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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, July 17, 2008 - 10:00 a.m.

(Note – The Highlands Council Meeting will be held in the
Morris County Haggerty Education Center, 53 East Hanover Avenue, Morristown)

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – July 10, 2008
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. CONSIDERATION OF RESOLUTION – *Adoption of the Regional Master Plan -*
(voting matter with public comment)
9. EXECUTIVE SESSION (if deemed necessary)
10. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JULY 17, 2008

PRESENT

JOHN WEINGART) CHAIRMAN

MIMI LETTS) COUNCIL MEMBERS

KURT ALSTEDE)

ERIK PETERSON)

BILL COGGER)

ELIZABETH CALABRESE)

TAHESHA WAY)

JACK SCHRIER)

GLEN VETRANO)

JANICE KOVACH)

TRACY CARLUCCIO)

TIM DILLINGHAM)

DEBBIE PASQUARELLI)

TELECONFERENCE

SCOTT WHITENACK)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 74th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 am.

ROLL CALL

The members introduced themselves. Mr. Whitenack joined the meeting via teleconference.

OPEN PUBLIC MEETINGS ACT

Chairman Weingart announced that the meeting was called in accordance with the Open Public meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF JULY 10th, 2008

Mr. Schrier introduced the motion to approve the minutes. Mr. Cogger seconded the motion. Ms. Pasquarelli and Mr. Peterson were absent. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart explained that this meeting was being held at the Arboretum so that more people could attend and noted that the Fire Marshall requires that people do not stand. Also, if people need to speak amongst themselves, he asked that they please leave the room.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan stated that the draft of the Regional Master Plan, unedited, unproofed, and subject to approval, was posted on the website, along with the amendments sent by Council members and that copies of the amendments are available for the public today. Ms. Swan acknowledged the staff and expressed her appreciation for their work. She stated that the Council staff had met their commitment to deliver a Plan for the consideration of the Council and now it is up to the Council to take action.

MR. PETERSON JOINED THE MEETING.

Chairman Weingart explained the process of the meeting – a motion will be asked to approve the resolution for adopting the Regional Master Plan. If that is seconded, then the members will be able to discuss the resolution. Following that, any amendments may be introduced and seconded. After all the amendments are moved and seconded, public comment will then proceed on the resolution and all amendments. Members of the public can sign up to speak so that they will be called up in the order they signed. After the public comment, each amendment will be discussed and then voted on. He explained that there are alternatives to some of the amendments – after further discussion, some additional alternatives may be considered without additional public comment. However, unrelated or new amendments on new issues, if brought up by Council members, will be considered only after an additional public comment period. Lastly, there will be a final vote on the RMP.

He explained that at the next meeting the main issue will be the approval of the minutes. He announced the location and time of the next meetings: July 24th at 10:00 am in Chester and August 21st at 10:00 am also in Chester.

CONSIDERATION OF RESOLUTION – Adoption of the Regional Master Plan

Summary: The Highlands Council is mandated by sections 8 and 10 of the Highlands Act to prepare and adopt a Regional Master Plan (RMP) with the goal of protecting and enhancing the significant values of the resources of the Highlands region. Sections 11 and 12 of the Highlands Act require that the RMP be comprised of: a Resource Assessment, a Financial Component, a Local Participation Component, A Coordination and Consistency Component, a Transportation Component, a Smart Growth Component, a Land Use Capability Map, and a statement of policies. As required by Section 9, the Highlands Council has consulted and coordinated with numerous State agencies and authorities. After receiving and processing public comments as well as additional input from professional agencies, and holding a total of 74 meetings, the Council is prepared to consider adoption of the RMP.

Mr. Schrier introduced the motion for the resolution. Ms. Way seconded the motion.

Mr. Schrier noted that it is only a few weeks away from the anniversary of when he was appointed to the Highlands task force. He spoke about the changes that have occurred since then. There has been a great deal of diligent work on this Plan – even though the Council members may not always agree on the outcome of each issue. The task force was so successful because all were focused on the one goal. He explained that the lesson he learned is that you can be at odds with others views without being at odds with the cause. Today the Council is considering the Plan. In the end, this is

a very restrictive and protective Plan and he has no doubt that this plan will fulfill the requirements of the Act, protect the water and other resources, and will do what it is supposed to do for the people of the Highlands region as well as the entire state of New Jersey.

Ms. Way expressed that she is proud to be here and acknowledged the staff and the Executive Director for their hard work. She stated that she sees the Plan as a living, future document and while there are opposing views, this Plan is something that can go forward for the benefit of the people of New Jersey. She welcomes the proposed amendments and the discussions that will come. Moving forward, the Council has the task to view each application that comes before them, without bias and work towards the goals of the Act.

MS. PASQUARELLI JOINED THE MEETING.

Ms. Calabrese noted that it is appropriate to have the meeting in this location of natural beauty. She noted that serving on this Council has been very arduous and challenging. She explained her pride for the Council's accomplishments and its ability to conduct itself professionally. Also, she noted that the staff has worked very hard and how they are both efficient and professional. The staff has made history and their work will make a difference in the lives of the people of New Jersey. She acknowledged that the Plan isn't perfect, but it is a historic accomplishment, which meets the mandates of the Act. The work will continue and she is confident that the Council can provide protections as well as equity for the people of New Jersey.

Ms. Letts commended the staff for all of their work in gathering a large amount of information, synthesizing it and putting forward sound recommendations. She also acknowledged fellow Council members for the way they considered those amendments. Although, they do not all agree, this reflects the different backgrounds and experiences that they represent. The Council has sought ways to mediate its differences, though, differences will remain – the Plan meets the intent and mandates of the Act. It also provides and encourages restoration and redevelopment, which is sorely needed. She looks forward to passing the Plan and to starting the conformance process. There is much work still to be done and it is now time to move forward.

Mr. Dillingham also thanked the staff and Council for the long and complex process. He stated that it is a complex world and the Council is trying to change the course of history and preserve an irreplaceable resource, as well as safeguard quality of life for many people with and outside the Region. He has been working on Highlands issues for about 10 years, and in judging the actions of the Council – there is a responsibility to protect the Region that has achieved national recognition. He stated that some of the fundamental issues have been lost within recent discussions. The Plan that will be considered today, with the amendments that he believes will strengthen it, will change the status quo. He recognized that this is a living process, but we are fundamentally setting a course today. There will not be an option to undo what is decided today. The Council should set a course to live up to the expectations of the Act.

Ms. Kovach acknowledged the staff and the Council, in particular Eileen and Tom. This has been a learning process for her and it has been an honor to serve on the Council. She believes that this is historic. She explained that when she first was involved in 2004, she sat in this building about discussing the staff and the building, and to end it here today is a great feeling. She expressed her gratitude.

Ms Carluccio noted that getting to this point has been a challenge. Change is hard. There is an old saying – if you continue to do what you always have done, you will always be who you are today. We recognized that things needed to change in the Highlands in order to continue to provide drinking water for half of the residents of New Jersey. The Plan tries to address those changes. She thanked the Council, staff and particularly an engaged public.

Chairman Weingart stated that this meeting feels historic. What the Council is doing is part of a tradition – the Highlands Act is part of long effort to deal with land use issues at a regional scale. He recognized the many people present that have been involved with different aspects of environmental protection and land use planning in New Jersey. He acknowledged important members in the audience including Jim Gilbert the first chair of the State Planning Commission and Assemblywoman Maureen Ogden. When the process began, he wasn't sure how the process would happen as the Council members were strangers for the most part, getting to know each other in public meetings. He spoke about the subcommittees and how he originally intended to have those meet in closed session, but the Council spoke against that, wisely – and this has helped to develop respectful, professional relationships. He stated that this Plan isn't a perfect document and that many amendments will be considered today. No matter how they go today, he plans to vote in favor of the Plan. He asked the Council members to consider doing likewise. The assignment of being on the Council was not that they should create a Plan, which met each person's individual policies, philosophies, values or beliefs. But this is a group effort, and that group is, by intent of the law, diverse. The questions we need to answer regarding whether we discharged our duties are - is this Plan a good faith effort in meeting the mandates of the Act? Is it better not to adopt a Plan at all? Was the process fair? He has no trouble answering those questions positively.

Mr. Schrier noted that not all members were present from 4 years ago. He acknowledged others that are not here but were present at the beginning – Lois Cuccinello, Ben Spinelli, and Mikael Salovaara. He also recognized Eileen Swan as a former Council member. He recognized her service as the Executive Director and her magnificent performance in this role while taking all of the varied interests into account as well as having brought the staff and the Council to this point.

(Applause)

Consideration of Amendments:

I. Amendment 1: Deleting Policy 2B3, Objectives 2Ba, b, and c and Objective 2B8b.

Summary: *This Amendment would not allow new and/or expanded uses within Current Deficit Areas until the Current Deficit Area is brought out of deficit. Areas that are already in deficit or constrained should not be allowed to commit to additional water withdrawals, regardless of mitigation efforts. The deficits should be eliminated through the required Water Management Plans and the RMP Water Use Efficiency Program and other water conservation and re-allocation efforts in cooperation with other agencies and entities. When a watershed is brought out of deficit, then new water uses can be allowed. (If amendment 1 is not passed, then Alternative Amendments 1 and 2 are offered separately).*

Mr. Dillingham introduced the motion for the amendment. Ms. Carluccio seconded the motion.

Mr. Dillingham explained that this is the most critical issue within the Highlands as many of the watersheds are in deficit. Currently, the Plan allows for conditionally allowing development in

deficit areas. The Plan does establish some standards and policies, which should help to resolve those deficits, but in his reading of the Plan, he is not convinced that the policies will guarantee that the deficits will be resolved. The amendment is to prioritize the Water Use and Conservation Plans so deficits can be resolved.

Chairman Weingart requested that Council members not introduce alternative amendments until later if the first amendment is not approved.

II. Amendment 2: Within Policy 1B8, Goal 1C, Objective 1C2d: Add “through various means including but not limited to the use of stewardship benefit credits in lieu of cash receipts under the Woodland Management Program of the Farmland Assessment program” to the end of the objective.

Summary: *A variety of means of meeting income requirements for the woodland management program, including allowing for credits for forest stewardship instead of cash payments for trees removed and sold, provides benefits to several goals of the RMP, including forest resource protection and critical habitat protection. Cash income requirements push land owners to cut and remove trees, removing their benefits; a credit program for stewardship keeps trees in place and results in enhanced forest values, including water quality benefits of intact forest cover and habitat.*

Ms. Carluccio introduced the motion for the amendment. Mr. Dillingham seconded the motion.

Ms. Carluccio read the details of the amendment. She explained the benefits of this amendment.

III. Amendment 3: Chapter 4, Part 1 Natural Resources, Policy 1D4, Objective 1D4i

Part 1: Highlands Open Waters and Riparian Areas: Delete (4) under Objective 1D4i.

Summary: *All streams in the Highlands require a 300 foot buffer in order to protect the water quality and ecology of the stream. This 300 foot riparian area has been identified as the minimum buffer needed to protect streams through extensive research by this Council for the RMP and by the NJDEP. Towns should not be required to develop plans that will reduce buffer areas in disturbed areas, plans should be aimed at restoring lost buffer areas to the full 300 feet in order to restore and enhance and in order to meet Section 10 and Section 11a(1)(a) of the Act.*

Mr. Dillingham introduced the motion for the amendment. Ms. Carluccio seconded the motion.

Mr. Dillingham read the amendment. He noted that scientific research has shown that all streams require a 300 foot buffer for proper protection. The goal should be to restore, protect and enhance these waters.

Part 2. Highlands Open Waters and Riparian Areas, Policy 1D4, Objective 1D4i, AMEND (5) to ADD: “for category 2 surface waters. The reduced buffers shall provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), which ever is greater.”; “with no net loss in the overall functional value of the subwatershed’s stream buffers”; and “Buffers established through this process shall be determined based on site conditions rather

than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision.”

Summary: *This amendment addresses areas where redevelopment activities can occur within undisturbed buffer areas (with a functional value analysis). How are we going to provide restoration of Highlands streams if we allow existing intrusions to not only continue but to also expand into undeveloped areas? The areas that the RMP is identifying for growth and redevelopment deserve high quality streams; wide riparian buffer areas provide stream protection, riparian area protection and natural vegetation that brings multiple environmental and health benefits to the urban landscape. Redevelopment can be carried out with the preservation of undisturbed 300 foot riparian areas, even in towns and developed locations. Providing the protection of the minimum buffer to undisturbed areas will head off further degradation of the adjacent stream and will provide a quality environment for the redevelopment area. Both are necessary in order to meet the goal of Section 10 and 11.*

Mr. Dillingham introduced the motion for the amendment. Ms. Carluccio seconded the motion.

Mr. Dillingham explained the second part of this amendment. As a matter of policy, buffer zones that are currently undisturbed should be protected.

IV. Amendment 4: Chapter 4, Part 1 Natural Resources, Highlands Open Waters and Riparian Areas, Policy 1D4, Objective 1Db, d, e, f, and i: ADD “For purposes of this section, historical or current agricultural land uses, excepting permanent buildings for agricultural purposes, shall not be considered “development,” “land disturbances,” or “land uses.”

Summary: *Agricultural land use does not permanently change the function of a riparian buffer. While these riparian areas may be in need of restoration to a natural riparian condition through restoration plans, they should not be considered as areas that are built upon, qualifying as “existing development” where new development can be located within the 300 foot riparian buffer.*

Mr. Dillingham introduced the motion for the amendment. Ms. Carluccio seconded the motion.

Mr. Dillingham read from the amendment. He noted that Ms. Carluccio added additional language at the last meeting to include “land improvement” after “development.”

V. Amendment 5: Chapter 4, Part 2 Water Resources and Water Utilities, On Site Wastewater Systems (Nitrates), Policy 2L2, Objective 2L2d: Delete 2mg/L and replace with 1.17 mg/L

Summary: *As per Chapter 3, Part 2, Subpart f, the nitrate targets are based on background median concentrations for the applicable zone. For the Existing Community Zone the nitrate target should be 1.17 mg/L, based on the median concentrations of nitrates in ground water in that zone.*

Ms. Carluccio introduced the motion for the amendment. Mr. Dillingham seconded the motion.

Ms. Carluccio read from the Amendment and explained the rationale.

VI. Amendment 6: Chapter 4 Part 2 Water Resources and Water Utilities, On Site Wastewater Systems (Nitrates), Policy 2L2, Objective 2L2e: Replace 2 mg/L with 1.17 mg/L if amendment 5 is accepted.

Summary: According to the RMP, nitrate levels in groundwater need to be controlled. According to Chapter 3, Part 2, Subpart f (page 96), the background median nitrate concentrations are used to set nitrate targets for the Zones. But this policy allows the developed portion of a cluster to rise to 10 mg/L. Ironically, this is the area that will most need protection from nitrate loading. The clusters that will be built using septic systems will be built where the background nitrate levels are already highest, according to the RMP scientific research (Conservation Zone). Additionally, concentrating septic systems into a cluster exposes a relatively small area to nitrates from septic loading, air deposition, and other pollutant sources such as adjacent runoff and ongoing agricultural activities. These cluster areas should be required to maintain 2 mg/L in order to prevent “hot spots” of pollution plumes. These pollution plumes can contaminate wells in the cluster (both in the short term and over time) and endanger other water sources that are hydrologically connected as well as pollute the base flow of streams (benthic life and other fish and fishlife are affected by excessive nitrates). It is too risky to allow the density for a cluster nitrates to be based on 10 mg/L, which is the safe drinking water limit (not a planning tool).

Ms. Carluccio introduced the motion for the amendment. Mr. Dillingham seconded the motion.

Amendment 7: being an alternative to Amendment 6, was not introduced at this time.

VII. Amendment 8: Chapter 4, Part 2 Water Resources and Water Utilities, Policy 2L2, Objective 2L2f: Addition “and Existing Community Zone and all Environmentally Constrained Subzones” and Delete: “preserved land” reference. ALSO Delete 2L2g.

Summary: In order to ensure that subwatersheds in the Existing Community Zone and the Environmentally Constrained Subzones meet the nitrate target and are sufficiently protected during drought, the capacity for each HUC 14 to develop must be based on the nitrate target. If planning is not done based on meeting the nitrate target for each HUC 14, we are allowing for the degradation of some HUC 14s. These HUC 14s are most likely where local development will go, which exposes the public to nitrate pollution and can lead to “hot spots” or high elevations of nitrates in groundwater. This will result in pollution of the aquifer, water supply, and streams. Preserved land should not be counted when calculating septic system yield of a development. Offsets of nitrate loading from preserved agricultural land is not a well developed practice; as a Council we have not been shown any specific instances where the results of management practices that reduce nitrates have been quantified. In addition, we cannot legislate the type of agriculture (such as nitrate-free farming) that will take place and we do not have the resources to oversee activities on preserved land going forward. While it sounds like we are attempting to reduce nitrate loads from preserved land, in fact we cannot assure this outcome; the conservative approach of not allowing preserved lands to be included in the calculation of septic yields for a development project is reliable, less demanding of Council oversight, and more protective of public and environmental health.

Ms .Carluccio introduced the motion for the amendment. Mr. Dillingham seconded the motion.

Ms. Carluccio read from the amendment. She explained that two issues are being addressed: ensuring that the Existing Community Zone and the Conservation Zone septic systems are based on each HUC 14 (looking at nitrate targets, recharge, etc). And that preserved land is not included within the calculation for septic yield.

VIII. Amendment 9: Chapter 6, Subpart D: Federal, State and Regional Agency Coordination: Issue Overview: Delete 2nd and 3rd paragraphs under Subpart D and add: “The Act, in Sections 38 through 82 (See Act provisions in Supporting Information), also amends numerous statutes of State agencies to specifically require coordinated action to implement the RMP. In these sections, the Act requires consultation between the Council and State agencies to ensure that the RMP is considered prior to State agency action. For plans and other decisions proposed in the Highlands Region, the Council will deliver consistency determinations based on the RMP to appropriate State agencies which will use the Council’s information and recommendations to reach resolution in a manner consistent with their respective enabling legislative or regulatory mandate. The Highlands Act stipulates that Highlands’ municipalities and counties are under no obligation to revise local master plans and development ordinances applicable to any parts of the Planning Area to bring them into conformance with the RMP. The Act is also clear that the Council is required to consult with State agencies and, in certain cases, to issue RMP consistency determinations for actions and plans proposed in any part of the Highlands Region. These requirements for interaction and coordination between the Highlands Council and other State agencies for actions proposed in the Planning as well as the Preservation Area do not negate Sections 14 and 15 of the Act which specify that conformance with the RMP is voluntary for the Planning Area portions of Highlands municipalities and counties.” Also, the following objective would have to be updated for consistency: Objective 2K3a.

