

New Jersey Highlands Council
Public Hearing in Consideration of the
Draft Regional Master Plan

Date: January 24, 2007
Commencing at: 10:05 am
Location: New Jersey State Museum, Trenton, NJ

Before: Hearing Officer Chairman John
Weingart and fellow Highlands Council
Members Tracy Carluccio, Mimi Letts,
and Erik C. Peterson

Hearing Officer John Weingart: Good morning, this is the 6th public hearing of the New Jersey Highlands Water Protection and Planning Council called to discuss the draft regional master plan that the Highlands Council adopted for public comment on November 30, 2006. We are accepting public comment and welcome your public comments through March 2nd. Comments can be submitted through writing, either online or in writing through regular mail. We are recording your comments today at these public hearings and also taking notes on them. And we will have a hearing report that the entire Council will receive, summarizing all the public comments made at the hearings. My name is John Weingart. I'm the Chair of the Highlands Council and with me are two other members of the Council, Mimi Letts and Tracy Carluccio. There are member of the Highlands Council staff here and there may be other council members joining us as we go along. If you want to speak here and didn't already fill out a form when you came in, please do so. I have a large number of people, many people who want to speak now. I'm gonna call on people to speak who have not previously spoken at some of our, any of our public hearings. There are a number of people who have spoken. I'll call people who haven't spoken first and then call on people who have spoken at previous hearings at previous hearings and want to speak again. I'll call on, give a couple of names at a time, so that you know if you're sort of on deck to speak. We ask if you do speak that you come up to this microphone here and give your name and where you're from and we'll proceed from there. Are there any questions about the ground rules here? Okay. Welcome and thank you all for coming. Our first speaker is:

Richard Nieuwenhuis, President, New Jersey Farm Bureau: Thank you very much Mr. Chairman. I'm Richard Nieuwenhuis. I'm President of the New Jersey Farm Bureau and I appreciate the opportunity to speak here, especially being first. That's great. Thank you. I have about 5 pages here of testimony. I got highlighted what I'm going to say tonight cause I know you wanna keep it down in minutes.

There are some important issues that I'd like to bring up to you and will also make available on, through email also a printed copy to the rest of the Council members. I'm coming to this public hearing today, having spent the last two and a half years working with the Highlands Council and its staff to ensure that the Regional Master Plan protects agricultural businesses, laborers equity in the Highlands. It is unfortunate that I stand here in front of you today, saying that we are very disappointed in the results of this Act.

Let me begin with a couple of concerns that we have. The regional master plan is not a land use plan that balances protection of the environment with the economic opportunities. Rather, it is an environmental regulatory strategy that goes beyond the intent of the legislation, in some cases completely ignores the legislation.

The Council has spent almost no time in a public forum discussing the smart growth and economic elements. Some of the mandates are completely ignored. Just one example of this is the failure of the regional master plan to recommend receiving zones for the Transfer of Development Rights program. We feel that the regional master plan is not based on the best science out there as being proclaimed in the press.

We're concerned that the draft regional master plan was released before all documentation was completed. For instance, the draft plan fails to demonstrate the total effects of the land use capability map. It is important to see what the region looks like when both the GSI

layers are laid on top of each other. In fact, one of the most important reports was not made available until this week.

The Council has also not released various reports put forth by the consultants which relate to such elements as TDR and build out. Public scrutiny will be flawed until this information is available for all to review. New Jersey Farm Bureau is very concerned that the Highlands draft, that the Highlands regional master plan draft was released without a policy of equity. At the same time, the plan looks at almost double the amount of land that will have little or no use.

Written characterization of the Highlands in the regional master plan sounds more like a wilderness area than a place where 800,000 people live, work, farm and have thriving businesses. DEP rules interpret implementation of a draft regional master plan could, over time have a very devastating effect on the economic growth in the area and become very much like the Adirondack region in the Garden State. We're also having concerns with the agricultural and forestry elements of the RMP. The agricultural resource protection and sustainability element of the regional master plan has many flaws. For one, it does not recognize that agriculture is a business that can only thrive in a healthy business climate. This element fails to lay out the policy for those farms that are in the protection zone and on the land use capability map have no topography for farmers in these areas to follow leaves excessive discretion to the Council and the Highlands staff that may adversely impact the farm businesses.

Agriculture sustainability is supposed to be a goal but the provisions of the regional master plan show little knowledge about what's really necessary for the agricultural industry. It is disturbing to see that the regional master plan suggests that, over time, the major policies that have been fundamental to the survival of New Jersey agriculture, as is farmland assessment, farmland preservation, USDA farm bills, conservation programs, may be amended to conform to the Council's concept of how to manage agriculture. Let me remind you that the Highlands Council does not have anyone with expertise in agriculture available to them.

It is unfortunate that these agencies are the most knowledge of agriculture programs have not been sufficiently included in the drafting of the regional master plan. Forestry practices in accordance with the forestry masters plan have [] since the farmland assessment act have been exempt according to section 30a7 of the Highlands Act. However, according to the regional master plan, the ecosystems management technical report, forestry will be burdened with a levy of special requirements and duplications. Because the regional master plan policies and the DEP rules and regulations, farm operations in the Highlands will not be able to compete on an even playing level, level playing field with the rest of the state and the region of the Highlands.

Many of the non-agricultural policies concern us also. Many policies in the regional master plan apply a prohibition of agriculture uses, changing an agriculture uses and or increasing municipal regulation of land uses in critical resource areas. The result of a document, such policies will be crippling to agricultural industry in the Highlands. Most important issue for our members is the lack of funding. In recent months, the Highlands Council's answer to calls for compensation have been the Highlands TDR program. However, because the

Highlands Act does not allow for the Highlands Council to mandate new growth, the Highlands TDR program is greatly hindered. Furthermore, there is no sign of any dedicated, ongoing funding source for a regional Highlands TDR bank.

Much has been said about the funding, yet landowner compensation in the Highlands to the funding in the proposed second round of the Garden State Preservation Trust. We feel that this is only a viable option for GSPT 2 if that amount is greatly, greatly increased. GSPT is funded by all residents in New Jersey and therefore it should benefit all residents in the communities injured. We cannot take away the funding from the Farmland Preservation and Green Acres program for the rest of the state to meet arboreal obligations in the Highlands. New Jersey Farm Bureau is pleased to see that the regional master plan addresses some of the issues related to the need of funding to compensate the Highlands landowners.

We support the Council in the expansion of the dual appraisal method, using January 1, '04 as a benchmark, well beyond the deadline set forth in the Highlands Act. But this is not enough. And in closing, I just would like to say that the most glaring problem with the draft regional master plan is that it was adopted without any dedicated source of funding for the landowner compensation. Throughout the public hearing process, you have heard from both supporters and opponents of the Highlands regional master plan that there is a need for this dedicated funding source. Almost every one of the supporters have said that this is important and some even that without it, the larger effort is going to fail.

Although you may not be able to enact laws that would put this in place, you, the Highlands Council Members do have the power to do something about this. We are calling on you this morning to put some pressure, much needed pressure, on the legislature. Do not adopt the final regional master plan until the legislature has acted on its promise of May 2 and half years ago to pass laws allowing the Highlands Water users to pay a tax for the preservation of land in the Highlands. This will give you time to finish your incomplete plan, provide the public with all the information pertaining to the regional master plan so that we can fully scrutinize it and provide you with valuable input. Thank you for allowing me to speak.

Michael L. Pisaro, Jr., Frasculla & Pisaro, LLC on behalf of NJEC: Good morning, my name is Michael Pisaro. I represent the New Jersey Environmental Lobby, a state group that has dedicated itself to improvement of New Jersey's [] for many decades. I'm gonna be very brief here, continuing to review the limited documents and will be supplying serious, written comments in the very near future. I wanna thank the Council for their hard work. I'm looking forward to what was a necessary and sometimes controversial protection plan.

The Highlands Act and plan is a manifestation of the state's duty to protect the state's natural resources for everyone, not only for people who are here right now but for future generations. Our natural resources are under serious and threatened attacks. Our water supply is being threatened by 20, 30 within my lifetime, within my children's lifetime, we are going to need more water than we have. That is shocking and requires that we act now. We're having threats to our water quality. If I remember correctly, 91% of the waters in the Highlands area do not support recreational use and 65% do not support aquatic life. That, again, is shocking that we are relying on something that needs a lot of help.

We're also being threatened by open space loss. You've heard a lot about property values and that is necessary but part of what property values are is the surrounding area. As we continue to develop, overdevelop, property values are going to go down because what made the Highlands so wonderful, so beautiful, what people wanted to come and live with, would be gone. We also need to protect the area for wildlife and if the Highlands continues to get developed, and it is probably one of the areas that is experiencing one of the most great pressures for development, you will have even less water supply. The water supply is going to even be less usable because you're taking water out; you're bringing more impervious cover, which is decreasing the recharge rate; and introducing even more pollutants into what is going in the ground.

So I can commend the Council for its plan. As I said, the Highlands is developing, the rest of the state is developing and half of the state, the plan notes, gets its water from the Highlands. And we've known, the Highlands is where we needed to get our water for over 100 years. So it's about time that we did something about protecting this natural resource. As I noted, water supply is paramount. Wildlife and open space, places where we can go for recreate, observe wildlife is just as important. As the master plan noted, 65% of the open waters don't support aquatic life. 91% do not support recreational. I kayak, my kids swim, my kids like to fish, where can they go not in New Jersey?

And as we continue to develop, we don't preserve. It's just going to get worse, it's not gonna get better. Our wildlife is important. 60% of the Highlands supports critical habitat for threatened, endangered species; 72 species have threatened, endangered or rare species exists there. This is a holistic plan to protect not only our need for water supply but wildlife and open space. As I said before, we'll be submitting more detailed comments but I wanted to come here and voice the New Jersey Environmental Lobby support for the plan. Thank you.

Karen Lagerquist, Coalition for Affordable Housing and the Environment: Good morning, thank you. The Coalition for Affordable Housing and the Environment is comprised of environmental, planning and housing organizations that believe their goals can and must be achieved by working to promote them simultaneously.

The Coalition has appeared before the Highlands Council on numerous occasions, and appreciates the opportunities for input that the Council has provided thus far. In those appearances the Coalition repeatedly urged that the Council take steps to make builder's remedy litigation in the Highlands non-existent. Because such litigation is the mechanism of last resort to implement the *Mount Laurel* doctrine, the Regional Master Plan must ensure that the process of providing affordable housing opportunities never reaches this "last resort".

Requiring a petition for substantive certification as a prerequisite for conformance with the Plan is an excellent first step. Obtaining sub certification from the Council of Affordable Housing is near iron-clad protection against builder's remedy litigation, and is critical to ensuring that such litigation is a thing of the past in the Highlands. The process for obtaining substantive certification also allows the opportunity to review sites identified for affordable housing for their environmental sensitivity.

At the same time, however, addressing the obligation to provide affordable housing opportunities does not yet permeate the Plan. For example, the Plan calls for coordination with Council on Affordable Housing and the Office of Smart Growth to ensure that development and redevelopment activities consider local and regional affordable housing needs. Given that development and redevelopment activities create affordable housing obligations, planning for those activities must not only consider the need, they must also address the obligation.

As the Coalition further analyzes the Plan, it is likely that we will have additional substantive comments. However, promoting environmentally appropriate affordable housing is a core portion of our mission, and we wanted to take this opportunity to commend the Council for the steps it has taken so far in that direction, and urge you to fully incorporate that goal into your plan. Thank you.

Ronald Sheay: Members of the Highlands Council, I thank you for the good work you are doing and allowing, for allowing me the opportunity to comment. My name is Ronald Sheay. I'm a retired forester with the New Jersey Forest Service, having spent 30 years helping private landowners manage their woodlands.

I am pleased that over half of the Highlands Region is forests. So much attention is being focused on the 464,000 acres in 2007. On the 100th anniversary of the appointment New Jersey's first state forest. I have attended a number of council meetings and am impressed by the seriousness the Council has shown in fulfilling the responsibility in developing the regional master plan and also seriously listening to public comments. The mandates of the legislature for the state parks in 1907 was assistance to private landowners, and information and education, all of which are still being done today. Also 48 accredited universities and colleges are now granting degrees in forestry. With decades of research and field accomplished by these universities and the New Jersey Forest Service, we have a greater understanding form and thrive based on that scientific research and knowledge.

The regional master plan has a number of excellent policies, statements, goals and ideas for the future. A few examples are a properly managed woodland provide an opportunity, to enforce the sustainable and renewable source of wood products; is a problem, invasive species control if needed; recommend keeping your forests healthy; forests provide watershed protection for water quality and quantity, to mention a few. The forestry community can help to reach these goals and help solve these problems.

The report of the sustained forestry technical advisory committee of the Highlands Council addressed many of the forestry issues and policies and I highly recommend the Council to use the information in that report. There is an exemption woodland owners under the Farmland Assessment Act of 1964 and the Woodland Amendment of 1986. The forest management Act was conducted in accordance with the Woodland Management Plan, approved and inspected by the state Forester, this process is a third party certification with real forestry activities. According to the Farmland Assessment Act for the 2004 report published by the Commissioner of Taxation, 100,000 acres of woodlands in the Highlands region are involved in the Farmland Assessment Program.

More than 75% of these woodlands have a wetland attitude, not a plant or crick approved by the state Forester. It would be nice to see both public and private owned woodlands have approved forest management plans if they're gonna do some forestry activity. Finally, I ask that you use the information the sustainable technical forestry advisory committee report and the best management practices approved by that were published by the New Jersey Forest Service. The Highlands Council and the forestry community, by working together, can make the forests of the Highlands healthy, vigorous and sustainable in providing water quality and quantity, biodiversity for our products and services. Once again, I thank you for your diligence I have seen in accomplishing your mission and appreciate the time for listening to me.

Richard Bizub, Pinelands Preservation Alliance: Good morning. Again, my name is Richard Bizub and I'm with the Pinelands Preservation Alliance. And it may seem odd why I'm standing up here today talking about the Pinelands in the Highlands but there are some similarities that I would like to touch upon. First, I'm not new to the Highlands. I grew up in the Highlands. I grew up in West Milford. My family has lived up in that area for 63 years and I have many fond memories of going out on the lake and doing things at Lake Waywayanda and so on. And I also remember the droughts very well.

The Pinelands plan really has withstood the test of time. It's been around, the Pinelands Comprehensive Management Plan been around 25 years. And that came about in march of 1978. We all remember that one because it essentially put an end to the Tocks Island Dam project. At the local level the Pinelands Protection Act really initiated what we have today in the way of boundaries and the comprehensive management plan. And, like you're sitting up here today, it was the first commission. What that commission did was something very special. They knew that their efforts were gonna be constantly challenged and with that in mind, they started the point of strength. They instituted a very strong plan. But what they also did, they recognized when you take something of this magnitude on, that there's always gonna be things that aren't just gonna fit. So they had a waiver process. So they had a strong plan and a waiver process and today, if you look at the Pinelands boundaries, after 25 years, actually after 30 years, it changed very little. The Highlands plan and the Pinelands really is not about condemnation. It's about zoning. And today, if you look at the long term economic study that the Pinelands Commission science staff and statisticians have worked on, you'll see that land values are comparable with areas outside the Pinelands, contiguous. All the economic indicators are basically the same, income and sold. And I'm not a statistician or an economist, so I'm not gonna go into that. But I encourage you, as part of our written testimony, we will submit that plan for you to look at and compare the economics of what constantly comes up here. Again as a long term resident of the Highlands, and when I would drive through the Clinton reservoir or [] reservoir or Charlottesville during periods of drought, it's if those settlements come back to life. And as the water goes down, you see roads, you see homes, you see footers and you can almost fill in the blanks as far as what was going on 100 years ago. And I would think and say to myself, these people got a bum deal. Because they were, their plot was taken away from them. And that's not the case in the Highlands or the Pinelands. And, yes, there may be some difficult decisions, there's [] to those reservoirs and reservoir systems, it was the right decision. And when I look at Manasquan reservoir and I saw that being built 20 years ago, I said to myself, that was the right decision. And the Pinelands was the right decision. And a strong plan for the Highlands will also be a right decision. Again, I still spend a lot of time

up in the West Milford, Jefferson area and if you get on a boat or a canoe and get to the other side, the southern side of Lake Waywayanda, you'll see a stark reminder of what could have happened there on the trail. As we approached the end of the lake, you see these pipes, these stand pipes, sticking out of the water. And that was from a time when the water was gonna be shifted from that part of Waywayanda Lake to other parts that needed water to get to the people. You know, John McPhee, in his book, *The Pine Barrens* in 1967 this came out, you know, it was a great reference. People, before this book came out if you had said Pine Barrens, nobody would have knew where it was. But when this book came out, if you were in California or Idaho, anyplace else, at least you knew it was someplace in New Jersey. But John McPhee could have written about the Highlands; He could have written about the Highlands...it's really a plum. And in summary, I would just like to leave you with one image or a thought. A few years ago, National Geographic magazine took satellite imagery of the whole United States and they enhanced it where there was a lot of light and a lot of dark. And you look along the eastern seaboard and it was ablaze in bright colors. And you look along the California coast, bright colors. And if you looked at Montana and Idaho, it was black. When you focused in on New Jersey, you saw two black spots, the Pinelands and the Highlands. And what that tells me, in retrospect, is the Pinelands plan after 30 years is working. It has preserved that area, kept growth where it's supposed to go and kept the core area the core area. It also tells me that the black spot in the Northern spot of the Highlands that it's not to late as many critics say. It's not too late if you pass a strong plan. Thank you.

