerns with implementation of the Highlands Transfer Development Rights program.

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Highlands Council Response: The Highlands Council acknowledges the comment. The MPRR provides an analysis of the implementation of the Highlands TDR program (Highlands Development Credit Bank) to date, along with recommendations for possible amendments to the RMP to address these issues in the Landowner Equity section of the MPRR, pages 54-59.

Comment: Commenter supports recommendation to develop guidelines for monitoring Highlands Council preserved lands. Suggests identifying a funding source for such monitoring.

Highlands Council Response: Highlands Council staff currently conducts annual inspections of all its conservation easements. The Highlands Council expects that monitoring of these preserved lands will continue to be conducted internally by Highlands Council science and planning staff and that securing additional funding for this purpose would not be necessary.

Comment: Commenter supports recommendation to expand incentives for TDR receiving zones, but does not support the proposed alternate avenues of credit use. Suggests instead seeking ways for the State of New Jersey to offer incentives to eligible municipalities to establish TDR receiving zones. Suggests that if the community seeking the incentive is within the Highlands Region, it must be compliant with the RMP in order to qualify for incentives.

Highlands Council Response: The Highlands Council agrees that implementation of the proposed Recommendation would need to be constructed so as to not discourage the establishment of TDR receiving areas nor ultimately, negatively affect the private market value of HDCs. In addition, both the State TDR Act and the Highlands Development Credit Bank state that any sale or use of credits by the Bank may not substantially impair the private market. The Highlands Council has altered the Recommendation. Please see MPRR page 59 for changes. Any requirement for a TDR receiving area to comply fully with the RMP would likely reduce the demand for TDR receiving areas.

Comment: The commenter concurred with a number of Recommendations made related to Landowner Equity, including: HDC purchase program (amend the RMP to reflect the adoption of the HDC Purchase Program), HDC Purchase Program (amend the RMP to reflect its adoption), Support dual appraisal methodology indefinitely, Update preservation priority RMP datasets, Reevaluate monetary value of the Highlands Development Credit, Interagency Coordination-TDR, LEED certification, Review and update non-residential HDC allocation methodology.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: Commenter questions the incorporation of Land Preservation into the Landowner Equity program area. Acknowledges practicality of the change, but believes the emphasis of this recommendation is misplaced. Suggests instead “Preservation and Equity.”

Highlands Council Response: The Highlands Council acknowledges this comment. The Highlands Council recognizes the importance of both the Landowner Equity and Land Preservation programs as important components of the RMP.

Comment: The commenter proposed two recommendations be added to the MPRR: (1) Identify dedicated sources of funding for land preservation and stewardship and (2) Secure significant federal funding. The commenter suggests existing and potential funding sources for implementation of Landowner Equity and Land Preservation programs.

Highlands Council Response: As previously stated Highlands Council staff will conduct ongoing monitoring of properties preserved by the Council. However, the Highlands Council agrees that additional funding is needed for land preservation and has incorporated this change into the final MPRR. Please see MPRR page 59 for changes.

Comment: Commenter recommends topics such as Agriculture, Future Land Use, and Sustainable Economic Development and others in the RMP and MPRR be considered holistically and in relation to one another in terms of equity and fairness.

Highlands Council Response: The Highlands Council agrees with this comment and recognizes that implementation of any specific RMP programs requires consideration of all topic areas of the RMP.

Comment: Commenter suggested that matters of equity extend beyond private property values. The commenter also suggests that the Council continue analyzing and monitoring how the Act may be affecting the economic prosperity and well-being of communities throughout the Highlands Region.

Highlands Council Response: The Highlands Council acknowledges this comment. As part of the RMP monitoring program, the Highlands Council conducted a peer-reviewed Fiscal Impact Assessment (FIA). The FIA evaluated the ways in which the Highlands Act and the

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RMP may have influenced the economy and the fiscal resources of Highlands Region municipalities. The FIA is publicly available on the Highlands Council’s website.

Comment: Commenter suggested that there does not appear to be a clear goal related to Exemptions, aside from administering those Exemptions. The commenter also encouraged that education and outreach efforts for private landowners and professionals should be a goal related to the Exemptions and Waivers.

Highlands Council Response: The Highlands Council acknowledges these comments. One of the Highlands Council’s initiatives is to provide detailed guidance on Highlands Exemptions and Waivers (MPRR page 69). The Highlands Council oversees a Municipal Exemption Determination Program that includes training for conforming municipalities and certification to authorize specific Highlands Act Exemptions. The Highlands Council agrees that more robust and continued education and outreach programs related to Exemptions, Waivers, and all components of RMP implementation should be incorporated into the MPRR. The Highlands Council has incorporated this change into the final MPRR. Please see MPRR page 69 for changes.

Comment: Commenter suggests that, related to Exemptions and Waivers, goals of the Highlands Council should be to “efficiently and fairly process these Exemptions (when issued rather than exercised as of right), and to evaluate whether affected landowners find these mechanisms to be fair and helpful in addressing the Act’s impacts.”

