

RESOLUTION 2016-4

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION AND APPROVAL OF THE PUBLICATION OF NOTICE OF ADOPTION IN THE NEW JERSEY REGISTER OF THE HIGHLANDS OPEN SPACE PARTNERSHIP FUNDING PROGRAM AND HIGHLANDS DEVELOPMENT CREDIT PURCHASE PROGRAM ADMINISTRATIVE RULE N.J.A.C. 7:70-1 et seq.

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 includes, among its findings, 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, the Highlands Council established a Land Owner Equity and Land Preservation Committee whose mission, among other things, is to consider, evaluate and recommend to the full Council, programs and policies to advance and enhance, where possible, the statutory commitment to compensate Highlands property owners where appropriate; and

WHEREAS, the Council received, reviewed, and considered a final draft Landowner Equity and Land Preservation Program (the Program) that has been vetted through the Land Owner Equity and Land Preservation Committee; and

WHEREAS, the Program provides for an open space matching grant program that would incentivize property owners to seek out contributions from entities interested in land conservation by having the Council match such contributions and also provide that the Highlands Development Credit Bank, would purchase Highlands Development Credits on a priority basis identified in the Program, from certain landowners; and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-6(y), authorizes the Council to prepare, adopt, amend, or repeal, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq. (APA) such rules and regulations as may be necessary in order to exercise its powers and perform its duties and responsibilities under the provisions of this act; and

WHEREAS, the Council determined that it would be appropriate to promulgate the Program as an administrative rule, pursuant to the APA; and

WHEREAS, on January 22, 2015 by Resolution 2015-3, the Highlands Council authorized and directed the Executive Director to initiate the rulemaking process in connection with the Program and to keep the Council advised and informed as to the status and progress of the promulgation of the program, and

WHEREAS, that prior to the Program being finally adopted under the APA, the Executive Director will provide a summary of the responses received in connection with the promulgation of the

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proposed APA rules, and that the full Council will be called upon to vote to authorize the adoption of the Program as an administrative rule.

WHEREAS, on August 17, 2015, Proposed New Rule N.J.A.C. 7:70 was published in the New Jersey Register for public comment; and that the public comment period was open from August 17, 2015 to October 16, 2015; and

WHEREAS, a public hearing was held at the Highlands Council office in Chester, New Jersey on September 17, 2015 where public comment was taken; and

WHEREAS, public comment period was closed on October 16, 2015; and

WHEREAS, a Comment and Response summary document was prepared by Highlands Council staff, reviewed by the Executive Director and presented to the Highlands Council for review prior to the full Council being called upon to vote to authorize the adoption of the Program as an administrative rule; and

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby authorizes the adoption of the Program as an administrative rule and directs the Executive Director to publish the Program's Notice of Adoption in the New Jersey Register upon which date the Program rule will become effective.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of February, 2016.



Jim Rilee, Chairman

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Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	✓	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	✓
Councilmember T'fank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____