

RESOLUTION 2020-14
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF APPLICATIONS UNDER THE HIGHLANDS OPEN SPACE
PARTNERSHIP FUNDING PROGRAM PURSUANT TO ADMINISTRATIVE RULE
N.J.A.C. 7:70-1 et seq.

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, the Highlands Act at N.J.S.A. 13:20-2 declares that the New Jersey Highlands is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population and contains exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora for the citizens of the State; and

WHEREAS, the Highlands Act at N.J.S.A. 13:20-2 further declares that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

WHEREAS, on July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP) which became effective on September 8, 2008 and which through RMP Goal 1H calls for the protection of critical resources through land preservation and stewardship of open space throughout the Highlands Region; and

WHEREAS, on April 18, 2016, the Highlands Council adopted a rule (N.J.A.C. 7:70-1 et seq.) establishing the Highlands Open Space Partnership Funding Program (Open Space Program), which provides for a matching grant partnership with eligible state and local governments and charitable conservancies for the acquisition of land for passive recreation and conservation purposes, and creating the Highlands Development Credit (HDC) Purchase Program that provides for the HDC Bank to purchase HDCs on a priority basis identified in the HDC Purchase Program, from certain landowners; and

WHEREAS, in March 2019, the Highlands Council received a Notice of Funding Opportunity for the Highlands Conservation Act (HCA) Grant Program by the United States Fish and Wildlife Service (USFWS), which could provide up to 50% of the cost of the qualifying land preservation projects; and

WHEREAS, in May 2019, the Highlands Council solicited applications under the Open Space Program and the HDC Purchase Program for projects that would qualify for funding under the provisions of the HCA Grant Program, with the intent of using qualifying projects as the Highlands Council match for the HCA program; and

WHEREAS, the Highlands Council received fourteen (14) applications that qualified for funding under N.J.A.C. 7:70, of which thirteen (13) potentially qualified for funding under the HCA Grant Program; and

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WHEREAS, twelve (12) of the projects request funding under the Open Space Program and one (1) project requests funding under the HDC Purchase Program; and

WHEREAS, the Highlands Council submitted its application to the USFWS in July 2019 for funding of the thirteen (13) projects and was subsequently notified that funding in the amount of \$3,491,650 was being made available by USFWS to complete these projects under the HCA Grant Program, subject to meeting all USFWS grant conditions; and

WHEREAS, Highlands Council staff proposes completing these projects using a combination of funding from the HCA Grant Program and contributions from Open Space and HDC Program partners, with no impact on Highlands Council budgets; and

WHEREAS, on August 24, 2020, pursuant to the provisions of N.J.A.C. 7:70 Subchapter 3, the Highlands Council’s Landowner Equity and Land Preservation (LELP) Committee reviewed the eligible applications and recommended that the Highlands Council staff be authorized to take the steps necessary to proceed with the preservation projects; and

WHEREAS, the Highlands Council wishes to affirm the recommendation of the LELP Committee to authorize Highlands Council staff to proceed with the preservation projects under the provisions of N.J.A.C. 7:70 and the HCA Grant Program; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby authorizes the Executive Director to take the steps necessary to proceed with the following preservation projects, leveraging funding from the HCA Grant Program and matching grant funds from Open Space Program and HDC Purchase Program partners, subject to those applications satisfying the grant conditions of the HCA Grant Program:

County	Municipality	Block	Lot
Hunterdon	Tewksbury	46.01	7
Passaic	West Milford	16908	3
Warren	White	18	60
Warren	White	16	23
Hunterdon	Tewksbury	30	6
Somerset	Peapack Gladstone Borough	8	2.02, 2.08
Warren	Franklin & Greenwich	42, 20	11, 6

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County	Municipality	Block	Lot
Warren	Franklin & Greenwich	41, 42, 18, 19	1, 1, 3, 1
Passaic	Wanaque	249, 249.01, 301	1, 1.02, 1.01
Hunterdon	Lebanon Township	24	8, 8.06, 8.07, 8.08, 8.09
Hunterdon	Tewksbury	42	4, 4.01
Somerset	Peapack Gladstone Borough	8	2.06, 2.11

BE IT FURTHER RESOLVED, that the Highlands Council hereby authorizes the Executive Director to submit the following HDC Purchase Program acquisition to the HDC Bank Board for consideration, subject to that application satisfying the grant conditions of the HCA Grant Program:

County	Municipality	Block	Lot
Sussex	Byram	336, 344	40, 24.01, 24.02

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of September, 2020.



 Carl Richko, Chairman

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Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty						√
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember Holtaway			√			
Councilmember James						√
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli						√
Councilmember Vohden		√	√			
Councilmember Walton	√		√			
Chairman Richko			√			