

Highlands Council Monthly Report

July 2023

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Abram S. Hewitt State Forest, West Milford Township

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Highlands Council Monthly Report

Summary of Activities | July 1-31, 2023

Executive Director Priority Spotlight

It is important to begin this month's report by acknowledging the passing of Lieutenant Governor Sheila Oliver. She was an admired and respected leader in our state. Her long legacy as a compassionate and thoughtful public servant, as well as a trailblazer for women and people of color in government, will be remembered well into the future.

- **Inland Flood Protection Rule.** The NJDEP's revised [Inland Flood Protection Rule](#) was adopted in July. The Highlands Council provided comments on the proposed revisions expressing general support, emphasizing several key provisions, and suggesting specific enhancements that were addressed in the final rule. The Inland Flood Protection Rule is particularly important in the Highlands region as it is focused on lowering risks to people and property that result from non-coastal flooding, which will likely only increase due to a changing climate. Anticipating the consequences of an increased frequency of extreme precipitation events is an essential part of planning for the future of the Highlands region.
- **Storm Damage in Warren County.** The images of the mudslide and associated damage that occurred on Route 46 just outside the Highlands region were shocking to those unfamiliar with the area and long-time residents alike. There was similar damage in the region and throughout the state, prompting a request from the governor for a federal Major Disaster Declaration in New Jersey, which will allow the federal government to provide aid to the state in the wake of the storms. These recent severe weather events provide an unfortunate example of why land use planning and natural resource management (i.e., the collaborative work of Highlands municipalities and the Council) are so important. In addition to the devastating infrastructure damage that was very visible in Warren County, there was less visible water quality damage, most of which is much more difficult, if not impossible, to repair. As Highlands communities recover from this event, Council staff can be a valuable resource to towns not only for planning related to the rebuilding of structures and infrastructure, but also for ensuring recovery work addresses the increasing likelihood of similar events occurring in the future. Avoiding exposure to the dangers posed by extreme precipitation events and creating a more resilient built environment is necessary to protect people and property. Impacted municipalities should engage the Council for assistance.
- **Watershed Planning.** At the July Highlands Council meeting, Council members and the public received an update on several watershed planning projects funded by the Highlands Council. The [presentation](#) was given by a representative from Princeton Hydro LLC, the consulting partner that has led the work for five Highlands municipalities and one county and includes more than 70 lakes. Also at the meeting, the Council approved funding for two watershed-based planning projects covering watersheds in Warren and Hunterdon counties. A third project had to be held for a future vote, due to the lack of a sufficient number of eligible voting Council members. Not only will the resulting watershed plans have the potential to positively impact the water quality of 34 subwatersheds in 25 Highlands municipalities, they also set the stage for federal implementation

funding administered through the New Jersey Department of Environmental Protection's Water Quality Restoration Grant program.

- **Council Appointments.** As noted above, the Highlands Council's lack of full membership has started to impede the Council's ability to operate. At the time of publication, the August Highlands Council meeting is in jeopardy of being cancelled due to lack of quorum. Per the Highlands Act, the Highlands Council should be comprised of 15 members appointed based on certain criteria outlined in the legislation. Currently there are only 11 members, all but two of whom are serving on expired terms. The required minimum to conduct a meeting or take any action is eight (a quorum). Additionally, two Highlands counties currently do not have any representatives on the Council. Hunterdon and Warren counties have no elected representatives as required by the terms of the Highlands Act and Morris County only has one of its two allotted representatives. Although there have been nominations for the vacancies in the past, they have expired and there are presently no active nominations to fill open and expired Council positions. It is essential for both the functionality of the Council and for the appropriate representation of the residents of the Highlands region that these vacant positions be filled as soon as possible with qualified individuals.
- **Land Preservation Funding.** The federal Highlands Conservation Act (HCA) grant program recently opened a new funding round. At this time, the Highlands Council may be unable to apply for funding due to lack of matching funds. The State of New Jersey is at risk of leaving a minimum of \$1.5 million and as much as \$6.9 million in matching funds on the table due to a lack of dedicated funding for land preservation in the Highlands Region. The Council is also awaiting approval from the dual-appraisal process authorized by the Highlands Act to be accepted by the Department of the Interior. This will allow HCA funds to be applied in a manner that brings adequate equity to landowners in the Highlands who choose to preserve their properties.