Diane Constantine, Law Offices of Alan Zublatt, on behalf of Sprint Nextel: Good morning, my name is Diane Constantine and I'm from the Law Offices of Alan Zublatt. And I'm here this morning on behalf Sprint Spectrum and Nextel of New York. You may ask why the wireless carrier are putting themselves in front of the Highlands Council and the real reason is that there's no provisions in the Highlands regulation or in the master plan regarding cell towers or antennas.

The municipalities all throughout the United States and particularly here in New Jersey are increasingly recognizing the fact wireless services are very important and the towns are taking a lot of time in putting ordinances together as to where they'd like to see these types of new solutions sited and where they don't want to see them sited. In a lot of redevelopment plans, when you're making new development zones are also incorporating in to specific sites where they would like to see wireless. The Highlands regulations basically ignores telecommunications with the exception of one exemption, which allows carriers to site on utility towers as long as you stay within the footprint of the utility tower.

There is such a document called the Cell Tower Addendum that is not satisfied by the regulations, it is not referred to in the plan. In fact, your proposed master plan doesn't even refer to public utilities but for one quick sentence saying that you're willing to work with the public utilities so that they can continue to provide service. In a time where majority of the people are relying on their cell phones for businesses, home use, safety, ability to keep in contact with their children and for 911 services pursuant to the Wireless Public Safety Act of 1999, the placement of wireless facilities should be considered in the master plan. As currently written, wireless carriers can not place their wireless facilities within the Preservation Area.

The Council is basically prohibiting the siting of that unless we go through an onerous waiver process that is taking an extremely long amount of time and, as of now, I don't even know if there's been a waiver that has been approved. So, really we need to carve out an exemption or, as the gentleman before, which was quite ironic that he went before I did, cause I had no idea who he was. The Pinelands, if you look at their plan, they sat down with the wireless carriers and crafted a comprehensive management plan and each of the carriers told that council where they needed to site their different locations and what exists today is actually a plan of where the carriers can go. And it really has been helpful, I'm not gonna say it was painless, but it was helpful in that they could site in these preservation areas; they could site in these areas of resources and natural beauty that everybody is trying to protect. And they have an agreement, was struck basically between both of the parties.

So I would urge the Council that if you're not gonna provide an exemption for wireless carriers or a method for us to site in the Preservation Area, that you consider sitting with the carriers and drafting a comprehensive management plan that, that way both sides will know where they're allowed to go and they'll still be able to provide service under the Telecommunications Act of 1996. And I thank you for your time and we will be presenting written comments. Thank you very much.

Emerson Eisele: I'm from the southern part of the state. You're probably wondering why I come all the way up here from the south. I'm a farmer down there, I'm a tree farmer and understand what the forest does, how it protects our waters, it filters the water as it goes through the different types of soils we have; we produce oxygen from the trees and if land has a habitat, forestry, anything, it pertains to natural resources. I think it's worthwhile protecting. And I'm glad to see people like you making an effort to do this. Whether it's from overdevelopment or lifestyle, from an agriculture having access to our streams, polluting that but I think we're on the right track.

And I'd like to see a lowland council be in the southern part of the state like it is in the north. I think some of the things that you have to address in your plan, is to hold people accountable for what they're doing. The voluntary practices do not work and I think that just about clears up why I'm here. I think we should have buffers, proper buffers to protect our streams and I have a motto that I state to everyone: "Let's keep New Jersey but not our waters". Thank you.

James Warren, Hackettstown: James Warren, I'm at 102 Petersburg Road in Hackettstown and I do have; I am farmland assessed, woodland management program for quite a number of years now that I actually follow. This document that I am here to comment on today should not be approved as a plan because it is not a plan. It should not be approved because it is incomplete. It should not be approved because the costs are unknown. It should not be approved because it does not comply with the law. It should not be approved because the public comment that I am giving here at this time is based on incomplete information. It should not be approved because everyone that has commented on this plan to this time has incomplete information and can therefore not possibly know what they may be either criticizing or supporting. It should not be approved because key background information has been knowingly withheld from the public possibly compromising the accuracy of the document and definitely compromising our ability to offer carefully considered comments.

The lack of completeness in this plan is clearly evident to anyone who has bothered to read it and observed that the word “developed” used 165 times, “determine” used 58 times, “inventory” used 70 times, “evaluate” used 35 times, and “ongoing” used 6 times. Yes, there are some uses of these words that refer to things that have been done, but that is the exception in the document. Most of the instances imply future actions with no clear indication of when they will be completed, in most cases. In fact, it is difficult in many cases to even know when they will be started. How can we comment with this lack of information? And there are other words indicating future activity that I cannot bother to list at this time.

Clearly, we cannot know what to say as so much is in my field of technology we refer to it as “vaporware” and I think that’s what this plan is. I am not sure what you call this other than bureaucracy in action. I can cite some specific instances. I’m not going to read those. They’re in my comments, you may read them. But there is more that is extremely egregious that I must bring to your attention. Primarily, the issue is money, taxes in particular. By my count, you have used the word “require” 131 times. Usually, you are requiring towns and counties to do something. Well, in case you haven’t noticed, this state is in financial trouble and the electorate isn’t particularly happy with having the distinction of being the most heavily taxed in the nation. The legislature and the governor have been giving this issue a lot of time, supposedly with the idea of finding ways to reduce our tax burden.

The Highlands Council is going in the opposite direction by requiring changes to master plans, changes to zoning, changes to transportation, changes to density and technical studies. Frequently, requested information seems to be clearly duplicative with work purported to have been done by either the Highlands Council or the DEP. So not only are the towns and counties asked to pay for all this additional work, it means that you are asking us, the taxpayers, to pay higher taxes to provide water for roughly 4 ½ million people who don’t live here. You are directly and unfairly taxing us and should not be allowed to burden us in this manner which discriminates against us by virtue of where we live.

Finally, the fact that you totally ignored paragraph 2, section 11, of the Highlands Water Protection and Planning Act by failing to provide anything substantive with regard to the financial component means that you have not fulfilled your obligation under the Act and therefore not developed the plan as called for. Again, it is possible, impossible to properly comment on this document as if it were a plan when it fails to provide the basic elements that were required.

Dr. Tariq Mahmood: Good morning. My name is Dr. Tariq Mahmood. I own 10 acres of commercial property along Route 206 in Flanders. I bought this property in 2003 to build a small commercial building. A site plan was prepared and submitted to the Township of Mount Olive. First copy of the site plan was submitted around March – April 2003. Later, at the request of the Planning Board, Township of Mount Olive several changes were incorporated in the site plan. Several meetings were held with Township Engineer.

The township ordinance a lot of studies to be done for this property; traffic studies; environmental impact studies; wetland delineation; phase 1; tree counts; survey. On July 15, the Township approved the site plan 16,000 square feet building. On August 10, the Highlands Act was signed retroactive date of March 29. As result of this bill, I have been

denied the right to build this property that is absolutely unfair. This property is located in a well; there are office building across; there are office building on the left. So it's actually a fitting area. I have sewer allocation for this property. In this site plan, there are only 2 acres of land which is going to be used and the total area is 10 acres. So I would like to request the Highlands Council look into it. This is actually a commercial area, heavily traveled 206 and only the surface of an acre and a half to two acres. So I would like to have the Council to see if the property can be built.

Ed Wengryn, Field Staff of the New Jersey Farm Bureau: My Name is Ed Wengryn. I am a resident of Ewing Township and a consumer of Highlands' water, I am also staff at New Jersey Farm Bureau and was actively engaged in the legislative process during the passage of the Highlands Water Protection and Planning Act. I worked closely with our President Rich Nieuwenhuis, Dr. Dey from the State Board of Agriculture and with Monique Purcell from the Department of Agriculture to represent agriculture and forestry interests during the amending and passage of the Act. We held numerous meetings with Curtis Fisher and Dante Di Pirro at that time representing the Governor's Office. We had meetings with Senator Smith, the prime sponsor of the bill as well as the other members on the Senate Environment Committee.

From the beginning of our involvement we worked hard to avoid a duplicative or separate process for agriculture production and development in the highlands region. There is a strong system in place with Right to Farm and Soil Conservation Districts statewide to support agriculture. We did not want to see a new system established that would create a separate, more restrictive oversight of an industry that needs to be competitive not only intra, and interstate but internationally as well. This is where the blind to the line concept came from. There should not be separate standards for agriculture inside and outside the Highlands region but an agreed upon process for agriculture development that takes the goals of natural resource protection in the Highlands and agricultural promotion. It was also argued that that forest landowners following forest management plans were also doing the right thing for the environment and the resources in the region and they to should not be subject to new or differing standards for the region.

What was recognized was that there was not enough program support for the industries in the region, funding for conservation projects, forest stewardship initiatives, and programs like Integrated Pest and Crop Management that reduce chemical and nutrient applications to crops. There was no marketing support for agriculture in the region to facilitate the growth and promotion of agricultural markets like the Skylands ag program. It is why the Council is charged with supporting and promoting agriculture in the region but not regulating it. It is why we support the agriculture grant program the council has established; it is that kind of supportive program the region needs. Equity protection was the other major concern for us and our members short of a dedicated funding source for purchase of development rights and compensations for conservation easements we could not support the Act on its own.

As you have heard over the past few weeks the land is the greatest resource a farmer has. It's a tool to produce crops as well as a tool to leverage capitol investment. It's the basis of their financial health. It's why you are charged with developing a plan that takes into consideration and requires you to balance the conservation of environmental resource needs of the region with fairness and address the equity concerns of landowners in the region.

When good planning is done it can happen. Farmers and NJ Farm Bureau understand good planning. Farmers and foresters plan for the future all the time. Balancing crop growth with the natural resources is something they all do. It is that same common sense approach we used in adding the required Plan elements. Identify areas for growth, prioritize, lands for preservation and protection, develop an economic growth plan for the region, look at and improve the transportation systems in the region. Move products and people. It is these same very elements that are missing from the Draft plan you released. It's why you've heard so much criticism of the draft plan.

The very sections that address the economic recourses, jobs, housing, and transportation are missing or incomplete. The TDR program that shifts growth away from areas that need protection to areas that accommodate growth is incomplete. Absent outside funding for acquisition, TDR is the logical compensation tool. We understand that in order for it to work it cannot be rushed but is a key component that needs more attention.

The draft plan lacks vision for the future of the region. What it will look like in five years, ten years, fifty years? You need to take the comments you heard and go back and complete your work. The time framed outlined in the legislation is unrealistic to the task, but the longer this takes the more frustrating it is for people and businesses in the region. You need to set a vision, a destination so that people can understand and embrace. We need to know where we are going. Protecting everything and not planning for growth will not get us there. Every farmer and forester plans and plants for growth, for the future. You cannot go into the future with out it. You need to make some hard decisions and you need to do it soon. Thanks for your time today.

Jacob Stypinski: Good morning, Mr. Chairman, members of the Council. My name is Jacob Stypinski ad I'm an attorney with the law firm of Sterns and Weinroth. And I'm here to speak on behalf of some of our clients who are property owners in the Highlands region. I have very specific comments to certain sections of the plan I'd like to provide to the Council.

Section 2C paragraph 11 which is page 32: The regional master plan acknowledges that water and wetlands are evenly distributed within both the Planning Area and the Preservation Area. If these waters and wetlands areas are evenly distributed, we have to question whether the boundary line drawn by the legislature makes sense, if the goal of the Highlands Act is to preserve clean drinking water. Section 3b, pages 46-47 of the regional master plan: We question why it is necessary to create protection, conservation zones and planned community zones within the Planning and the Preservation Areas. Isn't the preservation area one large protection zone?

The Council's empowered by the Highlands Act to designate special areas, within the preservation area, that not be developed. Where is the Council's statutory authority to designate such areas within the Planning Area? Placement of the Planning Area within the protection zone overlays contrary to the explicit language in the Act which permits the Council to and I quote "preserve to the maximum extent possible", end quote, these environmentally sensitive areas, not to prohibit development. And I'm quoting from New Jersey statute section 13:40-10c2. Creation of these special zones undermines and ignores the boundaries of other legislature in the Highlands. That these boundaries are not correct

and there are areas within the planning area that should be within the preservation area and vice versa. The legislature and or the Council should __ boundaries set forth in the Act and protect the correct watersheds, waters and wetlands and other environmentally sensitive areas without burdening properties that do not fall within these categories.

Section 3, paragraph c2d __ pages 110 and 111 of the regional master plan: There is no statutory authority to regulate areas designated critical habitat areas where the species is of special concern and there's not a state threatened or endangered or rare endangered species in the habitat __. Page 112: Prohibition of all development in the Planning Area where the area is a critical habitat with the property lines within the conservation zone overlays is contrary to the Act and these go to our comments in section 3b that I previously made. Page 119: We're glad to see that there's going to be an establishment of a water conservation and consumption fee, but there's no detail provided as to how this fee is going to be enforced, what this fee is going to be. And I think that should have been provided in the draft regional master plan.

Finally, section 3D7, page 180, this addresses the TDR program: New Jersey statute 13:20-13b required the Council to identify sending and receiving zones within the Preservation area within 18 months of enactment of the Highlands Act. These zones should have been identified, by our calculations, by March of 2006. To date, the Council has not identified any of these zones. The Council has no authority to ignore extended deadlines set by the legislature in adopting the RMP or identifying these zones in establishing a TDR program to provide relief to property owners within the preservation area. The RMP does not identify any specific time by which these sending and receiving zones will be identified. When will the zones be identified and when will the TDR program be operational? What will the turnaround be for Highlands Development Credits mean to the allocation of credits? These questions aren't answered in the regional master plan.

Finally, my last comment is page 184, also has to do with the TDR program: Allocation of TDR credits should be based upon the DEP rules and regulations in effect on August 9, 2004. This is explicitly provided in the Highlands Act as New Jersey statute 13:20-1381. The Council has no authority to adjust the number of credits based upon the property's location in the Highlands region or the relative value of the Highlands resources on the property and this is provided in the regional master plan. Any Highlands issues cannot be considered setting TDR on a lot pursuant to the Act. Thank you.

Tom Gilbert, On Behalf of the Highlands Coalition: Good morning, my name is Tom Gilbert, and I am Director of Eastern Forest Conservation with the Wilderness Society, and also serve as acting chair of the Board of the four-state Highlands Coalition. As the former executive Director of the Highlands Coalition, I was pleased to be a member of the Governor McGreevey's Highlands task force and to contribute towards the passage of the Highlands Water Protection and Planning Act.

First and foremost, I would like to commend the members and staff of the Highlands Council for the excellent and enormous body of work you have done to prepare the Draft Regional Master Plan, under difficult circumstances, including the loss of several key staff and council members while you were in the throes of an already Herculean task. From my review of the draft RMP, it appears that the plan is heading in the right direction and is in

keeping with the intent of the task force and legislation. I applaud you for being blind to the line in identifying the protection and conservation zones, so that critical environmental areas that fall outside of the preservation area are identified and targeted for appropriate conservation measures.

