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**DRAFT – FOR CONSIDERATION AT THE NOVEMBER 8, 2007
MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Land Preservation
Version: November 7, 2007

<p>Issue Overview</p>	<p>Public and private investment in land preservation over the years has protected nearly a third of the Highlands Region as perpetual open space. Maintaining the land in a natural condition is necessary to preserve ecosystem integrity and protect drinking water supplies. The Highlands Act contemplates preservation of additional open space resources in order to protect and enhance ecosystem function, protect drinking water resources, and preserve natural and recreational lands.</p> <p>The Highlands Region contains some of the most important forests in the state. These forests are vitally important to every element of the Highlands Region, including the natural and the built environment. Forests provide essential ecosystem functions, including surface water filtration, which is important to protecting essential drinking water supplies for the Highlands Region and for the state as a whole. Forests serve as habitat for plants and animals and are critically important to the maintenance of biodiversity in one of the most populous states in the nation. When managed for sustainable use, forests can be as source of renewable wood products. Forests are a defining visible and functional feature of the Highlands and constitute a majority of critical habitat in the Region.</p> <p>Agriculture is another important part of the essential character of the Highlands Region’s culture, landscape, and economy. It provides important economic benefits to the Highlands Region in the form of agricultural production and agri-tourism, provides food to area residents using less energy than would be required to import produce from other regions and helps maintain the Highland’s rural character.</p> <p>Programs specifically addressing Agriculture and Forestry as economic landscapes are outlined in the <i>Sustainable Agriculture Program</i> and the <i>Forest Resource Management and Sustainability Program</i>. This program addresses land preservation in the Highlands Region holistically.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.1.1.1 To meet the goal for the Preservation Area to preserve the Region’s contiguous forested lands.</p> <p>Policy 1.1.1.2 To limit human development in the Forest Resource Area in</p>

	<p>order to protect and enhance forest resources, critical habitat and the quantity and quality of water resources in the Preservation Area.</p> <p>Objective 1.1.1.2.2 <i>Implementation of regulations through conformance which limit permissible uses within the Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas, where relief from strict adherence to these standards shall be permitted only upon approval of a forest mitigation plan.</i></p> <p>Objective 1.1.1.2.3 <i>To prohibit the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by Section 30 of the Highlands Act.</i></p> <p>Policy 1.1.1.3. To promote the priority use of available funding to acquire forested lands within the Forest Resource Area..</p> <p>Policy 1.1.1.4. To assign land within the Forest Resource Area, a high priority for fee simple and easement and for the use of Highlands Development Credits.</p> <p>Policy 1.5.1.1. To identify and maintain an inventory of private and public open space land holdings and conservation easements in the Highlands Region.</p> <p>Objective 1.5.1.1.1 <i>Create a coordinated and continually updated open space preservation data base of preserved lands and land stewardship activities by municipal, county, state and federal agencies, non-profit organizations and individuals</i></p> <p>Policy 1.5.1.2. To serve as a regional clearinghouse for information regarding funding sources for land acquisition, restoration and enhancement, and long-term stewardship of open space lands in the Highlands Region.</p> <p>Policy 1.5.1.3. To provide assistance to land acquisition efforts of public and private organizations in order to maximize land preservation efforts in the Highlands Region.</p> <p>Objective 1.5.3.2. <i>Creation of an open space preservation and land stewardship technical assistance program.</i></p> <p>Policy 1.5.1.4. To identify and maintain an inventory of lands within Conservation Priority Areas which should be preserved as open space.</p> <p>Objective 1.5.1.4.1. <i>Creation of a current list of lands which are 5 and 10 year priorities for land acquisition in the Highlands Region.</i></p> <p>Policy 1.5.1.5. To promote the establishment of dedicated sources of funding for the preservation of open space lands in the Highlands Region.</p> <p>Objective 1.5.1.5.1. <i>Establishment of a dedicated source of state revenue to be used for open space preservation in the Highlands Region, such as coordination with NJDEP Green Acres Program for re-authorization of the Garden State Preservation Trust Fund, including a dedicated fund for the anticipated land acquisition needs of the Highlands Region. Also the imposition of a water user fee.