



NEW JERSEY HIGHLANDS COALITION

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Press Release

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NJ Highlands Coalition Sues NJDEP

Columbia Law School Environmental Law Clinic files appeal on behalf of Coalition and Friends of Holland Highlands to overturn NJDEP approval of 158-unit development in Holland Township that NJ Highlands Council found “Inconsistent” with the Highlands Regional Master Plan

Boonton, NJ: The Columbia Law School Environmental Law Clinic filed an appeal yesterday against the New Jersey Department of Environmental Protection on behalf of the New Jersey Highlands Coalition and Friends of Holland Highlands. The appeal seeks to overturn NJDEP’s approval to extend sewer service to the proposed Huntington Knolls development in Holland Township, Hunterdon County.

In January, 2008, the New Jersey Highlands Council found the proposed development to be largely inconsistent with the goals, policies and objectives of the Highlands Regional Master Plan (RMP). In spite of the Highlands Council’s recommendation to NJDEP to deny the proposal “due to the extensive inconsistencies” with the RMP, NJDEP pre-empted the findings of the Highlands Council and approved the extension of sewer service to the proposed Huntington Knolls development.

“We are deeply concerned that DEP has ignored the findings of the Highlands Council.” said **Julia Somers, Executive Director of the New Jersey Highlands Coalition**. “Especially in these times of reduced budgets, the two agencies should be working in concert, not at cross purposes.”

The action by NJDEP may be in violation of Governor Corzine’s Executive Order 114, which instructs that the Department shall “ensure that no approval is given to any portion of a Water Quality Management Plan” within a subwatershed “that is in a deficit...unless approval is conditioned on a Municipal Water Use and Conservation Plan...having been approved by the Highlands Council and having been fully implemented.” All of Holland Township is located within deficit watersheds. In granting approval to the sewer extension, as an amendment to the areawide Upper Delaware Water Quality Management Plan, DEP has not required any conditions for a Water Use and Conservation Plan.

The Governor’s Executive Order also instructed the Highlands Council and the Council on Affordable Housing (COAH) to enter into a joint Memorandum of Understanding (MOU), implementing a plan to safeguard “the clean drinking water supply for New Jersey’s residents and preserving the quality of our environment.”

The Highlands Council and COAH have since jointly signed an MOU. However, no such MOU exists between the Highlands Council and DEP, and thus, no framework exists for the two agencies to work together.

“Many people in the state are very confused,” continued **Julia Somers**, “and we fear DEP’s unilateral approval will set a precedent that will result in less protection of Highlands resources than we believed were achieved with the adoption of the Regional Master Plan.”

Prior to making its decision, NJDEP and COAH worked together to address the affordable housing element of the proposed development, leaving the Highlands Council entirely out of the loop.

“Our local citizens group is participating in this lawsuit because it’s our stream and our landscape here in Holland Township that will be despoiled by the Huntington Knolls development,” said **Michael Keady, President of Friends of Holland Highlands**. “We’re also concerned about the bigger picture-- that the DEP and the COAH worked behind the scenes to justify this approval, violating COAH’s promise to work with the Highlands Council”

"We have to go to court to protect the Highlands and the water supply of the people of New Jersey" stated **Jeff Tittel, NJ Highlands Coalition Policy Co-Chair and NJ Sierra Club Director**. "The DEP sold out the Highlands; they violated their own rules, the Governor’s Executive Order, the Highlands Plan and the Highlands Act with this approval. This project will lead to more sprawl and more pollution. We are going to fight to stop it.

Susan Kraham, Senior Staff Attorney at Columbia Law School’s Environmental Law Clinic has filed the appeal with NJ Superior Court, Appellate Division, on behalf of the Appellants.

The NJ Highlands Coalition is a diverse and dedicated group of organizations and individuals; small and large, local, regional, statewide and national; working together to protect, enhance and restore the resources of the NJ Highlands

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