Highlands Council Response: While the Highlands Council does issue certain Highlands Exemptions in the Planning Area, the vast majority are issued by NJDEP or municipalities authorized to issue certain Highlands Act Exemptions. Please see page 167 for data related to exemptions. The Highlands Council oversees a Municipal Exemption Determination Program that includes training for conforming municipalities and certification to authorize specific Highlands Act Exemptions. The Highlands Council also agrees that more robust and continued education and outreach programs are important (please see MPRR page 69 for changes); however, Highlands Exemptions and waivers are defined in the Highlands Act. The Highlands Council does not have the power, authority, or jurisdiction to change the Highlands Act.

Comment: Commenter suggested four proxy measurements for Exemptions and waivers related to measuring development, disturbance, reconstruction, and improvements on lots that may qualify for Exemption #1, #2, #4, and #5.

Highlands Council Response: The Highlands Council agrees that these measures would be valuable; however, given the variability associated with Exemptions and land development, data limitations prevent these measurements from being conducted with reliable accuracy. Please see page 167 for additional information regarding the tracking of exemptions.

Comment: The commenter acknowledges the Land Preservation Program issues identified in the MPRR and goes on to state, “...this Department supports the MPRR recommendations, including, most notably, the recommendation to update the RMP to “specify indefinite support of the dual appraisal methodology.” This Department has previously supported the two legislative extensions of the dual appraisal provision because it has been the most effective mechanism to provide affected landowners with compensation for the depreciation in property values attributable to the Act.”

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter suggested that the continuation of the Open Space Program will not be viable without additional funding.

Highlands Council Response: The Highlands Council acknowledges this comment and has incorporated a change into the final MPRR. Please see MPRR page 59 for changes.

Comment: Commenter suggests that ongoing monitoring of land preservation in the Highlands Region should incorporate data from other state agencies in addition to the Highlands Council’s own programs and suggests that these programs also address landowner equity even though not funded directly from the Highlands Council.

Highlands Council Response: The Highlands Council tracks all preserved lands throughout the Highlands Region. As lands are preserved, the Highlands Council updates the need for land preservation within the confidential inventory discussed within the Financial Analysis Technical Report (see RMP pages 131-132). The Agriculture and Conservation Confidential Priority Lists inform acquisition priorities for state agencies and keeps track of land available for preservation and in turn compensation for the land owners.

Comment: Commenter acknowledges the Highlands TDR Program issues identified in the MPRR and goes on to state “...this Department generally supports the MPRR recommendations to: (i) determine whether

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a change to the initial credit value is warranted, (ii) explore the feasibility of creating a variable-value for credits, (iii) determine whether a location adjustment for non-residential HDCs is warranted, (iv) examine whether the HDC Bank should use credits it currently holds to provide financial incentives to local governments that designate TDR receiving areas, and (v) consider requesting that the benefits of the TDR program be recognized under the LEED certification program.”

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter generally supports the recommendation to explore the feasibility of creating a variable-value for HDCs, but has concerns regarding the potential to create inequities among sending zones.

Highlands Council Response: Under the proposed Recommendation, the Highlands Council would determine the feasibility for variable-value for credits and, as part of that feasibility study, investigate the projected impact on both the sending zones and receiving areas.

Comment: Commenter generally supports the recommendation that suggests using existing HDCs as financial incentive to local governments establishing TDR receiving areas, but expresses concerns that such a measure could limit the HDC Bank’s ability to function as a purchaser of credits.

Highlands Council Response: The Highlands Council agrees that implementation of the proposed Recommendation would need to be constructed as to not discourage the establishment of TDR receiving zones, nor ultimately negatively affect the private market of HDCs. Both the State TDR Act and the Highlands Development Credit Bank’s Operating Procedures state that any sale or use of credits by the Bank may not substantially impair the private market. The Highlands Council has altered the Recommendation. Please see MPRR page 59 for changes.

Comment: Commenter suggests comparing properties with HDC allocations against those properties eligible for HDC allocations. The commenter also states, “In other words, nearly 13 years after the Act passed and nearly 10 years after the HDC Bank was established, it appears that only 6% of affected property owners have received compensation (for about 8% of the total HDC valuation) through the Highlands’ Landowner Equity programs. Were full HDC compensation to be the goal, at this rate it would likely take over 125 years for affected landowners to be made whole. Considering

that the TDR program was envisioned to be the primary mechanism for addressing Landowner Equity, this is extremely discouraging to landowners hoping to find equitable relief through the TDR program.”

Highlands Council Response: The Highlands Council acknowledges this comment. The HDC program is voluntary and allocations are not provided unless an HDC Allocation Application is submitted to the Highlands Council. Receiving an HDC Allocation does not provide compensation to a landowner. Therefore, the datasets the commenter is referring to do not directly relate to compensation. The datasets address actual allocations determined (as submitted voluntarily by landowners) compared to the estimated number of credits that could be allocated in the Highlands Region.

Comment: Commenter suggests considering Landowner Equity across jurisdictional boundaries. For example, if a large majority of HDC purchases were to occur only in a particular municipality or county, this would not appear to be an equitable distribution of limited resources among those who have been adversely affected by the Act. Commenter acknowledges that priority is given to preserving those areas having the most significant resource values and suggests measuring HDC purchases in proportion to each jurisdiction’s resource values. Conceivably, the equitable distribution of limited funding should be somewhat proportional to each jurisdiction’s resource values.