</i></p> <p>Objective 1.5.1.5.2. <i>Establishment of dedicated sources of state revenue for a reserve fund to capitalize the Highlands Transfer of Development Rights Program.</i></p> <p>Objective 1.5.1.5.3. <i>Establishment of an on-going program to secure significant federal funding in support of land acquisition and stewardship efforts in the Highlands Region including, but not limited to, additional appropriations under the Federal Highlands Conservation Act.</i></p> <p>Objective 1.5.1.5.4. <i>Establishment of an on-going program to seek funding for land acquisition and stewardship from unique sources of funding such as federal and state court-imposed fines for environmental damage, gifts, endowments and donations.</i></p> <p>Objective 1.5.1.5.5. <i>Establishment of a dedicated source of revenue for the preservation and land stewardship of open space through a surcharge on public water supply system rates for any system that directly or indirectly relies on Highlands water resources for more than 5 percent of their annual needs.</i></p> <p>Policy 1.5.1.6. To promote the acquisition and protection of open space resources within the Highlands Region under existing local and state open space</p>
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	<p>preservation and land stewardship programs.</p> <p>Objective 1.5.1.6.1. <i>Coordination of Highlands Region priority open space preservation and land stewardship activities with the NJDEP Green Acres Program and the State Agriculture Development Committee with regard to land acquisition and preservation priorities in the Highlands Region.</i></p> <p>Objective 1.5.1.6.2. <i>Coordination with NJDEP regarding the review of applications for Green Acres diversions for consistency with the RMP.</i></p> <p>Policy 1.5.1.7. To promote the creation of a Highlands Water Protection and Planning Trust Fund to secure monies from alternate sources of funding to assist in land acquisition and stewardship.</p> <p>Policy 1.5.1.8. To encourage municipalities and counties to establish and fund local open space acquisition and land stewardship programs or to expand existing open space and land stewardship programs.</p> <p>Policy 1.5.1.9. To support legislation to extend the dual appraisal methodology used by the Garden State Preservation Trust for lands in the Highlands Region beyond the June 30, 2009 expiration date to a minimum of five years beyond adoption of the RMP.</p> <p>Policy 1.5.1.10. To promote and facilitate the formation of an interagency working group comprised of representatives of appropriate federal, state and county agencies for the purpose of coordinating open space acquisition activities, including identification of high priority lands for preservation, land stewardship initiatives, and funding needs.</p> <p>Policy 1.5.3.1. To promote the creation of a Forest Preservation Easement Program for the Highlands Region which would be eligible for use by the State Agricultural Development Committee and participation in the Green Acres Program.</p> <p>Objective 1.5.3.1.1 <i>Achieve maximum preservation of working forests through the Forest Preservation Easement Program.</i></p> <p>Policy 3.1.5. To promote farmland preservation within the Agricultural Resource Areas and accord priority to the preservation of agricultural lands within Agricultural Priority Areas, through less than fee acquisition, TDR, and other agricultural land conservation techniques.</p> <p>Policy 3.1.6. To ensure land uses within an Agricultural Resource Area are compatible with and support sustainable agriculture or are compatible with cluster development.</p> <p>Objective 3.1.6.1. <i>Implementation of regulations which limit non-agricultural uses within an Agricultural Resource Area to those uses that support the preservation of farmland, the continued viability of the agricultural industry, or are compatible with cluster development.</i></p>
<p>Program Summary</p>	<p>One of the fundamental aspects of the Highlands Act is the emphasis on land preservation to ensure that public funds and other resources are focused on protection of critical Highlands resources. In order to accomplish this purpose, the case for land preservation and critical issues surrounding preservation must be addressed by the Highlands Council. The Council must create the criteria for the identification of critical lands, the priorities for land preservation, implementation strategies for land preservation and stewardship, and a process to ensure that sufficient financial and institutional resources are available for land preservation and stewardship.</p> <p>Successful land preservation requires four basic ingredients—targeting of land acquisition priorities based on a sound rationale, buyers with funding or other incentives, sellers willing to accept a buyer’s offer, and stewardship of the acquired open space. (Management of working farms and forests are addressed</p>

