



Highlands Lookout

www.njhighlandscoalition.org Newsletter of the New Jersey Highlands Coalition vol.8 no.14 Spring 2015

Message from the Executive Director

Creating opportunities to talk about the importance of protecting the natural resources of the New Jersey Highlands, making this connection with people who live both inside and outside of the Highlands, is an important aspect of our advocacy work.

We are pleased that the Highlands Festival continues to grow in popularity and stature. This year, the 3rd Annual Highlands Festival at Waterloo is scheduled for September 19 and 20 (save the date!). Our festival is not just a great excuse for a party. People coming to the Highlands to spend the day (or two!) out of doors in Allamuchy State Park, along the banks of the Musconetcong, among the historic features of the Morris Canal, meeting our affiliate members, learning about our issues and perhaps recognizing a shared Highlands identity are the kinds of opportunities that make the event worthwhile work for us.

We recently discovered that craft beer is an effective focus for discussing

the importance of our advocacy. Beer quality improves with naturally clean, rather than chemically-treated clean, water. Last November at our first "Hopped Up Highlands Pub Crawl" in Morristown, hundreds of people signed our "Clean Water Pledge." Crawlers were much younger than participants at our traditional events, a welcome new audience for our outreach.

On May 16 we are hosting a Bottle Share at Poor Henry's Pub in Montville, an event that also brings out craft beer aficionados. We have created an insignia for the craft beer brewers that

use Highlands water, making sure the Highlands gets its fair share of the credit for the great taste of their beers. Two brewers, River Horse and Angry Erik's are the first to display the insignia. They are also our newest corporate members.

Cheers mates,
Julia Somers 



Advocacy Update

Elliott Ruga, editor

On March 12 the Columbia Law School Environmental Law Clinic, representing NJ Highlands Coalition and NJ Sierra, filed a Notice of Appeal in Superior Court challenging the Settlement Agreement and Freshwater Wetlands Permit issued by NJDEP to Bi-County Development Corp. for a 209 unit residential development on the summit of a pristine, forested ridge connecting Ramapo State Park in Oakland with High Mountain Preserve in Wayne. The last publicly known action on this project was in 2009 when NJDEP emphatically denied the project under Water Quality Management rules for the magnitude of impacts on a spectrum

of protected resources that relate to water quality, at the time capping a 21 year history of regulatory battles and litigation. Or so we thought. The project was resurrected on the spurious claim that a municipal approval had not expired in 1991, thus validating a State permit that would have grandfathered the project from the rules it failed to meet in 2009. Rather than protect public trust resources by defending its decision, NJDEP has agreed to facilitate their destruction.

Rather than protect public trust resources by defending its decision, NJDEP has instead agreed to facilitate their destruction

In a similar facilitation by the agency charged with environmental protection, NJDEP has renewed a wastewater discharge permit it had previously revoked to Bellemead Development Corp. for variously, a

There is yet another way for you to express your commitment to the goals of New Jersey Highlands Coalition through a planned gift. Once you have provided for loved ones in your will, you may want to include a gift of money, stock or property to New Jersey Highlands Coalition. Your gift will be a lasting tribute to your concern for protecting, restoring and enhancing the New Jersey Highlands resources, while guaranteeing the organization's long-term future. For further information on how to include New Jersey Highlands Coalition in your charitable giving plans, please contact Julia Somers at 973-588-7190.

Advocacy News *cont'd*

residential or office park development on a forested tract in Tewksbury, permitting 100,000 gallons of treated effluent to be discharged into the Rockaway Creek, part of the Highlands water supply for Middlesex County and elsewhere. The decision by NJDEP to approve the permit is also based on a spurious technicality that offers an end run around current Highlands regulations and municipal zoning. The Eastern Environmental Law Center is representing the NJ Highlands Coalition, NJ Sierra and Readington Township, an adjacent municipality on whose border the discharge is proposed. The next time you see an environmental clinic attorney, show them some well deserved love and affection.