However, I am concerned that you don't appear to have identified no-build zones in the most environmentally sensitive areas that should be subject to zero development as the legislation empowers you to do. I urge you to exercise this authority, perhaps in conjunction with the TDR program, whereby no-build zones might be designated as sending areas in order to compensate landowners, in addition to outright purchase by the state. Land acquisition in these and other priority areas you have identified will require a significant investment from all levels of government and the private sector, as you note in the plan. I urge you to continue to be vocal advocates for the state and federal funds that will be essential to fully and permanently protect the region.

Priority one is to replenish the Garden State Preservation Trust this year. Several of the same state legislators who championed the Highlands Water Protection and Planning Act are also leading the way on GSPT renewal in Trenton. While in the US Senate, Governor Corzine was among the leaders of the effort to pass the federal Highlands Conservation Act, which pledged \$100 million over 10 years to help the Highlands states protect priority lands. Thus far, Congress has not made good on that pledge. The Governor should continue his leadership on the Highlands by working with our congressional delegation to secure those federal funds, and also by working with state legislative leaders to place a question on the ballot this fall to renew the GSPT with a dedicated funding source.

In closing, I want to thank you for your tremendous efforts and I am sure that future generations will thank you as well.

Gary Steinfield, Blue Vista Consulting on behalf of Property owners in Roxbury Township: Good morning, Mr. Chairman, members of the Council. My name is Gary Steinfield. I'm a principal of Blue Vista Consultants. I'm here on behalf of property owners of a property located in Roxbury, NJ. I'd like to read a letter into the record and leave my copy of the letter as well as some related documentation.

Sogima L-A Manager REO is the owner of approximately 63 acres of property comprising Block 9202, Lots 1, 2, 9 and 10 in the township of Roxbury, NJ. More specifically, this property is located at the southeast quadrant of the Route 80/Route 206 interchange. Though this property is located in the Highlands Planning Area, we recently became aware that, pursuant to the Highlands Council's regional Draft Plan released on November 30, 2006, the council is proposing to place nearly all of this property along with several adjoining properties into a newly defined Protection Zone that would essentially make it impossible to secure development approvals of any kind.

The owners of the subject property wish to go on record as strongly objecting to the council's characterization of the majority of this property as suitable to be placed into a Protection Zone which is wholly inconsistent with rational planning in a regional context and the stated policies of the draft regional plan itself. We would like to further go on record strongly requesting that the entire subject property instead be placed into a Planned

Community Zone which conversely is consistent with rational planning in a regional context and the policies stated in the draft plan itself. In support of this request, we are submitting to the council a technical review memo dated January 20, 2007 prepared by Omland Engineering Associates, a highly regarded and experienced engineering firm located in Cedar Knolls, NJ.

I would like to take a few minutes of the Council's time to highlight the supporting points of our request. Placing the subject property into a Planned Community Zone is highly consistent with several major policy areas of the draft Regional Master Plan including Resource Assessment, Smart Growth, Consistency & Coordination, and Local Participation. With regard to the Resource Assessment component of the draft Master Plan, the following should be noted: The subject property is serviced by a public water system that has available capacity to service the subject property.

While the subject property contains wetlands and steep slope areas, the features of the subject property are similar to the properties in the three other quadrants of the Route 80/Route 206 interchange that are all proposed to be placed into Planned Community Zones. The subject property does not contain any threatened or endangered species. The subject area is not an agricultural area. The subject area is located at a major, highly trafficked interchange and therefore development of this area will not materially impact air quality. Much of the subject area being proposed for this Protection Zone has already been developed, and placing it into a Protection Zone adversely impacts property values and ownership rights. The subject area has no identified historic or cultural features. The northern portion of the subject property has already been deemed suitable for inclusion in an adjoining Planned Community Zone.

With regard to the Smart Growth component of the draft Regional Master Plan, the following should be noted: Placing the subject area into a Protection Zone is not consistent with a regional planning approach given the subject area's proximity to the Netcong town center, major highway and rail infrastructure, and the proposed active adult community on the former Muscarelle site to the north; the Poet's Peak residential subdivision to the east; and the ITC Crossing retail power center to the west. Placing the subject area into a Planned Community Zone is consistent with a regional planning approach given the proximity of the subject area to the aforementioned developed properties. The subject area can be developed in a responsible manner that minimizes impacts to the natural and cultural resources of the Highlands.

The subject property which comprises a large portion of this subject area is located closest to the Route 80/Route 206 interchange and is zoned for commercial uses consistent with appropriate local and regional land planning policies that will create significant economic development opportunity which will in turn produce meaningful jobs and tax ratables. The subject area is located within the Musconetcong Sewer Authority service area which has available capacity to service the subject area. The subject area is located at a major highway interchange providing a high level of regional and interstate mobility. The development of the subject area will be guided by applicable municipal, county and state regulations that will enforce adequate environmental and land capacity constraints.

With regard to the Consistency & Coordination, and Local Participation components of the draft Regional Master Plan, the following should be noted: The designation of the subject area as a Protection Zone is clearly not consistent with its location at a major highway interchange nor is it coordinated with the proposed designation of the three other quadrants of this interchange as Planned Community Zones. The designation of the subject area as a Protection Zone is clearly not consistent with allowing for "maximum feasible local government and public input" for development in the originally defined Planning Area. The subject area has been assessed through Roxbury's master planning process to be appropriate for commercial development.

Furthermore, Roxbury Township and the sewer authority have developed a comprehensive plan for the subject area including utility services to support its master plan and resultant zoning. It should also be noted that the draft Regional Master Plan states that 640 acres or 1 square mile is to be the minimum mapping threshold for identification of a Protection Zone. The subject area proposed to be designated as a Protection Zone contains approximately 100 acres, falling substantially short of the minimum mapping threshold. In summary, based upon a thorough review of the November 30, 2006 draft Highlands Regional Master Plan, the rationale behind the council's proposed designation of the subject area as a Protection Zone within the Highlands Planning Area is flawed and inconsistent with sound regional planning principles as well as the policies set forth within the draft plan itself. Instead, the subject area should be designated as a Planned Community Zone which is far more consistent with the draft plan policies, the character of the subject site and area, the character and zone designations of the immediate surrounding region, and local planning initiatives.

In closing, the owners of Block 9202, Lots 1, 2, 9 & 10 in the township of Roxbury are prepared to meet with Highlands Council staff as appropriate to discuss the merits of our position in greater detail. On behalf of the owners of the subject property, I would like to thank council members for their prompt consideration of our comments and request. This is signed by Sogima LA Manager REO, James Riordan, authorized representative. Thank you for your time.

Fred Akers, Landowner in Pinelands: Good morning, my name is Fred Akers. I'm a land owner in the Pinelands. I own 15 acres in the Pinelands and I'm very happy as a Pinelands landowner. And it seems that my property just back to values just keep going up. I get about a dozen letters from Realtors every year, asking me if I would sell my property. I really came to talk about why ___ scenic rivers because as a profession, I'm the administrator of the Great Egg Harbor Watershed Association. And the Great Egg Harbor River was the first partnership wild and scenic river in the country and now there are 9 partnership wild and scenic rivers, 4 of which are in New Jersey, 1 of which was just recently designated in the Highlands, which is the Musconetcong River.

And I would like to recommend that the Musconetcong wild and scenic river and its boundaries be permanently delineated in your plan. This is extremely important because partnership wild and scenic river designation doesn't bring much additional rules or regulations with it. The designation serves more as a theme for what the continual ask for strict compliance to existing environmental regulations to protect the resources that now have a federal value in addition to a state value. So, it's very important to have that permanently documented.

We have found that over time, people forget that designation. New people come in; new consultants come in and propose developments. They don't see that wild and scenic river designation. And I spend a lot of time reminding people and trying to re, re-present that. So that's pretty important and that's really what I came to tell you.

Emile DeVito, PhD, Manager of Science, NJCF: Good morning, thank you for allowing me the opportunity to speak here today. My name is Dr. Emile DeVito, PhD in zoology and botany, specializing in the conservation of biological diversity. I've been the manager of Science and Stewardship at the New Jersey Conservation Foundation for nearly 20 years. I'm also Trustee of the New Jersey Natural Lands Trust and a member of the New Jersey endangered and __ species advisory committee.

I'm here to comment primarily on the forest integrity, stewardship, and critical habitat portions of the plan and I want to applaud the Highlands Council members and staff for focusing so highly on the key element of the Highlands, which is core forest habitat. You note that 44% of the Highlands' forests are still classified as core forest habitat and you define that using parameters such as core area patch size, distance to other patches and other forest metrics that are strongly supported in the conservation biology literature, ecological restoration literature, any other literature has it to deal with conservation of natural resource is the conservation of biological diversity and long-term habitat protection that was developed in the last 20 years in the field of conservation biology.

And I strongly urge you to continue to use that literature, that science, that field, as a fundamental, underlying organizing principle as you go forward with the development of this plan and future standards and pre-conformance requirements. I'm very pleased to see such an emphasis on the protection of things like vernal pools, significant natural areas, the concerns of development of habitat and conservation plans in the future on both some scale and regional basis, the concern for the potential impacts of invasive species in __ bivary. All these things are visionary. It's high time that we pay as much attention to them as we can so that we can make sure that this forest resource is protected, not just for 5 years or 10 years so that there's some nice trees to look at.

But so that we have a functional ecosystem that's providing, you know, in 100 years; one that's providing ecosystem services; one that's protecting our most sensitive and uncommon natural resources that live in those core forests. And we all know that the core forest itself, that's protects our water resources since the core forests are not subject to erosion, pollution, fragmentation and all the incursions by the rapidly sprawling society that we live in. So again, I wanna stress that I think you're on the right track and that it's very important that as you move from this plan to the pre-conformance requirements, that you uphold this vision that you have here and that you develop clear, strong protective standards with well defined benchmarks that will ultimately lead to this long-term protection.

I have one concern about an item in the plan regarding in the future when forest conservation easements are purchased with public money by the state that there's an indication that those easements might possibly be held by the department of agriculture. I don't think that's appropriate. The Highlands Act treats the Highlands' forests as a sustainable ecological resource that provides clean water, critical habitat and a wide variety of public benefits and is not simply treating the Highlands forest as a rotational crop. And so,

the only division within the state to be able to hold forest conservation easements that has the data, the resources, the personnel and the expertise is the Department of Environmental Protection.

And so, if we're gonna protect forest integrity and can make sure that those natural rebarks from resource values continue to provide these services for us well into the next century, and I mean the next century, not this one, that the DEP should be the agency that is staffed and funded and provided the resources that it needs to manage these conservation initiatives. Thank you very much. Also I just wanna say I applaud the members of the Highlands Council and staff for doing this massive overlay of date sets, developing all the various areas and zones.

You've used the best available technology that we have today. You've crunched a massive amount of data, unlike anything that's ever been done before in the history of the state and I applaud that and I hope that you continue to use that data and use the best available science and the best available ecological literature, applied ecological literature for conservation and restoration in coming up with your long term protection standards. Thank you.

Stanley Bojak: Hi, I'm Stan Bojak. I presently moved up to the Preservation Area. The property I'm referring to is Block 48, Lot 9 and 8.01, which was owned by my father since 1952 and passed on to me sometime after his death. He died in 1980. I don't know all the technical data about this plan but all I know is how seriously that I've been affected from it.

Just to give you a little knowledge about my father: well, he was a conservationist. I'm a second generation conservationist. He loved the property. He allowed people to hunt on it although he would sit out in the woods with his shotgun but he wouldn't, didn't have the heart to shoot a deer. He loved wildlife. He bought a swamp area, which at the time was just a mosquito infested thing that nobody wanted. This is what I own now. It's about 50 acres that I managed to hang on to out of the 100 acres that he used to own. And as soon as I was old enough to get away from my mother, he started bringing me up there.

And our family spent all our summers on this property. This was our only recreation area. He allowed boy scouts to camp on the property on a regular basis. He constructed 3 ponds in the wetlands area, which today would be a grievous sin, you know. They sustain more wildlife than they could, than they ever would have if it was just left with just the swamp with a bunch of pumps, we used to call them, growing out of it. There's an example of that right on the corner, which is near this property where you'd never see a duck land there. We have different species of duck land in our ponds.

As far as fishing, one of the speakers mentioned catching fish; as a kid, I used to catch sunnies, 2 and 3 at a time, with my hands, just scoop them right out of the pond. We feed them bread. We had sunnies, goldfish, and catfish at the time. And then my scout master threw some large mouth bass in there and it wiped out the goldfish and catfish, so it was just large mouth bass now with the sunnies. While he was excavating to build one of the ponds, one of my second cousins discovered a bone and he was into collecting fossils so he brought it to his grandmother's house, who lived right near by.

It turned out it was part of a mastodon skeleton, so one thing led to another and he allowed students, some college students to come in and dig it up. And as far as I understand, I never went to see it, I was hoping to see it today but it's assembled here in the museum, the mastodon skeleton which he donated. I'm just trying to give you some idea how important this land is to me. Where do I go from here? Let me check my notes. But as it stands today, well in the fall of 1980, things didn't go to well after he died.

And in 1988, an older sister of mine, who was supposed to get a house, that was on this property, in her name, died in a fire. So I have my three older sisters, they couldn't hang on to their share of the property. I managed to hang onto 50 acres in the wetlands. My father went up there every weekend no matter what. There was never a weekend missed if he had something important __. The property I mentioned is up in Great Meadows, Liberty Township. If he something important to do, business-wise, family wise, he'd go to whatever the event was and go right back up to the country as we called it. And he'd work, every weekend. After a while I started to hide from. I'd work with him.

Hearing Officer Weingart: Can I ask you what is it that you want the Highlands Council to do or say about your land?

Stanley Bojak

Well, just to take in consideration the people that are being affected by this and maybe this might make a little sense. He was a state man who when John Kerry was blamed during the presidency the one statement he made that sorta sums up everything our country is supposed to be about: Every individual counts. And with this plan, I don't believe that every individual counts. I have to sister who are now in low income housing, a niece who has multiple sclerosis, I just had a cousin who died from multiple sclerosis. Our only hope to live in our own home, for my sisters; I wanna share this with my sisters. That's all I want to be made note of.

This property's been in my life, all my life. It's been our only family thing and now it's being taken away. I only built one house on 50 acres. And there's no concern from anyone in this Council. Well, that's the way it goes, you know. But I just wanna, I just want every individual to count in this thing and that's what I hoping that the Highlands Council will do. That's all.

Alison Mitchell, Policy Director for NJCF: Good morning and thank you for the opportunity to comment on the draft regional master plan. My name is Alison Mitchell. I'm the Policy Director of the New Jersey Conservation Foundation, a statewide, private land conservation organization that's been working to protect the Highlands for the past 17 years. I'm also a resident of Hunterdon County.

I began my work in New Jersey compiling information about the resources of this incredible, nationally significant region, which is all the made that is given it's location in the populated part of the country. And I thank the Council and its staff for their hard work in developing the draft regional master plan. __ the Highlands Act, the legislature found and declared protection of the Highlands "an issue of state level importance and cannot be left to the uncoordinated land use decisions of the Highlands municipalities, 7 counties and a myriad of

private landowners”. And we know from experience that strong regional planning approaches work.

The New Jersey Highlands Compact and Management plan is a perfect example. Land use decisions affecting the regions of the ___ about which you have heard considerable testimonies are far too important to the future of the state as a whole to be made on an ad hoc ___ basis. There’s much at stake, perhaps something more important than the drinking waters over 5 million people and 65% of the state’s population.

The draft Highlands regional master plan aims to protect the critical water supply; forests, which are critical to water protection; wildlife habitats, farmlands, historic, cultural, recreational and scenic resources, and there are many very good natural resource policies and protections with the draft for which we are grateful and which we strongly urge the Council to obtain. I will touch on a few of these and will be submitting more detailed written comments. But needed as the process moves forward before plan conformance, I thought it was key to the success of the Highlands plan are standards and specific measurable results towards which the plan is targeted.

An effective and efficient plan conformance process by which municipalities opt in to the plan will also be necessary to ensure protection happens in both the Preservation and the Planning areas. In terms of provisions of the draft, we applaud the allocation of nearly 2/3 of the Highlands to the Protection Zone, which spans both Preservation and Planning Areas and urge the Council to go further and to identify and designate, in the RMP, a special area within which development shall not occur as stipulated in the Highlands Act, with compensations to owners through various mechanisms.