Summary: *This amendment clarifies that (1) the RMP is voluntary for municipalities and counties in the Planning Area and (2) the Council has an obligation to provide consistency reviews to other State Agencies for projects anywhere in the Highlands, including the parts of the Planning Area where the municipality has not opted into the RMP.*

Chairman Weingart introduced the motion for the amendment. Mr. Cogger seconded the motion.

Chairman Weingart explained that this addresses the twin provisions of the Act that the Plan is voluntary in the Planning Area but also that the Plan provide guidance to State agencies. This amendment is to clarify the issue.

IX. Amendment 10: Chapter 4, Part 2 Water Resources and Water Utilities, Refinement and Improvement of Groundwater Resources Management Policy 2M1: Add Objective 2M1a to Chapter 4, Part 2 Water Resources and Water Utilities. “To monitor well water and surface water for nitrate concentrations to evaluate background nitrates from Highlands development projects on a site specific basis as funding is available.”

Also, to add Objective 2M1b : “To track other new pollutant inputs from on site septic systems and other sources to Highlands waters that result from development projects through a defined water quality sampling program on a site specific and watershed basis as funding is available.”

Summary: *Monitoring of nitrates is necessary as development projects are approved to ensure that the nitrate dilution targets set are being achieved and are reasonable based on actual nitrate sampling data retrieved. This will protect well water users and streams.*

Ms. Carluccio introduced the motion for the amendment. Mr. Dillingham seconded the motion.

Ms. Carluccio read from the amendments. She explained that this has to do with having a robust monitoring program in order to see the effects of the Plan.

- X. **Amendment 11:** Chapter 4, Part 6, Subpart B, Map Adjustments: Add Objective 6G2b: “8. are prohibited in the Preservation Area, Core Forest Areas, Agricultural Resources Areas, Prime Groundwater Recharge Areas, High Integrity Riparian Areas, Critical Habitat Areas and Significant Natural Areas. 9. are allowed only during the plan conformance process and the Highlands Council initiated plan updates. 10. are limited to 1% of the total acreage within the municipality when the land is being converted from a more protective zone from a less protective zone (such as Protection Zone to Conservation or Existing Community Zone). ALSO to add to #3: and demonstrates that it will utilize Highlands Development Credits to a degree which ensures a level of protection equivalent to (2) and reduces the net impact on Highlands natural and agricultural resources (as determined by whether the proposed change affects the Protection or Conservation Zone respectively) by demonstrating that it will extinguish currently valid exemptions within similarly situated parts of the municipality.”

Summary: *This amendment essentially limits map adjustments so as not to compromise the protections within the Highlands region.*

Mr. Dillingham introduced the motion for the amendment. Ms. Carluccio seconded the motion.

Mr. Dillingham explained the amendment. He expressed that this allows for a limitation on the amount of land moved from a more protective zone to a less protective zone, as well as to add balance within map changes.

PUBLIC COMMENT:

JAMES TRIPP, Environmental Defense Fund: He expressed that their focus has been to help the staff and Council to develop a robust TDR receiving area that will serve the environmental goals and provide equity. In regards to Amendment 1, he asks for the exception to be made for TDR Receiving Zones (with safeguards). The reason for this is that if someone who is taking advantage of this conditional water availability be required to purchase a credit this would be of benefit to the environment. For Amendment 3, Highlands open water and riparian areas, if there is going to be

any compromising of buffers, it should only be in the designated TDR Receiving areas. With Amendment 5 & 6, the fact is that you could have potentially higher development with sewer treatment. The environmental justification would be to accomplish the goal of controlling nitrate contamination within the Region. He expressed support for Amendment 9 which the Chairman put forth. They would also support Amendment 10. He explained nitrates and how they are used to determine water quality. It is an important indicator for the overall health of the ecosystem.

JULIA SOMERS, NJ Highland Coalition: Because of the little time allowed to speak, some of her fellow coworkers will speak about issues. She read from the recent book “The Blue Death” by Lee Morris. She stated that this expresses the importance of the Council’s work for the drinking water and the State’s economy. She stated that the Plan is not ready yet and expressed her appreciation for the work done. There are issues that need to be addressed and there are some that are wrong or not addressed at all including: a strong social justice statement, missing guidance documents, protection of key farm soils. Several of the amendments are vital in making the Plan complete. Why put at risk what you are trying to protect? She spoke about the deficits and the statistics. She stated that just as Bill Kibler has stated, you cannot build your way out of water deficits. It was shocking that these deficits have even been allowed to develop. The Council is now in charge of addressing these issues. She asked the Council to fulfill their duty. She noted the amendments and how they are important. On behalf of the Coalition, they urge the Council to withhold support of the Plan unless the amendments are approved.

MARK ZAKUTANSKY, NJ Highlands Coalition: He expressed that importance of preventing further development in deficit areas. It is prudent that Amendment 1 be adopted – without it, there is a risk of running out of water. He read from comments that were submitted to the Council regarding the 2007 draft. By preventing development in water deficit areas, it allows time for a watershed-wide plan. Site by site mitigation will not properly address the deficits. They expressed their support for Amendments 2 & 3. He outlined the details of these amendments. They support Amendment 4 – which is important. They also support Amendment 5 and 6. They oppose the use of clustering on farmlands, which will reduce local agriculture. Amendment 6 protects public health and safety. The current policy regarding this will not protect residents from drinking septic run off. He noted that the Coalition supports the work that has been done, and requests that the Council adopt all of the amendments before going forward.

ELLIOT RUGA, NJ Highlands Coalition: He stated that today may be a watershed day in accomplishing protection for the resources that the people of New Jersey depend upon. Regarding Amendment 8, it provides a needed margin of safety. Preserved land takes on another level of value to the community and pays back the community by protecting water quality. He expressed the support of Amendment 9 introduced by Chairman Weingart. Adding anything additional to this amendment will not be appropriate. The language in Amendment 11 regarding map adjustments is supported by the Coalition. He expressed that the map adjustments should be a benefit for conformance. RMP updates are available to all Highlands municipalities and counties. Universal conformance without compromising the natural resources is the only goal. The NJ Highlands Coalition will support the Council if they do adopt the amendments.

BILL WOLFE, Ringoes: He stated that he was involved in drafting the bill and setting the task force and he realizes the potential in the Highlands Act to preserve the region. He is concerned about some of the policy amendments and policy issues that still exist. Regarding the Council’s role and balance, they need to protect the State’s interests while preserving land and water. He argued that

the State reserved power regarding regulatory abilities. The Governor also has the ability to veto the Plan. Regarding the structure of the Act and the two zones - the legal standing for both zones is identical. There is not supposed to be balance for preservation and development. In response to economic issues, he explained that the housing bubble and subprime mortgage is affecting equity. Homeowners don't see that this Plan is a way to preserve their equity and their homes. In respect to landowners and farmers, this is a good time to come in and preserve your land. The future is bright for agriculture. There are numerous career opportunities regarding green activities.

HANK KLUMPP, 150 acres in Lebanon Township, Hunterdon: He stated that it has been almost 4 years since his family's life has been altered. He expressed that those who know nothing about his farm are trying to tell him what to do. Mr. Klumpp has heard that people should not have to pay a water tax, so families like his will have to pay. While the environmentalists are getting paid, his farm is sitting idle. The Plan is not fair as there is still no money to compensate owners. Trenton has failed to meet the financial commitment that was made. He is being forced to wait, maybe forever, for compensation. His equity has been affected. He is waiting to see the science that put his property into the Preservation Area – it was politics that actually put it there. The Highlands Act was poorly designed, and should be rewritten and not accepted until compensation has been in place. There is property in the Preservation Area that doesn't need to be there. He doubts the value of the credit bank – where is the funding from this coming from? When will the TDR program begin? Will it ever truly compensate people? Can there possibly be enough credits for everyone? Can there ever be fair compensation – who decides what fair compensation is? The Act needs to go back to the drawing board.

DAVID TROAST, Director of Community Development and Planning for Sparta Township: He noted a letter that the Mayor had sent to the Council. First, they continue to support the original intent of the Act for the Preservation Area. Second, they object to any provisions being forced in the Planning Area, by any agency, unless the municipality opts in. Lastly, he will be submitting data on large boards (this is the fourth or fifth time this has been brought to the Council's attention). This is to show that the Plan is arbitrary to adopt at this time. He presented maps and explained the mapping inaccuracies. He pointed out over 12,000 lots that don't exist on the Highlands maps. The second map shows public water and community wells and the land use capability maps. He explained the maps and the areas that are not recognized (over 28%) by the Plan. What does this mean? It means that this is the base information for your zones. These two factors have an impact on what category properties fall into. These are available and have been presented – and ignored. He expressed that amendments presented one week before adoption, within a municipality, would never be accepted. There should be another amendment which will incorporate his map corrections. There is no right way to do a wrong thing. To adopt a plan with inaccuracies would be wrong.

CINDY EHRENCLOU, Upper Raritan Watershed Association: Ms. Ehrenclou explained the mission of the Association. She urged the adoption of Amendment 1 – without it the RMP doesn't accomplish what it was set to do. Allowing development where there are water deficits makes no sense. There is no good replacement for a pure resource. Ms. Ehrenclou urged the Council not to allow expanded development in deficit areas and to take the opportunity to strengthen the RMP. She expressed her support for the other amendments set forth. The Plan will not go far enough to provide proper protection.

ERIC STILES, Highlands Coalition member and NJ Audubon Society: Mr. Stiles stated that the residents of New Jersey deserve a strong plan. A strong plan needs to protect the water, forest, wildlife, cultural resources etc. The Plan in its current form is not strong enough. He recognized the need for ecologically based regional planning. He expressed the differences in the different approaches based on the planning that is in place. It is a myth that a sound economy and a sound ecological area do not go hand in hand. He stated that a precautionary principal is wise. We are sitting on top of an important resource. Regarding equity, while it is important, it is best protected under a protective plan. Mr. Stiles urged the Council to recognize that the Highlands Region is not a region onto itself. NJ Audubon supports the comments that the NJ Highlands Coalition has given today. Do not adopt the Plan unless the amendments have been accepted.

JEFF TITTEL, New Jersey Sierra Club: He expressed that this should be a joyous day, but there is anxiety. They strongly believe that the Plan doesn't meet all of the goals and intents of the Act the way that it should. He noted that the amendments that have been proposed go a long way to address their issues of concern. First, regarding Amendment 1 – how can you develop when you are going to make things worse. Protecting the buffers is also important. To weaken the buffers for redevelopment doesn't make sense. Restoration needs to be in place. Regarding clustering, they believe it doesn't work on farmland – you would be getting nitrates from the farm and the development. If you are setting the nitrate target at 1.17 mg/L, at least you wouldn't be making things worse. At the 2 mg/L standard – you would have people be drinking their own septic discharge and it would affect people's equity as their wells go bad. Again, the amendment for map adjustments is also very good and makes sense. These compromises are somewhere between the Plan and where the environmental community stands. It is critical to make sure it is a Plan that everyone can be proud of. There are lingering concerns about additional development that will be allowed. Another is the signing of Bill A500 and the COAH rules which are already straining the land.

DAVE PRINGLE, New Jersey Environmental Federation: Mr. Pringle stated that many of the Council members have received numerous letters, emails, and faxes from their members. He recognized the work that has been done. Regarding the mandate of the Act – it is clear. To determine the amount of growth that can happen while maintaining the resources for all of New Jersey. He expressed that the Council is not supposed to be a glorified planning board. No one owns the water. The Plan still doesn't meet the charge. The Federation opposes any weakening changes. The Council has the leverage and should use it. The Amendments 1, 3-6, 8, 10 and 11 are supported by the Federation and are especially important. He expressed their specific support for these amendments. He explained that flooding will be affected in many areas, drinking water for schools, wells drying up, where the remaining water ends up, and other issues and how all of these are relying on the Council's decisions. You cannot undevelop in the future. Some may state that they should have been here more – well, they have been here and have been fighting. They expect that the Council members would support a strong Plan and protect the resources. He asked that future political standing not affect their decisions. Today you are all Highlands Council members. The question is will you all support the amendments and vote the right way.

JON MEADE, Regional Highlands Coalition: He asked for the support of the amendments to have the strongest possible plan. He expressed that they have worked to elevate awareness across the State. This Plan attempts at a regional perspective, but it does need the amendments for sustainability. Particularly, the water deficit amendment is pertinent. It is essential that the final plan is based on sound science. The staff has worked to have the science as the underpinnings of the

Plan. The Plan should be a path toward sustainability across the region. This Council has the authority and responsibility to protect the resources and support its residents.

RICH NIEUWENHUIS, New Jersey Farm Bureau: This has been a long and ardent process. There has been a sense of mission and he thanks the staff and Council for their work. Overall the RMP is an improvement of the original draft. He expressed that small steps are in the shadow of issues regarding equity, mapping, economic impacts, and the final approval process without proper financial support. The equity impacts, over reaching regulations, consideration of agricultural sustainability, inadequate details in the mapping, and the economic impacts, and the move forward without financial support are issues. They fear that the assurances that they received will be in jeopardy. People are concerned about losing their equity. The four categories of remaining issues: excessive regulations – the Act called for economic stimulation. Also, regulations in the Planning Area are supposed to be voluntary. The proposed amendments will obliterate any legislative intent and is environmental overkill. Also, fair compensation – no dedicated funding source has been identified. The TDR system cannot work without clear receiving zones. He discussed exemptions laid out in the legislation. Only the clustering mechanisms have a chance to provide benefits – but even this is constrained to conforming municipalities and has many regulations. Third, they are concerned about the lack of support of farming businesses. Fourth, the impacts of the RMP have not been properly measured. The consequences have not been properly studied. The cost will be hard to define. Please know that the Farm Bureau will continue to monitor and partake in the process. They look forward to satisfactory results.

CHRISTINE HEPBURN, Madison: She expressed her support of the amendments before the Council. She stated that the Council has worked hard and listened to the public. The Plan at this point doesn't provide sufficient protection of the water. But there has been extreme caution socio-politically. It should be the other way around. The Council should be bold in their decisions. She noted that in the future it is unlikely that people will say, that the Council failed and that the Plan was too protective – there is too much clean water. But people may complain that it wasn't protective enough if negative impacts occur.

HARRIET GROSE, Morristown: She noted that this is a historic moment. Our bodies are mostly water – all life came out of water. The shortage that will impact our lives is the lack of water. We can survive without other resources. But not without water – in three days we are dead. At this moment, we can look ahead at the impact of our actions for future generations; to set precedence not only for New Jersey but to protect ourselves from our own limited visions, so that all can benefit. Strong provisions are an obligation. It is not a community or State issue – it is a world survival issue. Protect our most precious commodity.

HELEN HEINRICH, New Jersey Farm Bureau and for the farm families: She expressed her frustration with discussions that have made the issues seem very simple. This is not a wilderness – it is an area with a large population. It isn't all about water. It is about economic stability and vitality and a positive area for agricultural. She stated that this is also a Planning Act. She stated that they would like to see the members vote down all of the amendments except for Chairman Weingart's. Regarding Amendment 2, they believe this change could have negative implications. The TDR is not formulated. She noted that there is not proper funding. Clustering is the only viable option. It will not be easy to do, particularly with the language in the Plan. She asked again that the members not vote for the amendments. Ms. Heinrich stated appreciation for the time and effort put into the Plan.

DAVID PEIFER, ANJEC: He stated that the never thought the deadline of July 17th would be met and offered congratulations to the Council. He supported the proposed amendments to the Plan. ANJEC is a municipal service agency primarily and they are concerned with the complexity and process. The amendments do address some of these issues and they support all of these amendments. Especially those regarding the deficit issue. He explained that sewer bans were used in the past - this is just extending to the other side of the water equation. Regarding Amendment 2 – they have no problem with this as they have seen many people wanting to manage their land differently. Amendment 3 – they have terrible concern with sections 4 and 5 – the functional value analysis process in the hands of municipalities could be dangerous. Buffers are valuable and important. Not to forget the goals of enhancing and restoring, rather than merely protecting. They strongly support Amendment 4 – they have had this issue with the NJDEP and the Council need not repeat that error. Regarding Amendment 5 – they support it as it is scientifically based and provides clarity. Amendment 6 – they support it as well. Amendment 7 - they would never support the use 10 mg/L standard for a planning and site tool. The question is who is going to drink what. Amendment 8 – they support it, taking out the preserved lands is important. They support Amendment 9 as it gives clarification. Amendment 10 they support the idea of ongoing monitoring as it is the only way to monitor the effectiveness of the Plan. The Map Adjustment changes in Amendment 11 are essential.

ROSS KUSHNER, Pequannock River Coalition: These issues are very complex but the choices you will make are simple. Most people recognize what is important in this Plan. People recognize that health is essential. That is one side of the issues. You will also hear about equity, home rule, etc, and it is money, money, money. So it is health versus profits for a few. Is this a decision you will have to think about? If this becomes a political free for all then it will be a mess. They are concerned about continued development in water deficit areas. The mitigation plan will not work – it is untried and unproven. You aren't looking at the water quality issue. He explained the difference of runoff and rain water. You need to preserve the quality and quantity of the water. Look at the amendments that are being proposed.

ANDY DRYSDALE, Chester Township: He explained the dangers of the environmental extremists. The natural resources need to be protected in a way that doesn't harm people. He reviewed comments from the previous meeting regarding deficits and statistics. He believes that the Act is not necessary – he stated that at the last meeting a comment was made regarding the amount of water consumed by people each day. He stated that the reality is that people's rights have been stolen, so that people downstream have cleaner water to flush their toilet.

