

Matthew J. Curtis



From: Becca Glenn [becca.glenn@sierraclub.org]
Sent: Friday, May 11, 2007 3:25 PM
To: Highlands
Cc: Jeff.Tittel@SierraClub.org
Subject: Highlands Master Regional Plan comments
Attachments: Highlands Draft Review.doc; HIGHLANDS HISTORY.doc

These comments were also submitted via the website. I have attached them in MSWord form for ease of reading.

Becca Glenn, Program Assistant
New Jersey Sierra Club
145 W. Hanover Street
Trenton, NJ 08618
609-656-7612: phone
609-656-7618: fax



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

May 11, 2007

Dear Ms. Swan and Members of the Highlands Council:

The current Highlands Regional Master Plan is not a master plan – at best it is a draft of a draft. This plan does not look, read, or follow like a regional master plan should; it has no vision, clear standards, or guidelines; it doesn't have policies – instead its “policies” are a series of actions. While there may be some good technical data and sections of the report that are properly written, all in all, this plan needs to be rewritten.

The Highlands Regional Master Plan is vitally important, not only for the Highlands region, but for all the people of New Jersey. It needs to follow the Highlands Act and to be a living document that provides appropriate regional planning and protects the natural resources and water supply of the citizens of the state.

The report does not adequately deal with the issues of water supply, water quality, or flooding. Since the Highlands Act is about water, water, water, this is the most glaring problem in the RMP. The plan does not recognize the relationship between water withdrawal and water quality, namely that as you increase water withdrawals, there is less water available for dilution and pollutant levels in streams and rivers rise. In 2004 the North Jersey District Water Supply Commission estimated that if the waters in the Highlands were to become polluted, the additional cost of water treatment would be \$50 billion over the next fifty years. Further, the community development areas, which are areas where growth is supposed to be promoted, are mostly areas in the Highlands that have already been overdeveloped, where they have the most serious pollution problems and water supply deficits. Many of these areas are also flood-prone, but no hazard planning exists. The Highlands Act clearly states that when writing the master plan, secondary and cumulative impacts must be considered. This plan does not. If it did, these areas would not be considered growth areas.

The report also lacks capacity-based analysis of the amount of development that could go into the Highlands. There do not seem to be connections between water supply, water quality, water enhancement, and development. Likewise, it does not include a nitrate-dilution model, which would also show how much development the region could absorb. It would appear that virtually every HUC14 in the Highlands is impaired, depleted for groundwater, or depleted for surface water, limiting the capacity for growth in the Highlands.

The water supply analysis is deeply flawed in that it does not appropriately consider water supply needs outside the Highlands and the potential loss of water supply sources outside the region that would need to be made up for with Highlands water. It does not address how we are going to reach our goal of providing the water to meet the future needs of the population outside the Highlands. There is no analysis of the economic impacts for New Jersey of the loss of water from the Highlands or of how much of the state's economy is dependent on this water.



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

The transportation section is completely inadequate and does not provide for the transportation needs of the region.

The cultural importance of the Highlands region is also not adequately delineated. The Highlands has been an important place for recreation, with everyone from Babe Ruth to Derek Jeter maintaining vacation homes there. The Highlands was the training camp for Joe Lewis and Jack Dempsey. The numerous camps and summer retreats throughout the Highlands are still important, both for recreation and for their economic value. Many movies and TV shows, including recent episodes of the Sopranos, have been filmed in the Highlands, showing its beauty and again contributing to the economy.

The section of the report regarding clustering on farmland not only violates municipal land use law provisions on clustering, but will create major problems with water quality while giving the property owners two bites of the apple – the ability to develop and the ability to farm – which will exponentially increase the pollutant loadings and violate not only the intent of the act, but the Highlands Act itself.

There is no vision statement included in the report – perhaps the plan itself is meant to embody the vision. One suggestion for the vision is that the New Jersey Highlands are part of a greenway around the Pennsylvania, New Jersey, New York, and Connecticut metropolitan areas – a “greensward,” according to the RPA – like the Appalachian region to the north and the Blue Ride Mountain greenway to the south. Looking at previous New Jersey Master Plans, the vision for the Highlands historically was:

- To improve the air and water quality in the region so that we will be able to eat the fish in our reservoirs and all our waters will be drinkable and fishable
- There will be transit so that those we serve can come visit the beauties and wonders of the region that belongs to all New Jerseyans.
- There will be more swimming areas.
- Our cultural sites will be restored.
- The Highlands Trail will be completed and there will more trails to lure tourists (historic, scenic, cultural, wine, etc.).
- Tourism and agriculture will serve as a fundamental economy to the region, along with home occupations and telecommuting due to the investment in technology in the region to support them – this same investment in technology will reduce traffic needs and the need for substantial traffic improvements.
- Where there are existing centers, implementation of computerized on-demand transportation also reduces auto-dependency – for transportation to work, for children going to after school programs, for seniors to move freely.

Nowhere is it mentioned that the passage of the Highlands Act was a tremendous victory for the environment and the people of New Jersey or that the struggle to save this region had been going



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

on for over a century. A history of these preservation efforts is attached as an addendum to my comments.