We are concerned that agricultural lands with ___ are not adequately protected within the draft plan and we urge you to implement the requirement of the Act that centers be developed for limiting building on farms preserved in the region. It’s to protection of water resources. We urge the Council to remove the ability for cluster development in the agricultural section because it might inspire a new surge in constructor ___ plan. If the better agricultural soils are set aside, then cluster development will be located on the poorer agricultural soils, lands destabled to handle wastewater or package plant systems or individual septics.

Finally, we support the regional master plan’s endorsement of the reauthorization of the Garden State Preservation Trust and we pled that we and our partners at the Green Campaign will work hard to ensure reauthorization this year so he press plan is not lost while the wait for state funds to continue New Jersey’s nationally recognized ___ program. The face out right in the Highlands in large measure to the plan for the region was clear and very strong. Creation of that type of plan required the framers of the plan to be courageous. We urge the Council to do justice to the Highlands region as critical importance to the future of New Jersey by strengthening this draft, creating strong incentives to planning area communities to opt in and immediately laying out specific objectives for plan implementation ___ region. The plan is heading in the right direction, no question about it. We look forward to its completion. Thank you.

John Thonet: Good morning, my name is John Thonet and I'm a private environmental planning and engineering consultant. And I've been working in the state of New Jersey for over a quarter of a century, providing environmental consulting services to land developers and municipalities with regard to land development projects and land use planning programs.

I've been a proponent of strong regional planning for environmental purposes for my entire career and an equally strong proponent of transfer of development rights programs as the best way to equitably provide environmental protection in the state of New Jersey. I have read the entire regional plan page by page; including many of the technical support documents on which that plan was based. My conclusion is that this is an unbelievably good plan. It is well thought out and well based.

Now, I don't want you to go jumping to the conclusion that I not gonna have some constructive criticism in writing because there's certainly lots of little details that need to be explored further. But I think at this juncture, what's important for me to say is that you guys have done a very good job and in my entire career, this is the most significant piece of regional planning that I have seen. Now having said that I wanna; for those of you who know me, I don't say good things about regional planning easily. I'm a very critical person when it comes to protecting the environment and I'm also just as critical with regard to preserving property value. And this is the second part of the plan that I think is particularly important. The plan proposes for your __ a transfer of development rights program, in part and perhaps the major part of the plan for preserving equity or preserving property values. I've been to a couple of these hearings and it should come as no surprise to the members of the Council that the biggest concern raised by property owners within the Highlands is the issue of their property values.

And so I applaud this Council for having included as a fundamental part of this plan a TDR program. The reason that TDR programs are important in that it does add another layer of preservation to the Highlands Area that in combination with preserving the environmental attributes of the Highlands, including most importantly, its water resources; it also preserves property values, if done correctly. I will acknowledge that at the present time, the TDR program appears to be more conceptual than real. And so if there is a recommendation that I could make to the Council now it would be to please, pull out all the stops on insuring that this TDR program becomes a real program because in the final analysis and measure of the success of the Highlands program is not going to be measured by how well it protects the region's resources because surely it will do that. It will also be measured by how well it has protected the property values of the farmers and other landowners within the Highlands and I'm sure from having read all the reports that this Council is up to that task. Thank you.

Damien Newton, Tri State Transportation Campaign: Good morning. Thank you for the opportunity to testify today. I'm Damien Newton, the New Jersey coordinator for the Tri State Transportation Campaign. While I'm not one of those familiar faces you see at every meeting you hold, we have been active in the Highlands. I've been on the transportation advisory committee. I've made it to a few hearings and testified and maybe submitted written comments on some Highlands exemptions that the DEP received. I'm here today to talk about transportation cause I know there's some DOT reps in the back of the room and I'd like to give them some notes __ been a lot of discussion about that so far.

At first glance and the first time I read through this plan, I thought, "Wow! This thing is great!" It actually reads like one of our brochures from the mid-90s when transportation planning in New Jersey hasn't gotten to the advanced stage that it is now. However, as I read more and more, I noticed that there is some vague language, some loopholes and while I'm gonna discuss 3 things of concern now, we will submit more lengthy written comments. I do want to say that we do overall think it's very good and it's certainly moving in the right direction, but before final adoption we think there's just some things that need to be done. The first is in a lot of areas the language is very vague, creating loopholes that, we joke in the office, you can drive a truck through. That's the kind of jokes we tell in my office.

For example, let me ___. It says repeatedly that it requires that impervious services be minimized in transportation projects but outside of that it doesn't say how we decide what that means, "be minimized". There's no standard, there's no ___ moving x amount of vehicles or x amount of people; this amount is impervious surface; nothing like that access to and out of development; what kind of roadways ___; what kind of pedestrians; going through those kinds of details and when you just say surfaces be minimized if

Michael Forcella: Mr. Chairman, members of the committee, my name is Michael Forcella. We own land at Sparta Lake, Sparta, NJ: Block 3.12 Lot 21 # 9 Aspen Road; Block 3.12 Lot 22 #11 Aspen Road. This land was a gift over 20 years ago from grandparents with great pride and enthusiasm under the assumption that we had a piece of the American Dream.

On December 31, 2006 we were served a law suit by the Sparta Lake Property Association for delinquent mandatory Property Association dues for an Association that we had no prior knowledge was active, or that dues were mandatory. We moved in May 2004 and received no forwarding mail from Sparta Lake Property Association, although tax bills and some other notices were forwarded. We have learned further: That it is the intent of the Sparta Lake Property Association to asses all property owners in Sparta Lake several thousands of dollars to replace a failing dam and that this dam could cost several hundreds of thousands of dollars; That the Sparta Lake Property Owner Association claims that Sparta Lake was deeded to the Sparta Lake Property Owner Association on December 21, 1928 and that the chain of title of this deed granted an ownership easement of the lake to all property owners; That the passing of the Highlands Water Protection and Planning Act of August 10, 2004 and certain ordinances introduced by the Township of Sparta may have made our property worthless.

The Sparta Lake Property Owner Association does not appear to intentionally mean harm to us or anyone else by these actions. Recently, we had the opportunity to meet several families at Sparta Lake and they seem to be good people who are trying to retain their American Dream. But regretfully, for the Sparta Lake Property Owner Association and for all citizens of NJ; and my personal comments are not intended to be disrespectful or with malice toward anyone.

The Sparta Lake Property Owner Association has not stayed properly informed on these issues over the past years. The Sparta Lake Property Owner Association lacks intrinsic knowledge in Property Association Management, and as such, their actions may constitute negligence of their fiduciary responsibility. The Sparta Lake Property Owner Association may be in direct violation of the terms and conditions of the May 21, 1928 deed granting

Sparta Lake Property Owner Association ownership of the Lake. For these and possible other reasons under review, the motives of the Sparta Lake Property Owner Association may be actionable.

It is our opinion: That several lawsuits may be filed against the Sparta Lake Property Owner Association and its Board of Directors, and that the Sparta Lake Property Owner Association will not have the financial means of defense and could go into bankruptcy, and that the bankruptcy could mean total neglect and eventual draining of Sparta Lake, which I understand, is supported by many who do not have the finances to support the Sparta Lake Property Owner Association and rebuilding of this dam. Members of the Council, this problem is real and eventual.

Inaction on your part to intervene to save Sparta Lake has a chilling effect on this water supply you are trying to protect. You are our only hope. The Township of Sparta has abandoned the voters and taxpayers of Sparta Lake. They came to the State of NJ in 2000 for rescue after flooding in their Township, and you gave it to them. Since, Sparta Lake, located in Sparta Township, NJ is at the beginning of the drainage area which becomes Russia Brook and then the Rockaway River; and Since, the Rockaway River is the sole source of water supply for the 9 billion gallon Jersey City Reservoir; and Since, Sparta Lake, is under the threat of being neglected and drained; and Since, the future of Sparta Lake may be necessary to maintain the current quality of the highlands water and the whole drainage area of the watershed; and Since, Sparta Lake recharges the aquifers, provides flood control, erosion control, enhances water quality, protects and nourishes the ecosystem, and provides flow into streams and rivers during dry conditions; and Since Sparta Lake should be included in the goals & elements of the Highlands Regional Master Plan.

In consideration of these entire ecosystem benefits to the State of New Jersey: This commission must, and you are requested, to include the requirement that the State of NJ provide funding for the improvement of Sparta Lake in order to protect and maintain the ecosystem and water quality within the highlands region which is what we believe is the intent of the Act and still could be the American Dream. Thank you.

Candace Ashmun: Good morning. I'm Candace Ashmun. As you know, I have some experience with regional planning, both as a member of the Pinelands Commission and the State Planning Commission and just so the record's straight, I'm still a member of the Pinelands Commission. Just before I start, I wanted to tell you I will be handing to your staff the Annual Economic Monitoring Report from the Pinelands for 2006. In the material that you've put before us, the policies are clear, well supported by data and I really thank you for the opportunity to comment at this point in your planning process.

I find the materials more than adequate for intelligent comment. But now you have the hard part ahead of you. Now you must set standards, actions that will implement these policies. At this point you have a plan to plan. You don't have a real complete plan. That's one of the reasons I think you're getting negative comment is the fear of the unknown because no one knows what the standards will be nor the requirements to meet these policies. I have two suggestions for you. I urge you to augment your staff now with national experts to assist in developing a plan of standards and how to's. That's really the hard part.

And lastly, I would say unfortunately, and you won't wanna hear this, but I think that once you've got those standards and once you have a plan and you're gonna need to redo this whole hearing process because it won't be fair. We're really commenting on the background for a plan and not on a plan. So I would urge you to remember that public comment will be very important when you get to that point of having a complete plan. Thank you.

Robert Matarazzo, State board of agriculture: Good morning, I'm Robert Matarazzo and I'm a member of the State Board of Agriculture. I'm also a third generation farmer in Warren County. The State Board of Agriculture is an eight member body which sets policies that direct the Secretary and the Department of Agriculture in carrying out its duties and responsibilities. There are other members of the Board that are not here present. We have a state board meeting this afternoon that we hope to come up with a formal letter to present to you. This is just a part of that letter.

We believe that the Highlands draft regional master plan has set forth a very aggressive framework for protecting the important natural resources of the Highlands Region. While a great deal of work went into the development of this draft plan, it is clear much more work and public discussion remains ahead before the critical details of policies, strategies and standards outlined in the draft plan can actually be implemented. After reviewing the draft plan, we believe that it is essential that the agricultural community be represented and fully engaged in developing those details, as there are many questions and concerns about how the zone standards may potentially impact agriculture's operation. And I can assure you that the State Board stands ready and able to help you in those decisions. We're also unsure about how the standards for the agricultural resource area will be rated to the specific zone standards.

We fully understand this important need to protect our water supply; however, as we plan to protect this valuable resource from the other natural, agricultural and cultural resources of our Highlands communities, we must do so in a way that is fair and equitable to the people who live and work in the Highlands, including our farm families and woodland owners. In your own report, your own report shows the dramatic decline in agricultural in the Highlands area. If you want to not only protect the water supply but keep agriculture viable (can't read my own writing, sorry) you will need to provide substantial funding for this project and I'm sure that's on your mind. Agriculture is a dynamic and changing, yet fragile business that is impacted many variables, including land values and it's not only in the Highlands but throughout the state. You've brought it to the attention of the farmers now.

The Highlands Water Protection and Planning Act, the accompanying DEP Highlands rules and the recently released draft regional master plan have had a negative effect on the value of land in the Highlands Region. Just to comment, I just came from a conference last week where there was a whole lot of farmers that came up to me and said from the Pinelands, don't allow to happen in the Highlands what happened to us in the Pinelands. It took 25 years for them to get their value back to something that they had, some equity that they could go to the banks for loans. For 25 years; there's not a farmer in this Highlands Region that can wait 25 years for that to happen.

A significant amount of privately held land in the Highlands region was owned by farmers and woodland owners. The value of farmland and woodland directly relates to a farmer's

ability to maintain net worth and secure the most reasonable operating loans in order to remain productive and viable. The Highlands region provides drinking water to more than 5 million people in New Jersey. It is therefore unreasonable to expect that the burden of preserving this water supply should be shouldered only a small percentage of those who benefit by it. The plan must adhere to the intent and all of the provisions of the Highlands water Protection and Planning Act, be sustainable and economically viable.

We believe that this plan will only be successful if 1. A dedicated source of funding separate and apart from GSPT2 is identified for land and easement acquisition of the Highlands to permanently protect these lands while compensating property owners. And that a viable, private sector driven TDR program is created and implemented that aids in preserving our important resources while promoting growth in appropriate areas. The voluntary nature of the proposed program continues to cause us great concern. I think you will need to gain legislative support to require the use of TDR or any additional development plans. 3. That funding is provided for conservation planning to implement soil, water and natural resource conservation practices, similar to what the last gentleman was just asking for.

Our agricultural management is sure the continued stewardship of these resources into the future. The agriculture community is committed to working together with you to develop a regional master plan that is fair, equitable, responsible and one that considers the varied interest of all those affected. We ask you to consider appointing or allowing for one or two members of the State Board to serve as advisors, at least when you start dealing with the equity issue. Thank you.

Dave Sheppard, State Board of Agriculture: Good morning, my name is Dave Sheppard. I'm also a member of the State Board of Agriculture. I'm representing vegetable growers of the state of New Jersey. And I'm mostly going to speak on the immediate economic effects of the Highlands plan.

The need to protect our water supply is an issue of up-most importance. I support the state's interest in protecting this valuable resource. As farmers, we have contributed greatly to maintaining and protecting this important part of our business. Agricultural lands provide for one million gallons pre acre per year in water recharge, filtering, and storage capacity. We do this valuable service for all the citizens of the state of New Jersey at no cost to them. We only ask for a small portion of this water to insure the survival of the crops we produce for the nation we feed. Farming today is not just about planting and harvesting.

The farmers must be able to make sound business decisions before planting a seed. If the farmer cannot show on paper how profitable his business can be, a banker will never lend him the capital needed to operate. Bankers that are making operating loans need to have collateral that will justify those loans if the farmer cannot meet his repayment obligations. These operating loans may only be covered if the farmer can use the value of his land as collateral. If the State takes a large portion of that value away, a large portion of the farmer's collateral is gone. For example, if the land is currently valued at \$12,000 an acre, and the plan reduces that value to \$4,000 an acre, in many cases this could, in fact, put the farmer out of business.

Additionally, farmers use their land to fund their retirements, children's educations, health needs, and savings. Furthermore, just having the state say they may take this value away may cause havoc to the business. It also puts other land owners around the state on notice that the state may seize their land equity at any time. Despite personal desires to maintain farmland, this threat may already be causing people to sell to developers. Before this plan can be used, it must have an equity compensation to which the land owner can immediately have access. And it's important to immediately have access, because a banker will not loan you money if he thinks you may not have equity in your land. Moreover, in order to keep the highlands water protection area economically viable; there must provisions in the expansion of needed infrastructure.

The agricultural community is committed to working together to develop a Regional Master Plan that is fair, responsible, and considerate of those affected most by it. Furthermore, the agricultural community urges the Council to recognize all the ramifications of this plan before enacting it. Thank you.

Matt Sprung, NJBA: Thank you very much. I'm here in the capacity of Chairman of the New Jersey Builder's Association committee. In that capacity, I've served on 2 federal Highlands work groups, one with Congressman Gillman, one with the US Forest Service in 2002; in addition to the numerous other groups, including one I sat with a councilperson that time at the Morris County through the Morris Tomorrow group.

The Highlands Council is both a water protection and planning Council. The draft Highlands Regional Master Plan makes clear that this Council has ignored its planning function. The Highlands Council has limited the focus of the RMP to be a water conservation document. Under the terms of the RMP, water availability in the future will be as it currently exists, based on existing supply and transmission systems. All assumptions are extremely conservative. The Highlands Region is not running out of water. However, the water resource is not well managed. We only collect and store a small amount of the rain water that falls on the Highlands.

Incredibly, the Highlands Council's assumption is that once water is used once, it is gone. That is contrary to water policy throughout the United States. Had our predecessors "planned" in the same vein, none of us would be living in New Jersey today. Instead, they planned for the future needs of water. The Highlands Council should similarly plan for future water needs while protecting the environment. No doubt, this plan will stifle the Highlands Planning Area. The Planned Community Zone (PCZ) is very limited in area and almost fully developed. When you take all of the policies of the draft RMP into account, there is virtually no land available for development. Even redevelopment under the plan's policies seems unlikely.