BILL KIBLER, South Branch Watershed Association: They support the amendments that have been proposed. Specifically, Amendment 1 is absolutely critical. There cannot be additional development in deficit areas. He stated that a few years ago, he lost control of his vehicle – he learned you can't uncrash your car – it never is the same again. Allowing buffers to be compromised is like wrecking your car and then trying to undo it. If you compromise buffers upstream, it makes restoration more difficult and expensive. It makes no sense to compromise the buffers. He expressed that the Council has a task of restoring and protecting the water.

TAMMIE HORSFIELD, Sussex County Chamber of Commerce: An original member of the task force, she feels very strongly that this Plan needs to be good for the people and that the core be protected while the Planning Area remain voluntary. She felt strongly that there needs to be funding available for land acquisition – people should be fairly compensated. The decision to regulate

wastewater standards in the Planning Area will result in turning over the local zoning to the Council. The decision of Council along with the NJDEP rules goes against the original intent of Act – which was that the conformance in the Planning Area be strictly voluntary. Her confidence and the confidence of the people have been shaken. Too often the government makes promises it cannot keep. The Council should not apply standards to any area other than the Preservation Area (except under conformance).

BASIL HONE, Citizens to Save Tewksbury: CST supports the fundamental principles of the Act. These are issues of state level importance. There should be designation of the Preservation Area with the requirements for stringent policies. He quoted two parts of the Act – these will outline the importance of water protection. There should not be development in water deficit areas, buffers should be protected, and there should be no exceptions to the nitrate concentration standards. These three issues need to be properly addressed and the amendments need to be accepted.

DAVID EPSTEIN, NJ Highlands Coalition (was on task force): He thanked everyone for the work. Failure to plan incorrectly can be detrimental. He asked that the Council adopt all of the amendments. If there isn't proper protection, the water supply will be negatively affected. He outlined the different amendments and why they need to be supported. He asked that the Council contemplate New Jersey not just today but also in the future. Only by adopting the amendments will the Plan be strong enough.

ERIC SNYDER, Sussex County: He commended the staff and Council for their work – particularly Eileen Swan who has done her best also including the planning issues that went into this Plan. He stated that he agrees with statements of the disappointment with the Plan. It is important you have a viable TDR process. He finds it curious that the amendments create greater imbalances and will create more hardships. The Council has been mandated to consider equity and fairness. He supports the science and environmental planning, but doesn't support not taking care of the people who have been the stewards of the land. He expressed his issues regarding the wasting of water by those who use Highlands water, but live outside of the area. He suggests that the Plan not be adopted until the TDR program is in place.

WILMA FREY, NJ Conservation Foundation, resident of Preservation Area: She thanked the Council staff and Council members for their work and their efforts. She first discussed the history of the Highlands Act and the Plan. The motivation of the Act was regarding the need to preserve the water supply and the natural resources on which the rest of the State depends. This was not to develop and make places for others to live. New Jersey is in danger of being one big suburb – it is well on its way, even in the Highlands. What will happen to our water supply if this happens? It will be gone. Our wildlife and farmlands will be gone too with total suburbanization. There is a lot of sophisticated planning in place. But the amendments are necessary – all of them. It is time to heed the words from 1901 when the value of the region was recognized – and it was noted that too little attention has been paid to this. Nearly 2/3 of the watersheds are already in deficit – the state cannot afford to further this deficit. The amendments need to be passed to keep the total suburbanization from happening.

MICHELE BYERS, NJ Conservation Foundation, NJ Highlands Coalition and former member of the task force: She expressed that in her experience, she knows how difficult it is to find balance. She pointed out that there is a bit of a pitfall in that effort – in looking at the task force, there was an enormous compromise which split the Highlands in two (which was a difficult decision). Both areas

are important – the Highlands is the Highlands. The Highlands Act, when it was passed, created even more compromise. Farming properties were cut out of the Preservation Area for political reasons, not because they are not important. She commended the Council staff and the Council for their work but asked them to take a stand and not think about balance, but protecting the region for future generations. The Council isn't going to make everyone happy – and it isn't about that. It is about properly protecting resources for the future. From her experience, compromising isn't always right. She urges the adoption of all of the amendments. The Council will not be able to go back again and the Council needs to take a stand.

THOMAS COLLINS, Attorney and Professional Planner, representing Sparta, Byram, and Hardyston: On behalf of the three municipalities, he thanked the Council staff and the Council for their work. He asked for adoption of Amendment 9 with Councilmember Vetrano's addition. Also, he asked that the Council correct mapping inaccuracies within these three towns. Please address these and the information that has been proved in the RMP as the 2002 data is too inaccurate. He also asked for their requests for changes to be included in the RMP; specifically, to change areas like the town centers to be in the Existing Community Zone. The RMP as written may force rewriting and rezoning for affordable housing plans. Please confirm that map corrections can be done and not require map adjustments. Please do not adopt Amendment 11 – which arbitrarily limits the Council's ability to plan as master plans are living and breathing documents.

MONIQUE PURCELL, New Jersey Department of Agriculture: she thanked the Council staff and the Council for their work. She commented on the amendments. Her suggestions: Amendment 2 – they would like the sentence to end at "receipts". Amendment 4, the statement should start as "when land is being converted to non agricultural use..." She doesn't believe that the statement as written gets to that idea. They support Amendment 9 but the balance of the amendments are problematic. They are especially concerned about the changes to the nitrate standards and how it will affect clusters and TDR Receiving Zones. Please note that there will be a Farm Agricultural Plan in place. They look forward to continuing working together.

COREY PIASECKI, Regional Plan Association: The Plan is based on science, research, and profession experience. This plan should be adopted today. The Plan isn't perfect, no plan ever is, but they believe that the staff and Council will be capable of making necessary changes. They look forward to continuing to work together.

DAVID SHOPE, Long Valley: He noted a copy of the mapping over the Raritan Basin that was given to the Council. He stated that this shows that there is much work to be done. First, Ms. Frey noted that the Forest Service did studies. What the Forest Service recommended as a core area is smaller than what has been established. They also recommended buying these critical lands, not taking them. He hopes that municipalities will opt in so that they can share the responsibilities. He hopes that the homeowners that thought that they wouldn't be affected by this will acknowledge the acts of the local politicians.

BARRY FARQUHAR, Morristown: They own 20 acres in the Preservation Area. He noted a meeting where a question was asked – would you accept a water tax. This is nothing that he thinks the Council could institute alone. If the weight of the Council could get behind this idea, it will be a great benefit.

ELIZABETH HOYT, Phillipsburg: She discussed the restoration of their home and how it has been affected by hurricanes and other weather issues as well as development. She explained that due to their location, they have watched water events. Within her observation, she has found that land to be very sensitive. She explained the development that has occurred in the area. When a bridge was worked on over the Musconetcong, flooding occurred. The watershed by where the Delaware and the Musconetcong meet is large and very visible. She explained how she had 6 feet of flooding in her basement. She wanted the farmers to know that within certain farming, you encourage the water to flow a certain way. Also, when the builders build in a certain way, water is forced to trickle down and affect other older properties. This isn't about money – it is about people's lives. She stated that small landowners are being affected.

SMALL BREAK

1:25pm – Returned to session. Chairman Weingart outlined the process for the rest of the meeting.

VOTING ON AMENDMENTS:

CONSIDERATION OF AMENDMENT 1

Mr. Dillingham gave an overview of Amendment 1. The purpose being not to include any additional development in deficit areas until the deficit has been addressed. He pointed out that much of the public expressed this concern and their support for this amendment.

Ms. Letts asked about the amendment – specifically, that the entire watershed would need to be brought out of deficit before any development can go forward. She questioned how this can happen. Mr. Dillingham explained that the Water Use and Conservation Management Plans that will be put into place by municipalities and counties will assist with this. Some of the deficits will be easier to resolve than others. From a policy perspective, do we want to allow additional development in deficit areas? Ms. Letts stated that she has been promoting restoration, but she isn't sure how the Council will use the water use plans to fully address the deficit. This could make it almost impossible to do restoration in these areas. Ms. Carluccio explained how the Water Use and Conservation Management Plans are laid out in the RMP; there are many ways to bring these areas out of deficit. This means working both large scale and on a local level. The incentive is if we don't allow continued expansion or new uses, then we are telling those areas with deficits that they have to cure the problem before they can move forward. If this takes a multiple municipality approach or a county approach, then that is how it will need to be addressed. Ms. Letts asked about how this would work if there are municipalities involved in the Planning Area that do not want to conform. She doesn't think that it will be workable.

Chairman Weingart addressed the public's perception that these amendments are being addressed at the last minute. He explained that these issues have been discussed and worked on for quite some time. Thus, there has been extensive Council discussion on these matters previously and a short discussion today should not be seen as a limited opportunity for discussion. Ms. Carluccio explained that 114 HUC-14s are in deficit – in order to change that pattern, the Council needs to be bold. She doesn't understand how there can be additional growth when there is no water. In essence, water would have to be stolen from natural resources. The fact that these watersheds have been overdrawn has to be addressed. Ms. Letts stated that the mitigation plan up to 200% that would be put in place for any development is progress – predictable progress. Ms. Carluccio stated that these are important but are on a very small level. There are not actual requirements as to how these

mitigation requirements will actually replace water. This should not be the only way to address the water deficits. Ms. Letts pointed out that the Council has to approve the mitigation plans and if they do not feel it is sufficient, they can deny it. She stated she trusts the work that the Council will do.

Mr. Alstede stated that the major flaw is that this is limited to only those in the Highlands Area – not working with municipalities that are using water outside of the Highlands. Mr. Dillingham explained that he supports that the State should implement water conservation everywhere, but it is misleading to state that this is what is causing the deficit, its internal water use. Concern was voiced that those who live in the Highlands will bear the whole burden. Mr. Alstede stated that if water was not being taken out of the region, there might not be a huge deficit.

Ms. Pasquarelli expressed her concern over whether the mitigation plan is predictable. Contrary to Ms. Letts' statement that it is predictable – she feels that it is not. She believes that the applicant's engineer will come in and claim that they will be able to do it. She has been told that this mitigation requirement isn't even feasible. They should prove that there is improvement before continuing, following the precautionary principle as this is consistent with the Act. Ms. Letts responded that the amendment says you have to get rid of the whole deficit not show some improvement. Ms. Letts stated that the staff has been asked if the mitigation plan is both predictable and practical. Staff had responded that there was ample evidence. Ms. Pasquarelli expressed her doubts and stated that the Council members will be the ones responsible in the end. Chairman Weingart stated that whether the mitigation plan is feasible and will address the deficit is really the issue. If the mitigation plan is believed not to be feasible in addressing the deficit, then the amendment should be put into place. Ms. Letts spoke about some successful mitigation strategies. Ms. Carluccio stated that if the Council believes in the Plan and in mitigation, then let's do them – but let's not use more water while we do it. She explained that the plans are tied to the Plan Conformance process.

Mr. Cogger asked about deficits – is this water consumed within the Highlands or all water taken from the Highlands. Ms. Swan clarified that it is about ground water when we are talking about wells and surface waters which feed reservoirs; however there are interbasin transfers. Mr. Cogger asked that since such a huge area is using the water, are there no conservation plans in place outside of the Highlands. So if it wasn't done on a case by case basis, there really is no control. Ms. Swan said that the Highlands Council has no jurisdiction outside of the Highlands Region. Mr. Cogger asked if this amendment is affecting water only within the Highlands or within that watershed. Mr. Dillingham clarified that this amendment is more about process. One of the staff's recommendations is more extensive mitigation and conservation plans. The question really is - how do you get to a place to deal with the deficits. He read from the Plan and objectives regarding these issues and the difference between deficits.

Mr. Cogger asked if the deficits were resolvable and Mr. Dillingham read from the Plan in response: the smaller deficits may be resolved more easily but the more severe may be more difficult and need cooperation with NJDEP through the Water Supply Master Plan. Once we are on the path, yes there are ways to correct the deficit. However, if you allow more withdrawals from a deficit area, you may never be able to get to that place. Ms. Letts asked if what is being done here will not have any effect on the water being used outside of the Highlands – here they are only working on ground water and the water here. This will not affect those outside of the Highlands Region. Mr. Dillingham said that his understanding is that looking at the consumptive uses within the watersheds – that it isn't being created downstream. Ms. Letts stated that water is still being sent out of the Highlands. Ms. Carluccio stated that if we continue on this path, we are jeopardizing those

downstream water uses. Mr. Schrier asked how many of the 114 deficit HUCs are within the Planning Area. Ms. Swan said she can give the percentage; 57.3 % of the Planning Area is in deficit, but that does not consider existing constrained areas. Mr. Schrier wanted to know the effect in the Planning Area. Ms. Swan stated that these areas would not receive any further water allocation permit until the deficit is addressed. Chairman Weingart asked if Council members were ready to vote on the amendment and then read the Council roll call.

VOTE:

In favor of Amendment 1: Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli, and Ms. Way.

Opposed: Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, and Chairman Weingart.

Chairman Weingart announced that the amendment did not pass.

CONSIDERATION OF ALTERNATIVE AMENDMENT 1: Objective 2B8b (1): Addition: “Water Use and Conservation Plans as described in Objective 2B8c shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (Deficits of 0.251-7.100 mg according to Highlands Council analysis, Table in Water Deficit Policy Options).”

Summary: *If a majority vote of the Council does not approve Amendment 1, Alternative Amendment 1 is offered to address the subwatersheds with the highest (most severe) water deficits in order to avoid further depletion of the water resources of the most overtaxed subwatersheds.*

Ms. Carluccio explained that the proposed Amendment 1 – Alternative Amendment was actually meant to propose additional language under 2B8c not 2B8b. That is also on page 157, the section regarding water use and conservation plans. She then asked about a matter which was brought up in the past regarding the section for mitigation (2B8b1). She read “Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed, and for large consumptive and depletive water uses or high Current Deficits will require achievement of the mitigation prior to initiating the water use” the word achievement was an edit, but she would like to know what achievement means here. Does it mean that the mitigation measures have to be in place or does it mean a plan has to be in place? Ms. Swan stated that they have to be in place. Ms. Carluccio asked for “completion” instead of achievement. So the amendment will be to change “achievement” to “completion” in 2B8b part 1. There was clarification that this is on a project by project basis.

Ms. Letts asked about the timing for this. Ms. Carluccio clarified that all relating objectives, which she reviewed for the Council, would have to be updated for consistency by staff. Chairman Weingart clarified that changing “achievement” to “completion” is simply a clarification. Ms. Swan clarified that there are different approaches based on the severity of the deficits. Ms. Carluccio stated that this first part of this amendment would be to change the word “achievement” to “completion.”

Ms. Swan showed a slide with Proposed Consumptive or Depletive Water Use. She clarified that the policy currently differs based on the severity of the deficits as shown on the slide. Ms. Carluccio clarified that the first amendment would be regarding the high deficit areas.

Ms. Pasquarelli stated that completion needs to be restated – the Council decided on “successful completion.” So the Council would be deciding if the mitigation plan is successfully complete and all benchmarks were met.

The Chair called for a second, Ms. Letts seconded that motion. Further clarification on “completion” was discussed. The Chair suggested “successful completion” of the mitigation plan to the satisfaction of the Council and Ms. Carluccio approved that clarification. Chairman Weingart asked if Council members were ready to vote on the amendment and then read the Council roll call.

VOTE:

Addition language change of “achievement” to “successful completion”

All members voted in favor in a roll call vote. Chairman Weingart announced that the amendment was **APPROVED**.

Ms. Carluccio then explained the next part of the amendment. Ms. Carluccio said that perhaps it only needed to be stated once that mitigation should be successfully completed prior to initiation of new water use. Chairman Weingart explained that this will just be to make the top part of the table like the rest of it – so that mitigation will have to be completed before the project takes place. There was clarification that this is before the initiation of water use but not necessarily before the start and completion of construction. Ms. Letts clarified that the mitigation needs to happen to go forward with the project. There was discussion that the development needed to proceed in order to do the mitigation. Ms. Carluccio replied that yes it was prior to the initiation of water use. She stated that the mitigation plan can be part of the development plan.

Ms. Swan asked for clarification that in the green shaded areas in the table, these had been decided in the last vote. Now this amendment has to do with the other areas – making all mitigation required prior to water initiation. There was discussion about whether the mitigation would have to happen prior to construction or prior to water use. Mr. Schrier asked why currently there are different shaded areas now. Ms. Swan explained that in 2007, the whole area was governed at 125% and not required prior to construction; subsequent to that, to strengthen this policy, the 125% was extended to 200% and that in areas of deficit, mitigation would be required prior to construction as proposed in the policy paper. In the areas that are not shaded, mitigation could occur prior to or concurrent with construction but prior to water use. Ms. Carluccio explained the timing requirements. Mr. Schrier stated that this would be a further restriction on an already strengthened policy. Chairman Weingart stated that the amendment states that mitigation will have to be successfully completed prior to water use.

Ms. Carluccio had introduced the motion for this amendment, and Mr. Dillingham seconded it.

Ms. Swan reiterated that the green area requires mitigation prior to construction, the blue area does not. In the blue area, mitigation is required but not before construction. Mr. Alstede clarified that this amendment only changes that the water will not be able to be turned on until mitigation will be successfully completed and working. Mr. Alstede clarified that this would not apply to exempt lots.

Ms. Carluccio explained the mitigation program and how there are different steps in the approval process – there is a whole process to make sure that the mitigation is going to work and there have to be verifiable results.

Mr. Alstede asks if it is possible that there can be a situation where a person cannot sink a well on a developed property. Ms. Carluccio explained that it will be easier to accomplish on a lot versus a development project. There will be steps in the approval process to be sure that the mitigation is going to work. She said it is more likely that it would be before the well could be certified and the water could be turned on. Mr. Peterson clarified that before a CO would be issued, that all of the mitigation plan requirements would be in place – there doesn't have to be proof that the mitigation works. All of the parts of the mitigation plan will have to be in place and if the Council trusts in the mitigation plan then it should work. Mr. Dillingham stated that the amendment is really only changing the timeframe. Mr. Peterson pointed out that if it isn't done that way, and if the mitigation isn't required for a year, some people will not do it. Ms. Pasquarelli asked – and Mr. Alstede spoke of exemptions for a single family home – if exemptions are the same in both zones. Mr. Borden stated yes that the same exemptions apply throughout the Highlands Region in both the Preservation Area and Planning Area. Chairman Weingart reiterated that for a project, a mitigation plan must be set and all of the necessary parts must be in place. Ms. Swan explained that the mitigation plan must be successfully completed but mitigation doesn't have to be proven. There needs to be trust that the mitigation will work. So in effect, the amendment will strengthen this policy. Chairman Weingart asked if Council members were ready to vote on the amendment and then read the Council roll call.