Highlands Council Response: The Highlands Council acknowledges this comment. Under the Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program (N.J.A.C. 7:70), criteria adopted for property acquisition are not based on jurisdiction, but are based on the protection of Highlands Resources tied to each individual property.

Comment: Commenter notes that although the Highlands Act remains unpopular and controversial in Warren County, the Department of Land Preservation has received funding and support from Highlands Council staff that has contributed to protection of natural resources and landowner equity in the county as well as support of local agricultural and tourism industries. Expresses support for many of the findings and recommendations in the MPRR.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

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Comment: Commenter feels that the “inability to implement a viable Transfer of Development Rights program should be a major concern” and notes that no receiving zones have been established.

Highlands Council Response: The Highlands Council acknowledges the comment. The MPRR provides for an analysis of the implementation of the Highlands TDR program (Highlands Development Credit Bank) to date, along with recommendations for possible amendments to the RMP to address these issues in the Landowner Equity section of the MPRR, pages 54-59.

Comment: Commenter cites requirements of the Highlands Act regarding the establishment of the TDR program, specifically the requirement that "The council shall not adopt the regional master plan unless it recommends receiving zones in the planning area and capacity therefor for each receiving zone pursuant to the transfer of development rights program authorized in section 13 of this act." Commenter notes that the RMP provided some direction and detail regarding this requirement, but ultimately falls short of meeting this statutory requirement.

Highlands Council Response: The Highlands Council recommends the establishment of a region-wide Smart Growth Capability map (see MPRR page 50), following the update of the Land Use Capability Zone Map. This would include areas for redevelopment and TDR receiving areas, as consistent with C.13:20-11a (6) of the Highlands Act. The RMP (see page 353) fully acknowledges that the preliminary GIS-based analysis of the Planning Area lands that may have potential for TDR receiving areas, “will require refinement as the Highlands Council works with Highlands municipalities during the Plan Conformance process.” The MPRR (see page 69) recommends the continuation of updates to all mapping datasets, which may include potential TDR receiving areas and opportunities for redevelopment that may also be submitted by a municipality through an RMP Update or Map Adjustment submission to the Highlands Council. Furthermore, the Highlands Council TDR Receiving Zone Feasibility Grant Program focuses specifically on determining site-specific capacity and appropriateness for TDR Receiving Zones within municipalities that receive that grant funding.

Comment: Commenter expresses concerns with TDR programs in the state in general and the Highland Region specifically. Commenter feels a voluntary TDR receiving zone system cannot work and incentives have proved unsuccessful. Suggests that If TDR is to become an effective growth management tool, a strictly voluntary system for receiving zones should be revisited.

Highlands Council Response: The MPRR identifies program issues related to the TDR Program, including the failure to create a private market and the fact that no Highlands TDR receiving areas have yet been established (see MPRR page 57). The MPRR makes recommendations to further incentivize the establishment of TDR receiving areas. Any requirement to make TDR mandatory would require amendments to the Act.



Sustainable Economic Development

Comment: Commenter supports recommendation to monitor data contained in the Fiscal Impact Analysis (FIA) related to eco- and agri-tourism. Suggests using the FIA to drive decisions about housing, expansion, transportation and infrastructure investment.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council will use the FIA during the development of a comprehensive economic development plan.

Comment: Commenter expressed concern that the goals for sustainable economic development did not include a goal specific to the protection of the region’s water supply.

Highlands Council Response: The Highlands Council acknowledges the comments and the importance of a reliable water supply as part of a healthy economy. Sustainable practices associated with ensuring the quality and quantity of water from the Highlands are addressed in the Water Resources section of the MPRR, page 24.

Comment: Commenter supports the recommendation to coordinate with the NJ Division of Tourism and suggests collaboration with the federal National Park Service, the NJ Department of Environmental Protection Division of State Parks, and with private commercial entities in the Highlands that stimulate destination visits.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Collaboration with federal, state and local agencies, as well as appropriate private and non-profit entities, is anticipated as part of the development of a comprehensive economic development plan for the Highlands Region.

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Comment: Multiple commenters expressed support for recommendations related to Highlands tourism and provided specific suggestions for implementation of such a program including the incorporation of goals related to economic development in the region.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. These suggestions will be considered during the development of the tourism component of a comprehensive economic development plan for the Highlands Region.

Comment: Commenter disagrees with the recommendation to pursue modifications to the NJEDA Grow NJ Assistance Program. Commenter supports appropriate development and redevelopment in the Highlands Planning Area, but does not believe the Grow NJ Assistance Program is appropriate for the Highlands. Further states that programs that incentivize downtown commercial district enhancement would be more appropriate for the Highlands.

Highlands Council Response: The Highlands Council acknowledges these comments. However, as noted in the MPRR, the current exclusion of Highlands Redevelopment Areas and designated Highlands Centers does not take into consideration the appropriateness of development within these areas, which otherwise represent good opportunities for sustainable economic development within the Highlands Region.

Comment: Comment agrees with the recommendation to add recreation as a major category of interest in the Regional Master Plan. Suggests that any economic development plan should give full consideration to outdoor recreational pursuits.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The development of a comprehensive economic development plan for the Highlands Region will include recreation as a key component in accordance with the requirements of the Highlands Act (c.13:20-10.b (5)).