The Highlands Council was irresponsible in approving the draft RMP without having mapped out the cumulative, limiting effect of its numerous policies. Unfortunately, we cannot create a map, because the Highlands Council has thus far refused to release the base mapping data needed to visually demonstrate the effect of draft RMP policies. Comprehensive mapping would have clearly shown that the draft RMP is not compliant with all of the goals of the Highlands Act. Not only does the draft RMP fail to address all

the goals and mandates of the Highlands Act, but also it presents the wrong vision for the Region and its future.

The Council has failed to recognize that the Highlands Region is not some remote inaccessible area but is home to over 800,000 people. The Highlands is an integral part of New Jersey, with major interstate highways, railroad connections, employment centers and over 300,000 homes. As the State's population continues to grow, the Highlands Council should strive to ensure that the Region continues to be desirable. The Region should not be simply the place where talented people will work, but should also be where they invest in homes and support local economies. The Plan should strive to help the Region realize its full economic potential rather than serving as a deterrent to growth and prosperity.

The Highlands Council should not adopt any Plan until substantial changes are made to develop a regional plan that provides every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the region and the entire State. NJBA believes that it is possible for the Regional Highlands Master Plan to be a true regional plan that concurrently protects natural resources and provides future areas for economic growth and needed housing for all income levels.

I just wanna leave with this: Our environment is at a constant state of change. It's a naturally occurring event. Just look at the heavily eroded area out west called the Grand Canyons or speak to someone about Darwinism. Just yesterday, I went on the USGS website and I took a look at the groundwater levels, which you could easily access. Are you aware that groundwater levels in the Highlands are actually on the rise right now. I would encourage you to take a look at that and try to understand what's going on out there before you take any action.

Reverend Douglas Batchelder, NJCAPE:

Yes, I thank you for the opportunity to speak a second time to the Council regarding the Highlands Act, although I wear a different hat this time than I did the previous time when I represented the Church which I pastor. I stand before you today as the President for the New Jersey Council for American Private Education, which represents 220,000 __ children, 20,000 students that attend nonpublic schools in the state of New Jersey and their parents for a total constituency that approaches about three quarters of a million people.

While we share the objective of preserving our waters and lands to serve the public, we have deep concerns about how the Highlands Act and the DRMP will affect our schools and families. Here are some of our concerns. The Act will likely result in increasing property taxes on declining property values to sustain municipal and public school budgets. The economic impact on nonpublic school families will make it more difficult for them to afford to educate their children in the schools of their choice and will result in more children in the Highlands area taking public schools. This will increase the strain on school systems and the taxpayer and increase the strain on the natural resources those schools use.

New Jersey nonpublic school students already save New Jersey taxpayers almost 2.4 billion dollars annually in not having to foot the bill for their children's education. 2. The language of exemption #6, which I spoke to before, schools; before I spoke previously about houses of worship or places of worship. Exemption 6 applies to places of worship, schools and

hospitals, but presently is being interpreted in a very narrow manner by limiting the exclusion to only those situations in which those organizations already possess an improvement on their land which existed prior to the date of effect of the Act. This creates many difficulties. It would limit the ability of those facilities or organizations to improve a parcel of land which they owned prior to enactment if it is not contiguous to their present property and presently used for their operations.

Consequently a parcel of land they own across the street from their property and need for their operations not may not be able to be used, or perhaps a field contiguous to their property but not previously used for their mission might not be developed either by need. It also prevents any organization, religious, educational or a hospital, from moving into an area previously unserved by them, but in need of the services that they provide to the public. Spiritual, educational and medical needs will go unmet or those in need of them will have to travel through protected areas to reach those services, if they can at all. This increases traffic and pollution in the areas intended to be protected by the Act. It may also result in vehicles having to travel unsuitable roadways which may not be able to be improved as a result of this act and may create safety hazards for children on a school bus. These things, too, limit the establishment of schools with a religious mission and we already talked in my previous testimony about the violation of both the Establishment Clause and the Free Exercise clause of the First Amendment.

We also talked about the limitations that these provide or cause are indeed a substantial burden on religious organizations, which operate schools without the demonstration of a compelling interest or the application of least restrictive means of addressing that interest. I think more attention and thought and opportunity needs to be given to this issue of what are the least restrictive means of reducing the impact development might have upon water supplies or on pollution. Just some amateurish, admittedly, ideas it might be in this category. It would have been wiser and cheaper to provide every person in the Highlands Area, if not the entire state of New Jersey, with something as simple as a washing machine that uses 15 gallons of water per load instead of 45 rather than confiscate land use rights.

It makes more sense, perhaps, to develop permeable road surfaces or parking lot surfaces that would absorb and slowly release water to the water table than bar new roads or parking areas entirely. It would make better public policy and be least restrictive to require rain water collection systems that would retain water to be used for watering lawns, crops or other purposes for which no pre-use or post-use water treatment would be necessary. Strangely, it appears that in our efforts to conserve our environment, the actual, practical issues of conservation have not been given adequate consideration.

Additionally there are some mechanical problems with the implementation as presented. There appears to be no mechanism by which religious organizations operating schools could be compensated for their lost property values and that will, as been mentioned several times, make it difficult for those organizations to use this land as collateral to obtain loans. The lines drawn on the Land Use Capability Map seem, at points, to be arbitrary and unrelated to present and long-standing uses of property. In the case of lands that owned by one of our sponsoring religious organizations, their land has been classified as agriculturally to be conserved even though a large portion of that land has, for many years, not been used for agriculture years.

Furthermore, in that property, adjacent to it are small housing lots (less than a quarter acre in size, already developed and lived in) that are divided so that the homeowner sleeps in his bedroom in the Planned Community Zone, but when he uses the bathroom at the other end of his bedroom he's in the Conservation Zone. That seems to be unreasonable and perhaps arbitrary and capricious. There needs to be a mechanism whereby such issues could be corrected and classifications appealed.

NJCAPE and our constituency want to see our environment used in ways that serve all the public. We are part of that public- a substantial and numerous part- and we are willing to talk with the Council, the DEP and Legislature to arrive at ways that we can assist your objectives without damaging our own. We both represent the public. We cannot do your job, you cannot do ours, but together we can serve the public good, to which we are accountable. Thank you very much.

David Peifer, ANJEC: Good afternoon, ladies and gentlemen. My name is David Peifer. I'm Project Director with Association of New Jersey Environmental Commissions. The association has been long an advocate of regional planning and we continue to be so in this case.

We've had a great time in reviewing your draft RMP and will continue to submit written comments probably until March 1st. But I do want to bring some information back to you based on the fact that the ANJEC works closely with the municipalities in order to facilitate better environmental protection, specifically with environmental commissions through out the region.

We've been meeting with towns, representatives from towns and talking to elected and appointed officials and I would like to urge you to take a good hard look at the plan and try to tease out a bit some clear, measurable accessible standards that municipalities can relate to. They're in there but they are hard to find and they're hard to see and we should give you great credit, for example the water section. There's some good stuff there. But we're finding that the municipalities are coming back with comments like, we can't get our arms around the plan.

So take a look at the State Development Guide plan where you can see statewide policies, planning area policies very sustainably, clearly expressed. Not gonna be one possible model that you could use. Some other things that we could bring back to you from our experience out in the field, there's a constant confusion about what opting in means. This needs to be clearly expressed. The general tendency is to think that opting in means extending the Preservation Area controls to the entire municipality and that's already causing problems so, opting in needs to be more carefully explained.

More importantly, though, every municipality that we've dealt with has come back with, expressed confusion about how your plan relates to the State Development and Redevelopment Plan, and particularly the enforcement process, and how your plan relates to the Council on Affordable Housing. Your final plan has got to include, in our view, some very careful presentation, perhaps signing off by, those other two entities about how these three state efforts work together.

The final thing that we come back to you with is, just make it clearer. Often, what we see in the plan is a lot of hard work and technical report leading to somewhat timid conclusions. There's the intent to go somewhere else but we don't quite see it. An example is the wellhead protection section, which basically, simply rerides or recapitulates the state program. There are reasons to think that the Highlands resources are different in nature, character and importance and that those resources ought to have some special treatment because they are the Highlands resources.

Cultural resources is another area that seems to rely almost entirely on the state and national registers of Historic places and perhaps local ordinance. There are lots of bold, new initiatives that you could take based on the facts that you've already outlined. For example, what's historic district protection? You might want to include something in your TDR plan that allows historic districts to be sending zones like the town of Fanwood has done.

Finally, I just want to convey to you the kind of commitment that ANJEC would like to make toward the implementation process and helping towns conform voluntarily in the planning area. We have got a set of electronic newsletters, the Highlands Herald, which goes out to municipalities in the Highlands Region; Highlands Alerts, which are electronic communications to municipalities about specific issues, emergent issues in the Highlands process.

We are advising the towns in the Highlands to conform right now before the Highlands work groups that will be composed of members of the planning board, environmental commission, and whoever else they might choose to begin to understand the plan and prepare for the conformance process. Some towns have already done that, some towns have actually engaged their planners. One of the things that is troubling a lot of them is the map, and you've heard comments. I like the one about the line being through the house. Municipalities are going to want to see the data that was used to generate those maps in electronic format, not just EBS over the web. And they're gonna need those to be intelligent about getting out the letter of intent that you're gonna require. So they're gonna wanna look at where they are in relation to you now themselves.

So please, find a way to get that notice data out to them. So the other things that we are planning to do; we're looking for 3 candidate municipalities to work with closely during the conformance process: one in the preservation area; one in an area that's mixed, between planning and preservation; and one that's in either one but substantially developed. That's, the idea there is simply to transfer positive experiences to other municipalities that maybe are considering conforming.

We also have a grant program that's available to municipalities for planning enhancement. They can apply for and receive up to \$20,000 in matching grant money for specific improvements to their plans that probably would be required by the Highlands process. The grant process was designed to help the state with preferences. And that's what I have to say to you today. Thank you.

Doug Tavella: Good morning Mr. Chairman and Highlands Council members. My name is Doug Tavella. I am a consulting forester approved for practice in New Jersey by the State Forest Service, and a member of my national professional organization, the Society of

American Foresters. I have been assisting private woodland owners in northwestern New Jersey with the management of their lands for the past 22 years. For the past two-plus years, I've been helping to provide input from the forest management community with regard to the Highlands Region planning process.

Most recently, I have served as a member of the Sustainable Forestry Technical Advisory Committee. Prior to last year's charette, a 34-page summary report on sustainable forest management was presented to the full membership of this TAC. This is a well cited document that is based on scientific knowledge and field-tested experience that's been gained over decades of research and field trial. This document immediately had the support of nine of the thirteen TAC members, and all members of the TAC were asked to comment on the report's content. No comments were received from any TAC members who initially withheld their support. This being said though, professionals from various disciplines worked together at the charette to tacitly agree upon a resource management philosophy in the Highlands Region that was practical and which made scientific sense.

I am alarmed to see that the recommendations contained in the draft Ecosystem Management Technical Report to the RMP bear practically no resemblance to the important topics which were discussed and agreed upon at the charette. In this draft technical report, the strength of the current regulatory framework under which forestry on private lands is practiced in the region, and the qualification requirements of private lands practitioners are brought into question. The report charges the Council with developing an oversight program that must be administered by a woefully undermanned State Forest Service, and, in effect, challenges the quality of the educations provided by the 4-year institutions that have been granting forestry degrees in this country for the past 80 plus years. My concerns, however, go beyond these two important points.

The sustainable forestry report alluded to earlier, addresses such critical topics as the importance of forest management in increasing water yield and protecting water quality, maintaining a mosaic of forest age classes on the landscape, which in turn provides habitat for the widest possible range of plant and animal species, restoration of forest understory, deer management, implementation of existing national woodland certification programs, and standardization of tree cutting ordinances and conservation easements. These critical issues were almost completely ignored in the current Ecosystem Management Report. The inaccurate statements that are contained in the report are not only unsettling, but are offensive to me as a forest professional.

Time restraints limit the opportunity to address more specific issues at this time, including the objectionable passages in the report pertaining to proposed changes in the Farmland Assessment Act, and Council oversight of all forest management activity within the region. Representatives of the NJ Division of the Society of American Foresters will submit specific written comments to the Council in the coming weeks.

In closing, I wish to express that, in my view, to use the Ecosystem Management Technical Report in its current form as the basis for development of forest resource management policy in a region that is of such great importance to so many people would be to ignore field-tested and peer-reviewed science in deference to questionable political goals. State and private forest land managers in New Jersey have been committed to sustainable forestry

through best forest management practices for decades. This commitment has resulted in the improvement of forest structure, health, and composition on many thousands of acres, protection of critical natural sites, and stewardship of the myriad benefits and resources that are provided by forest land.

We have worked diligently toward this end, and we deserve your trust. I speak for many concerned foresters and landowners when I ask the Council to direct a re-writing of the Ecosystem Management Technical Report so that it stays within the bounds of the authority granted by the Highlands legislation, and incorporates the contributions made in the Sustainable Forestry Report. Thank you for your time.

Heather Gracie: Good afternoon. I thank you again for allowing me to bring public comment today. My name, again, is Heather Gracie and I am a Certified Forester through the Society of American Foresters. I have been a practicing consulting forester in the Highlands region since 1984. I served on your Sustainable Forestry Technical Advisory Committee and co-authored a 34-page report on forestry to this Council that was endorsed by 9 out of 13 of my fellow committee members.

When I read pages 51-54 which would be sections 6.8 through 6.8.2 of the Ecosystem Management Technical Report, I could find only five sentences that I could support. The remainder were either factually inaccurate, misleading, not representative of the current regulatory environment, or were in opposition with the forestry exemption under section 30(a) 7 of the Highlands Act. And I'll share with you a couple of my examples and I'll also submit them today.

On page 52, first paragraph, first sentence, it states that "Forest management activities conducted on private land under an approved management plan are not subject to inspection to verify that the work was completed in accordance with the approved plan." This statement is certainly untrue. The Forest Service inspects every forest under such a plan once every three to four years as required. Each consulting forester usually visits each property maybe several times a year and sometimes two to three years. Many municipal assessors or their agents visit such properties, some every three years, and some every year. All are there for the specific purpose to verify that the "work was completed in accordance with the approved plan."

Another example is on page 52, first paragraph, second sentence, which states that "Currently, little data is collected, recorded, and maintained for the Farmland Assessment program." This statement, again, is untrue. In our office, we have 8 four-drawer filing cabinets filled with copies of regulatory filings for the Farmland Assessment program. The NJ Forest Service offices in Andover and New Lisbon, as well as each municipal assessor, has copies of the following for every Farmland Assessed property with non-appurtenant woodland and these will include: (1) a complete inventory of the woodland, (2) ownership information and management history, (3) a complete description of all agricultural activity that has occurred on the property, and lastly, a complete description of all agricultural income that has been realized from the property and this is an annual reporting.

Another big one was on page 52, first paragraph, third sentence: "Under the current reporting methods, information on the location of forested lands being managed under an

approved plan, and the volumes of materials removed from a given property or from the region, is very limited." Again untrue. It is mandated actually by the Farmland Assessment law under the program that this exact information is to be submitted to the Forest Service and to the municipal assessor annually. The grand total of all forest products removed from the region could be easily calculated by a researcher simply by visiting the NJ Forest Service offices in Andover and New Lisbon.

Throughout the remainder of the report, there are a laundry list of additional regulations, inspections, reporting requirements, plan requirements, and poorly thought-through policies that fly in the face of the Legislature's mandate as expressed in the clearly written forestry exemption under Section 30(a)7 of the Highlands Act. Most are misleading as they pretend that the 1986 Farmland Assessment Act does not exist at all, nor that the state does not have the "forestry and wetlands Best Management Practices" which was published in 1995, in accordance with the federal Clean Water Act. One such example is the proposal to change the Farmland Assessment Act found on pages 52-54. Among the proposed changes are additional reporting requirements, additional requirements for Forest Management Plans that would add no value to the landowner, gross and anti-competitive requirements for woodcutters, and changes to the qualifying income requirement of the law that directly contradict the stated opinion of the Division of Taxation.