Because of the efforts to preserve and protect the Highlands, we now enjoy numerous benefits that should be considered as part of an ongoing vision for the region. Agricultural zoning has allowed farming to flourish, with farmers achieving economic growth through niche farming for markets outside the Highlands. In the Preservation Area contaminated areas have been cleaned up and reforested and undeveloped areas have been acquired, connecting the gaps in the forests. Growth in the Planning Area has clustered around existing centers, and the sprawl that had threatened the Highlands has abated.

To create a vision you need to know where you are now, how you got there, and decide where you want to go and how to get there. For example, you might show a growth map over time and where the current trend would leave us, contrasted with where the plan will require more acquisition and less growth.

Because this is a conservation plan and not a growth management plan, we need to use Arendt principles – in other words, figure out what do you want to preserve first and then see what is left to “accommodate” development. Unlike a growth management plan where you map growth, here we assess our accomplishments by what we conserve, preserve, protect, enhance. This is still PA5 in the State Plan.

The overarching goal of the entire Highlands is to protect and enhance resources. The goal of the Preservation Area is to protect and enhance resources and prohibit or limit to the extent possible development. The goal of the Planning Area is to protect and enhance resources and constrain development.

I see a number of larger issues with the draft. Remember that the first draft of the State Plan was drastically changed before its final adoption, so do not be afraid to be bold in addressing these problems.

First, it seems that the current report allows the same things in the Preservation Area as the Planning Area. How does this meet our goals for the Preservation Area?

I also have problems with the mapping. Although excellent, some translation for the layperson should be made. I cannot make out the Preservation Area from the Planning Area, and things are not put together.

There should be but a few goals, policies for each goal, objectives for each policy, and strategies to achieve those objectives. Preparing an inventory is not a policy – it is a strategy. For example:



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

Goal is to sustain and enhance water supply

Policy is to preserve and enhance forests

Objective is to acquire a set amount of forested lands and re-forest a specific number of areas

Strategy is to map existing forested lands, identify those protected, those that are vulnerable, those that can be re-forested, etc.

Objective is to reduce loss of forested areas by a specific amount

Strategy is to... (Here would be the requirements for each zone)

There current RMP draft includes no projections and no alternative analysis. The details of the Highlands Act are not referenced. None of the current DEP regulations are mentioned, nor what the current standards are. For example, what qualifies as exempt development?

This is a most difficult plan to read. I still can't figure how parts fit together to form basis of land capability map. It seems that there are source water protection areas, the Protection area, the Planning Area, all sorts of net water areas and constrained areas, and the list goes on, but there is no apparent indication of how any of it was used to create the land capability map. Instead it seems the existing use map (land capability map) was used to direct the policies of these areas. This is very confusing.

The first major flaw appears to be that the data is not overlayed to form a basis for the capacity map and even then, that is accepting what is, not what we want. The other major flaw in the plan is that it's missing scenic protections. The scenic value of the Highlands is extremely important, and the plan does not address protecting the scenic resources similar to how New York does it in the Adirondacks.

As I read through the plan, I also wrote down some of the specific problems that I saw. They follow in the order of the plan:

- 1) With regard to cultural factors, the plan does not specifically mention Lenapi Indians.
- 2) The plan is missing a great deal of the history of the Highlands.
- 3) A steep slope is initially defined as 25%; later it starts at 10%.
- 4) The plan should map uranium belts, including radon and radium. It should also map faults and limestone belts, including karst and asbestos. Special provisions need to be made for these areas. Mapping and special provisions should also be made for earthquake zones, clay zones, and shale.
- 5) Contiguous forests and protected areas need to be mapped.
- 6) The Plan should include the Garden State Greenways mapping.
- 7) There is no indication of how much of the Preservation Area is preserved and how much of the Planning Area is preserved. A map showing this is needed.
- 8) The description of the existing situation only explains what is NOT, rather than what IS. For example, how many roads without population are there within a given area?



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

- 9) Estate Zoning and Rural Zoning are 2-acre zoning. This is not protective of the environment.
- 10) Where are the map criteria defined? This is vitally important, as it is the crux of the policies behind the Plan. Were negatives to development (such as limestone, earthquake faults, flood hazard areas, etc.) examined, not just opportunities for infrastructure? Does the mapping consider hazard mitigation planning? Even after re-reading the 50 Indicators, it still isn't clear why a particular indicator is used. Using the indicators only tells me how you want to describe "what is," not "what is capable" or "what should be." It's like the Court saying that by letting municipalities determine their zoning, we permit municipalities to perpetuate discrimination. For example, the State Plan first included the areas around the lakes in Ringwood and Lake Hopatcong as PA2 because of their existing density and proposed sewerage. Although they should have been PA5 in recognition of Ringwood's water resource contribution to the state and Lake Hopatcong's emergency water supply, the Commission was convinced to change from PA5 to PA2.
- 11) The indicators and resource mapping are confusing. Are the two interrelated?
- 12) Regarding base stream flow, did you just look at what exists and assume that everything above that is surplus or did you evaluate if the existing base flow is sufficient to sustain ecology? Is sustaining ecology the standard? Did you look at where there are development excesses (and how to determine what is a development excess) and relate this to base flow? Do you consider enhancing not only quality but also supply?
- 13) Are the actions to protect water intended to form policy on capacity to develop the plan or are they implementation strategies to monitor water protection?
- 14) The zones determine the capacity that will be assigned to the depletion of the waters for human development, even if the water has been over-depleted already and even if the zones are in the protection areas of the reservoir that we know will be insufficient to supply areas outside the Highland, so the map, which is not capacity based, is dictating the capacity. This is a problem.
- 15) If you use low flow, when we know the Passaic is mostly sewer water and people are dealing with wells running dry and water bans, it does not support evaluating what is needed to provide adequate water supply. It seems you need to look at what level of flow is needed to keep current supplies adequate and then add more to account for future needs.
- 16) I find it hard to believe that methods to determine the relationship between flow and aquatic sustenance do not exist. Even the fisherman in the Pequannock know that the trout die when you let excess water flow to address water supply.
- 17) I don't see a relationship between the capacity map, the resource analysis and the water analysis. The maps serve more to confuse than to enlighten. It seems that we know we don't have enough water for the future for outside regions – in fact, we have areas that exceed their capacity now – but it also appears these same areas are growth areas in the capacity map. The Net Water Availability Map is misleading since areas



