

PUBLIC COMMENTS FROM THE PUBLIC HEARING 2/13/08

February 13, 2008
Voorhees High School
6:30pm

Council members present: John Weingart, Erik Peterson, Janice Kovach, Bill Cogger, Kurt Alstede, Tim Dillingham, Tracy Carluccio

JOHN WEINGART'S INTRODUCTION

This is the 3rd public hearing the Council is holding on the RMP. The Council has been meeting for several years and has had many meetings. We released the draft over a year ago and have received several oral and written comments since then. We absorbed those comments and made several change to in regards to those comments. This is the 3rd public hearing – the timeframe for comments I until the 28th. At the last two meetings there were a total of 68 people who testified. Specific questions can be directed to the staff at the tables in the hallway. I will call on those who haven't spoken first followed by those who have spoken previously. I apologize for the formal set up but that is the way that the high school is set up and we thank the high school for allowing us to use this space.

Rich Neeuwenhuis, President of NJ Farm Bureau

Thank you for holding this meeting. I am President of NJ Farm Bureau as well as a resident and farmer in White Township, Warren County. I would like to give an overall assessment from the NJ Farm Bureau.

- The RMP draft is an improvement of the first draft. There is helpful information regarding farming viability and growth management. Still are significant flaws – making property owners’ bear the brunt of lost property values from down zoning, also there are absences of dedicated funding sources, and a lack of receiving zones. The Act is a region planning enabling Act – not just for environmental regulations.
- Aside from funding, the draft RMP requires more clarification regarding farming viability. In addition there are problems regarding personal property rights.
- In accessing the anticipated affects on agriculture – we use 2 criteria: property rights and land value equity – which we see not only in due process but in protecting assets and therefore the economic viability of farming. These regulatory impacts can be offset by affirmative statements regarding the right to farm. We strongly believe that farm operations must be treated equally. Agriculture can be practiced with protection for the environment and natural resources. Since the Highlands Act – many promises have been made with regards to land equity. Promises to fix the problem have been ineffective. Promises for TDR – not a single one of these promises has been kept. Some say that it isn’t within the Council’s scope to provide funding for compensation – that it is the job of the legislature - that these complaints need to be taken to Trenton not Chester. It is impossible to separate the actions of the Highlands Council from that of the legislature. The Plan is being built on flawed legislation which must be fixed for a successful plan. Farm Bureau will provide detailed written comments. It is important to remind everyone that the legislature implemented the Highlands Water Protection and Planning Act with the intent to have Master Plan to address regional issues in a balanced manner.
- Farm Bureau feels strongly that the Plan should not be the same as a wilderness management plan – but should recognize agriculture and the diverse nature of the region. Farm Bureau cannot allow the Master Plan to go overboard on water protection as environmental advocates have been promoting.
- Farm Bureau acknowledges that some of our original concerns have been addressed - we are pleased to see a clustering lot averaging provision – it should enable rural communities to manage land in the best way for farming and the environment.
- Glad to see support for agriculture viability in the RMP. Must encourage the ability for agriculture to change as does the market and the local needs.
- We still have areas of concern
 - How little the Farm Act is referenced in the RMP.
 - Failure to lie out costs and economic impact of the implementation including compensation.

- The use of the DEP Landscape Project for mapping – this mapping has no statutory credibility and no scientific basis. Landowners cannot afford the studies to disprove this mapping.
- Concerned with the prospects of the TDR program. We think that the concept of the credit bank is worth while – but do not want to see that take the place of the sale of credible credits in a TDR program.

We hope that we can work together with the Council and its staff.

