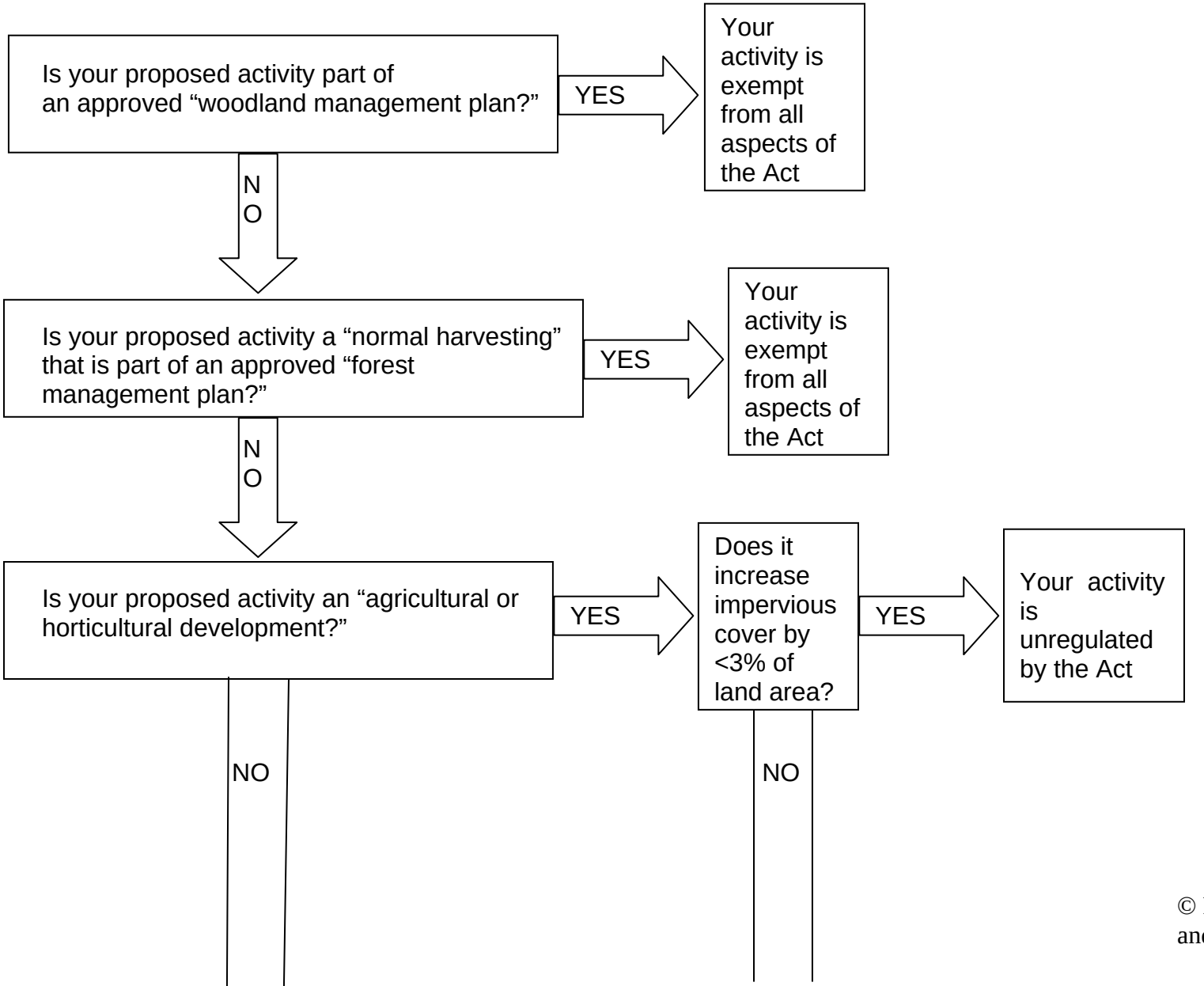
Highlands Preservation Act Flowchart, by Rutgers Cooperative Research and Extension, rev. August 2005

See also http://www.rcre.rutgers.edu/highlands

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?



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NO

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?

NO

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.

YES

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.)?

YES

Is the forest disturbance "unavoidable"?

NO

The development is prohibited

YES

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

NO

See the remaining provisions of section 32.

NO

Does it increase impervious cover by 3-9% of land area?

YES

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

NO

Does it increase impervious cover by >=9% of land area?

YES

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