We are supporting the Pequannock River Coalition and local citizens in their opposition to a recent initiative by the Mayor and Borough Council in Bloomingdale to adopt a zoning amendment that would allow Tilcon to expand its quarrying operation onto 141 acres of undisturbed upland forest on the west slope of Federal Hill. Within the 141 acres are Category-1 streams, exceptional value wetlands, and several verified vernal pools. Federal Hill also is a cultural resource for its significance during the Revolutionary War. It was the site of the Pompton Mutiny and there are indications that it was part of the early warning system of beacons, a series of bonfires on summits at the Highlands edge to warn of British invasion. [pjhc](#)



Musconetcong Valley from Point Mountain

The State of State Preservation

Erica Van Auken

New Jersey voted in November to ensure that New Jersey would have a dedicated, long-term source of funding for the Green Acres, Blue Acres, Farmland and Historic preservation programs from the Corporate Business Tax (CBT).

As a member of the NJ Keep It Green coalition, the NJ Highlands Coalition worked alongside more than 185 conservation, recreation, farmland and historic preservation organizations throughout the State, united in support of a dedicated, long-term source of open space funding. Last summer, NJ Keep It Green secured the State Legislature's approval to refer the measure to the ballot – which allowed the public the opportunity to cast their votes on the issue. Turns out, that was the easy part. Now that the funding has been secured, we are back at work with stakeholders to develop implementing legislation that would determine how the money should be divided between Green Acres, Blue Acres, Farmland, and Historic preservation programs. The challenge is that we have a lot less money to share than previously.

The last round of funding, the 2009 Bond Act totaling \$400 million, was divided with more than \$200 million of the funds allocated to Green Acres, more than \$145 million for Farmland Preservation, \$24 million for Blue Acres, and \$12 million for Historic Preservation.

Starting in 2016, funding from the CBT is estimated at \$71 million a year until 2019. Senator Smith and Assemblyman McKeon have drafted legislation that would provide more than \$45 million for Green Acres, nearly \$21 million for Farmland Preservation, and roughly \$3 million for Blue Acres and \$2 million for Historic Preservation each year.

If the reduced pool of funding isn't problematic enough, things get more complicated when considering Governor Christie's effort to balance the budget. He has not publicly taken a position on the Smith/McKeon implementing legislation, but in his new budget summary he has proposed only \$28 million for Green Acres, \$17 million for Farmland Preservation programs, and only \$1.4 million for Historic Preservation programs. He has also proposed \$20 million be used to support state park management and staffing.

Governor Christie has gutted NJDEP's budget and staffing levels in recent years. By doing so he has pitted environmentalists, preservationists, farmers, and others against one another. NJDEP is vital to the protection of the state's land, air, water and public health and its funding levels should be gradually restored to previous levels so that they may protect our environment.

The Governor's proposed funding levels are insufficient to maintain viable programs, and less than proposed under the implementing legislation we support. The Governor proposes \$20 million to support the fundamentally important functions of state park management and staffing. But the cost of routine operations should not come from the same pot voters have identified for land acquisition and historical resource protection.

We all recognize that open space in New Jersey is absolutely vital to ensuring a healthy future for our environment and our economy. We need to continue working towards our shared goal of funding every one of our important environmental protection programs. We would do well to remember that our fellow 'enviros' are not the enemy. When we lose sight of our shared goal of protecting New Jersey's treasures, nobody wins. [pjhc](#)

A Day in a Life: Advocacy *Elliott Ruga*

Late in the afternoon on March 11, I was in the parking lot outside of Senator Peter Barnes's district office in Edison, waiting for the arrival of the bus that Pinelands Preservation Alliance (PPA) had chartered to caravan supporters to the district offices of key Senators to press them to vote against the nomination of Robert Barr to the Pinelands Commission. Barnes's office was the last and northern-most stop of the tour.