VOTE:

Completion of a mitigation plan must be successfully completed prior to initiation of the water use within a project.

All members present voted in favor, with the exception of Mr. Vetrano who was opposed to this change from the staff's recommendation. Chairman Weingart announced that the amendment was **APPROVED**.

The discussion returned to Amendment 1 – Alternative Amendment 1 as outlined initially. This amendment essentially would change the scope of mitigation – it would deal with it on a watershed basis. Ms. Carluccio explained that the mitigation deals with individual projects and that the Water Use and Conservation Management Plans deal with municipal plans to reduce deficits. Chairman Weingart returned to Mr. Alstede's question, about the affect on a single family project. Ms. Carluccio noted that this is on a subwatershed approach, this is not a new idea, but that the Water Use and Conservation Management Plans need to have quantifiable measures in the details of the Plans. They shall also be implemented prior to new water use.

Chairman Weingart asked the difference between this amendment and the amendment that was turned down. Ms. Carluccio explained that this is targeted towards the most severe deficit areas (0.25 up to 7.1mgd). It addresses about 50 HUC 14s. In addition, the Water Use and Conservation Management Plans are another way of addressing and allowing the conditional use of water in these subwatersheds but that the Plan has to be put together for the subwatershed before you take any water.

Ms. Letts and Mr. Schrier asked for clarification. Ms. Swan explained using the Proposed Consumptive or Depletive Water Use table. Mr. Schrier asked why these two additional boxes on the table were not initially included in the green shading. Ms. Swan explained that the Plan was revised to be stronger, due to comments received, but Ms. Carluccio is asking to include the highest deficits and the highest withdrawals. No projects would move forward until a Water Use and Conservation Management Plan is in place for the entire HUC14 subwatershed. Mr. Dillingham reiterated that this is utilizing what the RMP already has – which is the use of Water Use and Conservation Management Plans. None of the language is strong enough to serve the purpose that the highest deficit areas have Water Use and Conservation Management Plans in place and be implemented first. Ms. Letts expressed concerns about these plans being able to be implemented across boundaries. Ms. Swan explained that all municipalities are required to do these plans in Plan Conformance but only on a municipal level currently. She also stated that the mitigation policies do have a threshold applied – it isn't that development can't continue in the area, once you have reached the threshold you just have to have a plan in place to move any new projects. Ms. Letts asked about the Plan needing to be in place for the subwatershed. She stated that you cannot have something in place for a subwatershed.

Mr. Alstede stated that even a single person can fall under this. Mr. Borden stated he is not sure that this is what is on the table regarding nonconforming municipalities. Ms. Carluccio stated that this is not changing the water deficit program. She explained what is required in the Water Use and Conservation Management Plans. She is asking for a mitigation plan to be implemented and demonstrated (with quantifiable data) how the deficit will be addressed. The plan needs to be implemented before increasing the deficit. Chairman Weingart clarified that a project couldn't go forward unless there was a subwatershed plan in place. Ms. Carluccio read the preamble to 2B8b on page 156. Where these plans are being done, they have to be implemented before additional water use is allowed. Ms. Letts stated that she has a problem with requiring things that cannot happen because there is no governmental entity at the subwatershed level. Mr. Cogger stated that if there is a plan in place that happened during conformance, then it needs to be implemented prior to the new water use; but if there is not a plan in place then it is site by site. There was clarification that this is a subwatershed plan.

Chairman Weingart asked if Council members were ready to vote on the amendment and then read the Council roll call.

VOTE:

In favor of Alternative 1 to Amendment 1: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Letts, Ms. Pasquarelli, Mr. Peterson, and Ms. Way

Opposed: Mr. Alstede, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the amendment was **APPROVED**.

CONSIDERATION OF AMENDMENT 2

Ms. Carluccio explained that good stewardship should be promoted through the farmland assessment; it will be enhancing the resources.

Chairman Weingart reiterated the suggestion of the Department of Agriculture that the language end after “benefit credits.” Mr. Alstede stated that he will offer the amendment to stop the statement after “benefit credits.” He introduced the motion for this amendment and Mr. Cogger seconded the motion. Mr. Cogger discussed his support for Mr. Alstede’s amendment.

Ms. Carluccio spoke against the amendment as adjusted discussing the value that is attached to standing trees and forests. She explained that there is economic value within protecting the forest. Chairman Weingart asked if Council members were ready to vote on Mr. Alstede’s proposed amendment to the original amendment and then read the Council roll call.

VOTE:

To amend the proposed amendment to stop with the language “stewardship benefit credits.”

In favor: Mr. Alstede, Ms. Calabrese, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Vetrano, Ms. Way, Mr. Whitenack, and Chairman Weingart.

Opposed: Ms. Carluccio and Ms. Pasquarelli.

Ms. Pasquarelli stated that she was not convinced that as suggested that this amendment made sense. If this was a new program then it needed to be stated as such but as written this is not clear. Mr. Alstede discussed that there are mechanisms that may be explored. Mr. Weingart clarified that the amendment applied to decisions by the Council rather than through municipalities. Chairman Weingart asked if Council members were ready to vote on the proposed amendment as amended and then read the Council roll call.

VOTE:

On the amendment to stop with the language “stewardship benefit credits.”

In favor: Mr. Alstede, Ms. Calabrese, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Ms. Way, Mr. Whitenack, and Chairman Weingart.

Opposed: Ms. Carluccio, Mr. Dillingham, and Ms. Pasquarelli.

Chairman Weingart announced that the amendment was **APPROVED**.

CONSIDERATION OF AMENDMENT 3

Mr. Dillingham proposed that this amendment be addressed in two parts; first discussing Objective 1D4i(4) regarding the modification of 300 foot buffers and then 1D4i(5). Chairman Weingart asked if members were clear and reminded them that the Council has had extensive discussion of these proposed amendments.

Part 1. Highlands Open Waters and Riparian Areas – Objective 1D4i to delete (4)

Ms. Carluccio noted that this buffer has been proven to be necessary. This objective as written will encourage municipalities to reduce buffers. Mr. Schrier stated that the science on buffers isn’t

definitive and that this amendment is too intrusive to planning by municipalities. Chairman Weingart asked if Council members were ready to vote and then read the Council roll call.

VOTE:

In favor: Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli, and Ms. Way.

Opposed: Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the amendment did not pass.

Part 2. Highlands Open Waters and Riparian Areas, Objective 1D4i to delete (5)

Mr. Dillingham explained this is an amendment regarding Highlands Redevelopment Areas. Ms. Carluccio clarified that this applies to undisturbed areas. Ms. Pasquarelli asked for clarification. Ms. Carluccio stated that in a redevelopment project an undisturbed area can be disturbed. Ms. Letts stated that in redevelopment, there has to be some flexibility with this. She explained that improvements are necessary and restoration is much needed – flexibility is the only way to get this. Mr. Dillingham reiterated that this is where there is an undisturbed buffer area. The high quality buffer that remains should be maintained. It is important to retain resources where they already occur. It does allow buffers to be reduced down to 150 feet for Category Two waters. Ms. Carluccio restated that this does allow down to 150 feet, so there is some flexibility. She explained that pocket parks and small vegetative areas are important. The most conservative approach is to protect the areas that are already there. She spoke about smart growth and low impact development. There are many benefits including the need of a buffer for a healthy stream. These open areas that exist should be preserved.

Mr. Alstede asked how no net loss is accomplished. Ms. Swan stated she can show an example. Mr. Cogger asked about existing conditions and what buffers would be required. Ms. Swan reiterated that this amendment only applies to redevelopment areas. There is a redevelopment waiver that must go before the Council and the waivers would have to go before NJDEP as well in the Preservation Area. There is an application currently before the Council – Ms. Swan showed an example of an application that currently exists. The site is adjacent to a Category One stream. This amendment would not allow this application to come before the Council. The current proposal would intrude on the 300 foot buffer by 50 feet, but there will be a vegetative buffer put into place (where agriculture now exists) to help protect the river. The result could be that the functional values of the water were improved. The Council will approve redevelopment site designation and then NJDEP has to approve the waiver. Currently there is a waiver for sites such as this but the amendment would not allow an application that would seek a buffer reduction for a Category One stream. Ms. Carluccio asked for Ms. Swan to explain what could be done if this example wasn't a Category One stream, but a Category Two stream. Ms. Swan explained that under this amendment the buffer would be allowed to be reduced to 150 feet or what is allowed under the State requirements.

Mr. Alstede asked about agricultural economic loss that could occur with the change proposed in this process. Ms. Swan stated that this is with a response to the applicant's desires for use of the property. Chairman Weingart stated that he believes that the Regional Master Plan is a rather rigid

and protective plan, but there are a few areas for flexibility and the amendment would remove flexibility. Ms. Pasquarelli disagreed – this amendment is strict but it goes with the mandate of the Act. She believes the entire Plan is flexible. The Council needs to protect open waters. The amendment is strict but not unreasonable. The Act is about limiting development to protect the water resources. She isn't unsympathetic to how this is affecting people, but it is the Council's charge to implement the Act. Chairman Weingart asked if Council members were ready to vote and then read the Council roll call.

VOTE:

In favor: Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli, Mr. Peterson, and Ms. Way.

Opposed: Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the amendment did not pass.

CONSIDERATION OF AMENDMENT 4

Mr. Dillingham reviewed the proposed amendment. He stated that at the last meeting it was stated the phrase "land improvement" should be added to the statement before "development." Mr. Cogger suggested adding "when converting land from." Mr. Schrier asked for an amendment for a small change in language – to add "when converting land to non-agricultural uses" and deleting "excepting permanent buildings for agricultural purposes." Ms. Kovach seconded the motion. Mr. Dillingham explained that these definitions are areas that allow reduction of the buffer.

Mr. Alstede reviewed his discussion from the last meeting on this amendment and the possible issues.

Ms. Carluccio explained that this is why "excepting permanent buildings for agricultural purposes" was added. The Right to Farm process would apply to this. The intent of this amendment is to not have areas that have been farmed be considered permanently disturbed.

Mr. Schrier stated that for simplicity and clarity he would want "excepting permanent building for agricultural purposes" deleted. Mr. Weingart clarified that the proposed amendment to Amendment 4 would include language "when considering land for conversion to non-agricultural uses."

Mr. Alstede asked that within this amendment – if this original farmstead exists in a buffer – how this would be affected. Mr. Borden explained that this would probably fall under an exemption for existing single family dwellings.

There was further discussion about Mr. Schrier's changes and why the initial amendment was worded the way that it was. Mr. Dillingham pointed out the possibility of using this as a reason to reduce the buffer. Mr. Alstede expressed his concern over effecting homesteads present in the buffers.

Chairman Weingart asked if Council members were ready to vote to amend Amendment 4 with Mr. Schrier's proposed language and then read the Council roll call.

VOTE:

In favor of amending Amendment 4, with Mr. Schrier's proposed language

In favor: **Mr. Alstede, Ms. Calabrese, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Ms. Way, and Chairman Weingart.**

Opposed: **Ms. Carluccio, Mr. Dillingham, and Ms. Pasquarelli**

Chairman Weingart then asked if Council members were ready to vote on Amendment 4 as amended. Ms. Pasquarelli asked to read the language. Ms. Carluccio introduced an amendment to Mr. Schrier's amendment to Amendment 4 to add the word non-structural. There was further discussion about the proposal. Mr. Alstede spoke about the position of the Department of Agriculture. The amendment was not seconded and therefore was not presented. Chairman Weingart then read the Council roll call.

VOTE:

In favor of Amendment 4 as amended

In favor: **Mr. Alstede, Ms. Calabrese, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Ms. Way, and Chairman Weingart.**

Opposed: **Ms. Carluccio, Mr. Dillingham, and Ms. Pasquarelli.**

Chairman Weingart announced that the Amendment 4 was **APPROVED**.

CONSIDERATION OF AMENDMENT 5

Ms. Carluccio explained this amendment to Objective 2L2d and that it is mentioned in the Plan that the nitrate levels are based on the background nitrate models. This amendment puts into place the background nitrate model which is discussed in the Plan. Chairman Weingart noted that this is a change in policy rather than a technical correction.

Ms. Swan clarified that where it is mentioned that the nitrate median background model is the basis, it is, but it is in the Septic Density report that the nitrate medians were first looked at for the zones including the Existing Community Zone. She explained what medians were used and the reasoning behind them. The result of this approach in the Plan is that where there aren't sewers, the septic density is equivalent to 1 home per 9.4 acres (2mg/L) and with the amendment it would be approximately 1 home per 16 acres (1.17mg/L).

Ms. Carluccio stated that there was a conscious decision made not to look at the end result regarding septic per acre, but to look at not degrading the water quality. The nondegradation policy is within the program and within the Plan – logically, this needs to be carried out within the Existing Community Zone. To not include this, the Council would be working against itself particularly regarding nondegradation, simply because of development. Mr. Alstede asked about nitrate levels under natural conditions. Ms. Swan stated it was approximately .83 mg/L and Ms. Carluccio reiterated this. Ms. Carluccio further explained what the USGS did during their study. Every HUC14 subwatershed and each zone was analyzed. This is how the nitrate medians were

determined. Ms. Swan stated that in terms of the NJDEP standards for the Preservation Area, the Nitrate median is 0.17, so that may be closer to natural conditions. She clarified that the septic yield analysis that was based on the median nitrates was only for the Planning Area, as the NJDEP regulations govern those septic standards in the Preservation Area. The LUCM Map for septic yields was only for the Planning Area and only for the Conservation and Protection Zone, because of the policy of 2.0 mg/L for the Existing Community Zone which was to be on a project by project basis. Mr. Schrier asked if this is a discussion that was covered several times at prior meetings and it was clarified that this was the issue discussed at other meetings. Chairman Weingart asked if Council members were ready to vote and then read the Council roll call.

VOTE:

In favor: **Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli, and Ms. Way.**

Opposed: **Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, and Chairman Weingart.**

Chairman Weingart announced that the amendment did not pass.

CONSIDERATION OF AMENDMENT 6

Ms. Carluccio reviewed this amendment regarding Objective 2L2e to replace 10 mg/L and substitute 2 mg/L. She stated that this is not a planning tool – this is a tool for safe drinking water. She pointed out that the 2 mg/L is already an easing of the standards. The mandatory clustering will be lowering the groundwater quality within any of those areas in the Agricultural Resource Areas. She believes this forces water degradation in some areas and she doesn't believe this is good planning. There was clarification by Chairman Weingart that this is not allowing for a lower standard than what has been set as the target goal within the Plan for the zone. She argued that this will put those who live in these clusters at risk for unsafe water. Many methods are already being utilized that aren't protective enough. This may result in plumes of nitrate loadings.

Ms. Letts asked about the details on how this standard was reached. Ms. Swan stated that the LUCM zone nitrate standard is not allowed to be exceeded by this provision. The 10 mg/L is only for the developed portion – the policy is still set. Ms. Letts asked that if there is clustering would it include the whole property? Ms. Swan responded that the zone will still meet the standards. It doesn't go against the policy – it will not exceed 10 mg/L. Ms. Swan pointed out that that at a minimum 80% of a site with a cluster will have to be preserved as agriculture or preserved land.

Ms. Carluccio stated that this amendment doesn't preclude clustering – it just means there are less homes in the cluster. Chairman Weingart noted that this will allow less development in the cluster than would otherwise be allowed. The Chairman pointed out that the land owner could build less homes in a cluster than in a traditional subdivision and thus would choose the latter. Ms. Carluccio explained the differences as this is mandatory clustering. She doesn't believe that this is safe and that the same standards for the other areas should apply to the cluster. Ms. Swan responded when questioned that the Council staff believes this to be protective and that they believe it to be safe. Ms. Way noted Ms. Purcell had pointed out the requirements for Farm Conservation Plan. Ms. Swan explained that the Farm Conservation Plan requires that the land in that portion that is preserved in agricultural use must focus on soil and water uses. Mr. Alstede explained that there is a way to monitor fertilizers and nitrates that are applied on crop fields through testing that takes place.

Mr. Alstede noted that the clusters are the only current way to protect and return equity that has been lost. Mr. Dillingham explained that the equity is important, but so are the impacts. Ms. Carluccio stated that her main concern is that the nitrate levels not only effect the people who live there, but also the natural life. Chairman Weingart asked if Council members were ready to vote and then read the Council roll call.

VOTE:

In favor: Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, and Ms. Pasquarelli.

Opposed: Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Ms. Way, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the amendment did not pass.

CONSIDERATION OF AMENDMENT 7

Ms. Carluccio asked for staff clarification of this issue. Ms. Swan presented language for clarification on this issue. It was proposed to be included in Objective 2L2h: “New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water standards and minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.” Chairman and the Council members agreed that by acclamation and no objection this will be incorporated as a clarifying amendment and is **APPROVED**.

CONSIDERATION OF AMENDMENT 8

Ms. Carluccio asked to separate these two parts, the deletion of “preserved lands” and the addition of the Existing Community Zone to Objective 2L2f. First, to consider the amendment of deleting “preserved land” reference. She explained this amendment. She believes that this objective could result in greater densities within clusters. Her motion is to delete Objective 2L2g and she provided an overview of the issue and its impact on septic system yield.

Mr. Cogger asked for further clarification, which Ms. Swan provided. Ms. Swan also stated that the septic system yields provided do not include preserved lands. As written, and consistent with the approach by NJDEP, preserved lands can be included in their septic yields, but certain criteria in the Plan must be met. There was discussion regarding easements which would require additional analysis. Ms. Swan expressed that the yields given are based without the inclusion of preserved lands.

VOTE:

In favor of the deletion of Objective 2L2g: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Pasquarelli, Mr. Peterson, and Ms. Way.

Opposed: Mr. Alstede, Ms. Letts, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the first part of Amendment 8 was **APPROVED**.

