

EDITORIAL: In Highlands, preservation first

Nov. 21, 2017



The Rockaway River in Berkshire Valley. Photo by Diane Nelson.

State legislators on Monday took an important step toward protecting the Highlands region when a Senate committee unanimously voted to rescind a new rule that would clear the way for more development.

Now the full Legislature needs to see the measure through to conclusion to prevent Gov. Chris Christie's anti-environmental instincts from leaving one last scar on the state.

The new rule in question would increase the permitted density of septic tanks in portions of the Highlands, an area of more than 800,000 acres mostly in northwest New Jersey where development has been greatly restricted

since 2004 under the Highlands Act. More septic tanks mean more construction, which is exactly what the state does not need on lands serving a watershed that provides drinking water to millions of residents.

Lawmakers earlier this year approved a resolution declaring that the new rule was inconsistent with legislative intent, pushing the administration to either withdraw or amend the plan. The administration did neither, however, prompting legislators to pursue the same resolution that this time would prevent implementation of the new rule.

Supporters of increasing the septic-tank density insist the change would only generate modest, responsible growth that wouldn't jeopardize water quality. Environmentalists, however, warn that septic tanks are primary sources of nitrates that commonly pollute groundwater.

The Senate Environment and Energy Committee vote to rescind the rule was unanimous Monday.

A Department of Environmental Protection advisor defending the rule took an unusual tack before the committee, suggesting the rule should be left in place until Gov.-elect Phil Murphy's incoming administration can make the call. There's some logic to deferring to the new governor, but it's the rule *change* that should be held off until that time. Considering Murphy figures to be far less receptive to the change, it appears the Christie administration simply wants to open a window, even for a short time, to potentially allow some additional development to get underway, before that window again slams shut.

Landowners in the region have long complained about diminished property values resulting from the development restrictions, and state officials have never delivered on promised compensation for that loss of value. But any move to loosen those restrictions to help restore some of those property values clearly works against the intent of the original Highlands Act.

There may be room moving forward to tweak the region's master plan in ways that would allow for a limited amount of additional development. The state does owe Highlands landowners some consideration. But that should be handled under

a new governor. There's little reason to trust the Christie administration to tackle those issues responsibly. The Highlands Council that oversees the land-use management of the region under the Highlands Act has been tainted by the administration's anti-environmental policies. The first order of business in the Highlands under Murphy is to re-establish the proper emphasis on regional preservation rather than growth.

For now though, legislators' mandate is a simple one: Prevent the increase in septic-tank density from taking effect.