Municipal and County Regional Master Plan (RMP) Implementation

Updates related to Highlands Council-funded projects that help implement the RMP and engagement of Highlands municipalities and counties.

- **Mountain Lakes Borough, Morris County**
 - Completed an Initial Assessment report. The Report was reviewed and approved by staff for reimbursement. An Initial Assessment Report is designed to help a municipality better understand what's involved in aligning local planning and regulatory documents with the Highlands RMP.
- **Byram Township, Sussex County**
 - Submitted a request for funding to support the town's work toward Tier A MS4 permit compliance. Highlands Council staff are reviewing the request.
- **Chester Borough, Morris County**
 - Staff completed its review of a scope of work (SOW) submitted by Chester Borough to complete a Streetscape Capital Improvement Plan. The SOW was found to be consistent with the Highlands RMP and approved by staff.
- **Jefferson Township, Morris County**
 - Completed a portion of a Sewer Feasibility Study. The deliverables submitted were reviewed and approved by staff for reimbursement.

- **Mendham Township, Morris County**
 - Representatives of the Highlands Council staff attended the July meeting of the Township Committee to present information about implementation of the RMP at the local level. The Township is entirely within the Planning Area of the Highlands and conformance with the RMP for the Township is therefore voluntary. At the conclusion of the presentation, the Township Committee voted to apply for a grant to evaluate what's involved in aligning local planning and regulatory documents with the RMP.
- **Ringwood Borough, Passaic County**
 - The Borough submitted scopes of work to complete "Area in Need of Redevelopment" (ANR) studies focused on two separate sites. The ANR studies are part of a larger Sustainable Economic Development Plan Ringwood is working to complete. Staff reviewed and approved the scopes.
- **Roxbury Township, Morris County**
 - Representatives of the Highlands Council staff attended the July meeting of the Township Committee to present information regarding the possibility of extending conformance with the RMP into the Planning Area portion of the Township, and to answer any questions the committee, their professionals or the public in attendance had regarding this process. At the conclusion of the presentation, the Township Committee voted unanimously to undertake the first steps towards Planning Area conformance. The Highlands Council will be providing Roxbury with a grant to cover the costs of these activities.
- **Somerset County**
 - Members of the Highland Council staff met with representatives of Somerset County and the five Somerset County municipalities in the Highlands region to discuss implementation of the RMP at the local level. Other than a small section of Bedminster Township, the entirety of the Somerset County portion of the Highlands is within the Planning Area of the Highlands region where conformance with the RMP is voluntary. The five communities – Bernardsville, Far Hills, Bedminster, Peapack & Gladstone, and Bernards Township – were apprised of the process for aligning local planning and regulatory documents with the RMP. Both Somerset County and Bedminster Township have already completed tasks related to RMP implementation. In addition, Peapack & Gladstone Borough is currently working on an Initial Assessment to determine where local implementation will benefit the municipality most, and Bernardsville Township has recently expressed interest in doing the same.
- **West Milford Township, Passaic County**
 - The Township has completed a significant portion of a municipal-wide Watershed Management Plan. The deliverables submitted by West Milford are currently being reviewed by staff. Submission of the deliverables is consistent with the approved SOW and associated invoices have been approved for reimbursement. This project is nearing completion.

