



# State of New Jersey

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## MEMORANDUM

**TO:** Highlands Council  
**FROM:** Margaret Nordstrom  
**SUBJECT:** Edits and Revisions to the Monitoring Program Recommendation Report in Response to Public Comment  
**DATE:** September 27, 2017

The following is a log of all edits made to the Monitoring Program Recommendations Report (MPRR) in response to public comment and staff review. This log does not include edits made due to typographical errors.

### MPRR EDITS LOG

**Page 14:** In response to public comment the following text was revised:

“The Highlands Council shall request an invitation to participate as a stakeholder in the NJDEP Forestry BMP Manual revision and update process, in order to highlight specific resource protection standards for the Highlands Region.”

~~Develop a Highlands Region specific Best Management Practices (BMP) Manual for Forestry activities. This will greatly improve the guidance currently available to foresters by updating techniques to protect waterbodies, riparian areas, steep slopes and other forest components. This Highlands BMP manual should be integrated into future forest stewardship plans and Forest Management Plans written for Highland forests. Coordination with NJ Forestry Service would be required.~~

Science and Research Agenda

~~“Develop and implement Highlands Forest Best Management Practices to supplement current NJDEP BMP Forestry Manual.”~~

~~“Investigate a mapping methodology to identify those lands where it would be most appropriate to attempt forest restoration, using data sources such as the historic land use maps developed by CC Vermuele in the late 1800s.”~~

**Page 15:** In response to public comment received the following text was revised:

~~“The language of certain policies and objectives is confusing and requires clarification. This language includes, but is not limited to, defining buffer disturbance and the terms “land improvements,” “development,” “land disturbances,” or “land uses.” As it presently reads, the RMP does not consider agricultural use a “disturbance” of a Highlands Open Waters buffer, even in the case where agricultural use occurs adjacent to the banks of a Highlands Open Waters feature.~~  
Develop allowances for limited encroachment on compromised or non-functional open water buffer areas, whereby conditions of approval would require buffer restoration and mitigation plans yielding significant net improvement.”

**Page 23:** In response to public comment received the following text was revised:

“Evaluate and suggest locations for new gauging stations that would allow for a more ~~simplified-effective and accurate~~ analysis of streamflow conditions in the Region. Potential locations may be based on the following criteria:”

**Page 24:** In response to public comment received the following text was revised:

“Collaborate with the NJDEP (all uses) ~~and~~, the NJDA (agricultural uses) and other appropriate stakeholders to select the most appropriate metrics for water use efficiency.”

“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. Private potable well water use rates should also be considered as part of this assessment.”

**Page 25:** In response to public comment received the following text was revised:

“Identify and catalogue if any-all existing watershed-based management plans associated ~~with-in~~ the Highlands Region and determine their implementation status. Provide support for their implementation in conforming municipalities have been developed and/or implemented.”

“Improve existing monitoring networks and use additional data sources, in coordination with the NJDEP, NJGS and USGS, for monitoring and evaluating both natural conditions and anthropogenic factors in water quality. Additional data sources may include those collected by non-governmental partners so long as it is quality-assured.”

“Work in conjunction with the NJGS and USGS to design an improved ambient groundwater quality modeling network in support of refining models for estimating septic densities, as well as analyzing temporal and spatial trends in groundwater quantity and quality in the Highlands”

**Page. 27:** In response to public comment received the following text was revised:

“Encourage consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate growth and economic development in an orderly way while protecting the Highlands environment from adverse impacts.”

**Page. 34:** The following text was revised under “Summary findings of related indicators” to reflect changes indicator status on page 127.

“Agricultural Land Use and Preservation Index: The Highlands Region consists of nearly 110,000 acres of farmland, compared to just under 114,000 acres of farmland in portions of the seven Highlands Counties with lands outside the Region. In both areas (i.e., inside and outside the Region), nearly 41% of the farmland was preserved per State Agriculture Development Committee (SADC) standards. Moreover, the Highlands Agricultural Resource Area (ARA) consisted of nearly 100,000 acres of farmland, of which 69% was within the Planning Area. ~~Nearly 9544.4%~~ of the ARA is preserved farmland, ~~5463%~~ of which is in the Planning Area.”

**Page 38:** In response to public comment received the following text was revised:

“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, surveys, and ordinances for Highlands municipalities and counties.”

**Page 39:** In response to public comment a new recommendation was added:

“Initiate an outreach effort to each of the Highlands Counties and other interested organizations to assist in the identification and nomination of potential Highlands scenic resources.”