- that are shown to have water available show up as depletive basin and constrained on the other two maps. Did anyone put these maps together to see the results?
- 18) This report is not written to be comprehensible to the layperson. The Bergen Record had an excellent map of how water is transported – perhaps this should be looked at as an example of how to make things clearer.
 - 19) The whole water capacity issue is not dealt with properly in this plan. Places like Newark have a deficit because they're selling their water to the suburbs. The plan says we are to encourage the areas using the Highlands waters to conserve – the Highlands is not an open spigot, it is a limited resource. If we stopped all development in the Highlands, how much water would we have to export? Based on the Plan policies to development in the Highlands, how much of that potential export of water will remain? Where is the Highlands water going – to areas consistent with the SDRP?
 - 20) The Table of Contents should have a list of technical reports that are mentioned in the Plan and used to form the basis for the Plan.
 - 21) How were the Ground Water Availability Thresholds determined?
 - 22) If municipalities do not voluntarily come into compliance, what will that do to the future provision of water?
 - 23) The bibliography does not include a single Regional Plan, nor any of the other State Plans.
 - 24) In the Consistency and Coordination section, I did not see MPOs, the State Planning Commission, or County Planning Agencies.
 - 25) There are federally designated areas of sole source aquifer recharge areas, but these are not referenced and mapped.
 - 26) Were there any watershed assessments done as part of the watershed management program that were referenced for the draft?
 - 27) How does the Impaired Waterbodies Map relate to the DEP subsets of water quality?
 - 28) Did you know that under certain conditions there is too much iron in Highlands water, exceeding standards? What about radon gas from the Highlands water? Does the Plan talk about the radon belt and special building codes for the radon belt? There needs to be a Highlands geology map similar to other such maps.
 - 29) The DEP 2006 Integrated Water Quality Monitoring and Assessment Methods report is not highlighted as a technical guide.
 - 30) Where is the identification of the NJDEP categories of groundwater contamination area? Is there a report? a map? Why aren't these areas mapped?
 - 31) Highlands adopting DEP adopted TMDLs – perhaps I missed it, where are TMDLs discussed and what purpose they serve – where has DEP already adopted TMDLs – action
 - 32) What does “require recharge of clean stormwater” mean?
 - 33) It seems that the Plan reiterates existing policies and regulations of DEP and does not distinguish what everybody in the state must do – in other words, stormwater best management practices versus any special regulations for the Highlands.
 - 34) Is the current water monitoring program adequate?



- 35) The Wellhead Protection is very poorly written. It doesn't show which wells were confined versus unconfined. The plan mentions wells and intakes, but there isn't any information on intakes. Why weren't the intakes mapped? The time of travel being used is 12 years, but in many areas of the Highlands it takes 50 years of travel between recharge and wellhead. The plan talks about susceptibility of pollution to wellheads, but there isn't any definition of what this means or standards.
- 36) What are the DEP standards for nitrates? The median model background is .83 so you selected this for background. How will this be used? What about where background is 1.46 to 3.23?
- 37) What is the index used for soil assessment? There is no definition or standard for "very favorable."
- 38) What is the USEPA Decentralized Wastewater Treatment Systems Program Strategy?
- 39) The Forest Resource Area (big picture) and Forest Integrity Area (watershed picture) are somehow used for the Land Use Capacity Map and then the rules are made for different zones. How do they relate to the Resource Area and Integrity Area? I don't see the connections or the expected outcomes.
- 40) What is meant by a Natural Heritage Priority Site? Ninety-five sites were identified, but how many new sites will there be? What are you going to do about the new ones?
- 41) Under critical habitat for flora and fauna, do endangered species include both animal and plant species?
- 42) What are the existing protections for vernal pools, etc.?
- 43) The zone standards for Critical Habitat Areas seems to be the best I have seen so far and should perhaps be the standards for all the critical resource areas, but how do these relate to the land capacity map?
- 44) What are regional habitat plans and regional development opportunities?
- 45) I would like to see the Conservation Priority Area Map overlaid on to each of the other resource maps to see if anything is missing and to see the capacity map overlaid to see if there are any conflicts.
- 46) Between 1998 and 2003 there was an 8% decrease in farmland (the number of acres was not given) and a 13% loss of field crops. Why the difference? How much of this was "prime agricultural soils"? On the preservation side there were 16,099 acres in the PA and 10,024 acres in the PRA preserved, but how much of this (and what percentage in each area) was "prime agricultural soils"? In other words, are we preserving the right farms? What are the criteria for the Agricultural Priority Area? What is the prevalence of active farms and how do we know that? It is difficult to see connections between the Land Use Capacity Map and the Agricultural section of the plan. Does Forestry come under Resources? What about other farmland assessment uses, such as animal husbandry?
- 47) Within the Agricultural Resource Area, "important" farmland soils are considered a critical agricultural resource, but there is no map of these soils. Are these the high priority agricultural areas?
- 48) Is the Agricultural section compatible with the Agricultural mapping? Is agriculture happening in areas that are not mapped as agriculture?