Comment: Commenter suggests that development of a Smart Growth Capability Map to depict areas that are appropriate for future economic development and redevelopment should be preceded by municipal and regional economic planning and a series of public hearings.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. Additional information regarding the preparation of the Smart Growth Capability Map may be found in the response to comments under Future Land Use.

Comment: Commenter agrees with the recommendation to coordinate with Highlands counties and destination marketing organizations (DMOs) to develop regional economic plans, but suggests that municipalities are also a critical partner. Also suggests including non-profit organizations and others involved in activities and operations that encourage public use.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Development of a comprehensive economic development plan for the Highlands Region will include a robust outreach effort.

Comment: Commenter concurs with the recommendation to develop a comprehensive economic development plan for the Highlands Region. Urges the plan to be sensitive to the resources of the Highlands and the need for appropriate scale development.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. Development of a comprehensive economic development plan for the Highlands Region, will carefully consider Highlands resources to be consistent with the goals of the Highlands Act and RMP.

Comment: Commenter notes that the Fiscal Impact Assessment (FIA) measures dollar value within the Highlands Region, but does not measure the social value of preservation. Suggests that the economic development plan should include these values. Additionally, suggests that the economic development plan should be subject to public hearings prior to adoption by the Highlands Council.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. A number of studies have been conducted to measure the value of conservation and open space preservation, including societal. The Highlands Council will consider these during the development of a comprehensive economic development plan for the Highlands Region.

Comment: Commenter agrees with the recommendation related to tourism data collection and suggests the Highlands Council make use of existing data collected by other agencies.

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Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter agrees with the recommendation related to regional economic monitoring. Suggests additional items for monitoring: Annual amount of Highlands water distributed by public and private water purveyors to NJ residents and businesses; Water treatment costs avoided due to Highlands protections; Number of Highland tourism visitors; Average spending per tourist visit annually; Estimate of total Highlands tourism spending annually.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment. The Highlands Council will consider monitoring the suggested parameters subject to availability of information.

Comment: Commenter agrees with the recommendation to measure the full range of benefits from the implementation of the Regional Master Plan. Suggests that a traditional cost-benefit analysis may not fully capture social benefits associated with land preservation.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council will consider the use of non-traditional measures of societal benefits as part of the development of a comprehensive economic development plan for the Highlands Region.

Comment: Commenter supports the Highlands Council's efforts to ensure long-term and sustainable economic development within the region. Further supports the commitment to grow tourism and the development of a comprehensive economic development plan. Suggests that a representative group of economic development professionals, planners, and other experts should be able to assist in the development of the plan.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The Highlands Council intends to assemble a team of qualified professionals within the region to assist in the development of a comprehensive economic development plan.

Comment: Commenter notes that the economic development focus may rely too heavily on tourism as an economic driver. Suggests an analysis be conducted

to determine how the region can accommodate and promote tourism as a viable industry, while creating jobs with a livable wage.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments. The proposal to develop a comprehensive economic development plan for the Highlands Region will include all aspects of the regional economy, including but not limited to a tourism component, which analyzes the Region's potential as an industry and an economic engine.

Comment: Commenter concurs with the Sustainable Economic Development program issues identified in the MPRR and strongly supports the recommendations associated with this topic area.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Comment: The commenter submitted three comments. The first comment requests a breakdown of land use changes on a municipal level in addition to the land use changes reported by Land Use Capability Zones (LUCZ) for the region as a whole. The second comment requests a clarification in the definition of Northern New Jersey as it relates to non-Highlands counties. The comment requests details on capita property taxes paid for northern New Jersey, median income for the region as compared to outside the region, as well as a comparison of median home values among the Region, northern New Jersey and New Jersey as a whole. The third comment states that improving economic conditions of Highlands residents cannot be planned for without giving a clear picture of economic vitality of the region.

Highlands Council Response: The Highlands Council acknowledges and appreciates these comments.

Land Use Capability Zones are delineated at a regional level, regardless of municipal or county boundary. The Model draft Land Use Ordinance considered by each municipality at the time of Plan Conformance Petition included a mapping of LUCZ clipped to the municipal boundary, which is as precise a manner of presenting this data as available. Calculating land use change by LUCZ on a municipal level was not considered for the MPRR.

The Highlands Council published a final Fiscal Impact Assessment in January 2017 that included the Regional Factbook, noted in the comment. Per capita property taxes for northern New Jersey were not calculated due to a lack of available or consistent data. Northern

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New Jersey is defined in the Fiscal Impact Assessment and Page 177 of the Monitoring Program Recommendation Report has been updated to reflect this definition. Median Household Income has been calculated for the Highlands Region, Northern New Jersey, and New Jersey in the Regional Factbook that appears on page 179 of the MPRR. With regard to the suggested economic indicator proposed, the Highlands Council will consider this comment during the next update of the FIA.

Comment: Commenter expressed concerns over the Highlands Council providing funding for tourism planning, specifically a proposed tourism planning grant for Hunterdon County.

