

Highlands critique draws fire from environmentalists

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A statewide environmental group wants Gov. Chris Christie to reaffirm his support of the Highlands Act and refute findings of a report he commissioned that says there should be more development exemptions from Highlands rules.

The report was a result of the work of the "Red Tape Review Group" led by Lt. Gov. Kim Guadagno to review regulations that the group believes stifles business in New Jersey.

Harding Township resident, Julia Somers, director of the N.J. Highlands Coalition, said the findings involving the Highlands Act were "shocking."

"The Red Tape report is a serious challenge to the Highlands Act," Somers said. "I question who is giving them their facts because most of them are wrong."

Somers said the report is "heavily tinged with political preferences."

The Highlands Coalition represents more than 45 environmental organizations around the state. The Highlands region provides drinking water to 5.4 million residents across 16 counties.

Somers also denied the Red Tape report's underlying determination that the Highland Act should be reviewed for its scientific validity and its effectiveness.

"The Highlands vehicle has proven to be a very effective vehicle to protect the water supplies," Somers said.

A spokesman for Christie did not return several calls for comment.

The review group recommended withdrawing or changing 16 state regulations and cutting more than 120 state commissions and task forces.

In its review of the Highlands Water Protection and Planning Act of 2004, the group said the N.J. Department of Environmental Protection (DEP) will convene a series of stakeholder meetings, involving legislative leaders and interest groups.

"The stakeholder process will look to see where greater flexibility in the law exists and if that flexibility should be exercised as well as mechanisms to help facilitate certain development projects," the report said.

According to the report, regulatory provisions that have been enacted since the adoption of the act may provide other ways to protect the water and forest resources of the area.

"We also plan to fully analyze the underlying scientific and non-legislative policy decisions that were made concerning the law's implementation," the report said.

The review determined that the Highland Act "essentially took away nearly all of the land values in the Preservation Area and did not provide a mechanism for adequate compensation."

It said the act "was based on water supply and quality assumptions that have been questioned" and that it did not provide mechanisms for targeting growth "anywhere in the Planning Area."

Study Rebuked

Somers said many of the conclusions in the report were invalid, including the claim that the scientific studies leading to the report are questionable.

"It is a direct assault on the work that has gone on since the act was signed in 2004," Somers said.

She also said the Planning Area does permit regulated development, in contradiction to the report's claim.

"The governor has repeatedly said he will protect the Highlands and the water supply," Somers said. "His actions seem to belie that."

Additionally, Somers said Christie has still not filled four vacancies and six holdover seats on the Highlands Council. The delay means the council has had difficulty in gaining the required eight votes for any actions.

"It is critical that Gov. Christie appoint people soon to the Highlands Council, people who support the act and who understand the importance of protecting the region's water supply for the residents of this state," said David Epstein, president of The Land Conservancy of New Jersey.

Somers said the governor has included \$4.4 million to aid municipalities in conforming to the Highlands regional master plan. The funds come from the state's realty transfer fees.

But at the same time, Christie withdrew \$18 million that has accumulated in the fund to offset conformance costs to municipalities.

Limiting the money for conformance to the master plan will slow implementation of the safeguards in the Highlands Act, Somers said.

Also joining Somers in asking Christie to support the Highlands Act were William Kibler, executive director of the South Branch Watershed Association; Dave Peifer, Highlands Project Director, Association of New Jersey Environmental Commissions (ANJEC); Cindy Ehrenclou, executive director of the Upper Raritan Watershed Association; Beth Styler Barry, executive director of the Musconetcong Watershed Association; Michele S. Byers, executive director of New Jersey Conservation Foundation; and Dave Slaperud, president of Stop the Lines.

Additionally, the group wants Christie to move ahead with water quality management rules to limit sewer service development in environmentally sensitive areas. The DEP has proposed delaying the rules.

Christie also was urged to support the Highlands Preservation Area septic density protections that prevent groundwater contamination by requiring large lot sizes for new development.

He also should reject efforts to weaken stream protections by reducing the size of protective buffers around waterways, the group said in a statement.

Further, the governor should support land conservation efforts in the Highlands, to safeguard water quality and habitat that are home to rare, threatened and endangered species.

Christie also was urged to oppose construction of PSE&G's Susquehanna-Roseland transmission line, which will cut across some the Highlands.