- 49) Why not use agricultural zoning in order to get funding and priority?
- 50) Are there any differences between the Preservation Area and the Planning Area?
- 51) The zone standards for the Forest Resource Area and Agricultural Resource Area for Conservation Zone don't match. It seems you need standards in the Conservation Area at least for agriculture (forestry).
- 52) The Site Specific Standards for Agriculture prohibit development, but say that if a landowner wants to develop (not if that landowner is permitted to develop) then he/she must cluster or lot average and leave 80% dedicated. Where is this standard applied?
- 53) Again, the Site Specific Standards for Ag prohibit development, but say that if a landowner wants to develop and exceeds 3% of agricultural development activities and 9% of impervious cover, then he/she will need to have a USDA Farm Conservation Plan. What qualifies as an agricultural development activity? Why aren't farm conservation plans and/or resource management system plans required under other sections? If we are assessing farmland, why isn't this required everywhere? Why is it only in the Planning Area and not in the Protection Area as well?
- 54) The Plan is missing local participation strategies and Coordination and Consistency Strategies for Agriculture.
- 55) The Air Quality section is thinner than air. This has to be done in the Plan or at the state level because it is governed by Codes and municipalities don't have the ability to change these.
- 56) What is the municipal component of the Diesel Retrofit Law?
- 57) How about measuring asthma in children in the Highlands and using this figure as a benchmark?
- 58) Regarding zoning standards, many municipal zoning ordinances have sections on evaluating air pollution from proposed uses. The plan should include a model. Do we want to restrict air-polluting industries in the Highlands that could impact water supply because of air deposition? There should also be industrial standards – for example, in Ringwood we fought off a co-gen gas power plant, a tank farm, a military test track, and a styrene plant. Are these compatible uses next to reservoirs?
- 59) The Historic, Cultural, and Scenic portions of the Plan are very disappointing. The policies are inconsistent and not coordinated. There are programs that can be put in place to further enhance the historic, cultural, and scenic resources in the Highlands. For example, promoting tourism through scenic byways as in Maryland, using hiking and biking trails to promote tourism as in New Mexico, having a Highlands license plate, historic and scenic signs, etc. We should be including the Federal Gateways program for tourism and the Adirondack model for protecting scenic resources.
- 60) Compatible design needs to be added to the Historic Site Standards.
- 61) Counties need to be the leaders in local participation and assistance needs to be given to them as well. The Council should be the prime leader on this since tourism goes beyond a municipality or county.



- 62) The Smart Growth section is consistent with State Plan, but there is no map of the State Plan.
- 63) The Plan says that the policy for Smart Growth will be that future densities should be consistent with existing densities. This does not address the problems of sprawl and overdevelopment that we are currently dealing with in the Highlands. The policy should instead focus on defining the regions growth needs, deciding where these should be located within the Highlands, and meeting those needs.
- 64) On page 136 of the draft, it states that the Council's policy on growth accommodation in areas identified as appropriate for development is discretionary and will be subject to county and municipal input during plan conformance. That being the case, how can you project how much growth will take place in relation to the fundamental purpose of region, protection of water? Are there no caps? If there are, is it first come, first serve? Essentially there is no plan as it relates to growth. How does this relate to the SDRP growth projections?
- 65) What and how much development is exempt from the Highlands? What is its impact? Where is it? How does it relate to Resource Protections?
- 66) Since you can produce different scenarios of development patterns, why wasn't existing zoning mapped in relation to other information mapped and show inconsistency with SDRP? Highlands Resource protections?
- 67) Like the zoning and build-out analysis – is there any merit in mapping where affordable housing is and is proposed? In relation to resource areas?
- 68) There is no map to show the analysis of where there is water infrastructure and source? How can you define community development areas without this? The indicator for mapping water supply was only if it was in a water service area, whether or not there was enough water to support the development.
- 69) There is not a proper assessment in whether there is real capacity for future development. Twenty percent of existing demand will be used, no matter whether the service area is in the Preservation Area or Planning Area. The water policies here are not consistent with the water policies on Pg 58.
- 70) Extending water and sewer lines into the Preservation Area for clustering is inconsistent with the Highlands Act. This policy continues sprawl. Any clustering should be done in or next to centers in the Planning Area.
- 71) The Site Specific Density requirements under water are a minimum of 2 du/ac, but under Smart Growth in centers they are 3 du/ac and for TDR areas, 5 du/ac. There is no consistency or connection here.
- 72) Why isn't the same standard in the Conservation Zone for densities suitable for on-site domestic wells not used in the other sections?
- 73) How much water is needed for exempt growth? Are there any rules for exempt properties?
- 74) The Plan encourages recycling and re-use of water. This policy will cause more water quality impairments and will promote growth in inappropriate places. It is a threat to groundwater.