Hank Klumpp

Thanks for letting me speak tonight. It's our land and our farms. I own 150 worthless acres in Tewksbury. I am a farmer. My farmland is my safety net – the Act has left me hanging and if I have to let go I have nowhere to land. I'm finished. Still environmentalists tell me to move on and forget the loss of lifetime savings in my land that should have never been put in the Preservation Zone – because no scientific study put it there. They want me to farm as usual and follow unrealistic restrictions and do so until I drop dead and let future generations follow that path. Someone must admit that the state is bankrupt and the TDR program will not be properly put into place. We will never get the land value of 2004. Originally the Act was to provide for this so that no one would get hurt. I have been told that it will be as fair as possible. It is either fair or it is not fair – how can we accept a little fair when you have stolen our property values. Recently a 200 billion bond issue was passed – but not one dollar is dedicated to the Highlands. If you don't understand this it is because you have nothing to lose yourself. An honest farmer finds it hard to compete with a corrupt state. Swan is stressing the greater good without thinking of those who are getting stepped on. Why can't you find a way to compensate us for our land – how can we accept pennies on the dollar? We have no choice but to stay in court because we can't afford to lose everything.

Heather Gracie, forester

I am a consulting forester and have worked with hundreds of forestry landowners in the Highlands. I am a longtime Council member of the Society of American Foresters. I know what it takes to care and nurture our forests and natural resources for the benefit of all. This comes at a cost for all. I become concerned when we are told Forest Management Plans are nothing but harvest plans run amuck. They are scientifically based and include more than just forestry – but also wildlife, water, recreation and air quality. They are Forest Stewardship Plans – although not titled so. My firm works with land owners to promote forest health and diversity, enhance wildlife habitat through vegetation manipulation while protecting and improving water quality. These landowners work hard to protect the land from losses due to deer and invasive species. Many of us are aware that the Forestry and Enhancement Program provides for federal cost share for stewardship plans. When money is available things like forest improvement tree plantings, and non invasive plant control may be cost shared. No money is available to implement these plans. Is this a Forest Stewardship Plan run amuck? The difference between Forest Management and Forest Stewardship is the mandate to provide information on potential threatened and endangered species. We have yet to see the new and improved provision on the Landscape Project. The Forest Stewardship Plans are voluntary – now there is concern that any cost share program for forestry or wildlife will not be funded by state mandated programs. If so, where is the cost relief or incentives for land owners or farmers? What incentives or cost shares will there be for conducting on ground activities? The landowners are not in a position to apply for grants, etc. As a landowner in the WHIP program – for example in 2006 I used over 2000 dollars and more on equipment and time with only 995 dollars back in cost sharing. No one will give me a grant to follow through with my WHIP plan. I don't think there is a better way to accomplish good stewardship than with tax payers' dollars. Thank you for your time in listening to the foresters. We still have a lot to do. We will be submitting our comments in the coming days – these are specific comments based on the Plan. I look forward to a continuing dialog with you.

Rich Longo, Wayside Farms, Boonton, NJ

In regards to original boundaries – at least 95% of Boonton Township was in the Preservation Area – it isn't in the Preservation Area now. Why hasn't it been put back in the Preservation Area? I was under the opinion that the law was for the people – this law is not. You have taken away my rights as a landowner. You want us to give up our rights to the land to protect the water – and for use by those outside of the Highlands area.

There is no proven threat to the water resources by pollution. Most of the pollution problems that we have are from the large commercial properties in the 30's, 40's and 50's – they just disposed of waste as they pleased. Does it make sense that Jersey City just shut down Reservoir 3 and made it into a recreation area - it doesn't make sense. You say it is about the water – I don't think so.

Then there is an ice company – but in summer months they make more blocks of ice and some are dumped it into private pools – this doesn't make sense.

Your new version has added 100-150 pages – you brought in a hot shot planner who isn't licensed in NJ, but you listen to him. There is nothing for landowners like myself – who don't want to sell there land to anyone. It is in the Act that those harmed by devaluation of their land will be compensated. I don't want to be compensated by giving up any rights to my property – but I do want to be able to be compensated as required by law because I have the opportunity to purchase property in the Planning Area right by my home which is the Preservation Area – and I want the money now, because I would like my daughter to be able to live on my property at Wayside Farms – I would like to buy the property for my grandchildren – but I can't do that because of the Highlands Act. I never concerned myself a land speculator – I would like my family to have opportunity to live in Boonton in the future. If water is that important we should build reservoirs – there are areas outside of the Highlands to do this. Morris County has thousands and thousands of open space land that is preserved – there is also privately preserved open space in my county. How much do you need? I would like the Act to be repealed and the Council to be dissolved and I would like you to send my compensation money to me.