Highlands Council Response: While the comment is referring specifically to the Hunterdon County tourism planning grant, the MPRR does contain a recommendation regarding economic development and coordination of tourism efforts (page 62). The MPRR recommendation is based on the Highlands Act statement (C.13:20-2), “it is important to ensure the economic viability of communities throughout the New Jersey Highlands; and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the New Jersey Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities.” In addition, the Act states that the goals of the RMP shall be to preserve outdoor recreation opportunities and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment. The recommendations contained in the MPRR are intended to further these stated goals of the Act.

Comment: Commenter expressed a number of general concerns about threats to the environment. With respect to specific provisions of the MPRR, the commenter is opposed to adding a section to the RMP to preserve hunting on public land, and to the idea of promoting farm labor housing; states that all golf courses should be mandated to use only recycled water on their grounds. The commenter also expresses concern over the contents of the FIA.

Highlands Council Response: The Highlands Act (c.13:20-10.a (5)), specifically calls for the goals of the RMP to include preservation of outdoor recreation opportunities, including hunting and fishing, on publicly owned land. Any changes to the Highlands Act are outside the scope of the MPRR. Regarding Farm Labor Housing, the Council states in the RMP that it

“will ensure opportunities through local development review and Highlands Project Review for family and farm labor housing that is necessary to support the viability of the agricultural operation.” No changes are proposed to this statement and the Highlands Council does not have the authority to fund the development of any housing. Regarding golf courses, the MPRR (page 24) contains a specific recommendation to research and develop best management/conservation practices for inclusion in golf course management plans to reduce irrigation needs. The FIA is not the subject of this comment period. The FIA provides an analysis of a wide range of economic and fiscal data for the Highlands Region and for comparison regions in New Jersey, New York, and Pennsylvania. An independent peer review of the methods and research approaches used in the FIA was conducted to determine whether its central conclusions are supported by the data and analysis conducted for the study. These two documents, while supporting the development of the MPRR, are separate reports that are not part of the MPRR.”



Implementation

Comment: Commenter expresses concern with the pace and level of municipal participation in Plan Conformance to date, and finds that the MPRR and the Highlands Council itself, seems to have “given up” on municipalities that have not yet petitioned or have not included Planning Areas in Petitions.

Highlands Council Response: The Highlands Council continues to work with nonconforming municipalities in the Region, and invites and encourages all to participate. Of the 88 municipalities in the Region, 36 lie wholly within the Planning Area, where Plan Conformance is voluntary. For the remaining 52 municipalities, Plan Conformance is mandatory to address, at minimum, Preservation Area lands.

The current level of municipal participation in Preservation Area Plan Conformance is 98% (51 of 52 municipalities). Planning Area conformance includes 28 of a maximum of 83 municipalities, or 34%.

The Highlands Council anticipated that submission of Petitions for Plan Conformance would slow considerably after mandatory conformance municipalities met the December 2009 deadline. All but one of the nonconforming municipalities are located fully within the Planning Area, for which conformance is voluntary. In addition, the Council believes that uncertainty related to the requirements for affordable housing at a

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statewide level have delayed implementation, particularly of aspects of plan conformance that affect zoning and land development. The Council acknowledges that its work is far from finished, but at the same time, finds that the current level of participation represents a meaningful achievement.

Comment: Commenter believes that “a much more rigorous outreach program to municipalities is needed on the Council’s part to engage communities in the conformance process, including at least annual, targeted presentations to update municipal governing bodies on their conformance advancement and other Highlands activities.”

Highlands Council Response: As noted elsewhere in the Highlands Coalition comments, the MPRR states: “efforts are needed to significantly expand the outreach and education component of the Highlands Council mission.” We acknowledge the comments and are in agreement with the need for a more comprehensive outreach and education program for all constituent groups, including municipalities. Please see Recommendation added page 39.

Comment: Commenter feels that the Highlands Council should apply its “binding authority over local government approvals in the Preservation Area” where municipalities have not achieved full conformance.

Highlands Council Response: The Highlands Council is aware that the Highlands Act provides it with the authority as needed to regulate municipal land use in accordance with the Highlands RMP for nonconforming Preservation Area municipalities. Exercise of this authority does not require “forcing” any Preservation Area municipality to petition for Plan Conformance. The Council has not found it necessary to date to take control of any municipal land use board, planning department, or even to challenge a local land use decision. Rather, the Highlands Council ensures compliance through careful monitoring and review of local land development applications for potential conflicts with the RMP in accordance with the call up provisions of the Act (C.13:20-17). Should any significant RMP deviation arise, the Council will not hesitate to exercise its authority to intercede. In addition the Act permits any member of the public to request the Council consider conducting a review of any application for development in the Preservation Area. It is important to note that applicants achieve RMP compliance, in large part, due to requirements of NJDEP Highlands Rules in the Preservation Area. In addition the NJDEP Highlands Rules require that the NJDEP give great weight and consideration to the RMP. Highlands Act exemptions, more-

over, remove the vast majority of local applications from the pool of those for which Highlands regulations are even applicable. The Highlands Council continues to view municipal Plan Conformance as an important goal, but even nonconforming Preservation Area municipalities are subject to the Highlands Council’s purview.

Comment: Commenter disagrees with the Highlands Council’s provision of a streamlined approach to Plan Conformance for municipalities with limited development potential and with the statement (p. 65) that: “for the few municipalities remaining outside of Plan Conformance, the full conformance process is less applicable and should be streamlined accordingly.”