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

- 75) The provisions regarding water capacity are not used as the basis of the Plan for determining the amount of growth in the different zones.
- 76) There are no connections in the plan between development and water quality. Not only doesn't it deal with water impairment, but under the legislation, we are supposed to be enhancing it.
- 77) Why aren't water utilities required to file water plans just like sewer plans?
- 78) There should be a map of the existing versus the proposed sewer service areas.
- 79) The same 20% set aside is used for sewers, even though there are different standards for water, depending on the different zones. There are no sewer and water standards, and their strategies should match because if they don't, you will have major depletion of aquifers.
- 80) What does "given the differences in measures for capacity" mean?
- 81) A new definition of sewer service areas is given, but it is not mapped.
- 82) Many of the site-specific standards seems to me should be general policies regarding facilities not meeting state standards, giving highest priority to TDR receiving zones.
- 83) In the Conformance sections and thereafter, I don't see purveyors listed. They should be listed since they do the wastewater management plans.
- 84) I don't see any reference to consideration of secondary impacts of transportation, especially for rail. A new rail line is a new highway.
- 85) There seems to be a blanket approval of Transit Villages anywhere in the Highlands; however, under Transit Village regulations, even a bus stop can become a Transit Village.
- 86) I would like to recommend doing some studies like Bergen County did, looking at specifically where people travel and matching this to the bus service. We were surprised to find in that case that people in Bergen County traveled within tight circles to work and from New York to Bergen. We identified employers of 100 or more and wanted to implement a computer based on-demand service to the workers. I would like to see some innovative recommendations for the Highlands, such as alternative work weeks or telecommuting as policies.
- 87) Terms are not defined – there need to be definitions for green building, conservation design, affordable housing, low and moderate income housing, context sensitive design, sustainable or green design, conservation development, etc.
- 88) The Plan is missing programs that should be integrated into the plan, such as Cool Cities, the Tree City USA Program, the FEMA Flood Communities Program, the Green Cities Program, Digital Communities, etc.

The DEP regulations should be the floor and the Highlands Plan should be the ceiling when it comes to bringing proper protections and good planning to the Highlands region. Thank you for your attention to these comments.

Sincerely,



SIERRA
CLUB
FOUNDED 1892

NEW JERSEY CHAPTER

145 West Hanover St., Trenton, NJ 08618
TEL: [609] 656-7612 FAX: [609] 656-7618
www.SierraClub.org/NJ

Jeff Tittel
Director, New Jersey Sierra Club

HIGHLANDS HISTORY

1911 Weeks Act – Enabled any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a National Forest Reservation Commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

In 1937 the Palisades Interstate Park Commission (PIPC) was established by bi-state compact approved by the Congress of the US so that this bi-state agency could participate in land acquisition and the management thereof within this region.

1989 - Executive Order 224

Governor Kean signed EO 224 creating a Skylands Greenway Task Force to identify a Greenway and its associated characteristics including an inventory of all public and private land, jurisdiction managing certain natural resources and actions needed to implement the Greenway.

1990 – 1990 Farm Bill (HR 3950)

Congressman Kostmayer (PA) included in this bill the Sterling Forest Provision authorizing a study of the New York-New Jersey Highlands, located in the States of New York, New Jersey and Pennsylvania, including the Sterling Forest in Orange County, NY.

1992 – NJCF *The New Jersey Highlands: Treasures at Risk*

Provides a natural resources inventory of the Highlands.

1992 – New York-New Jersey Highlands Regional Study

Who: US Forest Service as provided by the 1990 Farm Bill

Recommendations:

The New York/New Jersey Highlands Study Area is a landscape of national significance.

The tri-state area has seen a 60% increase in the amount of urban land in the last 25 years, with only 6% population increase.

In 1990, only Rockland County, NY had a population of over 1,000 persons per square mile.

Between 1970 and 1985, a period of slow economic and residential growth, 20,000 acres of Highlands farms and forests were converted to residential or other urban uses.

It is estimated by the year 2010, another 15,000 acres of farmland and more than 17,000 acres of forest land in the Highlands will be lost to residential or urban uses.

Establishes the following Goals:

1. Manage future growth
2. Maintain an adequate supply of quality water
3. Conserve contiguous forests
4. Provide appropriate recreational opportunities
5. Promote economic prosperity that is compatible with Goals 1-4

Summary of Conservation Strategies:

- A continuing entity that will implement the Study's findings
- Conservation of watershed lands and protection of water supply
- Respect individual property rights and the public good
- Information and education for landowners and communities
- Conservation of Sterling Forest and other large forested tracts with the help of the Forest Legacy Program, Federal Land and Water Conservation Fund, and other appropriate programs
- Feasibility evaluation of a regional TDR program for the Highlands
- Unification and strengthening of state water quality and sewage effluent standards and regulations
- Viable farming and forestry
- Conservation strategies that do not acquire land
- Open space tax programs to include forest stewardship
- Innovative revenue generating conservation techniques
- Participation in other on-going open space studies
- Open space study for the balance of the Highlands physiographic province
- A comprehensive regional recreation and tourism plan
- Improved existing landowner and community liability laws
- Standardized local timber cutting ordinances
- Payment In Lieu of Taxes when public lands are acquired

1992 – Skylands Greenway A Plan for Action

Who: The Skylands Greenway Task Force created by EO 224

Recommendations:

1. The designation of the *Skylands National Greenway* at both state and federal levels and the *Skylands Greenway Council* to plan for a comprehensive network of protected open space and connecting corridors encompassing the major parks and cultural sites in the Skylands.
2. The enactment of the Highlands Commission at both state and federal levels with the planning and regulatory authority to protect and manage the crucial lands and critical

natural resources of the section of the Skylands within the Highlands Physiographic Province.

