

An Unhappy Anniversary for the New Jersey Highlands

Seven years after passage of the Highlands Act, some conservationists question if it has lived up to its promise

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By **Tom Johnson**, August 11 in **Energy & Environment** | 1 Comment



It wasn't a happy anniversary yesterday for some who care about the New Jersey Highlands.

Seven years after a bill was signed into law protecting more than 860,000 acres of forest, grasslands and farmland, environmentalists and lawmakers lamented the state of the region and efforts to preserve it from harmful development.

"The Highlands Act had such tremendous promise," said Julia Somers, executive director of the New Jersey Highlands Coalition, a conservation group promoting protection of the region. "I don't think it has lived up to its promise."

The 1,343-square-mile region in the northwest part of the state provides drinking water to more than 5 million of the state's residents. After years of lobbying, New Jersey moved to protect the Highlands (which comprises 88 of the state's municipalities), dividing it into two sections: roughly 415,000 acres for preservation and 444,000 for a planning area that must conform to the region's master development plan.

Part of the discontent among those who favor strong protections for the Highlands stems from efforts by Gov. Chris Christie to remake the Highlands Council, the board that oversees and regulates development in the region. Christie has proposed 10 new nominees to the council, more than half of whom have been approved. Environmentalists have unsuccessfully argued that the Christie appointees would dramatically change the council from one that supports the 2004 law to one that is expected to undermine its comprehensive management plan.

"We have a Governor making political hay attacking the Highlands Act," said Jeff Tittel, director of the New Jersey Sierra Club, which gave the administration an "F" for protection of the Highlands yesterday in a report card. "If the Governor had a Republican legislature, he has implied he would repeal the act in various town hall meetings," Tittel said.

Conforming with Regional Plan

That view was disputed by members of the council, who noted the success of having towns conform to aspects of the comprehensive management plan.

To date, 60 towns have submitted a petition to conform to the Highlands Regional Master Plan, resulting in a 97 percent conformance in the Preservation Area and 35 percent in the Planning Area. Twenty-eight towns have received approval for their conformance plans from the Highlands Council since 2010.

"Entering its eighth year, the Highlands Council is making substantial progress on implementing the Highlands Regional Master Plan," said Jim Rilee, chairman of the council and mayor of Roxbury Township. "With tools like Highlands Centers, we see a more thoughtful approach to development. However, there are many issues that I look forward to working on with the council, including continued environmental protection and addressing landowner equity concerns."

Rilee was one of the nominees to the council who environmentalists opposed because of his persistent criticism of the law prior to his nomination. He also has been a forceful advocate for compensating landowners whose property values diminished because of the law.

Environmentalists also are very unhappy that the Highlands Council approved the Susquehanna-Roseland transmission line, which cuts 45 miles through the core of the region. "They've made some terrific mistakes and Susquehanna-Roseland pops to the top of the list," Somers said.

Lawmakers were not so pessimistic.

"The Highlands Act, which protects the source of drinking water for more than 5.4 million residents of the state, is the most significant environmental policy adopted by the state in a generation," said Assemblyman John McKeon (D-Essex), a co-sponsor of the law. "Any attempts to dismantle the Highlands Act by weakening its well thought out protection based on science and sound public policy would be untenable."

Larry Ragonese, a spokesman for the Department of Environmental Protection (DEP), disputed assertions that protection for the Highlands would be weakened. "The state cherishes the natural resources and environmental importance of the New Jersey Highlands," he said. "We think it is a terrific resource for the state and we have every intention of protecting these resources."