Ms. Carluccio then returned to the addition within this amendment which was to add the language “and Existing Community Zone and all Environmentally Constrained Subzones” to Objective 2L2f. Ms. Swan clarified that as written in the plan, this was to be done on a site by site basis and septic yields for the Existing Community Zone are not included in the mapping for the Land Use Capability Septic System Yield Map. Chairman Weingart explained that this significantly changes staff recommendation and the Plan. Ms. Swan stated that it will change the LUCM map. Chairman Weingart asked if Council members were ready to vote and then read the Council roll call.

VOTE:

**In favor of addition to Objective 2L2f: Ms. Carluccio, Mr. Dillingham,
and Ms. Pasquarelli.**

**Opposed: Mr. Alstede, Ms. Calabrese, Mr. Cogger, Ms. Kovach, Ms. Letts,
Mr. Peterson, Mr. Schrier, Mr. Vetrano, Ms. Way, Mr. Whitenack,
and Chairman Weingart**

Chairman Weingart announced that the amendment did not pass.

CONSIDERATION OF AMENDMENT 9

Chairman Weingart clarified that this amendment would clarify the State agency coordination portion of the Plan. Mr. Vetrano asked for an addition at the end of this amendment. His addition would be “and thus it is not the intent of the Highlands Council for State agencies to use the process of coordination to circumvent this legislative intent but rather to use the information in accordance with their authority as authorized by statute or duly adopted rules...” to the end of the amendment.

Chairman Weingart stated that he was reluctant to accept it as he was trying to strike a fine line between two requirements of the Act. Mr. Schrier seconded the motion for Mr. Vetrano’s addition. Mr. Schrier stated that the statement simply puts a finer point on the statement that the Planning Area and Preservation Area are treated differently. Mr. Cogger expressed his concern with inserting that language and that it may reach further than the Council would like to go and that the Chairman’s statement strikes a fine balance. Mr. Dillingham stated his support for the Chairman’s language as it simply restates the law and clarifies it. He expressed that towns may be looking to the Council for guidance. Ms. Letts stated her concerns about the Planning Area having to accept requirements even if they haven’t chosen to conform. Mr. Vetrano explained that this just further clarifies that this is a voluntary process. Ms. Pasquarelli stated that she supports the statement the Chairman Weingart has made. She explained her frustration with this statement. Ms. Pasquarelli reiterated the misinformation that is being circulated about this issue and thus supports the amendment. Ms. Way expressed her support for the Chairman Weingart’s statement and that she feels that Mr. Vetrano’s addition regarding circumventing legislative intent is too strong. Ms. Way spoke of her experience in statutory interpretation and how statutory language must be read in context. Chairman Weingart asked if Council members were ready to vote on the proposed amendment to Amendment 9 and then read the Council roll call.

VOTE:

**In favor of Amendment 9 with Mr. Vetrano’s addition: Mr. Alstede, Mr. Peterson,
Mr. Schrier, and Mr. Vetrano.**

Opposed: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Letts, Ms. Pasquarelli, Ms. Way, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart asked if Council members were ready to vote on original Amendment 9 and then read the Council roll call.

VOTE:

In favor of Amendment 9 in its original format: All members voted in favor.

Chairman Weingart announced that Amendment 9 was **APPROVED**.

CONSIDERATION OF AMENDMENT 10

Ms. Carluccio reviewed the amendment regarding Policy 2M1. She explained the importance of monitoring of nitrates that are being put into the ground. A monitoring program will help to see how the Plan is working. As Mr. Kibler explained at the last meeting the testing is not expensive – she received an email from him and the test is about \$15. This would allow for the verification that the Plan is doing what it is supposed to do. Chairman Weingart asked for the language “as funding is available” be moved to up to the first part of the sentence. Ms. Carluccio agreed.

Ms. Letts stated that it is disingenuous to include this at this time and she explained that there isn’t funding for this. Ms. Carluccio stated that the Council doesn’t even know if there is no funding. Mr. Schrier presented an example of what might occur under this scenario– where someone is going through a neighborhood and asks to monitor wells, he expressed his concerns about the reactions of home owners – and he asked if this is what would happen.

Ms. Carluccio stated that the Council would develop a program for monitoring. There is data available now and then there can be a monitoring program put into place. She expressed that people would want to know if there is a problem with the water. Mr. Schrier noted that there are already drinking water requirements for testing.

Mr. Peterson stated that he could support utilizing available data. However, to start a new program he was concerned that the Council may not have the appropriate power to do so and shouldn’t be doing it anyway. Ms. Carluccio explained that this would be beyond available data. She is discussing setting a program to see if the Plan is working. This program would be for new development that is going into the Highlands. Ms. Letts expressed concerns about the Council’s ability and power to do this. Ms. Carluccio expressed that this can be done and there could be work with voluntary parties. Mr. Cogger stated that he can support using available data and working with voluntary parties, but would not support going door to door and doing testing. He would prefer using available data and then going forward with additional testing if an issue is found. Mr. Schrier stated that he would support monitoring on a voluntary basis. Ms. Pasquarelli stated that she doesn’t see an issue with adding this – the worst that could happen is that it may not be able to be done. Chairman Weingart asked if Council members were ready to vote the amendment and then read the Council roll call.

VOTE:

In favor of testing for nitrates: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Pasquarelli, Ms. Way,

and Mr. Whitenack.

Opposed: Mr. Alstede, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, and Chairman Weingart.

Chairman Weingart announced that Amendment 10 adding Objective 2M1a regarding nitrates was **APPROVED**.

Ms. Carluccio suggested that Objective 2M1b be considered and Mr. Dillingham seconded. Ms. Carluccio discussed the need to track other pollutants beyond nitrates. Chairman Weingart asked if Council members were ready to vote on the amendment regarding additional tracking and then read the Council roll call.

VOTE:

In favor of the amendment for additional tracking: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Pasquarelli, and Ms. Way.

Opposed: Mr. Alstede, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.

Chairman Weingart announced that the proposed amendment did not pass.

Ms. Letts noted that voting against this amendment does not mean that Council members are opposed to monitoring. Mr. Peterson moved an amendment to Amendment 10. This is to add “other pollutants as enumerated in the Private Well Testing Act” after nitrate related impacts within Policy 2M1. Mr. Peterson introduced this amendment and Ms. Carluccio seconded it. Chairman Weingart asked if Council members were ready to vote the amendment regarding monitoring for other pollutants and then read the Council roll call.

VOTE:

In favor of Mr. Peterson’s amendment to Amendment 10: Ms. Calabrese, Ms. Carluccio, Mr. Cogger, Mr. Dillingham, Ms. Kovach, Ms. Letts, Ms. Pasquarelli, Mr. Peterson, Ms. Way, and Chairman Weingart.

Opposed: Mr. Alstede, Mr. Schrier, and Mr. Vetrano.

Mr. Whitenack abstained.

Chairman Weingart announced that Amendment 10 regarding other pollutants was **APPROVED**.

CONSIDERATION OF AMENDMENT 11

Mr. Dillingham explained this amendment was regarding the scope of Map Adjustments. Ms. Pasquarelli asked if the last part of the amendment could affect the TDR Program. He stated that it may help to foster it. She noted that perhaps it could promote it. The Council should not ignore high value resource areas and allow them to be changed – so this amendment is important. She stated that the limits within this amendment are reasonable.

Ms. Letts asked about the comments from Sparta about data that has not been included. Ms. Letts stated that if there are areas that are incorrect – they need to be addressed even if they address the zones. Mr. Dillingham stated that there is a process for RMP Updates and that these are different than Map Adjustments. Mr. Alstede asked what will happen if a map correction creates a change in zones. Ms. Swan explained that the RMP Updates are for factual information – certain provisions are required for this and the information has to be verified. These factual corrections are RMP Updates and Map Adjustments are totally separate. These can only be approved by the Council and may be to provide more protective status or to ask to change the Protection Zone to the Conservation or other zones – but there is a no net loss provision. There was discussion on how corrections to the maps could affect the zoning. Both processes are clean and separate. Different policies apply, where applicable, which can result in changes.

Mr. Alstede asked for clarification regarding map corrections or adjustments and the changing of zoning. Ms. Swan clarified and gave an example of how both of these policies apply. Ms. Carluccio explained the areas that have been included in this amendment and why they have been included. Essentially, this is to address the “best” of these important areas.

Mr. Dillingham explained that the flexibility within the Plan should not be within the most pertinent areas. Mr. Cogger asked why 1% was added. Mr. Dillingham stated that this was to limit changes through map adjustments. Mr. Alstede stated that there needs to be some flexibility. To simply restrict it and say no – it isn’t the way to go. Chairman Weingart noted that the map adjustment process is rigorous and he believes that it will be unlikely to include even 1%.

Ms. Carluccio spoke about 15% of the areas that were previously more protected and have had protections reduced in the new mapping since 2006. This amendment still allows for some flexibility, but not a lot of flexibility. Ms. Letts expressed that there needs to be some faith in the Council and that they will follow the Plan in their decisions. Chairman Weingart asked if Council members were ready to vote on Amendment 11 and then read the Council roll call.

VOTE:

In favor: **Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli, and Ms. Way.**

Opposed: **Mr. Alstede, Mr. Cogger, Ms. Kovach, Ms. Letts, Mr. Peterson, Mr. Schrier, Mr. Vetrano, Mr. Whitenack, and Chairman Weingart.**

Chairman Weingart announced that the proposed amendment did not pass.

VOTE ON ADOPTION OF REGIONAL MASTER PLAN:

Chairman Weingart read the concluded paragraphs of the Resolution for the adoption of the Regional Master Plan as amended as follows:

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby adopts the Regional Master Plan; and

BE IT FURTHER RESOLVED that the Highlands Council recognizes the need for, and places a priority upon, compensating homeowners, landowners, and farmers for equity lost as a result of the

Highlands Act to the fullest extent possible and permissible under the Act. To that end, the Highlands Council calls upon the Executive and Legislative branches to take the necessary steps to effectuate the landowner equity provisions of the Highlands Act to provide a “strong and significant commitment by the State” to support a reserve fund to capitalize the Highlands Transfer of Development Rights Program and to provide for the acquisition, by fee or easement, of exceptional natural resource value lands and farmlands consistent with the goals, requirements and provisions of the Regional Master Plan and the Highlands Act; and

BE IT FURTHER RESOLVED that the Executive Director, or her designee, is directed to take the following actions:

1. Publicly release the Regional Master Plan and the supporting technical reports, guidelines, comment and response documents, mapping, and any other supporting information after making any final revisions consistent with Council direction; and
2. Transmit the Regional Master Plan to Governor Jon S. Corzine; and
3. Transmit the Regional Master Plan to New Jersey’s Executive and Legislative branches of government, including the State Planning Commission; and
4. Transmit the Regional Master Plan to the governing body of every municipality and county located in the Highlands Region.

Ms. Letts asked that the accepted amendments be given to the Council members next week. Chairman Weingart asked if Council members were ready to vote on the Resolution and then read the Council roll call.

Mr. Alstede read a statement. He said that it has been gratifying to see the progress made on the RMP. He noted that he did not vote in favor of the RMP previously as it did not address all of the mandatory provisions specifically because of the lack of a proper resource assessment, financial component, transportation component, and smart growth component. He stated that he has been very pleased to see that Executive Director Swan, Deputy Director Borden and Planning and Science Director Van Abs have worked with the staff to meet the mandatory provisions. He stated that the requirements of the law have been met although there is still work to be done. The major remaining issue is the lack of a dedicated funding source. He expressed that if the Council had been given the power to levy a water tax, this would not be an issue. He pointed out areas within the Plan that do not make sense. There are concerns that the Highlands citizens shall carry all of the burdens regarding conserving the water for the over 5 million residents in the State. He pointed out the Governor and the Legislature need to correct this egregious wrong. He spoke of the need for conservation outside of the Highlands region. He was concerned that humans were treated with less value than salamanders. He spoke of the value of agriculture as an industry in the Highlands. He talked about fuel costs rising and the need for forestry management. The need to have mass transit and the fact is that environmentalists oppose the Lackawanna Cutoff. He was concerned about the length of time that landowners would have to wait to get paid for what has been taken from them. Mr. Alstede voted no on the Resolution because implementing the Plan without the necessary funding makes no sense.

Mr. Whitenack stated that his reception was limited and requested that he vote out of order. He spoke of all the work that had gone into the Plan. He had sent an email to all of the Council members and hoped they had received it. He then voted in favor of the Resolution.

Ms. Calabrese stated that she was assuming a continued level of respect within the Council and felt that the issues could be addressed, she feels confident in voting yes for the Resolution.

Ms. Carluccio thanked Eileen, Tom, and the staff and that there has been a huge amount of work going to this process. She also thanked the Chairman and stated that he has done a wonderful and amazing job. Although she hasn't agreed with all of the Council members, she admires them and appreciates all of the time and effort that has been put into this. She also recognized the public. She respected the amendments that had passed, but must vote no on the Resolution.

Mr. Cogger stated that he does have reservations regarding land equity and downstream conservation. He spoke of his week, his daughter got married and his family farm was preserved and so the week was interesting. He noted that he has a faith in the people – those in this room, on the Council, and on the staff. He stated that this isn't the beginning of the end – but merely the end of the beginning. The plan isn't perfect, but it sets a framework for going forward, and over time it will improve. Therefore, he votes yes on the Resolution.

Mr. Dillingham expressed his appreciation to everyone. He expressed his concern that the consequences of sprawl have been lost – and they have a real impact. He believes that the Plan must do what it is required to do. The amendments that were passed deal with some of the issues, but not all of them. He is concerned about the general debate which loses sight of what the goal is here. There are serious issues that continue to remain to be dealt with. He was concerned that if he voted on the Plan it would appear that there were not very serious issues still to be dealt with. Thus he votes no on the Resolution.

Ms. Kovach votes yes on the Resolution.

Ms. Letts expressed that all members have been concerned with the equity issue. She believes that a message has been sent to Trenton and that this needs to be dealt with. A water fee would go a long way to resolving this issue. This plan is a work in process, it isn't perfect, but is an incredibly good plan and she is proud of it. She votes yes on the Resolution.

Ms. Pasquarelli supported the issues that Mr. Dillingham outlined. Specifically, she cannot vote in favor because the LUCM lacks proper mapping of the stream buffers and she is not satisfied that riparian areas capture the streams sufficiently. The protection of open waters is important and at the core of what the Council is set to do. She doesn't support the map. The lack of standards is a huge issue, without them the Plan is incomplete. There need to be bright lines. Looking at waivers without set standards is dangerous. She stated that the language is not specific enough and is unclear. The language to "prohibit" and "except" create too many loopholes. Issues with home rule are present, as much power is being handed to the Council in conformance. It was not the intention of the legislation to create a super planning board. Also, land equity hasn't be addressed properly. There are no MOUs with COAH or other State agencies. She cited the bill A500 which is being signed today and mentions the Highlands Council many times– she has heard that there is language in there that the Council may force municipalities to upzone. But there has been no discussion on this. There needs to be discussion about this bill. The language of the Plan doesn't fulfill the

mandates. She is not of the mind that a weak plan is not better than no plan. She thanked her colleagues. She votes no on the Resolution.

Mr. Peterson thanked Eileen and Tom and the staff – it has been an onerous group effort. He respects the hard work that they have done. He spoke of the receipt of emails on weekends when the staff members were working and his respect for that. He stated that the amendments are not a reflection on the work that the staff has done – which has been impressive. They reflect a difference in opinion on policy. He mentioned the complete and impressive work that had been done. He spoke about the Act itself and the Plan. The water is the basis and that is because it is a basic necessity. He spoke of the search for water currently on the Planet Mars. Water is critical for life, therefore the Plan is important. He stressed the need for protection of the water for over 5 million residents of the State. He said that the Act and the work are valid and important. He stated that he agrees with Mr. Alstede regarding some of the equity and economic issues. He encouraged the Legislature to work on those issues. He looks forward to moving forward and votes yes on the Resolution.

Jack Schrier stated that there are different perspectives on different issues. He told a story about 2 farmers and an argument over a cow to illustrate his point. The point is, you hear different perspectives as we come from different backgrounds. Initially, the task force considered dividing the Highlands into 3 areas. It was agreed that the 3 areas may be too complicated, so it was reduced to 2 areas. At that time the task force had no idea of the complexity – the Plan is not perfect it is crafted by human beings who are not perfect. He is wearing a ‘save the Highlands’ sticker as he believes adopting the plan will protect the Highlands. He votes yes on the Resolution.

Mr. Vetrano expressed his appreciation for the staff – and noted that with their level of professionalism he would hire them. He spoke of the first time he met Executive Director Eileen Swan on the shores of the Wanaque reservoir and her commitment and dedication. He then spoke of the loyalty of Tom Borden and his admiration for that quality. He spoke of the difficult task that the Chairman faced. Chairman Weingart conducted himself through all the thorny issues like a true expert. He addressed a comment that was made about the pin on his lapel and asked that his patriotism and environmental stand never be questioned. Mr. Vetrano explained that 4 years ago he stood and watched the Highlands Act get signed into law. There was optimism in the air. There was the opportunity to protect the drinking water and protect the rights of property owners with the collaboration amongst the state, local government, and the people. Doing so would protect the quality of life and economic sustainability. However, at this point, he believes that the Council has failed to reach those goals. There has not been equal effort and research for sustaining the economic vitality of the Highlands. A key, and wholly overlooked, provision in the Highlands Act called for equity and fair compensation to property owners in the Highlands adversely impacted by the Act and the Highlands Regional Master Plan. To date, neither the Governor nor the Legislature has put forth a credible means of providing for an adequate, sustainable funding source, to acquire the property of residents adversely impacted and willing to sell their land. The agricultural community will suffer the greatest and will carry the largest percentage of the burden for protecting the water. Failure to receive funding and the failure to recognize the affordable housing issue will lead to the Plan’s demise. This is a lost opportunity, which has turned into regulations without the consideration of consequences. The RMP does not resemble what the Legislature wanted. He again thanked the staff for their dedication. He votes no on the Resolution.

Ms. Way thanked the staff – particularly Eileen and Tom. She thanked her colleagues on the Council. She understands that there are equity issues. She stressed the need to have a plan to move forward. But she trusts that the Council will make the appropriate decisions to protect water. She stated that there are water deficits – and she has met those who are being negatively affected by it. She has been confronted by a woman who must decide whether to bathe her child or wash clothes so the concerns are real. She likes to move forward – many amendments have been approved and she looks forward to continued public input. She votes yes on the Resolution.