Project Reviews

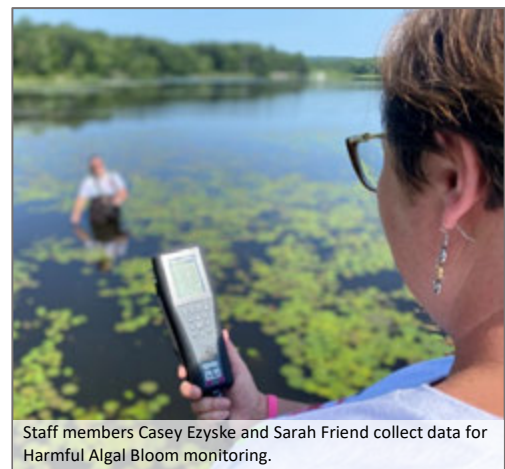
The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands RMP. In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Highlands Preservation Area Exemption Determination, Exemption #9 (w/NJDEP): Route 94, Pleasant Valley Drive to Maple Grange Road Safety Improvements. Vernon Township, Sussex County.** This is a New Jersey Department of Transportation (NJDOT) project to improve roadside safety through several measures including replacement of substandard guardrails, installation of sidewalks, traffic signal improvements, and incorporation of ADA compliance. NJDOT is seeking an [Exemption 9](#) from the NJDEP for this work. The Highlands Council reviews requests for Exemptions 9 and 11 for consistency with the Highlands Act.
Highlands Council staff finding: Project is consistent with the goals and purposes of the Highlands Act.
- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP): Rehabilitation of Pequannock Aqueducts, West Milford Township, Butler Borough, Kinnelon and Pequannock Townships (Morris and Passaic counties).** The City of Newark is seeking an [Exemption 11](#) from the NJDEP to make improvements to existing infrastructure to ensure regulatory compliance and replace/update aging equipment.
Highlands Council staff finding: Project is consistent with the goals and purposes of the Highlands Act.
- **Highlands Applicability Deamination (HAD), Exemption #11 (w/NJDEP): Hook Mountain Drive Area Gas Main Extension. Clinton and Lebanon Townships, Hunterdon County.** The applicant is seeking an [Exemption 11](#) from the NJDEP to extend an existing underground gas main into the Preservation Area of the Highlands to serve existing properties.
Highlands Council staff finding: Project is consistent with the goals and purposes of the Highlands Act.
- **Highlands Applicability Deamination (HAD), Exemption #11 (w/NJDEP): PFOA Treatment Project. Hardyston, Sussex County.** Applicant is seeking an [Exemption 11](#) from the NJDEP for the installation of a treatment system to remove perfluorooctanoic acid (PFOA) from a well that serves a small lake community in Sussex County.
Highlands Council staff finding: Project is consistent with the goals and purposes of the Highlands Act.

Science Initiatives

- **MSU Traveling HAB Lab Citizen Science project.** Highlands Council staff members began collecting and analyzing water samples from two waterbodies in the Highlands as part of the [Montclair State University \(MSU\) Traveling HAB Lab Citizen Science](#) project.

A total of three monitoring/sampling events were conducted in the month of July. Each selected waterbody is monitored every other week. Preliminary microscopy work indicates the presence of several types of algae as well as cyanobacteria cells in the samples collected but it has not been determined if any



Staff members Casey Ezyske and Sarah Friend collect data for Harmful Algal Bloom monitoring.

of the levels are unsafe. Samples collected during each sampling event are preserved. These will be provided to MSU for further analysis and/or quality control purposes.

Science team members also attended an Algae ID Skill Building Session at MSU in July. The purpose of the MSU Traveling HAB Lab is to increase understanding and awareness of the environmental and health impacts of harmful algal blooms (HABs) in New Jersey. The citizen science project engages members of the public in HAB research and monitoring.

Contract Projects

- **Open Space and Recreation Plan for the Highlands Region.** In July, the Highlands Council released a Request for Proposals (RFP) [seeking submissions](#) from qualified firms/teams to develop an Open Space and Recreation Plan for the Highlands Region. The project involves creating a comprehensive, region-wide program and strategy for land preservation in the New Jersey Highlands. The project will partially be funded with a grant from the U.S. Fish and Wildlife Service. The deadline for the RFP is Friday, October 6, 2023.

Staffing and Staff Development

- **ESRI User Conference.** Members of the GIS team participated virtually in the annual Environmental Systems Research Institute (ESRI) User Conference. ESRI is a globally recognized leader in GIS software and provides the foundation for the [Highlands Council Interactive Map](#).