Several Strategies:

1. Permanent open space protection for all or portions of existing public and quasi-public non-park holdings, such as military properties and city-owned watershed lands.
2. The use of local planning and zoning to achieve substantial open space and community character goals.
3. Increased funding for an expanded conservation easement program to include streams, wetlands, floodplains, steep slopes, forests, and native habitat areas.
4. Amendment of existing current use and open space tax programs to provide for special protection of large forest tracts and for the enrollment of combined groups of smaller ownership.
5. Tax law changes, such as open space credits, and extension of tax-deferred status to foster keeping land open and to recognize the value to the state of open space maintained by the landowner, including privately and city-owned watershed lands.
6. State-level tax policy changes to provide a market advantage to conservation buyers by allowing state, personal and corporate income tax credits for donations of land or easement to bona fide conservation and educational organizations, both public and private, and by excusing taxes on net gains from conservation land or easement value.
7. Payments in lieu of taxes as an alternative strategy to acquisition.
8. Consideration of a regional transfer of development rights program that provides tax and infrastructure support funds to those places that become foci for development and to reimburse those that lose development opportunities.
9. The establishment of an installment payment plan for acquisition, easements and other protection options.
10. A statutory limit to liability and landowner indemnification from bearing the burden of suits related to public access, in addition to protection afforded the Landowner's Liability Act.
11. Support of right-to-farm ordinances.
12. Changes in tax policy such as gross receipts and on-farm sales tax exemptions and property tax relief for farm structure and improvements.
13. Tax reforms and tax credits to promote intergenerational transfer of farms.
14. Consideration of the Highlands section of the Skylands for the Forest Legacy Program enacted under the 1990 Farm Bill "to effectively protect and environmentally managed forested areas that are threatened with conversion to nonforest uses."
15. Support to local agencies through the National Park Service's Rivers, Trails and Conservation Assistance Program.
16. Consideration given to creating a National Heritage Corridor Program to further coordinate the protection of cultural resources, greenway establishment and economic development.

Who: The Highlands Work Group, chaired by Christopher Daggett, former NJDEP Commissioner, and staffed by RPA with the assistance of the US Forest Service, was created in the spring of 1992 when the former members of the New York-New Jersey Highlands Regional Study, the Skylands Greenway Task Force, and other interested citizens joined together to promote swift and concerted public action to protect the Highlands of New York and New Jersey. This effort built on the recognition and documentation of the national significance of Highlands resources contained in the federal *New York-New Jersey Highlands Regional Study* and the bi-state *Skylands Greenway Task Force Report* which both recognized the need for a regional planning entity and improvements to the system of land use planning and natural resource management in the Highlands.

Recommendation: The Highlands physiographic province, from the Hudson to the Delaware Rivers, should be designated as a *Highlands National Stewardship Area* in cooperation with the USDA Forest Service. Within the Stewardship Area, federally authorized *Highlands Regional Council* would be established, comprised of 28 members (9 county representatives and 8 at-large representatives to be selected by the Governors). The Council would create voluntary guidelines to protect critical natural and cultural resources; provide technical and financial assistance to local government and landowners; help set priorities for land acquisition; promote economic development compatible with the natural resources of the Highlands; and, in cooperation with the public and local officials, create a regional plan for the entire Highlands. The Council's activities would be conducted in consideration of other existing public planning programs, including state mandates for affordable housing.

1993 - Executive Order 82

Governor Florio signed EO 82 creating *The Highlands Trust Advisory Board* to make recommendations on lands most suitable for preservation, as well as examine efforts to identify natural habitats, greenway corridors, cultural resources, scenic roads and landscapes. The board's recommendations were to be utilized by the DEP in its decision-making and reflect planning and coordination of land preservation efforts and the resources of the region's public and private agencies.

Whereas, the Skylands Greenway Task Force recommends the creation of a Skylands Greenway Council and the US Forest Service Highlands Regional Study recommends a continuing entity to implement conservation and preservation strategies

1994 - Recommendations to New Jersey Assembly Speaker Garabed "Chuck" Haytaian on The Highlands Province of New Jersey

Who: The Speaker's Highlands Advisory Group

Recommendations:

1. The establishment of additional levels of government are not necessary to protect the area, but regulatory agencies on the state, county and municipal levels should be permitted to operate efficiently and be funded appropriately.
2. All stakeholders should participate in the decision-making process.
3. The government should protect and maintain land equity and property rights of all property owners.
4. County government in the Highlands should cooperate in establishing a compatible Geographic Information System (GIS). Regional compatibility of these information systems is a goal.
5. Vacant land is not public open space.
6. Critical water-producing area located within the Highlands Province watersheds should be recognized and protected with regard to economic and public health values. The North Jersey District Water Supply Commission should be consulted as an advisor in the identification of such critical water-producing watershed lands.
7. The role of the Palisades Interstate Park Commission should be expanded so that it may properly manage parkland in the mountainous areas of northern New Jersey.
8. A federal program, similar to the "nation forest preserve concept," should be established by the Congress with an annual unencumbered appropriation of funds for the acquisition of critical water producing watershed lands.
9. A careful balance should be maintained between natural resource management and the economic vitality and fiscal integrity of the region. There is a need for prudent environmental protection that recognizes the entitled use of land in the region and does not stand in the way of job creation, a diversity of growth, and a stable tax base.
10. Lands dedicated as public forests should be managed according to proper forest management.
11. Support the right-to-farm and encourage the creation of incentive programs that will foster agriculture, forestry and open space preservation.
12. Host communities of publicly held land need to be compensated for lost revenue by the owner of record. Funds for the payment of taxes can be obtained through establishment of an endowment or through the use of innovative financing techniques. Assessments should reflect property use.

In 1995 S137 acknowledged the importance of the Highlands Region by expanding the jurisdiction of the Palisades Interstate Park Commission, which was established by bi-state compact approved by the Congress of the US in 1937, so that this bi-state agency could participate in land acquisition and the management thereof within this region

1996 - RPA Third Regional Plan – *A Region at Risk & building a metropolitan greensward*

Who: The Regional Planning Association, the nation's oldest independent planning organization.

Recommendation: To create a "Metropolitan Greensward" surrounding the metropolitan area of 11 regional reserves, one of which is the Appalachian Highlands, that protect public water supplies, estuaries, natural habitats, and farmlands and function as an urban growth boundary for the region --- areas which encompass the region's most important scenic, biological and water

resources and which are now threatened by urban sprawl. Building the Greensward also means helping communities manage change and weaving together a network of Greenways and Greenspaces that protects and enhances individual rivers, trails, ridgelines and urban open lands. The Plan also identifies "The Treasures of the Highlands", listing the top dozen critical sites out of about 75 originally identified through a survey of Highlands Coalition members and public officials.

1999 - Assembly Joint Resolution No. 76

Sponsored by Assemblyman Paul DiGaetano memorialized the President and Congress to establish Highlands National Forest in NJ and to provide for its administration and management as a "Preserve." [In addition to the authorities granted under the 1911 Weeks Act and the Department of Agriculture Organic Act of 1956, the Secretary of Agriculture may purchase interests in land and water for the protection of forest resources and the preservation of environmental resources from willing forest landowners, on forest lands eligible for inclusion in the forest reserve program established under the Forest Stewardship Act of 1990.]

Whereas, At the turn of the century, former President Theodore Roosevelt and leaders in the eastern states envisioned the establishment of a greenway from Georgia through Main, including the Highlands Region in Pennsylvania, New Jersey, New York, and Connecticut, and the federal government has preserved land from Georgia through Virginia and in parts of New England, but has left a major portion of land unpreserved along the remainder of the East Coast; and

Whereas, The US Forest Service identified the New York/New Jersey Highlands as a "resource of national significance," and the Highlands Region is a critical natural link in a larger "Appalachian Highlands," which, in num, makes up part of the Appalachian Mountain system; and

Whereas, The State of New Jersey in 1995 (S137) acknowledged the importance of the Highlands Region by expanding the jurisdiction of the Palisades Interstate Park Commission, which was established by bi-state compact approved by the Congress of the US in 1937, so that this bi-state agency could participate in land acquisition and the management thereof within this region; and

Whereas, The Congress of the US has established the Land and Water Conservation Fund to aid states in the preservation of resources of "National significance";

In 1997 S1672 provided funds to the Palisades Interstate Park Commission to purchase Sterling Forest in New York.

In 2000 Federal legislation sponsored by Senator Torricelli and Congressman Frelinghuysen provided \$750,000 to update the New York/New Jersey Highlands Study of 1992.

In 2000 Congressman Gilman (NY) convened the first Highlands Preservation Summit followed in 2001 by a Highlands Preservation Initiative Working Group to draft federal legislation to protect the environmentally sensitive areas, historical heritage, and biodiversity of the Highlands, while ensuring economic prosperity and opportunity for the States, counties, municipalities, and businesses, which encompass this region.

2001 New Jersey State Development and Redevelopment Plan

Who: The NJ State Planning Commission identified the New Jersey Highlands as the first Special Resource Area in the State.

Recommendation: To achieve consistency with the Goals of the State Plan, the state of New Jersey, in cooperation with federal and interstate agencies, municipal, county and regional governments, the private sector and the public, should initiate the following activities:

- Establish an intergovernmental planning initiative, inclusive of public participation, to:
 - identify and address the existing and prospective conditions, opportunities, and challenges of the Highlands Region;
 - secure the protection of water quality and water supply, natural resources, open space, unique landscape and community character;
 - promote sustainable economic development; and
 - encourage redevelopment, especially in existing urban areas.
- Undertake a regional capacity analysis to determine levels and locations of growth that can be sustained within the Highlands Region while maintaining the functional integrity of the regional ecosystems, agriculture, water supplies and local community character.
- Establish sound planning, development and water use practices to maintain and enhance the quality and function of the water ecology—including the ground water, aquifer recharge areas, headwater streams, rivers, lakes, reservoirs and the forested areas that support system functions—and the sustainable management of water resources for both local and extra-regional use.
- Link the planning and implementation strategies to the ongoing watershed planning initiative established by NJDEP.
- Apply the implementation strategies of the applicable Planning Areas as described in the State Plan.
- Recognize and enhance the existing linkages between the Highlands region and the areas beyond the region especially in regards to tourism and sustainable resource use, agriculture and economic development.
- Coordinate the identification of historic areas, historic sites, archeological sites, landscapes and scenic features unique to the Highlands region for inclusion in the state and national registers of historic places, in county and municipal master plans and as Historic and Cultural Sites.
- Link public pedestrian and cycling access to the Highlands Trail and ensure transportation access to support eco-tourism, agri-tourism and recreation opportunities. Investigate and encourage the provision of alternate transportation modes within and to the Highlands region.

- Prioritize the targeting of funds for land acquisition in order to protect critical natural, historic, scenic and agricultural resources within the Highlands region.

2002 – Draft New York-New Jersey Highlands Regional Study

Who: US Forest Service - http://www.fs.fed.us/na/highlands/draft_report/.

Recommendations:

Land Use Change in the Highlands

The Highlands is changing. No longer a region dominated by farms and forests, 25 percent of the study area is classified as urban land use. The current annual population growth of 1.6% will likely cause further conversion of productive agricultural and forest- lands threatening critical forested watersheds.

- 1.4 million people live in the Highlands;
- 48% projected increase in population with current land use and zoning plans ;
- 20 municipalities experienced greater than 20% population growth between 1990-2000;
- 5,200 acres per year of development added between 1995 and 2000;
- 3,400 acres per year of forest lost between 1995 and 2000; and
- 1,600 acres per year of farmland lost between 1995 and 2000.

The parcelization of the landscape also highlights the importance of those unfragmented, high resource value forests that still remain. The assessment report identified approximately 11 such areas: Depot Hill/Pawling/West Mountain; East Hudson Highlands; Ft. Defiance Hill and Canopus Valley; the West end of New Croton Reservoir; Tuxedo and Arden Farms area; Ramapo Mountains and Torne Valley; Wyanokie and Farny Highlands; Pequannock Watershed; Lubber's Run; Upper Pohatcong/Pequest area; and Scott Mountain area. These areas are the heart of the Highlands' landscape, and offer the best opportunity to sustain Highlands' resources.

Goals for the Highlands

Based on the findings of this study, the goals for the Highlands remain substantially unchanged from those contained in the 1992 Study Report and are to:

Goal 1: Manage future growth

Goal 2: Maintain an adequate supply of quality water

Goal 3: Conserve contiguous forests

Goal 4: Provide appropriate recreational opportunities

Goal 5: Promote economic prosperity that is compatible with Goals 1-4

Summary of Strategies

These strategies are offered with the understanding that conservation of the rich and valuable

landscape will only be accomplished given a broad partnership of action and that **the appropriate role of the federal government in this complex area is primarily one of enabling people to be good stewards of this nationally- important landscape.**

The following conservation strategies are proposed:

- Educate Stakeholders About Highlands' Resource Values;
- Provide Consistent and Updated Information on Highlands' Resources for Decision-Makers;
- Promote Good Stewardship and Protect Landowner Equity in Private Forest- lands;
- Provide Current and Additional Information on Management Issues and Practices on Public and Private Lands;
- Acquire Land and Easements for Conservation Purposes/Compensate Private Landowners and Local Government for Conservation of Natural Resources;
- Improve State and Local Land-Use Planning Practices as a Means of Conserving Highlands' Resources; and
- Improve and Coordinate Regional, Interstate and State Conservation Efforts.

Using the comments received on the Draft Study Report, a revised set of associated actions will be developed for each strategy to protect the long-term integrity and traditional uses of lands within the Highlands region.

The federal government can and should support these types of efforts. As noted by the US House of Representatives Interior Appropriations Committee "The Committee requests the Secretary of Interior to join the Secretary of Agriculture to review the findings of this study and to report to the Committee on ways in which the federal government can partner with State, county, local and private efforts to preserve critical lands within this nationally significant area in the Northeast. The Committee believes that the Federal government should be a major partner in this preservation effort and recommends that the Secretaries consider as a model that used to successfully preserve Sterling Forest in the same region. "

The Forest Service can act as a *convener* by bringing together government and various stakeholder interests from across the Highlands region for purposes of research, education, stewardship, and coordination of conservation action.

The Forest Service can also be a *catalyst* for specific conservation action by providing federal funding for easement and land acquisition and by providing technical assistance to land planners and natural resource managers. Existing federal programs like Forest Legacy and Forest Stewardship are ways in which the Forest Service already provides such conservation and technical assistance. The local Land Conservation Projects funded as part of this Regional Study Update are Highlands'-specific examples of how local conservation action can be supported.

The partnership that is implied in these statements is a convening of public interests borne in the successful federal/bi-State partnership to protect Sterling

Forest – one of the most visible outcomes of the 1992 Highlands Regional Study. This partnership can be nurtured through existing authorities and programs at both the federal, state and local levels. The proposed strategies flow from this current capacity. However, it may be that additional measures would enable some of these efforts to move forward more successfully.