

With a majority of the municipalities in the County opting to participate in the conformance process for the Highlands Regional Master Plan, the Green Table invited Ms. Eileen Swan, executive director of the Highlands Council, to visit and explain how the Act and the Plan would affect the work of preserving open space. Given a strong introduction by Mr. David Helmer, executive director of the Park Commission, who stressed her work as a former mayor and as a member of various State planning agencies, Ms. Swan began by looking at the Highlands as a whole, a region that stretches across parts of four states (Connecticut, New York, New Jersey, Pennsylvania). She observed that New Jersey was the first of the four to establish its own Highlands authority and publish a plan for its protection, an achievement not inconsistent with its status as suffering the most from development pressures. Within the NJ Highlands, she noted its division into Preservation and Planning areas, stressing the differing rules and approaches (mandatory versus voluntary) at work, designed to preserve the remaining natural resources of the region. The first task of the Council, following the dictates of the Highlands Act, was a resource assessment, meant to identify the areas of open space that could be protected and enhanced by land use policies that would be based on a solid, scientific understanding of environmental systems and patterns of human development. The goal is achieving a sustainable environment, with as much restoration and even growth of its ecological capacity as possible.

As the forum title noted, open space is a distinguishing characteristic of the region. Ms. Swan quoted from the Plan its observations on the 3:1 ratio of undeveloped to developed space, with 32% of the entire region already given protections as preserved farmland or open space. She noted that the total could rise as municipalities review the Council's assessments and identify additional preserved areas. The Plan looks to the formation of partnerships with landowners and municipalities to work on additional preservation as well, she said, citing the dual appraisal approach (pre-Highlands, post-Highlands) with the mandate to offer the higher valuation, and the establishment of a transfer of development rights (TDR) system, compensating individuals and municipalities for loss of equity from pre-Highlands land values. The Plan aims to apply fundamental principles of fair and equitable sharing of benefits and costs, protecting and preserving natural resources while at the same time providing for the fiscal and economic viability of the Region and its communities, an approach which puts differing objectives on the Preservation and Planning areas, she explained. In the Preservation area, the Plan looks to preserve and re-connect areas of ecological integrity to form larger, contiguous parcels that are permitted only for compatible uses, making them more resistant to impairments from development. In the Planning area, while preserving environmental sensitive areas "to the maximum extent possible", the Plan encourages the use of "smart growth" principles of development and seeks to promote the continuation and expansion of agricultural, recreational, and cultural uses and opportunities.

To assist in the process of land preservation, the Council staff developed confidential lists of conservation and agricultural priority lands for acquisition (keeping individual parcel identities secret even from the Council members, to protect them from the possibility of speculation, Ms. Swan explained). Both conservation and agricultural priority areas were distinguished by rankings on selected indicators of environmental critical resources (such as watershed conditions, critical habitat, groundwater recharge, contiguous forest, steep slopes) or of agricultural viability (such as parcel size, prime soils, proximity to preserved farmland). Within the conservation priority areas that fall into the Preservation area, the highest valued parcels have been designated as the Special Environment Zone, an area of 19,000 acres that has the top priority for State acquisition, a task to be handled by the NJDEP Green Acres program. Looking ahead, Ms. Swan described the 5 and 10-year acquisition timelines for the Plan, to be implemented in cooperation with Green Acres and the State Agricultural Development Committee (SADC). The estimated costs for the acquisition programs is consistent with the levels of funding needed under the

Garden State Preservation Trust (GSPT) fund, so the Council is supportive of the re-authorization of GSPT funding by whatever mechanism that the Legislature approves.

Ms. Swan also discussed the directives of Executive Order 114, issued in September 2008 by Governor Corzine to support the Plan and to establish a basis for inter-agency cooperation on planning issues in the Highlands, especially between the Council and the Council on Affordable Housing (COAH). Municipalities that undergo Highlands Plan conformance will be permitted extensions on their COAH deadlines to allow them to reconcile potential differences in mandated development and environmental limits. Under EO 114, the Plan will direct development in the Highlands, she noted.

The next steps on implementing the Plan were already being taken by 63 municipalities that were undertaking reviews of the Council's data, looking at template environmental resource inventories (ERI) developed from the overall Highlands ERI. The Council has also hired a consultant, Conservation Resources, whose experience in regional planning and conservation strategies in the Pinelands indicates a strong ability to help the Council establish a landowner assistance program for land preservation methods and funding approaches. The Council also has established its Highlands Development Credits Bank, the central element of the TDR program, using a \$10 million appropriation authorized in EO 114 by Governor Corzine. Ms. Swan expects that on-line tools for landowners, including parcel TDR credit valuations, will be available shortly, after they are validated. Council data in GIS form, with full metadata documentation and explanations, are available, part of the Council's commitment to transparency in all of their decision making and policy formulation.

In the question-and-answer period, Ms. Swan responded to several queries about the Council's support for open space funding with the pending exhaustion of the GSPT monies. She said that, seeing as the benefits of the Highlands extend well outside its geographical limits, levying a water user fee on people who are drinking Highlands water would be fair and that it would encourage them to support Highlands preservation efforts and to start conserving water. She noted that other State-wide collections, such as the Realty Transfer Fee, were used for regional planning purposes. Ms. Swan also pointed to the Council's support for the Legislature to release funding for the recent GSPT awards made on preservation projects, a support of which she has testified at a recent joint Senate-Assembly environmental committees hearing. She emphasized the Council's partnering with State agencies like NJDEP Green Acres and SADC for land preservation and the State Historic Preservation Office (SHPO) for historic/cultural information, given the relatively small (23) size of the Highlands staff, which prevents them from taking direct action such as field survey to validate their GIS data. The conformance process, as well, should correct the Highlands data that the Council has collected, she asserted. As a final note, she requested audience members to encourage their towns to meet with the Council to review the data and to further their understanding of the conformance process. Planning grants are available as soon as towns submit a non-binding intent to conform, she reminded the attendees.

- Eugene Reynolds