	<p>in the <i>Sustainable Agriculture Program</i> and <i>Forest Resource Management and Sustainability Program</i>.) Additionally, a federal, State, and county interagency working group will aid in coordinating land acquisition activities, identification of high priority lands, stewardship initiatives, and funding needs.</p>
<p><i>Identification of Critical Lands</i></p>	<p>Program Description An important factor in protecting environmentally critical areas is identifying existing preserved lands in the Highlands Region and the resources that are already protected. A total of 274,675 acres of the Highlands Region are primarily preserved open space or preserved farmland in a combination of federal, State, county municipal, nonprofit and private ownership. These lands represent a diverse catalog of the public and private land and water areas available for recreation or presently protected as open space. Developing a comprehensive open space dataset throughout the Highlands Region is a highly complex undertaking. There are over a dozen agencies and organizations which contribute to open space identification and each has its own structure for recording open space data to meet its business model. Time, accuracy, precision and completeness differences all play a role in making the assemblage a difficult and imprecise product. The Highland Council has acquired available data and will work with all agencies and organizations who contribute to open space recordkeeping to develop a data standard which meets each agencies' or organizations' individual needs while at the same time improving open space inventories at a regional scale.</p>
<p><i>Establishment of Land Preservation Priorities and Special Areas</i></p>	<p>Program Description In order to protect the important critical resources of the Highlands Region, preservation of the lands in which these resources are located must be encouraged and funded. However, since funds are not limitless, the resource values of lands must be known to rank them in terms of their importance and long-term viability. In order to determine high priority areas in the Highlands Region for preservation, the Council will use the results of the Resource Assessment to identify and prioritize those lands within the Highlands Region which have the highest water and ecological resource values. These values are based on a combination of indicators using methodologies discussed elsewhere in the RMP which measure the quantity and quality of regional resources such as: watershed conditions, open waters, riparian areas, prime ground water recharge areas, forests, critical habitat, and steep slopes. Moreover, existing protected lands, showing the historic pattern of land preservation activities in the Region, will be identified and integrated with the ecological resource value to identify priority areas for conservation. This prioritization process will enable the Council to identify Special Areas in the Preservation and Planning Areas.</p>
<p><i>Implementation of Strategies for Land Preservation by Maximizing Current Land Preservation Funding Programs</i></p>	<p>Program Description One of the fundamental aspects of the Highlands Act is the emphasis on land preservation to ensure that public funds and other resources are focused on protection of critical Highlands resources. The <i>Land Preservation and Stewardship Technical Report</i> identifies 10 federal, State, county, municipal, and nonprofit land preservation funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDEP Green Acres Program, the NJ Department of Agriculture, and State Agriculture Development Committee), local governments, and local organizations to target and preserve natural and agricultural spaces in support of the RMP.</p>

<p><i>Implementation of Strategies for Land Stewardship by Maximizing Current Land Stewardship Funding Programs</i></p>	<p>Program Description The <i>Land Preservation and Stewardship Technical Report</i> also identifies 23 federal, State, county, municipal, and nonprofit conservation and stewardship funding programs. The Highlands Council will collaborate and coordinate with agencies (in particular the NJDEP Green Acres Program, the NJ Department of Agriculture, and State Agriculture Development Committee), governments, and local organizations to properly manage the preserved natural and agricultural spaces in support of the RMP. This effort is necessary to ensure that the natural resources targeted for acquisition are not later lost through insufficient stewardship.</p>
