MY PROPERTY IS IN THE PRESERVATION ZONE.

HOW DO I KNOW IF THE PLANS I HAVE FOR MY LAND ARE LEGAL UNDER THE NEW HIGHLANDS ACT?

1. Is your proposed activity part of an approved "woodland management plan?"
   - YES: Your activity is exempt from all aspects of the Act
   - NO: Proceed to the next question.

2. Is your proposed activity a "normal harvesting" that is part of an approved "forest management plan?"
   - YES: Your activity is exempt from all aspects of the Act
   - NO: Proceed to the next question.

3. Is your proposed activity an "agricultural or horticultural development?"
   - YES: Does it increase impervious cover by <3% of land area?
     - YES: Your activity is unregulated by the Act
     - NO: Proceed to the next question.
   - NO: Proceed to the next question.

4. Does it increase impervious cover by <3% of land area?
   - YES: Your activity is unregulated by the Act
   - NO: Your activity is regulated by the Act.
Does your proposed activity:

- Consist of any non-residential development OR
- require an environmental land use or water permit OR
- disturb one acre or more of land OR
- consist of non-development activities that disturb ¼ acre of forest OR
- result in a cumulative increase of ¼ acre impervious surface?

You do not need a “Highlands Preservation Area Approval” from the DEP. Local land use regulations still apply, and may be changed by the Highlands Council.

Unless your proposed activity falls into a set of exemptions enumerated in section 30, which generally fall into the categories of grandfathering and construction or modification of dwellings for personal use, you will need a DEP Highlands Preservation Area Approval that will be guided by the environmental regulations enumerated in section 32, most of which deal with water quality.

Does your proposed activity disturb any upland (i.e., non-wetland) forest and otherwise meet the conditions specified in section 32 (zero net-fill, etc.)?

You do not need a “Highlands Preservation Area Approval” from the DEP. Local land use regulations still apply, and may be changed by the Highlands Council.

You must have a farm conservation plan approved by the local soil conservation district.

You must have a resource management systems plan approved by the soil conservation district and the DEP.

Is the forest disturbance “unavoidable”? If yes, the development disturbance is prohibited.

You may disturb forest up to 20 feet adjacent to a structure and up to 10 feet adjacent to a driveway for access to a non-forested area of a site.

See the remaining provisions of section 32.