**Page 45:** In response to public comment a new recommendation was added:

“In support of the goals of the Highlands Act to protect the water resources of the Region and the potential impacts of Climate Change, it is recommended that the Highlands Council first assess the need for a Climate Change Technical Report. The process by which the Highlands Council determines whether there is a need for a topic area to be included in the RMP first begins with a factual analysis and the preparation of a white paper on the topic area; reviewing existing data and information on the matter. Should the Highlands Council conclude that sufficient support exists to proceed, the Council will prepare a Technical Report on the issue. A Climate Change Technical Report would seek to review regional causes and potential impacts of climate change on the Highlands Region and seeks to understand the potential role the Highlands Council and RMP could have in combating those causes. An analysis of the Council’s relationship to national and state programs and regulations, and an evaluation of the Council’s authority and ability to pursue a meaningful part in a climate change discussion would be integral to any technical report produced.”

**Page 49:** Indicators Analyzed was sorted alphabetically for consistency and “Preservation Zone” was changed to “Protection Zone” for accuracy.

**Page 51:** In response to public comment received, the following text was revised.

“Identify ~~parkland~~ permanently preserved public and nonprofit lands as ~~a~~ vital components of green infrastructure that contributes to the overall health of the region.”

**Page 57:** In response to public comment received the following text was revised:

“To further incentivize the creation of TDR receiving areas, ~~it is proposed that the HDC Bank use the credits it currently holds to provide additional~~ financial incentives to local governments that designate TDR receiving areas should be identified. The creation of an RMP program for local incentives may (amongst other things) would permit the HDC Bank to release a limited number of the Bank’s credits to receiving zone municipalities, provided such release does not substantially impair the private market. Receiving zone municipalities could be allowed to sell these credits to provide additional funding to address the financial impacts of the receiving areas.”

**Page 59:** In response to public comment a new recommendation was added:

“Identify and update available and potential funding sources (state, federal, and other) for the implementation of Landowner Equity and Land Preservation programs.”

**Page 65:** In response to public comment received the following text was revised:

“Municipal and County Plan Conformance: To date, monitoring results indicate significant progress on municipal Plan Conformance, with 61 petitions submitted and 50 approved. Importantly, this places most Highlands municipalities in the Implementation Phase of Plan Conformance, meaning that Highlands land use policies are in the process of taking hold at the municipal level where their effect will ultimately be felt. ~~For the few~~ For a number of the municipalities remaining outside of Plan Conformance, the full conformance process is less applicable and should be streamlined accordingly. County Plan Conformance has seen mixed participation and limited results thus far, and should be altered to more directly address the legal authority and capabilities of counties and particularly county planning agencies.”

**Page 69:** In response to public comment received the following section was added to the Implementation topic area:

### **Public Participation, Outreach, Interagency Coordination**

#### **Implementation Activity**

The Highlands Council has maintained a regular schedule of monthly meetings that are open to the public at its offices in Chester, NJ. Extensive information regarding the work of the Council is available to the public any time via the Highlands Council website, which is frequently updated. In addition, the Council has prioritized interagency coordination in implementation of the Highlands Act, working closely with state partners as well as municipal and county professionals. In more recent years, the Council has increased its participation at state and local events, outreach to specific constituent groups, and the number of training sessions offered for professionals. The Highlands Council maintains a very active constituent service program, which provides prompt response to individuals with specific questions.

#### **Summary Findings of Related Indicator:**

Local Participation, Outreach and Education, Inter-Agency Coordination: Since the passing of the Highlands Act in 2004, the Highlands Council has hosted or participated in over 2,200 outreach activities.

#### **Program Issues**

While the Highlands Council has provided opportunities for public participation and emphasized inter-agency coordination, as well as collaboration with municipal and county partners, outreach and education for the general public has been lacking.

Although the RMP prescribes development of outreach and education programs, no comprehensive strategy has been developed and very few educational efforts have been moved forward.

#### **Recommendation**

The Highlands Council should develop a comprehensive outreach and education program that addresses the needs of varied constituent audiences, including, but not limited to: residents/property owners, business owners, real estate professionals, appraisers, community groups, and local governments. This includes development of an educational curriculum that covers foundational components of the Highlands Act, RMP, and the work of the Council. The program should be flexible enough to be customized and delivered to constituent groups to address specific informational needs.

**Page 107:** The initial map legend was incorrect. The map legend was corrected to accurately reflect the analysis represented.