Outreach & Education

- **Navigating the MS4 Permit changes.** In July, the Highlands Council released a “[Quick Guide to Navigating the 2023 MS4 Permit Changes](#),” which provides municipalities with a step-by-step overview and a broad-brush-stroke timeline of priorities and deliverables related to the new permit requirements. This high-level look at Municipal Separate Storm Sewer System (MS4) permit compliance is Highlands-specific since only Highlands municipalities are eligible for additional funding and technical guidance from the Highlands Council that will augment what’s being provided by NJDEP. This reference piece was sent in advance of additional support and guidance that will be coming to Highlands municipalities in August including template scopes of work to apply for Highlands Council grants as towns work toward compliance with the new MS4 permit requirements.
- **Municipal & County RMP Implementation Meetings.** In July, the Highlands Council met with Ringwood Borough, Passaic County; Sparta Township, Sussex County; Roxbury Township, Morris County.

Highlands Region Quick Guide
Navigating the 2023 MS4 Permit Changes

The new municipal separate storm sewer system (MS4) permit became effective on January 1, 2023 and introduced a number of significant changes for municipalities. Most notably, municipalities formerly classified as Tier II must now meet the same requirements as Tier A municipalities. Because meeting these requirements advances the goals and purposes of the Highlands Act and Regional Master Plan (RMP), grant funding can be made available to any Highlands municipality for MS4 permit compliance work.

Step 1 :: Secure NJDEP funding

If you have not already, apply for the NJDEP funding.

- Simple one-page NJDEP application
- Must submit application by December 31, 2023
- Funding can be used for other permit-related costs, once specified deliverables are identified

Funding Tier II - \$150,000

- \$25k as soon as you submit the application
- \$100k upon completion of Stormwater Pollution Prevention Plan (SWPPP) due 6/1/24

Tier A: \$250,000

- \$25k as soon as you submit the application
- \$20k upon completion of MS4 Infrastructure Mapping due 6/1/25

NJDEP MS4 Permit Templates, Forms, and Submittals
(also subject to prior approval; final review and approval required prior to permit)

Step 2 :: Develop a timeline

Develop a timeline for the remaining components, noting estimated costs and funding sources. The Highlands Council can help with this step and can fund many of the tasks.

Task	Submittal Due	Funding Source	Timeline
Infrastructure Mapping	6/1	MS4 Tier II/Highlands Council	2023-2024
Stormwater Pollution Prevention Plan (SWPPP)	6/1	MS4 Tier II/Highlands Council	2023
SWPPP-based Stormwater Management Plan (SWMP) (due 6/1/24)	6/1	Highlands Council	2023-2024
MS4 Labeling	6/1	Local/Other	2024

Highlands Council Stormwater Management Information
www.hc.org/highlandsinfo.html

Step 3 :: Access Highlands Council funding and expertise

The Highlands Council can be a valuable partner in helping meet MS4 permit requirements. Staff teams will work with your municipal team to help identify tasks that the Highlands Council can fund and assist with the development of an implementation timeline. Eligible activities include planning, design and engineering costs.

Highlands Council Grants

- ✓ Non competitive
- ✓ No match required
- ✓ No expiration or expiration
- ✓ No appropriation deadlines
- ✓ Roundupment based
- ✓ Require an approved scope (provided, written provided)
- ✓ Funding availability of funding from treasury

www.hc.org/highlands | 908.879.6737 | highlands@highlands.nj.gov

- **Constituent Assistance.** The Highlands Council received and responded to 16 inquiries from constituents in July.

Agency & Organization Collaboration

- **Inter-Agency Coordination.** In July, the Highlands Council met with the NJDEP and the Morris County Parks Commission.
- **Coordination with Professional Organizations, Nonprofit Community, Academia.** In July, the Highlands Council met with the Raritan Headwaters Association, Ramapo College of New Jersey, and the New Jersey Highlands Coalition.

Committee Meetings

- The **Budget and Finance Committee** met on July 10.

Looking Ahead

- **Public Council Meetings.** The August Highlands Council public meeting is scheduled for Thursday, August 17. The September public meeting is scheduled for Thursday, September 24. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [calendar page](#) of the Highlands Council website.