Chairman Weingart votes yes on the Resolution.
(Applause)

Ms. Letts thanked the Chairman on behalf of the Council for doing a great job.
(Applause)

VOTE: ADOPTION OF THE REGIONAL MASTER PLAN

IN FAVOR: Ms. Calabrese, Mr. Cogger, Ms. Kovach, Ms. Letts,
 Mr. Peterson, Mr. Schrier, Ms. Way, Mr. Whitenack,
 and Chairman Weingart.

OPPOSED: Mr. Alstede, Ms. Carluccio, Mr. Dillingham, Ms. Pasquarelli,
 and Mr. Vetrano.

Chairman Weingart asked for a motion to adjourn and it was moved and seconded.

<u>Vote on the Approval of the Minutes</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede						✓
Councilmember Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger	✓		✓			
Councilmember Dillingham			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli						✓
Councilmember Peterson						✓
Councilmember Schrier		✓	✓			
Councilmember Vetrano			✓			
Councilmember Way			✓			
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

PUBLIC COMMENTS SUBMITTED

Good morning, Ladies and Gentlemen. I am Julia Somers, Executive Director of the New Jersey Highlands Coalition.

Thank you for giving us this opportunity to comment on the draft Regional Master Plan and on the amendments proposed. Because we have so little time to speak today, and so much to say, my colleagues Elliott Ruga and Mark Zakutansky will speak specifically to the New Jersey Highlands' Coalition's position on the amendments you are considering today.

To put the importance of what you are about here in context, I will quote from a recent book, "The Blue Death: Disease, Disaster and the Water We Drink" by Dr. Robert D. Morris. He is a nationally prominent epidemiologist who specializes in waterborne diseases. "For every gallon of water in the world, less than half a cup is fresh. All but one tablespoon of that is locked away in glaciers and the polar icecaps (global warming notwithstanding.) Most of the world's liquid freshwater lies buried below the surface as groundwater. If we want to find a drop to drink, we can, of course, follow the diviner's twitching stick and burrow underground, but rainwater, the very essence of life, crawls slowly into the earth. *It can take hundreds of years to replenish an aquifer.* Growing cities ultimately must either find a source of surface water or stop growing, but they have a minute fraction of the world's water to draw from. From each gallon, *less than one drop* flows freely on the surface in lakes, streams, and rivers. On that fraction of a drop, the future of water depends."

A pretty dramatic reminder of the importance of your work for the future of the entire State – not just for those of us who live in the Highlands, not just for the nearly 5 million people who live outside the Highlands but depend on Highlands water – but also for the State's economy.

develop. The State has been asleep at the wheel in their oversight, but the legislature woke up at the last minute and put you in charge of fixing things. You must not disappoint the 5.5 million people depending on you to get this right. The State has told you to make the hard decisions for them – so don't punt on your responsibility.

Other key amendments for instance address the need to maintain minimum 300 foot protective buffers around Highlands streams, distinguishing between natural and hardscape disturbance when restoring stream buffers, the mandate not to pollute our groundwater with nitrates, and the need to keep science-based changes to the Plan limited to the conformance process.

So on behalf of all Coalition members, we urge the Council in the strongest terms to withhold support for the plan unless the amendments before you today are approved.

Thank you.

My name is Hank Klumpp. I own
150 beautiful - but worthless - acres in
Hunterdon.

①

It has been almost 4 years since one swipe of a pen changed my life and my family's life forever. Politics is running my farm. People who know nothing about farming and have never set foot on my farm are trying to tell me about my land — land that has been cared for and protected by my family for generations. My family is now being punished for maintaining our land and discarding the numerous offers that we — for years — have received to develop our property.

Now, I'm told people who will benefit from Highlands water should not be

(2)

burdened with a water fee charge.
In other words are you saying - "Hank Klumpp will pay to fill your pools, water your lawns, and keep your golf courses green - free of charge to you - His family will just pay forever!"

Environmentalists are sitting here getting paid - while my farm sits idle - waiting for me to return to my tractor but I'm forced to be here - because it is my property value you are stealing and playing games with.

The Highlands Council is voting on a plan that has fallen short in fairness. There is still no money to

③

compensate landowners. In 2004, Legislators knew compensation would cost billions, but continued to promise that landowners would not be hurt. Trenton has totally failed to - in any way - meet the financial commitment that was made. Land restrictions on my property are outrageous and I'm being forced to wait - maybe forever - for any compensation - my real estate values are gone so what does this do to my equity?

I've been asking for four years to see the scientific study that put my farm into the Highlands Preservation

4

This scientific study does not exist. Politics put my farmland into the preservation area - not science. A road is actually the boundary line on one spot of my farm. A small piece of my land - on the other side of the road - is not in the preservation area - some scientific study!

How can the 394-page Highlands Master Plan be voted on when it is so flawed? The Legislators should realize that the Highlands Bill was poorly designed, should be rewritten and not voted on or put into effect until compensation is in place and boundary

5

lines are based on scientific study. There is land in the preservation area that should not be there. The unmet legislative intent is screaming and you are all wearing earplugs.

I'm hearing about a Highlands Development Credit Bank. Please forgive me for doubting the value of this. It sounds good. But we are talking about billions of dollars. Where is the funding for this coming from? Is this bank empty? When will a TDR Program begin? Will it ever truly compensate people for the life savings they have invested in their land? How

6

can there possibly be enough credits for all people losing their property values and building rights? Let's be honest - can there ever be fair compensation? And who decides what fair compensation is? Landowners should be fully compensated - not one penny should be lost. When dealing with the all-important quality of the lives of people, you can't play games.

If anything should ever go back to the drawing-board - it is

The Highlands Act !!

Hank Klumpp
24 Longview Road
Lebanon, N.J. 08833

908- 832- 7634



65 Main Street
Sparta, New Jersey 07871-1986
Fax: (973) 729-0063

TOWNSHIP OF SPARTA

June 26, 2008

John Weingart, Chairman
New Jersey Highlands Council
100 North Road
Chester, NJ 07930

Subject: Objections to Highlands Regional Master Plan Standards

Dear Mr. Weingart,

I would like to take this opportunity to offer our support for the original intent of the Highlands Act to protect the Preservation Area as approved by the Legislature. The purpose of this correspondence is to voice the concerns and objections of the Sparta Township Council regarding the Highlands Council and New Jersey Department of Environmental Protection (NJDEP) proposed or adopted regulations concerning wastewater standards and review procedures in the Highlands Planning Area (N.J.A.C. 7:38 and &: 38-1.1k) and lack of response to municipal comments. The Township of Sparta objects to any rule or regulation that eliminates the Township's ability as approved by the New Jersey Legislature to opt in or out of the requirements of the Highlands Planning Area. The Highlands Council and Staff have not responded to written comments on the Highlands Regional Master Plan (HRMP) offered by Sparta Township.

The new regulations (rules) are a back door approach to usurp the legislative intent and authority of the Highlands Act. Under the rules, the (NJDEP) will be required to review all major development applications in the Highlands Region including the Planning Area for consistency with the HRMP. NJDEP is charged with considering amending Water Quality Management Plans not consistent with HRMP and receive Highlands Council review and consistency determination prior to acting on any wastewater amendment.

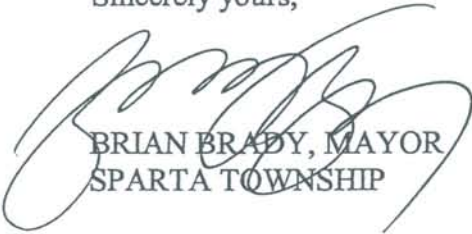
The Highlands Council is currently discussing stricter Water Quality Management Planning standards in the Highlands Planning Area for non-conforming municipalities. This approach is essentially determining land use and density for the Highlands Planning Area, which eliminates the voluntary option of the Plan Conformance process.

The rules are in direct conflict with the intent and purpose of the Highlands Act for the Planning Area by manipulating land use and density prior to the municipal Plan Conformance process to opt in or out as intended in the Highlands Act. We strongly oppose these stringent rules and standards and view any action by the Council of adoption as a misuse of authority and a breaking of the public trust.

The second issue concerns the Highlands Council and Staff's lack of response to the Township's comment letter of February 18, 2008. The baseline data used in the Regional Master Plan fails to recognize over 1,500 land parcels, the Sparta Town Center and public water service in many parts of the Township. This information has been provided to the Council on three different occasions in digital and paper form. This clearly is unacceptable and questions the accuracy and validity of the current version of the Highlands Regional Master Plan.

I can be reached at (973) 729-4493 to arrange a time to speak further on these matters.

Sincerely yours,



BRIAN BRADY, MAYOR
SPARTA TOWNSHIP

CC: Sparta Town Council
Sparta Township Planning Board
Henry Underhill, Sparta Township Manager
Highlands Council Members
Eileen Swan, Executive Director of the Highlands
Governor Jon Corzine
Senator Steven Oroho
Assemblywoman Alison Littell McHose
Assemblyman Gray Chiusano
John Eskilson, Sussex County Administrator
Sussex County Freeholders

adgrose

From: "adgrose" <adgrose@verizon.net>
Sent: Thursday, July 17, 2008 7:19 AM

TO THE COMMISSION, ELECTED OFFICIALS OF THE STATE OF NEW JERSEY,
CITIZENS OF THIS STATE, AND BEYOND.

WE ARE HERE AT AN HISTORIC MOMENT. WE ARE FACED WITH PRESERVING ONE
OF LIFE'S MOST PRECIOUS COMMODITIES. "WATER" OR SQUANDERING THAT
WHICH MAKES LIFE POSSIBLE. WE ARE, OUR BODIES, MOSTLY "WATER". ALL LIFE
CAME OUT OF THE WATER. WITHOUT WATER, LIFE AS WE KNOW IT, CEASES TO
EXIST.

THE SHORTAGE THAT WILL IMPACT OUR LIVES THE MOST IS THE LACK OF WATER.
WE CAN LIVE WITHOUT OTHER NATURAL RESOURCES BUT WITHOUT WATER FOR
"THREE" DAYS, WE DIE. WITHOUT CARS, WE CAN WALK. VERY INCONVENIENT
NEVERTHELESS; WE ARE ABLE TO WALK. TAKE WATER AWAY AND IN "THREE"
DAYS WE ARE DEAD.

WE HAVE THE OPPORTUNITY HERE, AT THIS MOMENT, TO LOOK BEYOND TODAY,
TO LOOK BEYOND ~~PROPERTY OWNERS AND DEVELOPERS~~ TO THE IMPACT OF
OUR ACTIONS NOT ON A FEW BUT THE GREATER POPULACE AND TO THE QUALITY
OF LIFE IN THE FUTURE, THE FUTURE BEYOND OUR CHILDREN TO THEIR CHILDREN
AND FUTURE GENERATIONS. TO SET A PRECEDENCE FOR NOT ONLY THE
IMMEDIATE COMMUNITIES BUT THE STATE OF NEW JERSEY AND BEYOND. TO
STAND UP TO LIMITED, VOCAL PRESSURES BOTH POLITICAL AND ECONOMIC
FOR THE BENEFIT OF THE FUTURE AND THE GREATER POPULATION. TO PROTECT
OURSELVES FROM OUR LIMITED VISIONS SO THAT ALL, NOT JUST A FEW, BENEFIT.
PROTECTING OUR WATER SOURCES IN EVERYWAY POSSIBLE WITH STRONG
PROVISIONS IS AN OBLIGATION THAT EACH OF US INDIVIDUALLY MUST ENACT. IT IS
NOT AN COMMUNITY ISSUE, A STATE ISSUE, IT IS A WORLD SURVIVAL ISSUE. ^{as such} WE
MUST ACT INDIVIDUALLY WHILE THINKING GLOBALLY TO PROTECT OUR MOST
PRECIOUS COMMODITY.

HARRIET GROSE
WINDY HILL
45 PICATINNY ROAD
MORRISTOWN, NEW JERSEY 07960
973 267 4781

Legally we ^{maybe} are owners
of land, ^{however} in the larger
sense, we are
custodians of the
earth.



**Comments
of
The Association of New Jersey Environmental Commissions:
Issues for Council Discussion, July 10
(Proposed Staff Revisions and Amendments)**

**Prepared by David Peifer
Highlands Project Director**

The Association of New Jersey Environmental Commissions offers the following comments regarding the "Issues for Council Discussion, July 10". ANJEC offers these comments in the spirit of constructive criticism to assist the Council in its deliberations.

ANJEC remains seriously concerned about the process and procedures established in the proposed RMP that would require extensive municipal input, decision making, political exposure and funding to effectuate the objective of the plan. Previously we have expressed our concerns to the Council particularly in light of the budgeting and staff situation that appears to exist and is expected to continue into the foreseeable future. In light of these constraints on money and, more importantly, manpower, we believe that the plan should incorporate more proscriptive language in several areas addressed by the proposed amendments. Without clear "bright line" standards, municipalities will have a difficult time conforming to the RMP. Furthermore, several of the processes proposed by staff appear to allow weakening of crucial elements of the RMP.

Draft Plan Conformance Standards (Municipalities)

ANJEC supports the efforts to provide guidance to municipalities on the conformance process. **However, we are extremely concerned that the documents are not finalized and that they are not to be included as a formal part of the adopted RMP.**

Municipalities must have a clear beginning point, particularly those in the Preservation Area which have a statutory compliance deadline. Furthermore, the guidance must be legally legitimate, since municipal actions with "real world" consequences will result. We remain uncomfortable with the continued negotiation prone language of the proposal "We will be refining during conformance to reflect the learning process as we partner with municipalities and counties". The Council should be aware that the current local

control system will usually try to retain the status quo and resist needed changes in a negotiated process. **Without clear and relatively inflexible guidance it is highly unlikely that meaningful change will result.**

ANJEC understands the desire to develop these documents in an iterative way as the process advances. However, this approach will, in our view, result in the loss of regional focus and move the process toward the status quo.

At the onset on conformance, municipal officials must have to have in hand firm, legally defensible documents legitimized by inclusion in the RMP.

Plan Conformance (Counties)

ANJEC appreciates the proposed Master Plan components. **However, we strongly question the legitimacy, under the MLUL, of counties developing regulations since they have no statutory land use provisions, except for reviews of drainage, roads, and projects impacting county facilities.** We would also note that there appears to be no provision for resolution of differences between municipal and county conformance positions.

Staff Revisions

Historic, Cultural and Archaeological

ANJEC opposes the proposed revision. Previous language has been weakened to now "encourage the creation of (an) advisory historic preservation body". Protection of historic, cultural and archaeological resources in the Highlands region is one of the weakest parts of the existing planning framework. The objection to establishing formal commissions by Council members indicates the degree of this weakness. **The protection of these at risk features of the Highlands will be better served by mandating the establishment of Historic commissions with duties and powers established by statute.**

Water Conservation

ANJEC supports the concept of coordination of water conservation programs. However, exclusive coordination with NJDEP is not sufficient or effective. To succeed, the process must include the BPU, water purveyors, municipalities and major water users within and outside the highlands.

Highlands Open Waters

ANJEC strongly objects to this provision. The extension of modification procedures to Category One waters exacerbates the previously unacceptable provisions of 1D4i, 4 and 5. ANJEC strongly supports 1D4i, (1) (2) and (3) since these provide the necessary local focus for addressing the protection, preservation and enhancement of riparian buffers. **However, we can find no compelling reason to allow disturbance of existing intact buffers in redevelopment areas.** The simple creation of a process that facilitates this unacceptable result is wrong headed and not scientifically supportable. Buffers are important where they are and are not "fungible". **Extending this ill conceived process to C-1 waters accepts the position that the DEP rules are adequate to protect**

highlands waters and is a loss of the Council's mandate to protect, restore and enhance surface waters. Finally, allowing these difficult and scientifically dubious discussions to take place at the municipal level greatly reduces the scientifically valid protection of riparian zones.

Agricultural Cluster

ANJEC does not support this revision since ANJEC remains opposed to mandatory clustering on agricultural lands.

Amendments (as of July 16)

Amendment 1: *Strongly support*

ANJEC remains concerned about the complex series of policies, goals and objectives crafted to allow continued development within water deficit areas. **Overall, the amendment that provides a prohibition of development in these areas until verifiable deficit reductions has occurred is a prudent approach.** ANJEC supports the amendment.

Alternate Amendment 1: *Conditionally Support*

ANJEC supports the addition of the proposed language. However, the definition of "high deficits" must be provided. **ANJEC suggests the figure of 50,000 gpd rather than the 250,000 gpd proposed.** This threshold is based on the DEP Rule water allocation permitting threshold for the Preservation Area.

Alternative Amendment 2: *Support*

ANJEC supports extending these GPOs to the Existing Constrained Areas to prevent increasing water deficits that could impact adjoining subwatersheds.

Overall, ANJEC believes that the first position (Amendment 1) is the most desirable

Amendment 2: *Support*

ANJEC supports the amendment. Use of credits derived from existing conservation programs such as W.H.I.P. could prove useful in encouraging on-going stewardship on forest lands. ANJEC recognizes the concerns arising from possibly re-opening the farmland taxation statute but suggests that the Council should retain the option to explore alternative approaches.

Amendment 3:

ANJEC is extremely concerned about current staff proposals related to 1D4i (5). We are equally concerned about the provisions of 1D4i (4). ANJEC supports the production of subwatershed-based Stream Corridor Protection/Restoration Plans through Plan Conformance. ANJEC supports Objectives 1D4i (1), (2), and (3). **The use of a functional values analysis at the municipal level is not recommended. We are seriously concerned about narrowing buffers anywhere in a stream system since loss of buffer function within a developed node may irretrievably impact the entire downstream reach.**

Part 1: Support

Part 2: Conditionally Support

Although this amendment may result in more effective protection, we question the administrative complexity and the availability of scientific expertise to review proposals.

Amendment 4: Strongly Support

ANJEC supports the proposed definition of disturbed area since non-structural agricultural uses can usually be restored to achieve most if not all riparian buffer benefits. ANJEC recognizes that this issue has been a matter of concern from the DEP. This error need not be repeated by the Council.

Amendments 5: Strongly Support

ANJEC supports the use of median nitrate levels of 1.17 mg/l in the in the ECZ on a project-by-project basis where new development is proposed on septic systems.