Highlands Council Response: The Highlands Council has, for a number of years, been utilizing a streamlined approach for municipalities with limited development potential. There is no evidence that this streamlined approach has weakened any of the protections of the Act or the RMP. Given the requirements of the Act, the RMP, the referral of all land development applications to the Council, and the NJDEP Highlands Rules, the Council believes that in certain cases there exists sufficient protections without the need for the adoption of all plan conformance items.

The Highlands Council has incorporated the following change to the referenced statement: “for a number of the municipalities remaining outside of Plan Conformance, the full conformance process is less applicable and should be streamlined accordingly” (see page 65). It is clear that not all remaining municipalities fit within the criteria set forth by the Highlands Council for the “streamlined” Plan Conformance approach, which relies mainly upon adoption of the Highlands Municipal Referral Ordinance. However, the Highlands Council finds that the approach continues to be an appropriate option for certain municipalities.

Comment: Commenter disagrees with the MPRR recommendation concerning changes to the 2008 Plan Conformance Guidelines, which the Report suggests due to a Highlands Council finding that certain aspects of the 2008 requirements are unnecessary.

Highlands Council Response: The main modification proposed to the Plan Conformance Guidelines would provide for pre-review by the Highlands Council to determine the extent of the changes necessary to align the municipal planning program with the RMP. The Highlands Council would then tailor Petition submittal requirements to reflect the specific circumstances of the municipality. This process would eliminate unnecessary components of the currently required Petition submittal package, before municipal professionals

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expend time and resources preparing them. The original Guidelines provided for waivers of submission items, which the Highlands Council would consider on a case-by-case basis. The tendency has been for professionals involved in developing Petitions to provide the most thorough packages possible, and to avoid waiver requests. The Highlands Council finds that the proposed methodology achieves all Plan Conformance goals and requirements in a more efficient manner while minimizing the expense.

Comment: Commenter requests a publicly available archive of Highlands GIS data.

Highlands Council Response: Archived Highlands GIS data is available to the public upon request. This archive includes the GIS data from the time of the Regional Master Plan and will include all GIS data used in tracking indicators in the Monitoring Program. The Highlands Council Open Data Site and all web mapping applications will continue to use the most up-to-date GIS data available. Providing outdated data online presents an opportunity for confusion.

Comment: Commenter supports recommendations provided concerning the RMP Monitoring Program on page 69.

Highlands Council Response: The Highlands Council acknowledges and appreciates this comment.

Comment: Commenter requests dialog with municipality before any further recommendations, restrictions, rules and requirements are adopted.

Highlands Council Response: Highlands Council staff would be very pleased to discuss Plan Conformance issues with the Borough of Bloomsbury. As a small Preservation Area community with limited future development potential, the Borough has taken advantage of the streamlined approach to Plan Conformance as discussed in the comment above. The Highlands Council seeks to simplify the process for communities such as Bloomsbury and encourages the Borough to move forward with remaining implementation tasks. The Sustainable Economic Development Plan component may be of particular interest to the Borough. Please do not hesitate to contact your staff Liaison at the Highlands Council for further information.

Comment: Commenter addressed the timeline for completion of the MPRR stating “the Highlands Act clearly states that it was this Council’s job to review the RMP every six years. Six years was up back in 2014, that was three years ago. And let’s not forget the

RMP itself was finalized years after the Act directed. Because this Council didn’t bother to obey the law, technically, the RMP is null and void. The commenter continues to state “monitoring was not meant to facilitate revisions to the RMP. Objective 10A5a states it was to ‘insure the RMP was meeting its goals.’ I recommend reading pages 416-7 of the Council’s Regional Master Plan.”

Highlands Council Response: The Highlands Council acknowledges these comments and appreciates the length of time it has taken for this first ever Monitoring Program Recommendations Report to be completed. Significant effort was made during the creation of this report to include advice from stakeholders, members of the public, and technical advisors to capture, as thoroughly as possible, whether the RMP was meeting its goals and those of the Highlands Act. The Council anticipates that future iterations of the report will result in ongoing monitoring and should take significantly less time to complete.

Comment: Commenter expressed concerns with the draft “Procedures for Considering Proposals to Amend the Highlands Regional Master Plan.”

Highlands Council Response: The Highlands Council acknowledges these comments. However this comment does not specifically address any component of the MPRR.

Comment: Commenter expressed concerns with the public participation component of the MPRR development. States that TAC reports did not reflect content of TAC sessions and that a planned second TAC session was never held. States “interest in public comment is a farce” and process is “corrupt.”

Highlands Council Response: The drafting of the Monitoring Program Recommendations Report (MPRR) included a robust public process including an initial public comment period from September 15, 2014 through April 30, 2015, fourteen targeted stakeholder meetings, three stakeholder outreach workshops, ten Technical Advisory Committee (TAC) meetings, three public outreach sessions, and a sixty day public comment period on the draft MPRR. The verbatim written comments submitted during the Stakeholder meetings are included as an attachment to the Landowner Stakeholder meeting summary. TAC meetings were only summarized. The commenter does correctly note that a second TAC meeting was not held due to limited Council resources.

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Comment: The commenter indicates that Plan Conformance should remain voluntary for the Planning Area and suggests that the Summary of Recommendations should clearly identify which actions are voluntary.

