

Highlands Council Monthly Report

June 2023

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Highlands Council Monthly Report

Summary of Activities | June 1-30, 2023

Executive Director Priority Spotlight

Agriculture in the Highlands. On June 20, the Highlands Council announced a [new grant program](#) designed to advance innovative sustainable agriculture practices in the Highlands region. The program is open to nonprofit organizations and public institutions of higher education and the application deadline is Friday, August 11. The idea for this grant program came directly from agricultural professionals who sit on the Highlands Council Agricultural Advisory Committee and are helping ensure the efforts of the Highlands Council are supporting the needs of this important industry. Ideal proposals in this program will align with the Highlands Act and Regional Master Plan as well as the Economic Sustainability Plan released by the Council last year. We are looking to promote practices that are innovative, but also replicable and of value to the larger agricultural community. More information is available on Grants page of the [Highlands Council website](#).

Concurrently, the Highlands Council is exploring the possibility of accessing technical assistance from Rutgers Cooperative Extension and would like to add an Agricultural Specialist to the Highlands Council staff (although funding did not come through this year) to increase the Council's ability to support agriculture in the Highlands. Our intent is to support the agricultural community in the region and ensure that the agricultural sector is an essential part of the Highlands long into the future. Farming and the agricultural industry are a significant part of the character of the Highlands region, a component of the region's economy that is aligned with the greater aims of the Highlands Act, and a presence that will become increasingly important as local food production plays a larger role in the sustainability of our state in the face of a changing climate.

Supporting Stormwater Permit Changes. As Highlands municipalities continue to work toward meeting the new enhanced requirements of the Municipal Separate Storm Sewer System (MS4) permitting, the Council is working to augment the financial and technical assistance available from the NJDEP. In June, the Highlands Council engaged Stormwater Compliance Solutions, LLC to develop materials specifically for Highlands municipalities that will aid in meeting permit requirements. Deliverables in the project include: draft scopes of work for Highlands municipalities to apply for Highlands Council grant funding that will supplement funding from NJDEP; simplified timelines to map a clearer path toward compliance; and educational materials that municipalities can use to meet certain requirements of the MS4 permit. Additional information will be posted to the [Stormwater Management page of the Highlands Council website](#) as it becomes available. In the meantime, towns are encouraged to [apply](#) for NJDEP funding *first* and then reach out to their [Highlands Council liaison](#) for more information.

The Fiscal Year Ahead. Governor Murphy signed the Fiscal Year 2024 state budget on June 30. That budget included funding for a number of important statewide initiatives that will surely benefit the Highlands region. However, the Highlands Council's overall budget remained flat despite a modest request for additional funding (\$300,000) that was designed to allow the Council to expand

staff expertise and fulfill our mission in the critical areas of water resources protection, sustainable agriculture, and climate resiliency. The request included bringing back a qualified engineer to the staff to assist with project plan review and support Highlands municipalities in meeting the new stormwater permit requirements over the next several years. Despite the lack of additional funding, the Highlands Council remains committed to working with other state agencies, the region's municipalities and with the private and NGO sectors on these important issues that are at the heart of the Highlands Act, albeit with severely constrained capacity and resources at our disposal.

Partnerships with academia, like the one mentioned above with Rutgers and further down in this report with Montclair State University, strengthen our abilities through access to subject matter experts. Collaboration with the nonprofit community also increases our ability to serve constituents. Contract projects allow us to advance priorities such as watershed management, affordable housing, and climate change.

Watershed Moratorium Aid. The Council received a legislative inquiry this month regarding several Highlands communities and their ability to access Watershed Moratorium Aid each year. In response, staff performed a cursory evaluation of the distribution of this funding. Council members will receive a memo outlining the findings in their meeting packets for the upcoming July meeting. Watershed Moratorium Aid is paid through the Highlands Protection Fund, which was created by the Highlands Act and funded through the Realty Transfer Tax. Payments are made directly to municipalities throughout the state with watershed lands that have been excluded from future development by the legislatively enacted moratorium on conveyance of lands owned by water utilities.

There are eight Highlands municipalities with significant watershed lands that currently do not receive any of this aid. For contrast, West Milford currently receives over \$755,000 per year and Vernon Township receives over \$290,000 annually. There is no existing mechanism for excluded qualifying municipalities to apply. As a result of this inquiry and subsequent findings, the Highlands Council intends to advocate for the region's municipalities that are protecting the state's water supply in this important way, but not receiving the intended financial aid, by exploring potential avenues that would provide assistance.

Municipal and County Regional Master Plan (RMP) Implementation

Updates related to Highlands Council-funded projects that help implement the RMP.

- **Alpha Borough, Warren County.**

- In April, the Highlands Council [approved](#) a Highlands Center boundary change in Alpha Borough, subject to certain [conditions](#), including compliance with the [*Policy Standards for Warehousing in the New Jersey Highlands Region*](#). The Highlands Council was recently notified that a project applicant was directed by the Borough engineering firm to follow the standards on a project in the new center boundary.