Amendment 6: Conditionally Support

Reducing the limit to 2mg/l is the new statewide minimum. ANJEC would prefer utilizing the median zone concentration.

Amendment 7: Conditionally Support

ANJEC does not support the use of the 10mg/l drinking water standard for planning and development review purposes. This criterion is a *human health related* standard. Use of this standard in project review will pose an unacceptable human health risk (no safety margin) and unaccounted for risks to groundwater quality since other sources of nitrate contamination such as agricultural and lawn fertilizers, animal manure, and wildlife sources are not accounted for. Although treatment using distillation, ion exchange or reverse osmosis is feasible and can address human health concerns this approach may not address the other contaminants that accompany nitrate in groundwater. Operation and maintenance of individual treatment systems over time may be problematic.

Amendment 8: Support

Preserved lands do contribute to groundwater recharge, provided they are not wetlands. However, the allowable land uses on preserved lands vary widely and may include those that produce heavy nitrate loadings (preserved farmland). The model being used does not include additional other sources including air deposition, wildlife contributions and fertilizer applications. Including preserved lands in the calculation will increase the septic system yield for the HUC 14. However, since these lands cannot support additional development, including septic systems, this increase will need to be distributed to the remaining undeveloped lands within the HUC. It is unclear if this process would result in actual nitrate contamination exceeding their median targets. These uncertainties are resolved by removing the preserved lands from consideration in calculating septic yield.

Amendment 9: Support

ANJEC supports the amendment since it tracks the statutory and regulatory requirements of the Act, the DEP rules and the issue of voluntary conformance.

Amendment 10: *Support*

Since the RMP, at numerous points, utilizes nitrate concentrations as a capacity determinant, an overall commitment to monitoring nitrate in the region is warranted.

Amendment 11: *Support*

Map adjustment requests must be carefully controlled. Additions 8, 9, and 10 provide needed restrictions. ANJEC agrees that map adjustments should only be available during conformance and Council initiated plan updates. Addition 10 should read “from a more protective zone to a less protective zone”.

ANDREW DRYSDALE
Land Surveyor
32 East Fox Chase Road
Chester, NJ, 07930
Tel. 908-234-1079 Fax 908-234-1326

July 17, 2008

Highlands Council
100 North Road
Chester, NJ 07930


Environmental extremists and crooked politicians have already done enough damage to this state as well as the entire country. We do of course need to take good care of the environment, but it needs to be done in a reasonable and common sense way that does not do severe damage to people. The reason that the highlands area is still a very nice place is that it was already being taken care of before the unfortunate Highlands Act.

At your meeting last week I said, "The plan is unnecessary because water falls on the entire state and could be collected and filtered. It was reported on NJN News that a company called United Water Company is in the process of building a large water filtration plant."

Today I would like to point out to you and the Governor and the Legislature, another reason why this act was not necessary. I do not remember who said it at that last meeting, but it was said that the average amount of water used each day per person was 64 gallons. This sounds reasonable to me. It is said that a person should drink 8 glasses of water per day which amounts to about 1/2 of a gallon. This also seems reasonable although most probably do not drink that much, but get the rest from the small amount that is used in cooking. These figures show that the amount used as potable water is less than one percent of the total usage.

The reality is that people's property rights have been stolen and much time and money has been spent creating a plan so that the people downstream might possibly have cleaner water with which to flush their toilets. Instead, lets flush this Act before it does any more damage.

Sincerely,


Andy Drysdale

cc: Others

SPARTA TOWNSHIP

Highlands Regional Master Plan
Final Draft

Parcel Discrepancy

Legend

Highlands Region

Highlands Preservation Area

Parcels Missed by Highlands

Highlands Parcels- Sussex County

Sparta Town Boundary

Sparta Parcels



4,000 2,000 0 4,000 Feet

1 inch equals 2,000 feet



Prepared By:
Sparta Township
Planning Department
July 2008



6-1
1/17/08
[Signature]

SPARTA TOWNSHIP

Highlands Regional Master Plan
Final Draft

LAND USE CAPABILITY

Public Community Water Systems Map

Legend

- Highlands Preservation Area
- Highlands Region
- Sparta Town Boundary
- Highlands Planning Area
- Sparta Public Community Water System
- Highlands Public Community Water Systems
- Highlands & Sparta PCWS



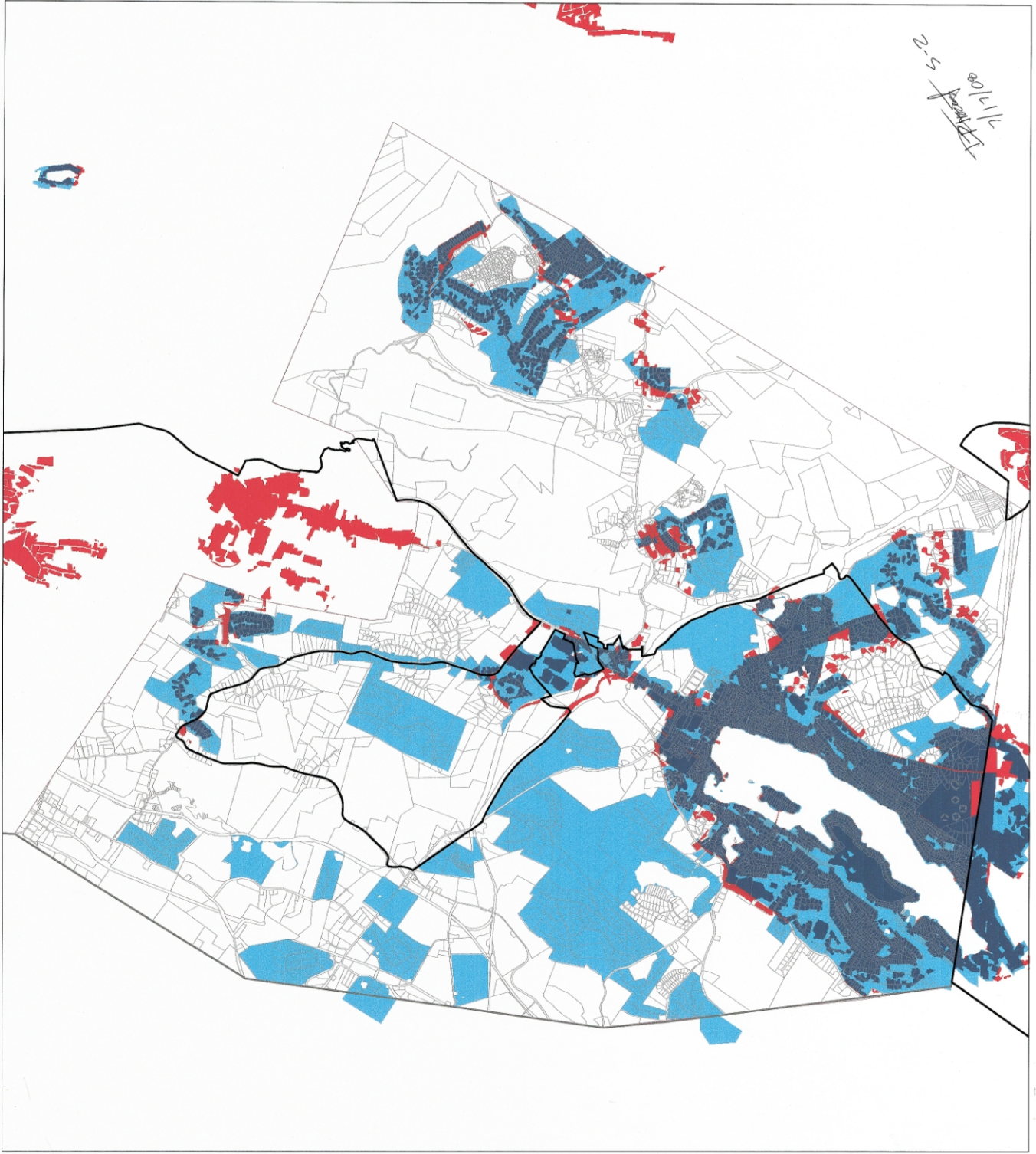
4,000 2,000 0 4,000 Feet

1 inch equals 2,000 feet



Prepared By:

Sparta Township
Planning Department
July 2008



DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL

AMENDMENTS FOR COUNCIL CONSIDERATION

The following proposed amendments to the Highlands Regional Master Plan were prepared by Council members for consideration by the Highlands Council at the July 17, 2008 meeting of the Council. The following amendments are revised from those introduced at the July 10th Council meeting. While the Chairman of the Highlands Council requested that amendments be prepared in advance of this meeting for Council and public consideration, additional amendments or variations of the following amendments may be introduced by Council Members at the July 17th meeting.

Chapter 4 Part 2: WATER RESOURCES AND WATER UTILITIES

Amendment 1

Page 155

Water Deficit Program

DELETE the following: Policy 2B3, Objectives 2Ba, b, and c and Objective 2B8b.

“To conditionally provide water availability within a Current Deficit Area with appropriate standards regarding its use.”

This Amendment would not allow new and/or expanded water uses within Current Deficit Areas until the Current Deficit Area is brought out of deficit.

Areas that are already in deficit or constrained should not be allowed to commit to additional water withdrawals, regardless of mitigation efforts. The deficits should be eliminated through the required Water Management Plans and the RMP Water Use Efficiency Program and other water conservation and re-allocation efforts in cooperation with other agencies and entities. When a watershed is brought out of deficit, then new water uses can be allowed.

If Amendment #1 is not passed, Alternate Amendments 1 and 2 are offered separately

Alternate Amendment 1

Page 157

Objective 2B8b(1)

“Each project shall achieve mitigation ranging from 125% to 200% based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed, and for large consumptive and depletive water uses or high Current Deficits will require achievement of the mitigation prior to initiating the water use.” **ADD: Water Use and Conservation Plans as described in Objective 2B8c shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (Deficits of 0.251-7.100 mgd according to Highlands Council analysis, Table in Water Deficit Policy Options);**

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

If a majority vote of the Council does not approve Amendment 1, Alternate Amendment 1 is offered to address the subwatersheds with the highest (most severe) water deficits in order to avoid further depletion of the water resources of the most overtaxed subwatersheds.

Alternative Amendment 2

Page 155

Policy 2B3, Objectives 2B3a, 2B3b and 2B9b

“To conditionally provide water availability (Conditional Water Availability) within a Current Deficit Area **and Existing Constrained Area** with appropriate standards regarding its use.

If Amendment 1 is not approved, it is assumed that Council supports mitigation as a means of addressing water deficits. According to Objective 2B2e, Existing Constrained Areas are those subwatersheds that drain to areas that are currently in deficit. These areas are not yet constrained but if new consumptive and depletive water uses continue to be approved in the subwatersheds upstream of Current Deficit Areas and if water deficits are not resolved in the Current Deficit Areas (or until water deficits are resolved) the situation could get worse before it gets better for downstream water users. Therefore, the conservative approach is to establish the same requirements for Existing Constrained Areas as for Current Deficit Areas regarding Water Use and Conservation Management Plans and, alternatively mitigation requirements on a project basis, as per Objective 2B8b. This will help prevent new areas going into deficit.

#2

Chapter 4 Part 1 Natural Resources

Amendment 2

Page 135

Highlands Forest Resources

Policy 1B8, Goal 1C, Objective 1C2d. Support incentives and funding opportunities and provide criteria for demonstrating and maintaining intrinsic forest values and societal benefits **through various means including but not limited to the use of stewardship benefit credits in lieu of cash receipts under the Woodland Management Program of the Farmland Assessment program.**

A variety of means of meeting income requirements for the woodland management program, including allowing for credits for forest stewardship instead of cash payments for trees removed and sold, provides benefits to several goals of the RMP, including forest resource protection and critical habitat protection. Cash income requirements push land owners to cut and remove trees, removing their benefits; a credit program for stewardship keeps trees in place and results in enhanced forest values, including water quality benefits of intact forest cover, and habitat.

DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL

#3

Chapter 4 Part 1 Natural Resources

Amendment 3, 2 parts

Page 139

PART 1:

Highlands Open Waters and Riparian Areas

Policy 1D4 Objective 1D4i. DELETE (4).

All streams in the Highlands require a 300-foot stream buffer in order to protect the water quality and ecology of the stream. This 300 foot riparian area has been identified as the minimum buffer needed to protect streams through extensive research by this Council for the RMP and by NJDEP. Towns should not be required to develop plans that will reduce buffer areas in disturbed areas, plans should be aimed at restoring lost buffer areas to the full 300 feet in order to restore and enhance and in order to meet Section 10 and Section 11a(1)(a) of the Act. (Also, see “Why Wide Buffers Are Needed”, distributed last week).

PART 2:

Highlands Open Waters and Riparian Areas

Policy 1D4 Objective 1D4i. AMEND (5):

5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for a Highlands Open Water buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed (delete: “to no less than the extent allowed in State or municipal regulation”) for Category 2 surface waters. The reduced buffers shall provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer, with no net loss in the overall functional value of the subwatershed’s stream buffers and provision of alternative approaches to enhancing or protecting the Highlands Open Water and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision.

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

(4) addresses areas where redevelopment activities can occur within undisturbed buffer areas (with a functional value analysis). How are we going to provide restoration of Highlands streams if we allow existing intrusions to not only continue but to also expand into undeveloped areas? The areas that the RMP is identifying for growth and redevelopment deserve high quality streams; wide riparian buffer areas provide stream protection, riparian area protection and natural vegetation that brings multiple environmental and health benefits to the urban landscape.

Redevelopment can be carried out with the preservation of undisturbed 300 foot riparian areas, even in towns and developed locations. Providing the protection of the minimum buffer to undisturbed areas will head off further degradation of the adjacent stream and will provide a quality environment for the redevelopment area. Both are necessary in order to meet the goal of Section 10 and 11.

#4

Chapter 4 Part 1 Natural Resources

Amendment 4

Page 139

Highlands Open Waters and Riparian Areas

Policy 1D4 Objective 1Db, d, e, f, and i. ADD: For purposes of this section, historical or current agricultural land uses, excepting permanent buildings for agricultural purposes, shall not be considered “development”, “land disturbances”, or “land uses”.

Agricultural land use does not permanently change the function of a riparian buffer. While these riparian areas may be in need of restoration to a natural riparian condition through restoration plans, they should not be considered as areas that are built upon, qualifying as “existing development” where new development can be located within the 300 foot riparian buffer.

#5

Chapter 4 Part 2 Water Resources and Water Utilities

Amendment 5

Page 170

On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2d “Use a nitrate target of (~~DELETE 2mg/L~~) 1.17 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.”

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

As per Chapter 3, Part 2, Subpart f, the nitrate targets are based on background median concentrations for the applicable zone. For the Existing Community Zone the nitrate target should be 1.17 mg/L, based on the median concentrations of nitrate in ground water in that zone.

#6

Chapter 4 Part 2 Water Resources and Water Utilities

Amendment 6

Page 170

On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2e. “New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the LUCM Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed **2 mg/L** (or **1.17 mg/L** if Amendment #5 is accepted) or any more stringent requirement as required by NJAC 7:15.”

According to the RMP, nitrate levels in groundwater need to be controlled. According to Chapter 3, Part 2, Subpart f (page 86), the background median nitrate concentrations are used to set nitrate targets for the Zones. But this policy allows the developed portion of a cluster to rise to 10 mg/L. Ironically, this is the area that will most need protection from nitrate loading.

The clusters that will be built using septic systems will be built where the background nitrate levels are already highest, according to RMP scientific research (Conservation Zone). Additionally, concentrating septic systems into a cluster exposes a relatively small area to nitrates from septic loading, air deposition, and other pollutant sources such as adjacent runoff and ongoing agricultural activities. These cluster areas should be required to maintain 2 mg/L in order to prevent “hot spots” or pollution plumes. These pollution plumes can contaminate wells in the cluster (both in the short term and over time) and endanger other water sources that are hydrologically connected as well as pollute the base flow of streams (benthic life and other fish and fishlife are affected by excessive nitrates). It is too risky to allow the density for a cluster nitrates to be based on 10 mg/L, which is the safe drinking water limit (not a planning tool).

Please see attached “Further background discussion of Nitrate/Clustering 7.17.08”

#7

Chapter 4 Part 2 Water Resources and Water Utilities

If Amendment 6 fails, then Amendment 7 is offered:

Amendment 7

Page 170

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2e. “New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the LUCM Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L, without treatment, or any more stringent requirement as required by NJAC 7:15.”

In order to protect the groundwater that is providing drinking water and stream base flow, cluster developments must be required to be designed so that the septic density for the project will not violate the state’s health-based nitrate drinking water standard. To allow a project that will have to rely on nitrate treatment technology to meet 10 mg/L nitrate at the tap and would otherwise not be able to meet that standard, we will be developing “hot spots” of nitrate pollution in the local groundwater that will have no chance of being renovated to a healthy level due to nitrate loading from new development. The areas where clusters will be developed are often the very areas where agricultural use has resulted in elevated nitrate levels; the likelihood of encountering elevated background nitrate levels is high. Concentrated development may also contribute additional sources of nitrates beyond what a model assumes as a safety factor.

In order to protect public health and the water quality of aquifers and streams, nitrate levels cannot be allowed to exceed nitrate targets; allowing density to be based on 10 mg/L with treatment will allow the groundwater and receiving streams to exceed the established nitrate target. Also, how will we track and ensure that people who buy these new homes maintain the required treatment systems on their wells? We as a Council are taking on a lot of responsibility and oversight requirements by allowing new building to occur that must have treatment systems to meet minimum human health standards. Elevated nitrates have serious health impacts; “blue baby syndrome” famously among the tragic consequences of nitrate pollution.

#8

Chapter 4 Part 2 Water Resources and Water Utilities

Amendment 8

Page 170

On Site Wastewater Systems (Nitrates)

Policy 2L2 Objective 2L2f. “Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation, Protection, and Existing Community Zone and all Environmentally Constrained Subzones for each HUC 14 subwatershed, taking into account the nitrate target, the HUC 14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or under developed. (delete “preserved land ” reference)

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

DELETE 2L2g (counting preserved lands in calculating septic system yields).