Despite all this, on page 51, paragraph 8, the income requirement of the Farmland Assessment Act is not accurate. It is time now for the Council and staff to exercise the will and due diligence to write an accurate Ecosystem Management Technical Report, and make any related changes in the Regional Master Plan as needed. Sections 6.8 through 6.8.2 of that report are unacceptable in many ways. Responsible foresters have been telling you and your staff for the past two years that we are available to assist in the creation of a quality Regional Master Plan. We remain so.

And again, I know you have a hard road to hoe, we just appreciate the time that we've been able to share some of our concerns and not just as foresters but as stewards that are really committed to the land and working with forest land owners to make these proper decisions for the benefit of all. Thank you very much.

Lois Drysdale, Chester, NJ: My name is Lois Drysdale. My husband Andy & I own 16.5 acres in the Preservation Area This is the remainder of Andy's grandfather's 120 acre dairy farm. The Highlands Act has shattered our retirement. For nearly two years we have attended Highlands Council meetings. At many of these Council meetings we have listened as condescending, arrogant environmentalists told us our land is just an investment and to get over it.

When Jesus threw the merchants out of the temple he called it a den of thieves. A den of thieves has stolen our land and are telling us that they may come into any building on our property without a warrant. If we do not let them, we will be subject to a huge fine. Where is the justice in that? Andy and I attended four of the previous Highlands Council Public Hearings and were shocked to find only a few of the Council Members present. How can you make wise decisions unless you are willing to listen to all of the public comments?

My husband is seventy one and still working. I will be seventy this spring. Where is the compensation for our land? Are you waiting for us to die? In 1776, George Washington crossed the Delaware and led the attack at the Battle of Trenton. The ragged Colonials were fighting to protect their rights and their independence from England. Two hundred and thirty one years later we are again in Trenton fighting to protect our rights, not from another country, but from our own state government. I think it's about time for George Washington to repeat his march on Trenton.

Andrew Drysdale, Chester, NJ: Good morning. My wife, Lois, and I live and own farmland at 32 East Fox Chase Road in Chester, NJ our land is in the "Preservation Area" and some of it in the "Conservation Zone" of the Regional Master Plan. For this plan to be a good plan it must not harm anyone, it must be optional for the entire region and be built on real science and a strong foundation. None of these conditions has yet been achieved.

Apparently, strict rules will be forced upon any municipality that opts in, which will harm people by lowering their property value and taking away some of their constitutional rights. We are told that some of the needed science is on the way; I hope that it does not get muddled and distorted. As for the foundation, the Highlands Act and the DEP regulations are a very poor foundation. The Highlands Act is a terrible piece of legislation, signed into law for political reasons using clean water and the environment as an excuse. They knew there was no money available to fully compensate those who were harmed but went ahead and did it anyway. This Act must be abolished.

The rules put in place by the DEP following the Act are absolutely disgusting and unconstitutional; these rules must also be abolished. Underlying the Plan and its faulty foundation we have the worst problem of all, the corrupt government of the State of New Jersey that has been growing like cancer and is in need of major surgery. You and the voters of New Jersey please contact your legislators and government officials; if they will not agree to try and overturn this abusive Act, please vote them out of office. Thank you.

Cinny MacGonagle, Musconetcong Watershed Association: Good afternoon, I'm Cinny MacGonagle. I'm a resident of Hunterdon County. I'm speaking today as a representative from the Musconetcong Watershed Association.

The Musconetcong Watershed Association supports the Regional Master Plan that proposes severe constraints to development in the Highlands to protect our limited water resources. The plan recognizes that environmental quality has everything to do with land use, and in noting that most of the water in the Highlands is in short supply or polluted, rightly asserts that it is the land that needs strong protection. Those areas which have been placed in the Planning Area should not be more vulnerable to the negative effects of sprawl.

The municipalities along the river lack the financial resources and other means to adequately protect the lands, the river and its tributaries. Strict restrictions on inappropriate growth are essential to prevent further degradation. The Planned Community Zones should not encourage the continuation of poor, past land use decisions; instead, restoration and enhancement of environmentally sensitive areas should be a priority. Forested buffers along waterways and wetlands should be reestablished along these degraded riparian sites. The 300' stream buffer in the Preservation Area should also be extended throughout the

Planning Area. The plan should define and delineate the water resources that are impaired, and have no build zones where they exist.

Development pressure in the proposed Conservation Zone is intensifying, and many areas have been converted from agricultural and natural landscapes to residential and commercial land uses. The effects of increased runoff from roads, roofs, and parking lots are evident in streambank erosion and streambed scouring. Opportunities for equitable farmland preservation, conservation easements, and the TDR program need to be adequately funded to ensure the continued existence of these farmlands. Our forests are the best protection for our water supply and quality. The Protection Zone rightly spans both the Preservation and Planning Areas, and we support the prohibitions on the clearing of forest vegetation.

Governor, then Senator, Corzine stated while testifying on behalf of bill S.1096, which designated portions of the Musconetcong River as a component of the National Wild and Scenic Rivers System, that and I quote: "the Musconetcong River is one of the most scenic areas of Northwestern New Jersey. Its once pristine waters face deteriorating water quality due to increased levels of bacteria, silt and runoff from roadways. This is particularly disturbing since the river feeds aquifers that provide many residents in Hunterdon and Warren counties with quality drinking water.

Unfortunately, while the municipalities that lie along the river want to preserve this historic natural resource, they lack the resources to do so, leaving the entire watershed vulnerable to further development and damage." We are confident that the Highlands Act will help to preserve and restore the forests, floodplains, headwaters and wetlands in the watershed. The outstanding scenic, historic and recreational qualities of the river are amenities enjoyed by local residents and tourists alike, and as such are important to the local economy. We thank the members of the Council and staff for your hard work and look forward to facilitating cooperative efforts across municipal boundaries and property lines to protect and improve the river. Thank you.

Devlen Mackey, Belvidere, NJ: Good afternoon. Some more points that I wanted to bring up to you guys: The Builders' sued and asked for documents to be released. I believe some more reports were released this morning. I haven't had the opportunity to view those. I was wondering if you had any intention of releasing the waiting documents, the documents that would take the various reports that you have and how much importance was given to wildlife; how much importance was given to water around the wellhead protection areas in the various points of your plan. I could find nowhere where any of those, where there's an document that gives any particular weight or validity to or percentage of validity to various technical reports and stuff that you guys are coming up with. I support water fee, tax, whatever you guys wanna, whatever you guys would wanna call it. I don't care what kind of fancy name you cut.

Council member Mimi Letts: Fee.

Devlen Mackey: Fee. Say we'll call it a fee as long as it is 100% across the board, unequivocally, constitutionally dedicated to the landowners of the Highlands Region. Not to the water companies, not to the municipality, not to the county, to the harmed parties

involved period. End of discussion. The devil is always in the details in Trenton, where we are now.

And on that same note, the Garden State Trust Program; I noticed that Jeff Tittel, Mr. Pringle and some others are lobbying to see this thing refunded. I don't know if you folks are aware of the fact that part of their salaries are derived from every time one of these tax exempt organizations put out; they go out and they get a tax, they get money from the state, federal government and other various tax paying entities, they get a portion of every fee, you know if they close on a property that's \$100,000 an acre at 100 acres, they get a percent of that. It goes to pay their administrative staff and put that ___. Farm Bureau doesn't get a percent of anything. That's how the farming community has been working. We work for the good of the whole, not for a cut.

While I support the Garden State Trust Program and more funding for it, I do not support current funding mechanisms that the SADC has currently on the table. They were changing the structure of how many dollars are gonna be spent for a particular piece of property and then how much their, within the works of that is a limitation on how much the value of that property is gonna be allowed to be worth, how big a house is gonna be put on it. The Highlands Council needs to become a little bit a part of what's going on at the SADC level if youse are gonna use the GSPT funds to fund what; I don't want you to have the misconception that you could fund my lose of equity by stripping me of my constitutional rights.

To one degree on what you've been doing in yourself and then balancing that by saying Well, you're getting paid so therefore it's not really a taking and allow the SADC to take more of my rights away from me and not compensating me for it. It's supposed to be compensating me for my development rights. Period. Not development rights and a whole laundry list of other items. Also on that note, TDR. I'm assuming, I don't know if the Council of itself has looked at this. Obviously Tom Borden and some of the other attorneys that you guys have on staff; If you look at Penn Central, which is where these TDRs came from, which is another component of you're trying to compensate us; in the Penn central case, if you look and read through that, Penn Central the supreme court ruled that we're gonna take your development rights off of this piece of property. You can use it on this other one. Penn Central had another place. That was a liquid asset that they could take the development rights from here. They could put them over there. They could turn it into cash just as easily in one place as they could to the other.

I see nothing within your TDR program that you have as currently written in your plan that allows us to do that. It, in my reading through of all the documents of your TDR program, you've got an upside down pyramid that bounce there. You have the builders not being a part of it. You have the landowners not being a part of it. They can't and will not work. You've gotta, if you're gonna actually believe in any sense that you're taking care of our equity problem, you gotta balance this by what is right and fair to us. Don't look at this and say, "Well, you know we're gonna give them 15 cents on a dollar, therefore we avoid a constitutional taking. All is well in the world." Make it fair and equitable to us.

Deborah Post, Chester, NJ: My name is Deborah Post, not Debbie. I own and operate a farm in Chester Township. I have provided this Council with constructive comments over the past two years throughout the plan development process, as have many of my landowner colleagues. We have attended council meetings. We have spoken, we have communicated concerns, problems and needs, and you haven't heard a word we said.

This week's paper reports a council member whining that these hearings are, heaven forbid, just like the council meetings, where he was required to sit through the dissent, anger, pleas and cries of those who have had their lives shattered by this Act. You don't even want to pretend to listen, do you? Others have met with the Council privately, in purportedly informal and more cooperative forums. But you didn't heed them, either. The thoughts of the public, and specifically of Highlanders, is just an inconvenient waste of your time. You are going through the motions of these hearings only because the law so mandates, as is completely evidenced by your attendance today.

The plan reflects that you haven't heard or heeded any comments provided to you. The plan reflects a complete disdain for landowner needs and concerns. The Council has not listened to the Highlands landowners. Mirroring this deafness, the Council staff has not listened to Council direction or is it that the Council members failed to give any direction? The plan is an extremist document prepared by a staff of environmental extremists. The staff has not been held accountable to any management, to any political process, even in the Highlands Act itself. The staff has produced a plan that ignores the directives of the Act; that ignores legislative intent; that ignores the promises made to officials and organizations representing the Highlands; and it ignores the voices of the people.

The plan is not a thoughtful, smart growth document based on the science and human needs but rather an environmental regulatory wish list of those who find the wood turtle more worthy than the homo sapiens that have to date been good stewards of the land. The plan is an environmental manifesto to be enforced an environmental SS. I hold you, the council members, responsible for the failure and atrocity of this plan. It is, however, not too late to rectify your errors. This time, do not be influenced by those late night flattering calls from the Governor's office. Vote your conscience, not your social prestige this time. Do not approve this plan. Vote no.

Jeff Tittel, Sierra Club: Thank you. I just wanna thank you for all your patience. I know you've been through a lot of meetings in this last year and I commend all of you for sitting through all of this. You have more patience than I have.

I wanna just start off with one point of clarification, as Director of the Sierra club. The Sierra Club is barred in our bylaws from taking any governmental money. So the person who said that was vicious and false, like a lot of the other things we keep hearing in these hearings because this supposed to be about a master plan and about protecting resources. So I just wanted to start off and say that that's just totally wrong. The Sierra Club takes no governmental money, whatsoever. We're an advocacy group and that's not the way we were set up over 113 years ago.

I just wanted to start off and say that someone who is lucky and privileged to live both in Lambertville and Ringwood, I see both sides of the Highlands, an area just below. I also had

the privilege of seeing the Wanaque reservoir for my entire life. But I've also seen at times when you look across it and you think you see Lawrence of Arabia because there's no water. It looks like it just goes on forever with just sand. And I also just got a letter in the mail yesterday, Lambertville that says that our reservoir has accelerated levels of trihalomethane, above safe drinking water standards. And the reason is that, trihalomethane is when you disinfect or kill bacteria with chlorine, you get a die off which is carcinogenic.

The point that I'm making is because we haven't protected reservoirs, like the reservoir in Lambertville, which upstream development and farm runoff is adding to this problem. We have a choice when we're building a new treatment plant or getting cancer. And that's really what the Highlands Act and the Highlands Plan is about. You know, we're going through these meetings, we need to all step back and think the overview, the global view of the Highlands plan is about protecting that water resource and protecting economy of the state. And one of the things that I'd like to see strengthened in the plan is the economic section to really look at the industry, the economy and the cost of treatment and the cost of lost resources to the people of New Jersey because I think we need to look at that as a way of adding value and going to the legislature and the governor, not just for water tax and other things, not just for open space but to help you implement this plan.

Because the plan, without implementation is just a book on a shelf and the reason I'm saying that is because we need to get towns to opt in. We need to get towns to do good planning. It's not gonna happen just cause you're in the planning area. It's going to happen because there's going to be state resources protected over all public good, which is our water supply. And that, not only planning but not only for economic development it's appropriate, like maybe eco indostoric tourism and other things that need to be integrated in this plan. I just think that the plan is a good start in a lot of ways and your problems with it. I'm very pleased to see that the water data has come out so we now have a big piece that we need to go through and figure out what it all means but at least it's now there. I commend you for doing that.

I just want to leave you with a couple of issues. You really need to think, not only broader in picture and to try to get leadership out of the governor and state legislature but you also need to make sure that your work doesn't get undermined by what's happening just down the street, where the State Planning Commission is attempting to undermine this plan and force, actually adopted, the Sussex County process. I think that's an outrage because your work has to be done before.

And the other point is that other agencies need to be looking at this plan as a basis for their plans, whether it's DOT or DEP because you should be primacy in the Highlands, with the state and the governor backing you up not undermining you. My last and final point is that, currently, water is the fuel that drives the state economic engine. But until you make the hard choices on how much development will take place in the Highlands, where that growth's gonna go and what's the capacity, you have a car without an engine or a transmission. And you need to stand up, even if it means taking your lumps because you've taken plenty already. I know I've been at enough meetings.

But to do what's right and to do what's right for the people of New Jersey, which is to come up with a comprehensive plan that's clear objective and goals, clear standards and a clear way to implement the plan to get people to buy in. Thank you very much.

Bob Finke, Washington Township, NJ: My name is Bob Finke. I'm from Washington Township in Warren County. I'd like to thank Mr. Tittel for pointing out that we do have options, such as purification of the water. It's just the option that we're using right now is to restrict the rights of the landowners.

At the Voorhees meeting, I made a request that the council donate money for the legal fund of the Highlands Conservation Association. The Judiciary is working to bring a Federal lawsuit that will resolve the issue of whether or not this is truly the crime that we believe it is. Just curious if you're gonna take that seriously.

At a prior meeting I made a comparison between the Highlands Act and *Lebensraum*. My comparison was brushed off as crazy and therefore I'd like to elaborate on my comparison. In the 1930s and 40s, Germany instituted a plan to acquire living space. They called it *Lebensraum*. *Lebensraum* is the crime where Germany looked east and stole the land from Poland and the Soviet Union. 20 million Russians died in the process.

The Highlands Act is a crime where New Jersey and eastern counties look northwest and stole the land the Highlands farmers in northwest Jersey. *Lebensraum* put into place unelected administrators to rule the conquered territory. The Highlands Act gave the DEP complete authority to administer the Preservation area and the governor appointed the Highlands Council to administer the Planning Area. They are unelected.

The criminals that perpetrated *Lebensraum* believed in their cause, more living space for the German people. The people of the occupied territories were considered subhuman. The supporters of the Highlands Act believe in their causes. You wanna save the water but as Mr. Tittel pointed out, there are other ways to do this. It's just cheaper to steal my land and the land of other farmers. Desalinization and reverse osmosis __ purification would provide all the water we need but right now New Jersey borders the unlimited supply of water, the Atlantic Ocean.

It would be expensive and give you a choice in taking my rights instead. The supporters also want to protect wildlife, plants and animals. They want to create a giant nature preserve by stealing lands from the farmers. This treats us as subhuman. Our rights are placed behind those of turtles and ferns. Also separately, I understand these environmental regulations but why does non-Highlands wildlife deserve less protection than the wildlife in the Highlands? It's so important to preserve endangered species or protect habitat, why is it restricted to wildlife in the area? Why aren't these laws good enough for the entire state?