Highlands Council Response: The Highlands Act stipulates that conformance for Highlands Planning Area lands is strictly voluntary. Any change would require that the state legislature amend the Act. As to the Summary of Recommendations (pp 197-203), please note that it consists of recommended actions for execution by the Highlands Council and its staff. Plan Conformance program materials provide information as to mandatory vs. optional conformance activities.

Comment: Commenter feels implementation of the RMP should rely on existing subject matter experts from other government regulatory agencies for topics beyond the Highlands core mission. Feels development of new and standalone practices specific to the Highlands region appear to place further burdens onto already strained resources of Municipalities and Counties and should be avoided. Recommends limiting the MPRR to a few select topics particularly relevant to the Highlands mission, and suggests that development of goals should be focused and mindful of resources and staffing limitations experienced at all levels of government.

Highlands Council Response: The Highlands Council appreciates these comments and recognizes the need to rely on other agencies to address a number of RMP objectives. With better interagency coordination, it may be feasible to ensure that RMP goals and objectives are among the priorities of other agencies. To the extent possible, the Highlands Council does aim to rely on existing frameworks to achieve RMP goals. By doing so, the Highlands Council conserves its own resources and operates more efficiently. Where existing agencies do not address RMP issues, however, the Highlands Council has an obligation to develop whatever tools may be necessary. The Highlands Council covers the costs for Plan Conformance activities, as required under state law. As such, it is keenly aware of the needs of local jurisdictions in implementing Plan Conformance requirements. This is a part of the rationale for the “Referral Ordinance” approach to Plan Conformance, as discussed above.

Comment: Commenter asks that the Highlands Council include nonprofit organizations among those it provides with grant funding toward achievement of RMP goals.

Highlands Council Response: Section 18 of the Highlands Act limits Highlands Council Plan Conformance grant funding to municipalities and counties only.

Comment: Commenter expressed concern that if the Highlands Council expands grant offerings to counties as recommended in the MPRR, competition for Highlands Plan Conformance grant funding will suddenly surge, placing pressure on dollars believed to have thus far been “limited to municipal grants.”

Highlands Council Response: County Plan Conformance grant funding has been available since the Plan Conformance grant program was established in 2008. The Highlands Council would be pleased to see more counties take advantage of the funding that is available and does not foresee any conflicts with municipal Plan Conformance.

Comment: As to expanding the county grant program, the commenter recommends inclusion of funding to address county land preservation and transportation issues as well.

Highlands Council Response: The Highlands Council Plan Conformance grant program currently allows for county land preservation and transportation planning funding. Both these areas also support sustainable economic development planning, which the Highlands Council encourages. The Highlands Council would be pleased to speak with the commenter regarding specific projects of interest.

Comment: Commenter feels state should compensate municipalities in the Highlands for lost revenue or provide with a means to minimize development restrictions.

Highlands Council Response: This comment is outside the scope of the MPRR and the jurisdiction of the Highlands Council; however, as noted previously, the Borough may find it helpful to initiate work on a Sustainable Economic Development Plan, for which the Highlands Council has already allocated Plan Conformance funding.

Comment: Commenter notes historical and ongoing involvement with the Highlands Regional Master Plan and supports efforts to track the impact of the Plan and the Act on the economy of the region as well as the goals objectives outlined in the Plan. Feels the MPRR provides useful indicator and recommendations which will provide a good starting point for tracking the plan’s impacts.

Highlands Council Response: The Highlands Council appreciates these comments and thanks the New Jersey Farm Bureau for its continued support.

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Comment: Commenter expressed concern with the lack of dedicated sources of funding for land preservation and stewardship. States that the continued failure to provide the funding coupled with the demand to abide by the rules and regulations and the imposition of costly fines make the loss of funding a triple threat to Preservation Area municipalities.

Highlands Council Response: The Highlands Council acknowledges these comments and will continue to seek funding sources for land preservation

Comment: Commenter expressed frustration that tax payers in the Preservation Area protect the water supply to over 7 million residents in New Jersey.

Highlands Council Response: The Highlands Council acknowledges the comment; however, it is outside the scope of the MPRR.

Comment: Commenter found organizational structure, format, and much of the content of the MPRR confusing and incomplete.

Highlands Council Response: The MPRR attempts to provide an analysis of RMP implementation to-date as measured by identified indicators. The structure of the report is explained on page 7. The report is intended to meet the requirements of the Highlands Act (c.13:20-8) to periodically revise and update the RMP and RMP Policy 10A5 which states: “to ensure the long term success of the RMP, evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities through the tracking and monitoring of regional indicators.” To aid readers in navigating the report, cross reference page numbers (with live links in the PDF files) to will be added to the Final MPRR.

Comment: Commenter is concerned that municipalities located wholly in the Preservation Area should have input prior to any new rules and regulations are enacted. Requests that this be done in an informal, public venue and include legislative and enforcement officials involved in the Highlands Act, so they may hear from those municipalities directly.

Comment: Commenter states that the MPRR directs the Highlands Council to work with other state and federal officials on matters that will have a negative impact on municipalities located wholly in the Preservation Area, without a requirement to involve those municipalities.