- **Montville Township, Morris County**
 - Submitted deliverables related to the Township's Recreational Trail project. The materials were reviewed by staff and found to be consistent with the approved project scope of work (SOW).
- **Borough of Mountain Lakes, Morris County**
 - Submitted an initial assessment report. The report is being reviewed by staff.
- **High Bridge Borough, Hunterdon County**
 - Submitted a scope of work to complete an application to become a NJDOT-recognized Transit Village. The SOW was approved by staff.
- **Jefferson Township, Morris County**
 - Completed the first phase of a Trout Habitat Study in Lake Hopatcong. The project was reviewed by staff and found to be consistent with the approved SOW for the project.
 - Submitted a SOW for phase 2 of a Trout Habitat Study in Lake Hopatcong. The SOW was reviewed and approved by staff.
- **Ringwood Borough, Passaic County**
 - Submitted a SOW to complete an Environmental Resource Inventory (ERI), which was reviewed and approved by staff.
- **Vernon Township, Sussex County**
 - Completed the Township's Water Use and Conservation Management Plan, which was reviewed and approved by staff.
- **West Milford Township, Passaic County**
 - Completed a Greenway Trail Feasibility Study and a Watershed Management Study, which were reviewed by staff and found to be consistent with the approved SOWs.
 - Submitted a request for funding and SOW to complete tasks associated with achieving the new MS4 permit requirements. Staff is currently reviewing the SOW.

Project Reviews

The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands Regional Master Plan (RMP). In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Highlands Applicability Determination (HAD), Exemption #9 (w/NJDEP): Repair of Timber Brook Road and Culvert, Rockaway Township, Morris County.** The Township is seeking an [Exemption 9](#) to repair an existing road embankment over Timber Brook, which has washed out and is currently impassable. Included in the repair will be the replacement of the existing culvert pipes that have deteriorated and are not suitable for reuse.
Highlands Council staff finding: Consistent with the goals and purposes of the Highlands Act.
- **Preservation Area Consistency Review: Sussex Cultivation, LLC, Vernon Township, Sussex County.** An applicant is seeking to construct a New Jersey-licensed cannabis cultivation facility on a largely undeveloped, forested property adjacent to existing

agricultural lands. Approximately 3 acres of the 80-acre site is proposed for development. *Highlands Council staff finding: Consistent with the goals and purposes of the Highlands Act, subject to conditions.*

- **Planning Area Consistency Review: Woodmont Grand Luxury Senior Living, Parsippany-Troy Hills, Morris County.** The Highlands Council originally reviewed this project in the summer of 2022 and found it consistent with the Highlands Act and RMP, subject to conditions. The applicant has submitted documentation to meet these conditions. The documentation is being reviewed.

Science Initiatives

- **MSU Traveling HAB Lab Citizen Science project.** On June 7, Highlands Council staff members participated in field training with the Traveling HAB Lab team from Montclair State University (MSU). The purpose of the MSU Traveling HAB Lab is to increase understanding and awareness of the environmental and health impacts of harmful algal blooms (HABs) in New Jersey. The citizen science project engages members of the public in HAB research.

Although the field training day started out with only minor impacts from the Canadian wildfires, air quality conditions deteriorated significantly throughout the day.



Also in June, the MSU Quality Assurance Project Plan (QAPP) was approved by the NJDEP Office of Quality Assurance. This is a critical step that will allow field work to begin. Field work is expected to commence in July and continue through October. Monitoring/sampling will take place at two Boy Scout Camp Reservations in the Highlands region.

Contract Projects

- **MS4 Permit Support.** The Highlands Council has signed an agreement with Stormwater Compliance Solutions, LLC to develop materials to help Highlands municipalities achieve compliance with the current and new MS4 permit requirements. The project will result in two separate template scopes of work (for former Tier B and existing Tier A municipalities), comprehensive timeline tables, and educational materials for municipal use.

Staffing and Staff Development

- The Highlands Council Planning staff attended the **Planning and Redevelopment Conference**, co-sponsored by the American Planning Association New Jersey Chapter and New Jersey Future, on June 21 - 23.
- Several staff members attended the **Highlands Municipal Exemption Certification Training** on Thursday June 29 (see below).

Outreach and Education

- **Municipal Exemption Certification Training.** On Thursday, June 29, the Highlands Council held a Municipal Exemption Certification Training at its office in Chester. This training is designed for individuals who have been identified by a municipality to make determinations regarding certain Highlands Act exemptions at the local level. More than 30 individuals representing 28 Highlands municipalities attended. Representatives from the NJDEP were also in attendance. More information about the [municipal exemption program](#) is available on the Highlands Council website.
- **Municipal & County RMP Implementation Meetings.** The Highlands Council met with four municipalities and two counties to discuss RMP implementation: Byram Township in Sussex County, Pohatcong Township in Warren County; Clinton Town in Hunterdon County; Mendham Township in Morris County; Hunterdon County Growth Management Plan subcommittee; and Somerset County municipalities.
- **Constituent Assistance.** The Highlands Council received and responded to 27 inquiries from constituents in June.

Agency & Organization Collaboration

- **Inter-Agency Coordination.** In June, the Highlands Council met with the NJDEP (Sussex County project); NJ Forest Service (Forestry BMPs); Morris County Parks (Forestry BMPs); US Fish and Wildlife Service (Highlands Conservation Act Grant program).
- **Coordination with Professional Organizations, Nonprofit Community, Academia.** In June, the Highlands Council met with the New York-New Jersey Trails Conference; Foodshed Alliance/Natural Organic Farmers Association of New Jersey; New Jersey Business Action Center; Ridge and Valley Conservancy; New Jersey Future; New Jersey Water Works; the Highlands Coalition (4-state).

Council and Committee Meetings

- **Committee Meetings.** The Agricultural Advisory Committee met on 6/8/23.

Looking Ahead

- **Public Council Meetings.** The July Highlands Council public meeting is scheduled for Thursday, July 20. The August public meeting is scheduled for Thursday, August 17, 2023. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [calendar page](#) of the Highlands Council website.