



JON S. CORZINE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

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MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Critical Habitat Conservation and Management
Version: November 7, 2007

<p>Issue Overview</p>	<p>Biodiversity is the variety of plant species, animal species, and all other organisms found in a particular environment and is a critical indicator of ecological viability. The protection of habitats that are critical to maintaining biodiversity contributes to the protection of rare, threatened, or endangered plant and animal species of the Highlands Region.</p> <p>It is important that Highlands Region critical habitat be protected and, where disturbed, be restored in both quality and function. The Highland Act provides for the protection of the Region’s critical habitat for fauna and flora. To meet this goal of the Act, several RMP policies and objectives address the requirement for protecting this resource element of the Highlands Region ecosystem.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.4.1.1. To protect and promote the biodiversity of Vernal Pools through assignment of a terrestrial habitat protection buffer of 1,000 feet around Vernal Pools to address the habitat requirements of vernal pool-breeding wildlife.</p> <p>Objective 1.4.1.1.1. <i>A Vernal Pools buffer may be modified if existing land uses present a human, natural, or development barrier to vernal pool-breeding wildlife.</i></p> <p>Objective 1.4.1.1.2. <i>A Vernal Pools buffer may be modified if vernal pool-breeding wildlife identified at a site do not require a 1,000-foot habitat buffer.</i></p> <p>Objective 1.4.1.1.3. <i>Prohibit Map Adjustments to Vernal Pool protection buffers other than in Objective 1.4.1.1.1 or 1.4.1.1.2, except as necessary to protect public health and safety, or to provide for minimum practical use with required mitigation, (including a habitat protection buffer in addition to mitigation), in the absence of any alternative through issuance of a waiver by NJDEP or the Highlands Council.</i></p> <p>Policy 1.4.1.5. To establish a program for habitat conservation and management including minimum standards and criteria for the protection, enhancement, and restoration of lands within Critical Wildlife Habitats, Significant Natural Areas, and within 1,000 feet of Vernal Pools.</p> <p>Objective 1.4.1.5.1. <i>Implementation of performance standards requiring all development to employ low impact development best management practices and avoid disturbance of a critical habitat feature whenever possible and to promote avoidance and minimize when disturbance is unavoidable.</i></p> <p>Objective 1.4.1.5.2. <i>Implementation of performance standards which require the mitigation of disturbed critical habitat.</i></p>

	<p>Objective 1.4.1.5.3. Implementation of performance standards for the enhancement or restoration of historically disturbed critical habitat.</p> <p>Objective 1.4.1.5.4. Establishment of a Highlands Council-approved Habitat Conservation and Management Plan.</p> <p>Policy 1.4.1.6 To require that applications any Project Review for lands within Critical Wildlife Habitats, Significant Natural Areas, or within 1,000 feet of Vernal Pools be subject to minimum standards and criteria outlined in the habitat conservation and management program.</p> <p>Objective 1.4.1.6.1. Prohibit alteration or disturbance of Critical Wildlife Habitat, Significant Natural Areas, and within 1,000 feet of Vernal Pools, except as necessary to protect public health and safety, or to provide for minimum practical use of in the absence of any alternative.</p> <p>Objective 1.4.1.6.2. Require that any disturbance to a critical habitat feature include mitigation for all adverse modification and provide for no net loss of habitat value.</p> <p>Objective 1.4.1.6.3. Require conformance with a Council-approved Habitat Conservation and Management Plan.</p> <p>Objective 1.4.1.6.4. Allow a decrease in vernal pool protection buffers, to the minimum decrease feasible, if an applicant can demonstrate, to the satisfaction of the Highlands Council and NJDEP's Endangered and Nongame Species Program, that:</p> <ul style="list-style-type: none"> • In an undisturbed wetland, the existing vernal pool-breeding wildlife require a smaller protective buffer; • Existing land uses present a human, natural or development barrier to the migration or viability of vernal pool-breeding wildlife; or • There is a need to protect public health and safety, or to provide for minimum practical use with required mitigation, (including a habitat protection buffer in addition to mitigation), in the absence of any alternative through issuance of a waiver by NJDEP or the Highlands Council.
<p>Program Summary</p>	<p>The RMP focuses on several areas of action to address the need to protect critical habitat. The <i>Critical Habitat Conservation and Management Program</i> will promote consistent standards for the protection, restoration and acquisition of the three categories of critical habitat in the Highlands Region: 1) Critical Wildlife Habitat (habitat for rare, threatened or endangered species); 2) Significant Natural Areas (regionally significant ecological communities); and 3) Vernal Pools (confined, ephemeral wet depressions that support distinctive [and often endangered] species that are specially adapted to periodic extremes in water pool levels).</p>
<p>Development of Municipal Conservation and Management Overlay District Ordinance</p>	<p>Program Description</p> <p>To protect the Highlands Region critical habitat, the Highlands Council will develop or adapt a conservation and management overlay district ordinance for use by municipalities for inclusion in municipal master plans. The purpose of the overlay district ordinance is to identify critical habitat within each municipality, highlighting: habitat in need of protection from fragmentation and other anthropogenic impacts; habitat critical to maintaining wildlife and plant populations; and habitat that serves other essential ecosystem functions such as carbon sequestration and ground water recharge.</p>
<p>Development of Critical Habitat Conservation and Management Guidance</p>	<p>Program Description</p> <p>The Highlands Council will develop or adapt technical guidance for habitat identified in the conservation and management overlay district to be used by municipalities for the inclusion and implementation of conservation and management of critical habitats in municipal master plans.</p> <p>Highlands Council guidance for habitat conservation and management may include, but not be limited to, performance and design standards for development within or adjacent to critical habitat, restoration of the ecological functions and processes of</p>

	<p>impaired or disturbed critical habitat, procedures for modifications to vernal pool boundaries, prevention of habitat fragmentation through open space preservation, corporate, non-profit, and community involvement in creating, protecting, and restoring habitat. An existing guidance manual, <i>Wildlife Action Plan</i>, developed by NJDEP and information from the Wildlife Habitat Council will be used as examples for the Council's work.</p>
<p><i>Ensuring Implementation of Critical Habitat Conservation and Management</i></p>	<p>Program Description Where a development project is proposed, a conforming municipality will require implementation of habitat conservation and management practices as a condition of local approval.</p>
<p><i>Implementation of Critical Habitat Conservation, Restoration and Management Projects</i></p>	<p>Program Description The Highlands Council will encourage critical habitat conservation and management by public and private landowners, government agencies, non-profit organizations and other interested parties wherever feasible. Opportunities for conservation, restoration and management include, but are not limited to:</p> <ul style="list-style-type: none"> • Redevelopment projects in areas containing previously degraded habitat; • Development projects in areas within or adjacent to critical habitat; • Stewardship projects of undeveloped land on large corporate campuses; • Park development capital projects, where restoration of prior damage can be cost-effectively incorporated into the capital project; • As components of Natural Resources Damage Assessment settlements.