

# Hunterdon Review

## Legislators need to refocus on objectives of the Highlands Water Protection and Planning Act

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**EDITOR:**

It is apparent that some of our legislators have completely lost sight of the critical objectives of the Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

The Highlands Act did not come about because of voodoo, black magic or karma. It was the result of a sincere concern by New Jersey's residents, expressed through their legislative representatives, that the Highlands ecosystem, particularly its' water resources, not suffer the same exasperating degradation that the state's water bodies further East and South had already endured.

Nor did they want to see the further construction of landscapes that are inherently environmentally hostile, unsustainable, often inhumane, and sometimes downright difficult to look at.

It is true that much of that earlier degradation can be attributed to our lack of knowledge of the intricate frailties of our ecological infrastructure, for instance,. Water bodies, soils, geology, forests etc.

During the past thee decades, however, we have hopefully been enlightened. We now know beyond a reasonable doubt that: The quality of our lives is dependent upon the quality of our environment, which is dependent upon the quality of our land use, and land use in New Jersey is a municipal government responsibility – a truism that state and federal environmental regulators initially failed to recognize.

Long before state and federal regulators show up on a site to issue their environmental permits, municipal planning boards will have already determined:

- The density of development;
- Where and how roads will be laid out;
- How much impervious pavement will be permitted;
- Which water body will receive stormwater runoff;
- Which aquifer will be tapped for potable water; and
- Where and how sanitary wastewater will be disposed of.

It is this site-by-site approval process, however, that continues to wreak such havoc on the state's ecological infrastructure. Rarely are offsite impacts of individual site development or individual subdivisions tracked or linked. Stormwater detention basins, for example, now a common requirement on almost all development sites, often discharge to the same waterways, yet no one knows if the inherent, added volumes of stormwater, as a result of more impervious surfaces, and extended times of discharge, are additive, and responsible for the severe streambank erosion, flooding, sedimentation, and pollutant increases that are becoming more and more frequent in even the best quality water bodies.

If you don't think excessive stormwater runoff is affecting the state's residents, ask those currently living in the downstream watersheds of the Passaic and Pompton rivers. If you want dramatic, eye-opening proof of the continuing impacts these site-by-site development approvals have wrought, I urge you to go to the N.J. Department of Environmental Protection (NJDEP) and ask for a copy of the Stressor Identification Study of Drakes Brook in Roxbury Township, Morris County completed in 2009, but for some reason, has not yet been released to the public. Another similar stressor indicator study on Beaver Brook in Clinton Township, has yet to be released to the public as well.

These studies of Highland streams, and similar information, should be in the hands of both advocates and adversaries of the Highlands Act. Only then can the essential necessity of the Highlands Act and a Highlands Regional Master Plan be understood and appreciated.

A more general glimpse into these stormwater and ecological infrastructure impacts can further be found on the NJDEP's website under Water Monitoring and Standards, then to Technical Presentations and then to two presentations -- Stress Identification and Stormwater BMPs.

I don't believe the majority of New Jerseyans want us to return to a pre-1970, business as usual approach, utilized by our ancestors of a 100 years ago, who, perhaps unwittingly, left us a trillion dollar legacy of contaminated lakes, groundwater, soils and sediment – some of which will never be completely cleaned up.

So now we have to evaluate the risk of limited cleanup or burial at each site, measured by how many of our neighbors, family members and friends --one in a million, one in 100,000 or one in 10,000 -- we are willing to sacrifice.

Despite claims to the contrary by the Highlands Act opponents, corporate America does get the fact that the old ways of environmental slash and burn cannot work anymore.

Ray Anderson, CEO and chairman of the board of the billion dollar Interface Corp. perhaps put it most eloquently in 1998 at a conference of builders, planners, architects and designers, when he said, "...I'm part of an endemic process that is going on at a frightening, still accelerating rate, worldwide, to rob our children, their children, theirs, and theirs of their futures. There is not an industrial company on Earth, and I feel pretty safe in saying, not a company or institution or firm of any kind, not even an architectural firm or an interior design practice, that is sustainable in the sense of meeting its needs without some measure depriving future generations of the means of meeting their needs. When Earth runs out of exhaustible resources, when ecosystems collapse, our descendants will be left holding the empty bag. And some day people like me may be put in jail."

In 1988, when tons of garbage and medical waste were washing up on New Jersey beaches, I helped design a floatables study of the New York-New Jersey harbor complex to identify the trajectories and final destination of all of the garbage coming out of this area. Drifter bottles with return postcards and toll free phone numbers tucked inside, were released in various tributaries of the Harbor complex. Many of the locations where the drifter bottles ultimately landed on New Jersey beaches had been anticipated. The bigger surprise came 1-6 months later, when bottles began showing up on the coastline of Rhode Island, Martha's Vineyard and Nantucket Island. An even bigger surprise awaited us as scientists when a year later our drifter bottles were found by bathers in the Azores off the coast of Portugal and on the beaches of Bermuda, Ireland, Scotland, and Great Britain. Some months following that, one bottle was found stranded on a beach in Norway. Parts of the planet that once seemed far removed from one another had suddenly taken a quantum leap closer together, and for all of us the oft quoted slogan, "think globally, act locally" now had significantly greater meaning. We had gotten the message full face.

Legislative opponents of the Highlands Act, who would like to launch an alternative Highlands Retribution Act obviously still don't get it. Their primary mantra, the purported loss of land value for a small, but vocal minority of larger landowners can be remedied immediately if these legislators would only shift their energies from opposing the Highlands Act, which is actually working by the way, to enacting a small across the board water use fee to fund the compensation for these few landowners.

Having said that, it is somewhat ironic that much of land value or fiscal equity these critics so loudly claim they are due, is the result of zoning densities prescribed by the community. Such zoning was never intended to maximize a landowner's fiscal well being.

Those that buy into the fiscal benefits of zoning also buy into its obligations as well, accepting restrictions on land use necessary to assure the long term sustainability of the community as a whole. Somehow the critics of the Highlands Act have swept aside these obligations.

The 2004 Highlands Act and its accompanying Regional Master Plan have rightly withstood the scrutiny of judicial review. This is not the time to turn the ecological clock back 100 years. If corporate America gets it, why can't some of our legislators get it. Ask them the next time they want your vote.

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Editor's note: Honachefsky is an environmental scientist, a licensed professional land planner, licensed land surveyor, a licensed health officer and a certified professional in erosion and sediment control. He served in the state's Department of Environmental Protection for more than 37 years, and is the author of three books, including "Ecologically Based Municipal Land Use Planning" which is in use in more than 60 different countries.