

# The Star-Ledger

## Christie's extension of Highlands rules pleases environmentalists



By [Ben Horowitz/The Star-Ledger](#) on December 22, 2013 at 7:32 AM



Spruce Run Reservoir in Clinton

Township is one of the water sources that the Highlands Act was designed to preserve. Ed Murray/ The Star-Ledger

[CHESTER TOWNSHIP](#) — The state Department of Environmental Protection's rules for the Highlands region have been extended for two more years, and environmentalists say that's good news.

Gov. Chris Christie signed the extension earlier this month and Jeff Tittel, the Sierra Club's New Jersey director who is usually an outspoken critic of the Christie administration, said he is pleased.

Tittel called the extension "a limited victory" that will "keep protection of the water supply in place."

The rules had briefly expired, and had they been left unattended, "It would have been open season on the Highlands," Tittel said.

He said he "thought (the administration) would come up with some proposals to weaken the law" but was pleasantly surprised when that didn't happen.

The DEP enforces the core mission of the Highlands Act, which was passed in 2004 and restricts development in the Highlands region, an 88-town, 859,000-acre area in northern New Jersey that supplies water to more than half the state.

In the region's preservation area, which includes 52 towns and 415,000 acres, restrictions are severe and compliance is mandatory with rules that, for example, limit residential lots to just one house, no matter how large the property.

The region straddles Morris, Somerset, Hunterdon, Warren, Sussex, Passaic and Bergen counties.

While the Highlands Council does planning for the region and makes recommendations to the DEP on specific plans, the DEP enforces the regulations on stream buffers, septic densities, water withdrawal and other water-related issues. The rules restrict dumping of soil, removal of trees and other vegetation, excavation and any surface use that takes land or water out of its natural state.

Christie in the past has criticized the Highlands Act. In 2011, he said it was "based on a lie" because it has not adequately compensated landowners for a drop in their property values after they could no longer develop their land. That kind of rhetoric raised fears among some environmentalists about the expiration of the law.

Two spokesmen for Christie declined to respond to an e-mail seeking comment on the rules extension.

At the DEP, spokesman Larry Ragonese said "there is no change in policy" regarding the Highlands and the department will continue to enforce the regulations.

"The rules in place continue, despite the fact that Jeff Tittel said we would be gutting the Highlands rules," Ragonese said.

Ragonese acknowledged the Highlands is not a major focus for the DEP at this point. The "big priority" now, he said, is rebuilding after Hurricane Sandy and Tropical Storm Irene.

"We're still waiting for Jeff Tittel to help with Sandy recovery," Ragonese said. "He mostly complains and puts out press releases."

**Another environmental advocate, Julia Somers, executive director of the New Jersey Highlands Coalition, also praised the governor's extension of the rules.**

**"The Highlands rules appear to be working," Somers said. "It is appropriate that the governor chose to do this."**

**Somers said she had noticed the DEP's "attention is elsewhere" following Sandy.**

**The state “still has a long way to go to clean up the Shore,” Somers said. “They don’t have time to think about the Highlands and we don’t hear a great clamor for the rules to change.”**

Tittel said that when the rules next expire — on Dec. 31, 2015 — Christie will likely be embroiled in his campaign for president and still won’t see changing Highlands rules as a priority.

“He’ll be focused on Iowa and hopefully he’ll leave us alone,” Tittel said. “The status quo is a positive.”

Gene Feyl, the Highlands Council’s executive director, said the council is “certainly pleased” the rules were extended.

“We’ll continue doing business as usual,” he said.

Among council members, Democrats and environmentalists praised the rules extension, while Republicans tended to take a neutral position.

Kurt Alstede, a Chester Township farmer and Republican who is often critical of Highlands regulations, said the extension “changes nothing. It’s the law and the governor has the responsibility to comply with it.”

Timothy Dougherty, a council member who is the Democratic mayor of Morristown, said he is “absolutely” pleased with the rules extension.

Dougherty said it appears Christie’s problems with the Highlands Act have mostly involved landowner compensation and not water preservation.

“Signing it sends a strong indication that he is not anti-environment,” Dougherty said. “He takes protection of our resources seriously.”