My opinion is that you could never get by applying these laws to the majority but you've created such a small minority that you could get your way there. Also, if you want to build a park, as some people have pointed out, for kayaking or a giant nature preserve, just be honest and buy my land. Also since towns are given the opportunity to opt in, why can't I opt out? In the least if you really need my land and I can't opt out, then condemn it and pay me for it. Otherwise, just leave me alone. When people in Russia objected to their new

rulers, they were hauled off in trucks, into the woods and executed or sent to be slaves in war camps or relocated into ghettos. When the people in the Highlands objected to the new rules, we were first allowed to speak at council meetings, then we were silenced. I applaud you for not following in the footsteps of your predecessors and executing the farmers.

However, you have, in fact, tortured and enslaved the farmers. They are now unable to save their farms and continue to work under increasingly repressive regulations. And just like the ghettos created by the Germans, you have a new label for them, calling them town centers. No matter how subhuman you believe the Highlands farmers are, they are not stupid. When making this latest attempt at *Lebensraum*, you considered how you could get away with it this time. So, in your new plan, you thought “Maybe we can fool those dumb farmers. We’ll tell them they still own it but we won’t allow them to do anything with it. We’ll enslave them with their own land. If we need their name on a deed, we can even get them to continue to pay taxes.”

Please don’t treat us as an infestation. Believe it or not, we are humans. We are Americans. The people that voted for this Act should ask for us to be compensated. It’s your responsibility to ensure that we are compensated and treated fairly. Thank you for your time.

Richard Longo, Boonton Township, Morris County: Good afternoon, my name is Richard Longo. My wife and I live in and own property in Boonton Township in Morris County. We’re in the preservation area.

It’s my opinion that this bill was ran through the legislature at the speed of light. It was orchestrated by Snow White and the Seven Dwarves, Snow White being Governor McGreevey and the seven dwarves being legislators who cosponsored this preposterous Act. It’s a fairy tale. I’ve attended numerous meetings of the Highlands Council and public hearings on this matter and never once heard anyone oppose you guys, say they were against preservation if preservation is needed.

People on both sides (I’d spoken about the science that would substantiate the law or this law). The council men, the staff have not revealed any. I’ve heard many people speak about preserving the land with the excuse is about the water. It seems like someone must have taken the land under the pretense of preservation to stop others from building and living where they had their roots. My county alone, Morris County, has preserved thousands of acres through acquisition. That’s parks, farms, municipal lands for parks. Thousands of acres.

After the land has been preserved for open space, what is not taken care of is where to utilize by the people, the majority of the people’s sake. As for my situation, my two grandchildren would have been the 10th generation in our family to continuously live on our land; one house on 4 acres for each child. Because of the unconstitutionality of this law, this is being prevented. Again, it’s not about the water, it’s about politics.

And politics are a fact in my township and likely probably a fact in quite a few of the towns in the Highlands area. If the Highlands Council can’t see this, they’re missing something. You should start from square one and redict the regional master plan and tell the governor

and the legislature that it's a political scam and unconstitutional because the money to reimburse the stakeholders that have been harmed because their cherished land has been valued to almost nothing. Again, my wife and I didn't want to sell our land, we could have but we did not. We wanted to continue our family legacy to our hold wastewater farm land for our grandchildren and we can't do this. Thank you.

Julia Somers, NJ Highlands Coalition: Julia Somers, New Jersey Highlands Coalition. I want to thank you again for the leadership that you have shown in calling for renewal of the Garden State Preservation Trust but I'm afraid we're going to have to __. I'm not sure that letters from the Council are going to be enough. Maybe we need a bus to take everybody down to the Council lobbying or maybe we should all join the people who are going to be lobbying in Trenton next week.

But face to face particularly with the governor and local area legislators in Trenton is going to be essential to help impress upon them how important this is for success of the Highlands RMP. I think the same is going to be necessary even more so as far as the water users fee is concerned. However, I think when I'm thinking about water user fees, I think please consider that any town that is a recipient of said fees for open space preservation should only be a recipient if opted in to the RMP. Public financing has always been playing a huge role in regional planning and we believe the state is MIA right now on supporting the work that you are doing.

This is not the time to be timid. You have done a huge amount of work. You have put together a tremendous amount of data and you may have all the data you need to reach the hard decisions. And we believe that there are some hard decisions to be made but the plan must now go forward and incorporate measurable, mild objectives with milestones that can be used to develop the standards and ordinances that you're going to be proposing in and before conformance. So that has to happen really fast.

There was some testimony earlier in connection with TDRs and the value of credit particularly in the Pinelands and I wanted to point out that the value of the Pinelands Development Credit was first issued, which included four rights in a bundle, was \$10,000 dollars or \$2,500 per right. The fact that there wasn't a lot of market for those at that time was very much drive by the fact that there wasn't much of a market before the Pinelands Act was passed and the casinos had not yet been built and the Philadelphia area market was in recession. Today, each of those bundles of rights is worth \$120,000. I think that's a pretty substantial increase in value and it's an indication of what TDRs and development credits can do for those who hold them.

We do think this is a strong beginning; that the data you have collected allows you to make the tough decisions; that it starts as a base; that you should not think of the Act and the RMP as exactly word for word what you must do. It's a base, it's a minimum. You have the right under the Act and I know you have discussed this; you have the right under the act to go beyond what is in the Act, which use that as a minimum. Again, please, I think you have heard repeatedly, the issue of GSPT renewal, water user fees and other tools such as TDRs is going to be critical to this program and you really need to step up on this, on this issue now. Thank you.

Susan Buck, Oxford Township: I wish I could say it was nice to be back on almost the 3rd anniversary of the hearings for the Highlands Act itself. Back 3 years ago, busloads of us, we packed in and came and provided our feelings that there was major concern in passing a bill like that without the funding.

The terms were the regional plan without a whole lot of expertise we felt for that as well, especially within the time period allotted. We were concerned it would create another bureaucracy. We were concerned that property values were gonna decrease dramatically. All those warnings that we had back then are now, as we all know, fact. The matter at this point is how we get from under this. I was hoping this regional master plan was going to address some of these issues. I find that it just hasn't.

There's 13 things within the Highlands Act itself that we thought were gonna help us through that, certainly the funding was one of the issues. And all the development and the application of all the resources, what the build out was gonna be, what the financial impact was gonna be. The thought was once we had all that together, it might be some rational way to go forward and pick up the pieces of these broken lies approaching 3 years ago.

Unfortunately, there's a lot of things that are not done. The document itself is not a plan and many people have said the same thing. It's really a regulatory paper and a lot of the interesting historical information but nothing that helps us plan for the future, almost nothing. And going back and rereading the Highlands Act, there's 13 things that should have been done but they're not. If there's one thing that I think is in violation of the Highlands Act itself was that in section 4 it specifically states that the Highlands Council shall be independent of the DEP. Independent. And it makes sense cause the Highlands Council's a planning body, not a regulating body. It's supposed to be a planning body.

Luckily staffing situations came along and things started falling behind. What happened? The DEP provided personnel to the Highlands Council to complete the plan. I compare what was in this scoping document and I find one big open box after another in it. A scoping document, you know, we had some issues with it but basically it was similar with the Highlands Act, that sort of thing was gonna happen. That's the number one thing that was missing. The Council was supposed to look at the science, develop weighting factors after each one of these things and then come up with the maps that would show which thing was more important than the other.

You know, are ___ more important than tourism, is the water more important than the environment. All of that was supposed to have factors instead of having one big blanket and the map, even if your lucky enough to be in the brown or purple area, when you read the site specific thing, there's not much that could be done anywhere whatsoever. So I'm concerned that there was no separation between planning and regulation. There's too much influence of the DEP. Somehow the Council members are taking entire summer off and not having the things we were promised when all of this was hashed out.

Not that it's easy but it has to be done and it wasn't done yet and now it has to be now cause I talked to the municipal officials. They can't review the same plan, they can't make sense and neither can I. I've spent hours and hours. If you go from the technical information that is provided and you can't follow it through to okay what could be the most important. What

are the actual conclusions? The conclusions are vague. The executive summaries of these papers is one paragraph for a 250 page document. And maybe it's my old financial analysis department of a large corporation, my corporate mentality, but in an executive summary, you had to know what the assumptions are; what the sensitivity lists are; and certainly what the conclusions are. It just doesn't exist.

It's a very difficult document to read. It seems to have been written by a regulatory body, not a planning body. It just doesn't have that planning flavor. No, this is our problem, identify the problem. This is what assumptions are and how are you going to fix it. And this is what our conclusion is. And then later on you get into the details on what those assumptions were and what your opinions are. It's just, it's impossible to figure out.

Even the people who look at the map cause they can't read thousands of pages, are, wound up with the wrong conclusions based on what was on the map. Because the verbiage isn't clear anywhere. I haven't gotten to the end and they're very specific. Missing municipal ordinances at this stage is, I think, a dangerous thing. A town needs to know what they're getting into. The mis-communicance with the other state agencies: Department of Agriculture, DEP, COAH, all of them, they need to be there. The local people are starting to get in a panic. The Highlands didn't pass, what do we do? What are the rules going to be? Homeowners are applying for things and being sent here, there and everywhere, it's 6 months before they get a decent answer. I think this is okay for now but it needs to be in there so we know where we stand. Thanks.

Dave Pringle, NJEF: Hi, I'm David Pringle and I'm the Campaign Director for the New Jersey Environmental Federation. My printer was down so this is my notebook today. I did ___ at the Morris County hearing so I'm just gonna make some supplemental comments to that. My organization represents 100,000 individual members and an additional 100 member groups, all of which benefit financially from the Highlands, most of which recreate in the Highlands and the vast majority of which consume Highlands drinking water as their primary source of drinking water. And those folks are concerned about whether there's gonna be enough water in the Highlands, whether it's gonna be safe and at what cost.

We need this plan to be much clearer, much stronger than it currently is to ensure that millions of New Jersey citizens, especially those in northern, urban areas of the state do not face significantly increased, unfair, unnecessary health and financial risk. I testified about the Passaic River at times being 100% treated sewage. That leads to additional pollution of treatment plants, additional fish kills, additional treatment costs. The North Jersey Water Supply Commission has estimated that without strong Highlands protections, it's gonna cost an additional 100 billion dollars over the next fifty years to treat our drinking water. And that's just the financial cost.

That treatment isn't 100% effective. No treatment, even when it's working perfectly, reduces all the health risks associated with that. And no treatment ever works. None of these are removing 100% when working perfectly and no treatment center ever works perfectly. With those additional treatment costs, the most common is a variety of infectants, assisted with chlorine, fluorine, and [] halogens that have all the public health wonders getting rid of dysentery and cholera, they get disinfecting byproducts that increasingly linked to miscarriages, birth defects.

Hearing Officer John Weingart: Would you try to keep your comments on the plan?

David Pringle: I am keeping them on the plan. This is about protecting our water and this is why we need to protect our water. Dr. Bovea from the CDC has done seminal work, making the links between disinfecting byproduct and the increased pollution in the source waters and he used New Jersey case studies to make these links.

Specific comments on the plan: We're particularly pleased with the 300 foot buffers on riparian buffers, 1000 foot buffers on vernal pond buffers and the prohibitions on modifying fairly endangered species habitat. We're also pleased that the plan does recognize how that there is too little water in the Highlands and too much of that water is polluted. While it does a great job of recognizing those problems, it doesn't do a great job of fixing those problems. And really need to fill out the details of how we're gonna deal with this deficit and pollution with strong standards as the plan moves forward.

It also doesn't address once we conclude how much water there is, how much of that water is gonna stay in the Highlands versus be reserved for growth outside the Highlands. How much of it is gonna be strategic permitting? How much of that water is reserved for redevelopment and new schools that are needed in new development zones as opposed to the golf courses out in the Hinterlands. And my final point I would like to make is we've heard a lot from how this plan is gonna hurt affordable housing but the folks making that argument are the developers. They're the ones that profit from building; they're not providing affordable housing.

So I urge you to reject all of their arguments when it comes to these guys wanting to build affordable housing cause they're not doing it. If you want, you can talk to me here about affordable housing, listen to Paul Chrystie from the Coalition for Affordable Housing and the Environment was here earlier in the day. I also noted that the real affordable housing advocates, like Paul, like fair share, like that housing and community development network of New Jersey are not saying this plan is going to hurt affordable housing. Thank you.

Hank Klumpp, Hunterdon County: That sign works both ways. Thanks for letting me speak. My name is Hank Klumpp. I'm a farmer in Hunterdon. I have 150 acres in the Highlands Preservation Area.

Six state mandated hearings on the Highlands Act, regional master plan are required. Why isn't every council member required to attend every hearing to listen to the concerns of the people? Isn't attending part of the job requirement? It should be. Shouldn't everyone that will be voting on the finalization of this plan be required to listen to me, even if they have heard my same concern for years now? The members of this council are the people I have stood before asking to please protect private property rights.

So far, I don't see any help in sight. Many of you have told me after meetings that you understand what is happened to me and my land but then a Master Plan comes out leaving me the same unjust position as I was the day McGreevey signed the Highlands Act. Guess I'm foolish, had faith in all of you to do the right thing – scrap this Act until it is complete and money is in place to compensate landowners and make the Act fair. No one was supposed to be hurt by this Act.

Newspapers are saying there is such a small turn out to oppose the Highlands Act and so opponents now understand and accept it, but they are wrong. Guess that they are just smarter than me. They aren't wasting their time standing before deaf ears as I have from day one. I've attended more council meetings than many council members. I have always believed, regardless of what others have told me, that this council would do the right thing.

Here we are now – right down to the wire and the future of my farm, my family farm, doesn't look good. I'm being asked to make major financial sacrifices. We have reached the point that I will possibly have to hire a farm hand with a law degree to interpret all the unrealistic property restrictions. Environmentalists are being very quick to tell me what should be done with my property. These people are not matching me dollar for dollar in what I'm being asked to give up for this Act. The beautiful property that the environmentalists show in their aerial views is privately owned property and many of these acres are mine.

The Highlands Act gives many of us no choice but to challenge the injustice. I have one more thing to do. I was fortunate to be on an agricultural charette and after the thing came out, I really, I was disappointed. I feel that maybe I was at a different charette than everybody else that was there because what came out of the agriculture isn't what's in the plan so thank you. I appreciate your time.

Michael Natale, Sparta NJ: I'm Michael Natale and a custom home builder in Parsippany, NJ. I won't even go through the whole spiel like I talked about at the previous meetings because of: 1. It's already been heard. It's been published all the time in the newspapers and I'm not one of the people who make the same mistake twice. Today, I'm going to go in a slightly different direction. There are many things that I would like to say again but you've already heard them. Instead this time around, I'm gonna do a dedication for my mother.

I would like speaking on behalf of my widowed mother Maria Natale. We own a family business that builds new homes. My father who was the head of our business purchased 112 acres of land on August 4, 2003 with the entire life's savings and loans from the bank without any knowledge of where the Highlands Act was going to directly affect. One week later on August 11, 2003, my father unexpectedly passed away which made it our family's first catastrophe since my mother lost her soul mate for life and the breadwinner of the family.

At that present time, there was a sub division for this property in the process of being approved for 23 homes, which is why our company purchased the property to continue producing revenues to repay loans. Just a few more town board meetings and the project were going to be approved since the preliminary stage had already been completed. About 6 months later, we learned about the Highlands Act hit directly onto our property, which suddenly locked it up without a warning. As you can imagine years of planning, sacrificing, and livelihood for many employees was halted with it.

Due to the subdivision in the process of being approved, the farm assessment tax rates were dropped and a there was a huge difference for the tax rate increase. After the Highlands Act halted our operation, we went back to the Sparta municipal court and tried to reverse the higher property tax rate back to the original farm assessment tax rate, but was denied and left

us with additional burden of heavier expenses to pay for when we can not utilize the land appropriately.

You have no idea how it feels to experience one catastrophe after another without any relief in sight. We are heavily in debt by several million dollars and it's been taking a toll on all of us, especially my widowed mother who has been exceptionally strong, working hard throughout the years and can no longer take it. If this parcel of land has been designated for the Highlands preservation, then my mother who has worked so hard throughout the years deserves full compensation soon, not several years from now. Just like how the Highlands Act was railroaded so quickly, we want to see the compensation.