Highlands Council Response: Any amendment to the RMP will take place only after 6 public hearings are held as required by the Highlands Act. In addition,

the Highlands Act requires the Highlands Council to consult with municipalities in the Region prior to the proposal of any amendment to the RMP.

Comment: Commenter expresses frustration with land preservation that results in the loss of tax revenue for municipalities, especially those that are wholly located in the Preservation Area. Suggests the state should find a mechanism to compensate municipalities for this loss of taxes.

Comment: Commenter expresses frustration with the limited development potential of municipalities located entirely within the Preservation Area of the Highlands. Suggests the state should find a mechanism to compensate municipalities for this lost revenue or finds ways to reduce these restrictions in certain cases, as has already been done with schools.

Comment: Commenter expresses frustration with additional resources required to comply with more stringent regulations imposed on municipalities located entirely within the Preservation Area of the Highlands, and lack of funding to those municipalities to compensate for this required compliance. Also notes that DEP fines for noncompliance add to this burden.

Comment: Commenter expresses frustration with inequity in municipalities located entirely within the Preservation Area of the Highlands, in which much of the land is undevelopable but municipal services to the land are still required. Suggests the state should provide funding to offset this inequity.

Comment: Commenter feels that much of the financial burden of realizing the laudable goals of the Highlands Act is borne on the residents of municipalities located entirely within the Preservation Area of the Highlands, and should not be.

Highlands Council Response: The Highlands Council acknowledges these comments and agrees that the potential economic hardship and fiscal impact to municipalities caused by limited opportunities to expand their ratable base continues to be an issue for many municipalities. The Highlands Council has sought, and will continue, to work with the impacted municipalities wherever feasible.

Several programs were created at the inception of the Act in anticipation of this situation, including the Watershed Moratorium Offset Aid. West Milford is a beneficiary of this program, but some other Highlands towns are not. The Highlands Council does not have the authority to generate the kind of funding referenced in the above comments, and as such they are outside the scope of MPRR, but the Highlands Council

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has, as a body, been sympathetic and as proactive in this issue as is allowed by the scope of its mission. The Highlands Council offers sustainable economic development grants, Highlands Center designation, and Highlands Redevelopment Area designations as other means of addressing these concerns.

The Highlands Act does include 17 exemptions that address landowner equity concerns by allowing property owners to develop their properties without applying the enhanced environmental protections of the Act in a number of circumstances. Also, the Highland Rules adopted by the NJDEP, subsequent to the passing of the Highlands Act, include four waivers that provide additional opportunities for relief.

Comment: Commenter notes that Super Storm Sandy has resulted in deforestation in West Milford. Much of the impacted land is owned by either the state, non-profits groups or the Newark Watershed. No efforts have been made by the state to restore this damage.

Highlands Council Response: The Highlands Council acknowledges the comment; however, it is outside the scope of the MPRR.

Comment: Multiple commenters discussed County Plan Conformance requirements and requested that any changes to County Plan Conformance Guidelines be discussed and reviewed in collaboration with county representatives.

Highlands Council Response: The MPRR does not recommend complete elimination of regulatory modifications for County Plan Conformance. It does, however, recommend removal of language from the RMP calling for county regulation of areas not actually within county authority (pursuant to the NJ County Planning Act). The Highlands Council intends to meet with county representatives to discuss future changes to the county Plan Conformance program. The Highlands Council acknowledges and appreciates these comments. Any revised plan conformance procedures would be subject to public review and comment in accordance with the Procedures for Considering Proposals to Amend the Highlands Regional Master Plan prior to adoption. Furthermore, Highlands Act N.J.S.A. 13:20-9a requires that prior to adoption of any revision of the Regional Master Plan the Council consult with municipalities, counties, state agencies, and interested parties.

Miscellaneous

Comment: Commenter believes that a number of programs discussed in the RMP are non-existent, have very little participation, or are repetitious of existing programs administered by other agencies. Specifically suggests that lake management plans, steep slope programs, scenic resource protection, and historic preservation are small components of the RMP and need to be developed. Further suggests that most municipalities have steep slope and historic preservation ordinances in place and no new program is appropriate.

Highlands Council Response: The Regional Master Plan addresses a wide range of topics related to Highlands resources and sets forth programs and implementation strategies to address them. By necessity, some programs have advanced faster than others. Nevertheless, if a municipality already has in place adequate ordinances and municipal protections, the Council is not seeking to replace them. The plan conformance process seeks to ensure that all Highlands resources are adequately protected at the local level.

Comment: Acknowledging that the “Fiscal Impact Assessment of the Highlands Water Protection and Planning Act and RMP” (FIA) and associated “Peer Review” are not the subject of the current public comment process, commenter notes that both are part of the overall RMP Monitoring Program and so felt it appropriate to provide comments. Commenter requests clarification as to how the Council will address and respond to the issues, findings, and areas of concern noted in the Peer Review. Commenter concurs with many of the Peer Review findings regarding shortcomings in the FIA.

Highlands Council Response: The Highlands Council acknowledges these comments. As the commenter correctly notes, the FIA and Peer Review are not the subject of comment here. However, the Highlands Council believes that the recommendations for additional monitoring made in the FIA and Peer Review are adequately addressed through recommendations made on page 62-63 of the Monitoring Program Recommendations Report.