

RESOLUTION 2023-03
REQUESTING AN ALLOCATION OF A PORTION OF THE NEW JERSEY
CORPORATE BUSINESS TAX FOR THE PURPOSE OF FUNDING THE
HIGHLANDS OPEN SPACE PRESERVATION PROGRAMS

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, the Highlands Act at N.J.S.A. 13:20-2 declares that the New Jersey Highlands is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population and contains exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora for the citizens of the State; and

WHEREAS, the Highlands Act at N.J.S.A. 13:20-2 further declares that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

WHEREAS, on July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP) which became effective on September 8, 2008 and which through RMP Goal 1H calls for the protection of critical resources through land preservation and stewardship of open space throughout the Highlands Region; and

WHEREAS, the Highlands Council is responsible for protecting water resources and environmentally sensitive lands by participating in farmland preservation projects, while recognizing the need to provide land owner equity through acquisition, transfer of development rights programs, or other strategies, pursuant to N.J.S.A. 13:20-6 (n) & (o).

WHEREAS, on April 18, 2016, the Highlands Council adopted a rule (N.J.A.C. 7:70-1 et seq.) establishing the Highlands Open Space Partnership Funding Program (Open Space Program), which provides for a matching grant partnership with eligible state and local governments and charitable conservancies for the acquisition of land for passive recreation and conservation purposes, and creating the Highlands Development Credit (HDC) Purchase Program that provides for the HDC Bank to purchase HDCs on a priority basis identified in the HDC Purchase Program, from certain landowners; and

WHEREAS, the Highlands Region has 151,468 acres that are neither preserved nor developed. Many of these lands are sensitive lands where development should not occur and therefore continue to be targets for preservation efforts; and

WHEREAS, the HDC and Open Space Program would benefit from additional funding to assist with these preservation efforts; and

WHEREAS, the New Jersey Legislature, in 1961, created the Green Acres Program ("Green Acres") through the New Jersey Green Acres Land Acquisition Act of 1961, N.J.S.A. 13:8A-1 et seq., to meet New Jersey's growing recreation and conservation needs; and

RESOLUTION 2023-03
REQUESTING AN ALLOCATION OF A PORTION OF THE NEW JERSEY
CORPORATE BUSINESS TAX FOR THE PURPOSE OF FUNDING THE
HIGHLANDS OPEN SPACE PRESERVATION PROGRAMS

WHEREAS, the mission of Green Acres is to achieve, in partnership with others, a system of interconnected open spaces, whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment; and

WHEREAS, Green Acres, administered by the New Jersey DEP, is authorized to provide grants to counties, municipalities and nonprofit organizations to acquire lands for recreation and conservation purposes; and

WHEREAS, the New Jersey State Agriculture Development Committee (SADC) oversees the State farmland preservation program pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. and the Garden State Preservation Trust Act , N.J.S.A. 13:8C-3 et seq.; and

WHEREAS, the SADC is authorized to acquire and provide grants to counties, municipalities and nonprofit organizations, to acquire farms in fee simple and farmland preservation easements throughout the State, including in the Highlands Region; and

WHEREAS, the Highlands Council, SADC and the DEP share complimentary goals of acquisition of land for conservation and recreation; and

WHEREAS, P.L. 2019.c 136 establishes the funding allocations for the constitutional dedication of Corporation Business Tax (CBT) revenues for fiscal year 2020 and thereafter; and

WHEREAS, the SADC and Green Acres receive CBT allocations through P.L.2019.c 136 and the Highlands Council's HDC and Open Space Programs could benefit from receiving a portion of this CBT funding to assist with preservation efforts.

WHEREAS, the US Fish & Wildlife Service oversees the Highlands Conservation Act ("HCA") Grant Program which provides grant funding to state agencies to purchase and conserve land from willing sellers; and

WHEREAS, the Council is the lead state agency eligible to apply for this funding, which has awarded \$13M to the Council specifically for land acquisition since 2016; and

WHEREAS, State entities must provide at least 50% of the acquisition funds for any application to the grant program; the Council was unable to apply for HCA funding in 2020, 2021, and 2022 due to a lack of availability in matching funds, leaving federal open space funds on the table for other Highlands states to utilize; and

WHEREAS, as the HCA Grant Program has been reauthorized, the Highlands Council could leverage the aforementioned portion of the Green Acres and SADC CBT funding as matching funds, to receive at least \$5M in HCA funding annually, essentially doubling the allocation.

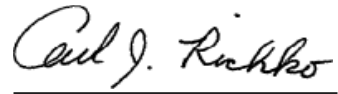
NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby authorizes the Executive Director to request a portion of the Green Acres and SADC CBT funding to further the complimentary goals and policies of the organizations; and

RESOLUTION 2023-03
REQUESTING AN ALLOCATION OF A PORTION OF THE NEW JERSEY
CORPORATE BUSINESS TAX FOR THE PURPOSE OF FUNDING THE
HIGHLANDS OPEN SPACE PRESERVATION PROGRAMS

BE IT FURTHER RESOLVED, that as an alternative to a direct allocation of CBT funds, the Highlands Council requests that the DEP Green Acres Program and the SADC enter in to a voluntary agreement to provide an annual allocation of a portion of their CBT funds to the Highlands Council by virtue of an inter-agency agreement.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January 2023.


Carl J. Richko, Chairman

Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler	√		√			
Councilmember Francis			√			
Councilmember Holtaway			√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs		√	√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			