**Page 120:** The Status section of the indicator was amended to reflect updated data in table 1.

“As of 2016, using the most recent data available for water supply utilities (2016), ~~nearly 92~~over 94,000 acres of the Highlands Region is served by public water supply utilities, representing ~~40.711~~40.711% of the region’s total land area (Table 1). Of that total, ~~86.7~~86.7% lies within the Planning Area. From a land use capability perspective, 82% of the water supply utility EAS within the Highlands Region is located in the Existing Community Zone. The majority of the Planning Area’s public water supply EAS (~~74.72~~74.72%) is in non-conforming communities. While the majority of the Preservation Area’s EAS (94%) is in conforming areas.”

**Page 121:** The Trend section of the indicator was amended to reflect updated data in Table 1 and Table 2:

“Since adoption of the RMP in 2008, the overall extent of the Highlands Region water supply utility EAS has expanded (Table 1). The region’s water supply utility EAS increased in both the Planning and Preservation Areas. ~~Conforming Planning Areas saw a decrease, which is primarily due to an improvement in accuracy of the EAS from the initial dataset and does not represent an abandonment of public water systems. Considering land use capability, all zones saw an increase in water supply EAS except for the Wildlife Management Area Sub-zone which saw a decrease of 18 acres. Existing Community Zone, the Conservation Zone, designated Highlands Centers, and the Wildlife Management Area sub-zone saw a decrease in water supply utility EAS, while the Lake Community sub-zone, Protection Zone, Existing Community Environmentally Constrained sub-zone, Conservation Environmentally Constrained sub-zone, and , and Protection Zone saw increases. All~~The majority of municipalities (56) with water supply utility EAS realized an increase in extent, with Vernon and Parsippany-Troy Hills Townships realizing the largest increase in total acres. Of the municipalities that saw a decrease in water supply EAS (28), Roxbury Township and Montville Township realized the largest decrease in total acres. This decrease is primarily due to an improvement in accuracy of the mapped EAS from the initial dataset and does not represent an abandonment of public water systems. (Table 2).”

**Page 121:** Table 1 was corrected to reflect a recalculation of Water Supply Utility Existing Area Served with corrected data.

**Page 122-123:** Table 2 was corrected to include Victory Gardens Borough, Clinton Township, and Stanhope Borough. The correction also fixed rounding errors in Roxbury Township, Montville Township, Greenwich Township, Parsippany-Troy Hills Township, and Holland Township. The addition of Clinton Township resulted in slight changes to results for Tewksbury Township due to differences in site geometry, as well as a slight change for Clinton Town which resulted in a listing order change.

**Page 127:** Within Table 2, sections “Total Preserved Land within ARA” for 2008 and 2016 were changed to “Total Preserved Farmland within ARA.” Figures for those columns and change columns were revised based on new calculations. Additionally, on Page 127 under the Status section, the following was changed:

~~“Nearly 9544.4% of the ARA is preserved farmland, 5463% of which is in the Planning Area.”~~

**Page 170:** In response to public comment received, the following text was revised:

“Highlands Open Space Partnership Funding Program - defined in the adopted Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program Rule (N.J.A.C 7:70), which established procedures to provide funding in partnership with the State of New Jersey, local

government units, and charitable conservancies, to acquire lands (including farmland) that further the goals of the Highlands Act and the RMP.”

**Page 176:** In response to public comment received, the following text was revised to include a definition of northern New Jersey.

“Municipal Fact Book - The FIA included a Municipal Fact Book that provides individualized economic and fiscal summary information for each Highlands county and municipality, as well as a summary for the Region. For the purpose of this analysis, northern New Jersey is defined as all of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren counties inclusive of the Highlands Region. For the purpose of this discussion, only the Highlands Region data was reviewed.”

**Page 192:** Table 1 was updated to more accurately reflect “Total Municipalities Applicable”

**Page 196:** The following text was updated to reflect the status of public comment on the MPRR:

“A public comment period for the draft MPRR was open from July 11 through September 10, 2017. A comment response document has been added to this report as Appendix B.”

~~“Upon release of this draft Report, a public comment period will commence. Comments will be accepted via e-mail and traditional means. A Comment Response document will be prepared and added to the final MPRR presented to the Highlands Council, along with a summary of the completed public comment process, including total comments received and a recap of the comment period.”~~

**Page 197-203:** The Summary of Recommendations table was updated to reflect the changes highlighted above.

**Page 207:** List of Indicators Considered page was updated to include a heading for the Agricultural Resources section.

**Page 213:** The following text was revised for accuracy:

~~“Agriculture-Farm Conservation Plans: Measures number of adopted Farm Conservation and Resource System Management Plans, including the number of acres affected.”~~