And also, let's not forget what we take for granted that every night we all go home to a place built that was built by a builder and a plate of food on the table which was produced by a farmer. The builders and farmers are not outlaws here. On behalf of my widowed mother, Maria Natale and myself, we would like to thank all youse for listening to us about how this unforeseen situation has affected our lives and livelihood. We are hardworking New Jersey Tax payers and all we are asking for is not to be victimized in the process of passing the Highlands Act.

Well, there's a couple more things I want to concluded my speech with here, just like Mr. Klumpp had made his comments over there. The guy's just running in place, about to sink down under, that's how hard it is for his business. That's not right. There was one woman in here. She said something about "Oh, this Highlands' going in the right direction", but I never heard her saying a word about paying the people who are hurting financially. And then there's a man by the first name Stanley. He said something about this plan should count every individual. No it seems like this plan is very one-sided. I'm trying to be on both sides over here, not the all mighty dollar and how much can I profit off this job. No.

Several million dollars worth of debt slammed on me. I'm selling off part of my business that I can't afoord to keep it any longer. And also, 2 weeks ago on news 12, I saw a report about a major moving line, I can't remember on which company it was cause I only saw the story once, but it was, according to them, the New Jersey Business for 2006, 51% of people that did business with them were moving out of the state. I lost a top notch operator, who said to heck with New Jersey and went down to North Carolina to start all over again. He said that's no way to run. You're working hard and you can't even afford to stay there.

You know, I was just trying to insist on some fair compensation for landowners not dedicated, especially coming all the way down from Parsippany to over here, which is not just around the corner in dedication for my mother, who's been through so much. And I don't wanna come in, yelling at people for or challenging people saying tell me how this is fair and all. No. This is a dedication for her. I wanna see how the Highlands Council or any person in this room, can tell me how to be fairly compensated and soon. But the thing is, I don't get to hear any of that and that's the part that's very disturbing. I'm basically waiting the end result of what's been going on with us. Thank you.

Eric Stiles, NJ Audubon:Hi, my name is Eric Stiles and I'm the vice president of conservation at the New Jersey Audubon. I'm gonna supplement the remarks I made at Voorhees. Little did I know that the Highlands Council was left with scar tissue. You must

have some pretty thick skin at this point and time. I left my applause machine at home so it may be silent when I'm done.

Again, I have a strong background in ecology, both professionally and through training for the state agencies for 10 years; graduate degrees in ecology at Rutgers University. Just again, to correct the record, New Jersey Audubon derives no dollars in operations, endowments, etc through the Garden State Preservation Trust. And I would welcome the opportunity, as was offered by Julia Somers and myself on other occasions, for Highlands landowners to join us January 29th to work to renew and strengthen the Garden State Preservation Trust.

We work very closely with George Gierson with the society for American Foresters, urban conservation advocates and various environmental groups trying to renew that pool of money, which is an empty gas tank at this point. Again, in summary of my comments before, the strong science of the Highlands ecosystem management characterization, based upon that, what I call, very strong placeholder language or aspirational language regarding zone standards and site __ standards.

For example, it refers to development habitat conservation plans but we don't know what those standards are gonna look like, what the process is gonna look like so we urge during the pre-conformance process, that these standards that result in fixed habitat conservation plans, best management practices continue to be based upon scientific standards from early literature, like the draft RMP is; that the standards and benchmarks be transparent and the process be transparent both for a regulating community as well as for the advocates.

Second, our legal counsel agrees with your legal counsel and the AG's office that rare species protection is not only an opportunity under the Act but a mandate that they're co __ with Commissioner Campbell and Senator McKeon, when there's some legislators that removed the language by protecting rare wildlife was a big strike issue for us. And I was very proud when our governor, commissioner and Senator McKeon put that language back in. So we concur with your council, unlike the former testimony from Mr. Stypinski. The other thing I would stress for this council to consider, if there's areas that are less than 1 square mile that meet the criteria of a planned community zone to become on the specially planned area. And we don't oppose that.

However, there need to be reciprocity. If you have less than 1 square mile that falls within your community zone that is critical to our drinking water supply, wetlands, endangered species, steep slopes, significant natural areas, then they should be the delineation of specially protected zones. Again, it follows the science, follows the precedent, good precedent which you set that the data should be thriving __. We don't have that reciprocity for the protection and that is absolute critical. Another missing placeholder in regards to the creation of habitat conservation land standards in the pre-conformance, there's no recognition of coordination with DEP on that.

There's placeholder language for regional habitation plans but not for the local or individual property owners. It says this administration is pledged to release statewide critical habitat protection on Earth Day of this year. They finally gave us a year as opposed to previous administration that just said Earth Day and they are in the process of developing those standards. It's very important that we recognize both the joint 40, 40 under the Endangered

and non Endangered Species Conservation Act and begin that coordination now to reduce, I guess both duplication of effort and have two different standards that offers confusion to the regulating community.

Again, I just wanna stress that there's a huge opportunity for this council and the landowners in the Highlands to work to renew the Garden State Preservation Trust. They can participate by calling (609) 392-1181. Joanne Wilder is the campaign coordinator and we'd love to include you in our activities.

Doug Williams-Flanders: Doug Williams, Flanders; got about 120 acres in the preservation zone. I actually came here to say something else today about how I got an exemption and it didn't really work out because the Highlands wanted the entire open property for 2 acres and this gentleman from Sparta got up and he said how the dam in Sparta was decaying and it was in need of repair.

I bought the one several years ago and we had floods. And several of the dams, private dams, in Sparta area, they all broke loose. The DEP started to go after some of us landowners to repair these because they were on their land. And yet, DEP says they own all the waters, including its 300 foot buffer zones. You don't know whether you're allowed to go into these streams or not and these people have to get all kinds of engineering to apply the dams, some of them probably in excess of several hundred thousand dollars or many tens of thousands of dollars in repair. And yet the state, again, they claim they own the water. And yet they're telling the private landowner or homeowner that he's gonna have to make the repairs on this dam, in this case a dam in Sparta which the association probably doesn't have a whole bunch of money.

I just think that this Highlands Council is not really doing what they're setup to do. You're supposed to be here protecting the water, creating resources for us and you're really not doing that. It just almost seems like it's another government scam where everybody wants it, the government wants it but they don't want to take care of it. They want the private landowner to take care of something that they want to have. And that's pretty much it, thank you.

Tony Dilodovico, Schoor DePalma: Good afternoon, thank you John, for getting my name correct. I am Tony Dilodovico, Principle Vice President of Regulatory Affairs for Schoor DePalma and again, I was at the Sparta hearing and I thank the Council members who remember I was there. At that hearing, I represented a specific client in Vernon Township. Today, I am here representing the New Jersey Chapter of the National Association of Industrial and Office Properties (NJ-NAIOP).

As the leading commercial real estate, land use and economic development resource in the state, NJNAIOP has an impact on hundreds of thousands of people. NJ-NAIOP's family includes over 525 members, the 10,000 businesses that are their tenants and more than 600,000 people who work in their buildings. Commercial real estate creates jobs, beginning with construction workers and continuing to everyone from the security guard to the cleaning crew to the parking attendant. They are all part of our extended family. NJ-NAIOP members live in New Jersey. We raise our families here. We are impacted on a personal level by government actions, especially those that deal with environmental protection and

restrictions on land use. We want to be sure that New Jersey's natural environment remains protected while its economy stays strong and competitive with other states, because it matters to all of us.

We have reviewed the draft Highlands Master Plan and have concerns. NAIOP will be preparing a detailed comment letter on all of our issues with the draft plan however; today I am here to advise the Council on seven of our major points of concern. These concerns are as follows:

1. The plan must address ample opportunities for economic development at the local level for residents of those communities -jobs are vital to the welfare of the citizens.
2. The plan must clearly allow for appropriate growth, infill and redevelopment of brownfields and other opportunities in planning area communities. As currently written, we cannot confirm this.
3. It is essential that the plan provide for a detailed economic impact analysis. NJ-NAIOP simply can not ___ the plan without this.
4. The plan must address need to expand water supply and wastewater treatment capacities to meet the needs of a growing population. Technical documents that were and perhaps are still being generated, were not available for us to review to address the appropriateness of water availability and wastewater treatment capacities. I guess my engineering mind had a hard time understanding how a document can be released for conclusions prior to the supporting documents being available for review. We will review all the documents and provide comments, particularly on water supply and wastewater treatment capacities and I will not comment on that at this time.
5. We are concerned with the lack of criteria on how Planned community zones are identified. Many existing developmental rights, within this plan are not identified for growth. The areas that are identified as planned community zones have laid upon them, very site specific standards and restrictions that will severely limit the ability of those sites to be developed or redeveloped. The GIS data that was used to develop many site specific restrictions in the master plan have not been made available for us as an organization to review and to overlay our sites to see what restrictions there are and ___
6. As planned community zones are in essence the targeted "smart growth areas", the proposed development restrictions must be lessened in these areas and should certainly be no greater than in the remaining portion of New Jersey. ___
7. The plan should clearly emphasize that encouraging growth in targeted planned community zones will lessen the amount of traffic and resultant pollution that would otherwise be generated if residents had to travel farther to their jobs.

Thank you very much.

Marion Harris, Morris County Trust for Historic Preservation: I'm from the Morris County Trust for Historic Preservation and I also represent a small group of people who believe that cultural resources and natural resources are inseparable and can't be protected separately. That's supposed to be a mantra by now.

We are very strongly in favor of this plan. We have high hopes for it when the details are finally all in place and it's very good to hope that there will be another chance to comment when there is more detail, which we hope will apply specifically to the cultural resources as well as the other things are more ___ in the plan. I have spoken to you officially about the history and about the inventory of cultural resources and regulation of them before.

I'd like to say a couple more things about these things because they too are very closely interrelated. The inventory has to be compiled by people who understand the historical background. Right now, there are I think two paragraphs about history of the area. Maybe more like three pages would do it. So presumably that needs to be flushed out considerably. One of the historical aspects of this area that was most important to the development was cultural resources is the fact that this was a major center of the iron industry. You need to recognize what is important. This inventory needs to be made by people who are familiar with the history but also people who understand that they are not just making a collection a list of old buildings. They have to be able to make a judgment on the significance of a building.

Fred Turner, Sparta Lake Property Owners Association: Sparta Lake is located in Sparta Township, NJ at the beginning of the drainage area which becomes Russia Brook and then the Rockaway River. The Rockaway River is the sole source of water supply for the 9 billion gallon Jersey City Reservoir.

Sparta Lake, like numerous other dams in the highlands area, is currently under the threat of being drained due to dam safety concerns imposed by the NJ Dam Safety Group. The current Highlands Laws do not provide any funding for the maintenance of the watershed infrastructure including dams. Through out the Highlands region there are numerous dams, streams and rivers in need of repair, modernization and/or maintenance. The upkeep of these valuable infrastructures is vital to maintain the current quality of the highlands water.

The whole drainage area or watershed should be reviewed and plans be made for the repair, modernization and upkeep of the current infrastructure. Infrastructure, such as dams, are a vital part of the any watershed. Many lakes in the highlands were made years ago by damming up rivers and streams. These lakes recharge aquifers, provide flood control, erosion control, enhance water quality, protect and nourish the ecosystem, and provide flow in streams and rivers during dry conditions.

Lakes and dams are as vital to the highland water as is the proposed limits of future development brought about by the Highlands Act. The highlands Act, as written, will do nothing for the protection of the watersheds from aging infrastructure. The Sparta Lake Property Owners Association calls the State to provide funding for the improvement of the aging dams, and for the State to provide a detailed study to determine what are the necessary infrastructure improvements needed now and in the future to protect and maintain the ecosystem and water quality within the highlands.

The Association also supports the establishment of State funding or grants to enhance and improve the existing chain of Lakes that current do so much for the water quality in the highlands. The Sparta Lake Property Owners Association also calls for the State to mandate that each Septic System within the Highlands Area be cleaned out at a minimum frequency

of every four years. The State is also called to mandate a total ban on lawn fertilization within the Highlands Area.

Michael Herson, Sierra Club: I'm Mike Herson, Highlands' issues coordinator for the Sierra Club. By way of introduction, I was on the planning board in my town. Actually, I was on two planning boards and I was a cross acceptance coordinator for my town a few years ago. The reason why I bring that up is the RMP needs implementation language that ensures coordination with state agencies, like the State Planning Commission and make sure that regional planning and the goals of the Highlands Act are followed.

I just came from the State Implementation Committee meeting and I want to report to you that the PIC fully recommends plan endorsement of the Sussex County Plan despite the Highlands Council's recommendations that the SPC defer action on plan endorsement. The RMP fails to indicate no build zones. Your RMP doesn't indicate no build zones, contrary to the Act. The public and Sussex County therefore cannot determine where the no build zones should be. So it is not easy to compare the Sussex County plan with what the region of the Highlands should be based on the Council. One area I would suggest is steep slopes, slopes over 25% at the very least. Unfortunately, the Sussex county plan calls for ___ 10 degrees and 33 degrees. There are many worse other discrepancies between the SPC's vision for the Highlands as demonstrated by the ___ of the Sussex plan and what the act calls for. Glen Vetrano was the only Highlands Council member to testify at this hearing. I'm going to give you a copy of my testimony to the SPC at the end of this hearing.

The SPC should realize that the Sussex county plan can undermine the water supply. The state plan endorsement violates implementation for the highlands. I have a suggestion to revise the name of the Council. The body should use the proper name of the Highlands Water Protection and Planning Council. Calling yourselves the Highlands Council does not say what actually should be done by the Council. Regional planning is going out the window. The Sussex plan does not have a watershed basis behind it. You need to inform the public that there are restraints.

End of hearing: 2:00 pm

Scott Smith, Smith, Smith & Curley – submitted comments, did not speak: The Highlands Water Protection and Planning Council ("Highlands Council"), through its draft Regional Master Plan ("RMP") thwarts the legislative intent and statutory framework of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (the "Act"), by ignoring the regulatory distinction between the Preservation Area and the Planning Area under the Act.

The RMP does so by impermissibly extending the prohibitions on development imposed upon the Preservation Area into the Planning Area. The Act imposes mandatory restrictions over land use and development practices within the Preservation Area. The Planning Area is exempt from these restrictions. Under the Act, municipal and county conformance with the RMP is required in the Preservation Area and is voluntary in the Planning Area.

The RMP, in its analysis of the protective needs for the Highlands Region, does not distinguish between the Preservation Area and the Planning Area. Instead, through the

utilization of the Land Use Capability Map and its constituent Overlay Zones (Protection Zone, Conservation Zone and Planned Community Zone), the Highlands Council implements policies and standards over the entire Highlands Region without consideration of whether the particular Zone designation covers the Preservation Area or the Planning Area. By way of example, lands within the Planning Area may fall within the Protection Zone and are thereby subject to governmental acquisition for preservation and/or stringent limitation on development activity.

This is contrary to the legislative intent for the Planning Area which is to be utilized to encourage and facilitate smart growth strategies and provide for appropriate patterns of compatible residential, commercial and industrial development, redevelopment and economic growth. N.J.S.A. 13:20-10(c)(9). Cognizant of the regulatory distinction between the Preservation Area and the Planning Area of the Highlands Region, the RMP "blurs the lines" by encouraging local governments located wholly or partially in Planning Areas to voluntarily conform their land use and development practices to the RMP. The RMP states: "The Council recognized that while the mandatory resource preservation and protection requirements of the Act and NJDEP regulations will combine to largely protect these natural systems and resources in the Preservation Area, the overall protection of these Highland features will also require the voluntary adoption of the Plan by many of the communities that lay within the Planning Area." RMP at p. 203.

The Highlands Council encourages voluntary adoption of the RMP by municipalities within the Planning Area by offering an array of benefits including, but not limited to, Planning Grants, State Aid, Transfer of Development Rights-Impact Fees and Enhanced Planning Grants and a distributive share of Tax Stabilization Funds. In short, municipalities within the Planning Area are offered financial inducements to adopt and conform to the RMP and thereby, eliminate the exemption of the Planning Area from the development restrictions imposed by the Act. The Highlands Council, through the RMP, is attempting to do indirectly what it cannot do directly. The RMP impermissibly extends the Act beyond its intended scope and its express provisions. The result is increased restriction of development in areas where restrictions were neither intended nor sought.