In order to ensure that subwatersheds in the Existing Community Zone and the Environmentally Constrained Subzones meet the nitrate target and are sufficiently protected during drought, the capacity for each HUC 14 to develop must be based on the nitrate target. If planning is not done based on meeting the nitrate target for each HUC 14, we are allowing for the degradation of some HUC 14s. These HUC 14s are most likely where local development will go, which exposes the public to nitrate pollution and can lead to “hot spots” or high elevations of nitrates in groundwater. This will result in pollution of the aquifer, water supply, and streams.

Preserved land should not be counted when calculating the septic system yield of a development. Offsets of nitrate loading from preserved agricultural land is not a well developed practice; as a Council we have not been shown any specific instances where the results of management practices that reduce nitrates have been quantified. In addition, we cannot legislate the type of agriculture (such as nitrate-free farming) that will take place and we do not have the resources to oversee activities on preserved land going forward. While it sounds like we are attempting to reduce nitrate loads from preserved land, in fact we cannot assure this outcome; the conservative approach of not allowing preserved lands to be included in the calculation of septic yields for a development project is reliable, less demanding of Council oversight, and more protective of public and environmental health.

#9

**SUBPART D Federal, State and Regional Agency Coordination: Issue Overview
AMENDMENT**

Amendment 9

Page 368

1. Delete 2nd and 3rd paragraphs (those beginning “For a regional planning...” and “This extraordinary degree...”)

REASON: Paragraph #2 is misplaced since it relates to County coordination and Paragraph #3 seems redundant with the first paragraph.

2. Add the three paragraphs underlined below.

REASON: To try to clarify that (1) the RMP is voluntary for municipalities and counties in the Planning Area and (2) the Council has an obligation to provide consistency reviews to other State agencies for projects anywhere in the Highlands including in parts of the Planning Area where the municipality has not opted into the RMP.

PAGE 368: Issue Overview

The Highlands Act requires a coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP, and which details how

**DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL**

land, water, and structures managed by governmental or nongovernmental entities in the public interest within the Highlands Region may be integrated into the RMP.

The Act, in Sections 38 through 82 (See Act provisions in Supporting Information), also amends numerous statutes of sister State agencies to specifically require coordinated action to implement the RMP. In these sections, the Act requires consultation between the Council and State agencies to ensure that the RMP is considered prior to State agency action. For plans and other decisions proposed in the Highlands Region, the Council will deliver consistency determinations based on the RMP to appropriate State agencies which will use the Council’s information and recommendations to reach resolution in a manner consistent with their respective enabling legislation or regulatory mandate.

The Highlands Act stipulates that Highlands municipalities and counties are under no obligation to revise local master plans and development ordinances applicable to any parts of the Planning Area to bring them into conformance with the RMP. The Act is also clear that the Council is required to consult with State agencies and, in certain cases, to issue RMP consistency determinations for actions and plans proposed in any part of the Highlands Region.

These requirements for interaction and coordination between the Highlands Council and other State agencies for actions proposed in the Planning as well as the Preservation Area do not negate Sections 14 and 15 of the Act which specify that conformance with the RMP is voluntary for the Planning Area portions of Highlands municipalities and counties.

RETURN TO Page 368-9 for final four paragraphs of Issue Overview, beginning with “
State level coordination between the Council and the Department of
Environmental Protection will be particularly important ...”

The following Objective would have to be changed to be consistent with the above suggested language:

Changed from:

Objective 2K3a. Areawide Water Quality Management Plans, including Wastewater Management Plans and project-specific amendments, shall be consistent with requirements of this Plan. The Highlands Council shall prepare consistency determinations for proposed amendments prior to NJDEP approval in accordance with N.J.A.C. 7:38-1.1 and N.J.A.C. 7:15.

To:

Objective 2K3a. Areawide Water Quality Management Plans, including Wastewater Management Plans and project-specific amendments, **shall be examined for consistency** with requirements of this Plan. **The Highlands Council shall prepare and transmit to NJDEP consistency determinations for proposed amendments prior to NJDEP**

DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL

decision in accordance with N.J.A.C. 7:38-11 and N.J.A.C. 7:38-11 and N.J.A.C. 7:15.

#10

Chapter 4 Part 2 Water Resources and Water Utilities

Amendment 10

Page 171

Refinement and Improvement of Groundwater Resource Management

Policy 2M1: To monitor and assess nitrate-related impacts to water resources within the Highlands Region,

Add Objective 2M1a. To monitor well water and surface water for nitrate concentrations to evaluate background nitrate changes on a HUC 14 basis and to track new sources of nitrates from Highlands development projects on a site specific basis as funding is available.

Add Objective 2M1b. To track other new pollutant inputs from on site septic systems and other sources to Highlands waters that result from development projects through a defined water quality sampling program on a site specific and watershed basis as funding is available.

Monitoring of nitrates is necessary as development projects are approved to ensure that the nitrate dilution targets set are being achieved and are reasonable based on actual nitrate sampling data retrieved. This will protect well water users and streams.

#11

Chapter 4 Part 6 Subpart B

Amendment 11

Page 185

MAP ADJUSTMENTS

ADD to Objective 6G2b:

8. are prohibited in the Preservation Area, Core Forest Areas, Agricultural Resource Areas, Prime Groundwater Recharge Areas, High Integrity Riparian Areas, Critical Habitat Areas and Significant Natural Areas.

9. are allowed only during the plan conformance process and Highlands Council initiated plan updates.

10. are limited to 1% of the total acreage within the municipality when the land is being converted from a more protective zone from a less protective zone (such as Protection Zone to Conservation or Existing Community Zone).

ADD to #3. ...and demonstrates that it will utilize Highlands Development Credits to a degree which ensures a level of protection equivalent to (2) and reduces the net impact on Highlands natural and agricultural resources (as determined by whether

DRAFT – FOR CONSIDERATION AT THE JULY 17, 2008 MEETING
OF THE HIGHLANDS COUNCIL

the proposed change effects the Protection or Conservation Zone respectively) by demonstrating that it will extinguish currently valid exemptions within similarly situated parts of the municipality.

RESOLUTION 2008-27

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ADOPTION OF THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt a Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Sections 11 and 12 of the Highlands Act require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, in the course of developing the components of the Regional Master Plan, the Highlands Council has held seventy-four (74) Council meetings and work sessions and numerous Council committee meetings to gain insight from Highlands Council staff, State agencies, and other interested stakeholders, including the public, regarding various Plan elements; and

WHEREAS, as required by Section 9 of the Highlands Act, in developing the Regional Master Plan, the Highlands Council has consulted and coordinated with many State agencies and authorities, including the Department of Environmental Protection, the Department of Community Affairs, the State Planning Commission, the Department of Agriculture, the Departments of Transportation, Law and Public Safety, Banking and Insurance, and Treasury as well as the Council on Affordable Housing, the State Agriculture Development Committee, the New Jersey Pinelands Commission, the New Jersey Meadowlands Commission, the New Jersey Environmental Infrastructure Trust, the Garden State

RESOLUTION 2008-27

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF THE HIGHLANDS REGIONAL MASTER PLAN**

Preservation Trust, the State Transfer of Development Rights Bank, the Pinelands Development Credit Bank, the New Jersey Commerce Commission, the New Jersey Water Supply Authority, and the North Jersey Water Supply Commission; and

WHEREAS, the Highlands Council also established and met with eighteen Technical Advisory Committees comprised of professionals and other interested stakeholders whose input has been sought on various aspects of the Regional Master Plan, including Brownfield Redevelopment, Community Investment, Cultural and Historic Resources, Ecosystem Management, Eco-Tourism, Education, Geographic Information Systems, Green Construction, Housing, Land Preservation, Land Use Planning, Regional Development and Design, Sustainable Agriculture, Sustainable Forestry, Transfer of Development Rights, Transportation, Utility Capacity, and Water Resource Management; and

WHEREAS, the Highlands Council also held numerous meetings with both elected and appointed county and municipal officials to discuss various aspects of Regional Master Plan development and to gain input from the county and municipal officials on plan development and implementation; and

WHEREAS, with input from the Highlands Council staff, State agencies, the Technical Advisory Committees, professional services firms, county and municipal officials, and the public, the Highlands Council prepared a Draft Regional Master Plan that incorporated the statutorily required components with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, along with the Draft Regional Master Plan, the Highlands Council prepared a Land Use Capability Map and statements of Plan's goals, policies, standards and requirements; and

WHEREAS, on November 30, 2006, the Highlands Council approved Resolution 2006-30 authorizing the release of the Draft Regional Master Plan for public review and comment; and

WHEREAS, the Highlands Council convened a public comment period lasting over one hundred sixty (160) days until May 11, 2007; and

WHEREAS, Section 8.a. of the Highlands Act requires that the Council "after holding at least five public hearings in various locations in the Highlands Region and at least one public hearing in Trenton, prepare and adopt a regional master plan for the Highlands Region;" and

WHEREAS, during the public comment period, the Highlands Council held nine public hearings, at least one in each of the seven Highlands counties and one in Trenton; and

WHEREAS, over the course of the public comment period the Highlands Council received in excess of 3,500 individual comments on the Draft Regional Master Plan from over 1,000 individuals and entities; and

RESOLUTION 2008-27

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF THE HIGHLANDS REGIONAL MASTER PLAN**

WHEREAS, after release of the Draft Regional Master Plan, the Highlands Council held numerous meetings with State agencies, county and municipal officials, and interested members of the public to gain further input on refining the Draft Regional Master Plan; and

WHEREAS, in response to the public comments and other input received from interested stakeholders, the Highlands Council made revisions to the Draft Regional Master Plan and from August 2007 through November 2007, the Highlands Council released revised various sections of the Draft Regional Master Plan for review by the public, including sections regarding the Vision for the Highlands Region, the Goals, Policies and Objectives of the Regional Master Plan, numerous Regional Master Plan Programs, and a new Land Use Capability Map Series; and

WHEREAS, the Highlands Council staff also drafted a number of technical report addenda to address new or revised technical approaches to the previously prepared draft technical reports; and

WHEREAS, on November 19, 2007, the Highlands Council approved Resolution 2007-25, authorizing the release of the Final Draft Regional Master Plan and the Technical Report Addendum for an additional period of public comment; and

WHEREAS, on November 30, 2007, the Highlands Council issued a public notice for an additional public comment period and for three additional public hearings to be held in February of 2008, in Passaic, Morris and Hunterdon counties, on the Final Draft Regional Master Plan; and

WHEREAS, over the course of the public comment period the Highlands Council received additional public comments on the Final Draft Regional Master Plan from over 500 individuals and entities; and

WHEREAS, since release of the Final Draft Regional Master Plan, the Highlands Council has held numerous meetings with State agencies, county and municipal officials, and interested members of the public to gain further input on refining the Final Draft Regional Master Plan; and

WHEREAS, from April 2008 through July 10, 2008, the Highlands Council held additional Council meetings to release various revised sections of the Final Draft Regional Master Plan for consideration by the Highlands Council and for review by the public, including updated and revised sections of the Regional Master Plan and supporting technical information; and

WHEREAS, for its regularly scheduled meeting on July 17, 2008, the Highlands Council announced in advance that it would consider final proposed revisions to the Final Draft Regional Master Plan, consider public comments, and after due deliberation vote on whether to adopt the Regional Master Plan;

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby adopts the Regional Master Plan; and

RESOLUTION 2008-27

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF THE HIGHLANDS REGIONAL MASTER PLAN

BE IT FURTHER RESOLVED that the Highlands Council recognizes the need for, and places a priority upon, compensating homeowners, landowners, and farmers for equity lost as a result of the Highlands Act to the fullest extent possible and permissible under the Act. To that end, the Highlands Council calls upon the Executive and Legislative branches to take the necessary steps to effectuate the landowner equity provisions of the Highlands Act to provide a “strong and significant commitment by the State” to support a reserve fund to capitalize the Highlands Transfer of Development Rights Program and to provide for the acquisition, by fee or easement, of exceptional natural resource value lands and farmlands consistent with the goals, requirements and provisions of the Regional Master Plan and the Highlands Act; and

BE IT FURTHER RESOLVED that the Executive Director, or her designee, is directed to take the following actions:

1. Publicly release the Regional Master Plan and the supporting technical reports, guidelines, comment and response documents, mapping, and any other supporting information after making any final revisions consistent with Council direction; and
2. Transmit the Regional Master Plan to Governor Jon S. Corzine; and
3. Transmit the Regional Master Plan to New Jersey’s Executive and Legislative branches of government, including the State Planning Commission; and
4. Transmit the Regional Master Plan to the governing body of every municipality and county located in the Highlands Region.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of July, 2008.


John Weingart, Chairman

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede				✓		
Councilmember Calabrese			✓			
Councilmember Carluccio				✓		
Councilmember Cogger			✓			
Councilmember Dillingham				✓		
Councilmember Kovach			✓			
Councilmember Letts			✓			

RESOLUTION 2008-27

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF THE HIGHLANDS REGIONAL MASTER PLAN

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Pasquarelli				✓		
Councilmember Peterson			✓			
Councilmember Schrier	✓		✓			
Councilmember Vetrano				✓		
Councilmember Way		✓	✓			
Councilmember Whitenack			✓			
Councilmember Weingart			✓			



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AMENDMENTS TO THE HIGHLANDS REGIONAL MASTER PLAN

Summary of Plan Amendments approved by the Highlands Council

On July 17, 2008, the Highlands Water Protection and Planning Council (Highlands Council) adopted Resolution 2008-27 to approve the Highlands Regional Master Plan. Prior to the approval, the Highlands Council considered numerous amendments to the Regional Master Plan. This overview provides a summary of those amendments. These amendments are presently being incorporated into the Regional Master Plan which will constitute the official version of the adopted amendments.

Amendments approved by the Highlands Council

1. **Water Deficit Policy** – The Council required, in water deficit areas, the successful completion of mitigation for development projects.

Summary: The Plan includes Policy 2B8 to reduce and eliminate water deficits and mitigate any new water uses in deficit areas through Water Use and Conservation Management Plans and individual project reviews. This Council amended Objective 2B8b to require that where a water use plan has not been approved, all projects for new water use must successfully complete mitigation (between 125% and 200% to ensure that the water deficit is reduced).

2. **Water Deficit Policy** – The Council required, in water deficit areas, that successful completion of mitigation must occur prior to any water use.

Summary: The Council amended Objective 2B8b to require, where a water use plan has not been approved, that all projects for new water use successfully complete mitigation prior to initiation of the water use within a project. The amendment clarified that mitigation could occur, in areas where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is not high, prior to or concurrent with construction but that it be successfully completed prior to water use.

3. **Water Deficit Policy – The Council, for the most severe water deficits, required that Water Use and Conservation Management Plans demonstrate a resolution of the deficit and implement the plan prior to any new water use.**

Summary: The Council amended Objective 2B8c to require, during Plan Conformance, that Water Use and Conservation Management Plans demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and that the plan must be implemented prior to initiation of new water uses.

4. **Forest Stewardship Policy – The Council supported forest stewardship through incentives such as forest stewardship credits.**

Summary: The Council amended Objective 1C2d which addresses Council support for incentives and funding for the maintenance of forest resources and the benefits to society these forest resources provide (such as habitat and air and water quality). The amendment added support for various incentives including, but not limited to, the use of stewardship benefit credits.

5. **Stream Buffer Policy – The Council mandated that for 300 foot stream buffers, new development that converts agricultural lands to other uses may not identify the prior agricultural use as a previous disturbance.**

Summary: The Plan, in Policy 1D4, requires a protection buffer of 300 feet from all Highlands Open Waters. The numerous objectives under this policy allow for new disturbances in previously disturbed areas essentially granting relief for prior disturbance. The Council amended these objectives to specifically clarify that for development, where land is being converted to non-agricultural land uses, the historic or current agricultural land uses is not considered previously disturbed.

6. **Well Quality Protection Policy – The Council clarified that drinking water quality for wells will be protected where there is new development using septic systems.**

Summary: The RMP existing policy in Objective 2L2h specifies that well water will be protected from new septic systems. The Council clarified this issue by specifying that systems will be required to ensure that the untreated well water meets the state drinking water quality standards.

7. **Septic System Yield Policy – The Council strengthened the septic system requirements in the Planning Area by excluding preserved land in the calculation of allowable septic systems.**

Summary: The Council deleted Objective 2L2g which previously gave municipalities the choice to include preserved lands in the calculation of allowable septic systems in the Planning Area, which results in a more conservative septic system yield calculation.

8. **State Agency Coordination Policy** – The Council clarified the two requirements of the Highlands Act; that municipalities and counties are under no obligation to conform to the Regional Master Plan in the Planning Area but that consultation between the Council and State agencies is required, by certain provisions of the Act, to ensure that the Plan is considered prior to State agency action.

Summary: The Council clarified the State agency coordination program in Chapter Six to clarify that, notwithstanding the Highlands Act's clear provisions for voluntary conformance in the Planning Area, the Council is required to consult with State agencies and, in certain cases, to issue Plan consistency determinations for actions and plans proposed in any part of the Highlands Region.

9. **Water Quality Monitoring Policy** – The Council strengthened the nitrate monitoring policy to track the impact of new development.

Summary: The Council added a new objective, Objective 2M1a, to monitor, as funding is available, nitrate concentrations to evaluate impacts from Highlands development projects.

10. **Water Quality Monitoring Policy** – The Council added a policy to monitor and assess water quality for a broader range of pollutants.

Summary: The Council amended Policy 2M1 to expand the Council's monitoring goal beyond the assessment of nitrate-related impacts to add other pollutants as enumerated in the Private Well Testing Act.

Summary of Amendments that were not approved by the Highlands Council

The Highlands Council considered and voted not to approve seven other proposed amendments including the following:

- 1) to delete the policy allowing conditional water availability;
- 2) to delete the provision allowing municipalities to seek a modification of a 300-foot buffer through a Stream Corridor Protection/Restoration Plan;
- 3) to delete the provision allowing municipalities to seek buffer modifications for designated redevelopment areas;
- 4) to replace the nitrate target of 2 mg/L in the Existing Community Zone with 1.17 mg/L;
- 5) for cluster development, to replace the 10 mg/L maximum nitrate threshold for the developed portion of a site with 2 mg/L;
- 6) to calculate allowable septic systems for the Existing Community Zone and its environmentally constrained subzone; and
- 7) to limit the land areas and land percentage where the Council can consider a Map Adjustment.