Four years earlier the momentum the Highlands Council had achieved implementing the Highlands Act was effectively hamstrung after the Governor, having stacked Council seats with his appointments and threatening political retribution, saw to it that its executive director was replaced with someone who could be controlled. In the wake of the recent Pinelands Commission's vote to deny a controversial, but politically well-connected, natural gas pipeline through a protected area of the Pinelands, the same political interference that undermined the independent authority of the Highlands Council was being employed again. The pipeline was wanted by the Governor and a bloc of southern NJ Democrats, including Senate President Sweeney and Senator Van Drew. Robert Barr, an aide to Senator Van Drew and an officer in the Ocean County Democratic Committee, was nominated by the Governor to replace Robert Jackson on the Pinelands Commission because Jackson had voted against the pipeline. The Senate in its advise and consent capacity must confirm all gubernatorial nominations. The vote in the Senate was expected the following week.

Senator Barnes's lifetime score for voting favorably on pro-environmental legislation is 79%. He was a cosponsor of the Highlands Act and most recently, in the aftermath of Hurricane Sandy,

he introduced legislation to create a Coastal Commission. Yet Barnes had indicated he would vote in favor of Barr's nomination because he had given his word to Senator Van Drew, making Edison an important stop for the caravan. I had testified at a legislative committee hearing in favor of the Coastal Commission Act because of the Coalition's faith in regional planning to protect resources that are regional in scope. I came to Edison to reason with Senator Barnes, that the success of the State's regional planning initiatives, whether in the Highlands, the Pinelands, or a future Coastal Commission, depends on the ability to deliberate free of political interference. Among the day's tour stops, Edison wasn't so far from Boonton that I couldn't join the effort.

The bus pulled into the lot. More than two dozen participants climbed out of The Bus for Progress, a converted school bus painted red, white and blue. There were staff and volunteers from various statewide organizations: NJ Conservation Foundation, Food & Water Watch, Environment NJ, Save Barnegat Bay, American Littoral Society, Clean Water Action. Barnes came out and greeted us cordially, shaking hands, chatting, and then invited us up to his office to talk. Some of us carried signs: "17 Trillion Gallons of Clean Water at Stake!", "Don't Stack the Commission". I held up a sign, a copy of our current Trenton billboard, which we share with PPA as part of our joint Save H2O campaign, "Pinelands, not PIPElands!" Barnes shook my hand and thanked me for the voicemail I had left a few days earlier.

We gathered in the Senator's outer office. Barnes explained that although he had some concerns about the circumstances that Jackson was being replaced, the Governor has the right to

appoint seats. He had spoken to Barr personally and Barr gave him assurances that he had an open-mind on the issue of the pipeline. The woman with the "17 Trillion gallons clean water at stake" sign, a PPA volunteer, asked me how a good environmental legislator could vote for Barr. All I could say was it's complicated in Trenton.

Barnes didn't have time to hear from each of us so Amy Hanson (NJCF), Doug O'Malley (Environment NJ), Jim Walsh (Food & Water Watch) and Jaclyn Rhoads (PPA) spoke for all. After, he said he hadn't heard anything that would change his vote. As we were preparing to leave I mentioned to Barnes that I was looking forward to his returning my call. Barnes offered, if I had a few minutes, we could talk now.

I explained the difficult challenges the Pinelands Commission and Highlands Council have in planning land use on a regional scale to balance natural resource protection with economic development and, in order to succeed in their legislatively mandated missions, being insulated from political interference and meddling from Trenton is essential. Barr's nomination, I explained, was no longer about a pipeline, but about an undermining of the integrity and independence of the Pinelands Commission. We spent about fifteen minutes discussing the nomination and I was confident that I reached the Senator in ways he had not considered.

The Senate voted on Barr's nomination on Monday, March 18, passing with the minimum majority of 21 votes. Barnes's vote, either way, would not have made a difference. But, Senator Barnes changed his vote. His was close to being, but ultimately not, the deciding vote. I can't say with certainty if I helped change his mind, but I am glad I went to Edison. 



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Spring 2015 Newsletter

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You can help.

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