<p><i>Establishment of Alternative/New Land Preservation Programs</i></p>	<p>Program Description The Green Acres Program secures lands for recreation and conservation purposes while the State Agriculture Development Committee's (SADC) Farmland Preservation Program acquires the development rights on privately owned farmland. Consequently, the existing programs do not capture certain important resources in the Highlands Region and steps need to be taken to fill these gaps. For example, the SADC preserves farmland through the purchase of development easements. One criterion for prioritizing farmland is the percentage of land in crop production. As a result, a farm that is heavily forested may not be considered a priority for preservation by the SADC. Additionally, lots that are entirely forested with woodland management plans and are farmland assessed are not considered farms for purposes of SADC preservation. The Green Acres Program is primarily based upon the purchasing of property in fee rather than be easement. The Highlands Council will collaborate with NJDEP and SADC to develop an adequate method to preserve forested lands through easements to allow them to remain in private ownership and properly maintained through woodland management, in addition to the Transfer of Development Rights mechanism established through the Highlands Act. Given the fact that the Highlands Region is over 50% forested and maintaining forest land is important to protecting water quality, a program specifically for purchasing forest land easements should be available.</p>
<p><i>Establishment of Alternative/New Stewardship Programs</i></p>	<p>Program Description For long-term sustainability of the natural and agriculture resources in the Highlands Region, there must be proactive management of deer populations and non-native species, reduction in the rate of forest fragmentation and the creation of incentives for landowners to retain property in its natural or agricultural state. The Highlands Council will collaborate with the NJDEP and the NJDA to develop these management techniques and incentives. Additionally, intrinsic values for forests and agriculture (including water quality and water supply protection) should be established to enhance the justification for preservation of such lands.</p>
<p><i>Development of Open Space/Conservation Design Standards</i></p>	<p>Program Description Not all lands that are considered critical can be preserved because of limited funds and other factors. As a result techniques and systems that enable limited growth and the preservation of open lands are needed. The Highlands Council will develop Open Space/Conservation Design development layout standards that support the RMP and which take advantage of, but are not limited to, techniques such as clustering and lot-size averaging.</p>
<p><i>Identification of Willing Sellers</i></p>	<p>Program Description The Garden State Preservation Trust legislation requires that direct acquisitions by Green Acres and the State Agricultural Development Committee be from willing sellers. The Highlands Council will develop an outreach and education</p>

	<p>program for Highlands landowners to help them take advantage of funding opportunities and incentives available for land preservation.</p>
<p><i>Establishment of a Land Preservation and Stewardship Technical Assistance Program</i></p>	<p>Program Description The Highlands Council will establish a technical assistance program for land preservation and stewardship. For example, 28 Highlands municipalities do not have open space trust funds and the municipalities and counties that do may not be maximizing their potential; the Council can provide assistance in creating or amending their open space trust funds. Additionally, land acquisition by fee purchase or by easement is a major tool to protect natural resources and agricultural lands. Guaranteeing that these resources remain intact and viable is an overarching responsibility of the preserved landowner and easement holder. The Highlands Council will establish a program to aid in the development of federal, State, municipal, nonprofit, and individual stewardship plans which will include, but not be limited to, baseline documentation, monitoring, landowner/user relations, and enforcement.</p>
<p><i>Establishment of Dedicated Sources of Funding for Land Preservation and Stewardship in the Highlands Region</i></p>	<p>Program Description The Highlands Council supports a dedicated, directed, and stable source of acquisition and stewardship funding. Additionally, the Council supports the reauthorization of the Garden State Preservation Trust Fund and efforts to create a statutory funding mechanism for water quality and watershed land acquisitions.</p> <p>In recognition of this support, the Highlands Council will explore, in addition to existing funding sources, securing other stable, dedicated sources of funding such as:</p> <ul style="list-style-type: none"> • a reserve fund to capitalize the Highlands TDR Program; • a Highlands water user fee; and • a surcharge on public water supply systems rates that use Highlands water.