Janis Liepins

I only own a small house with an acre or two of land– been there for 30 some years. About 30 years ago I was muscled out of Trenton by developers – they call it sprawl. And now it seems like I will be run out of Warren County without long term planning. If you love the land and community – you will be crying if we don't do anything about long term planning. Look at the changing environment. We are going to be doing more damage. I like the Plan – it is not perfect, but it is a long range plan that is long overdue. I will hope that you will do more planning and thinking about the solid majority and not just special interest groups. You need to look at the small property owners - we will suffer with equity and quality of life if we do away with the Highlands plan.

Robert Frey, farmer in Pohatcong

We had a dairy operation and still have the facilities – we raise beef, grain, hay and farm land. Our family has always paid our taxes and has always tried to be responsible stewards of our land. We have sequestered carbon in our woodlands. Now we are in the Preservation Area and can only farm – no dairy activities or growing of vegetables is allowed. The Act puts heavy burden on Highlands farmers. The Act calls for fair compensation, but that has been the lowest priority - see section 1h5 a & b. I contend that the Act is a desperate vendetta against the farming community. The map on page 5 shows very little of the water from Warren County going to the urban areas and the HUC 14 map on pg 47 shows impaired water quality in the Highlands area. Why wasn't a modern desalination and purification plan considered, as was done in Tampa, Florida to supply urban needs. Since water is wasted at the Pequest Fishery, I believe that the Act and the Plan aren't about water but about politics and greed. The Plan calls for landowner fairness with transfer of development rights and land acquisitions and waivers. But the cashflow time table, shows 12.5 million dollars to be allocated annually but not one cent for that – there is nothing about funding. Pgs 160 – 163, and pg 165 calls for sustainable economics, but the following pages conflict with this. Page 340 calls for ongoing funding – but the Council has not pursued the funding – it is thus clear the State has no intention of paying. That is called stealing. It has been stated that the farmers have options. I have had applications pending for over a year - the Preservation Fund is depleted, the supplemental fund is spoken for and the State is broke. I am certain that the well meaning folks supporting the environmental causes are unaware of these travesties. With no other assets, my family is left with land with not much value. I can in no way retire or afford to pay for health and nursing home care. The Act also complicates things for my heirs – the Act is socialistic. I am appalled this could happen in the US and resent being dehumanized.

Harry Pool, Port Murray

I live in Port Murray and am former Mayor of Mansfield and former chairman of the Warren County Pollution control financing authority. I find it is the Plan is incomplete with no plans to restore financial stability to landowners and the municipalities. I believe that the problem could be solved by interconnecting water companies and examining properties, i.e. Morris County, where large supplies of groundwater may be available to get rid of this Plan.

Wayne Anderson, Lebanon Township

I have attended many Council meetings and believe that the number 1 complaint is lack of funding. A water fee is in best interest of everyone – but the Council seems unable to make that happen. With limited funds the Plan will find it difficult to continue. Lack of cost and benefit analysis from the Council – for instance like funds for the TDR program. The RMP doesn't include an economic impact on the Highlands area – there has been a lot focus on endangered species and not land owners. An impact that is probably negative and therefore ignored. We have been stewards of 70+ acres – this has included many costs to us. Stewardship is a waste of time and effort – I suggest that we should work together to make the Plan a workable document.

Joanne Anderson, Lebanon Township

My husband and I have very grave concerns about the RMP. First, I would like to say what we are not – we are not part of a paid lobby. Also, we are not people who bought on speculation to get rich. Our 74 acres in Lebanon Township have been cared for by our family for a long time – first by my parents and now by my husband and me. We worked under a Woodland Management Plan for many years. Forestry is a major land use in the Highlands and the recommendations of the forestry professionals should be heeded by the Council. Farmland assessment should be continued to be promoted – without it we wouldn't have been able to continue preserving our area. Another thing we are not, are farmers of McMansions – our farmhouse is small and the upkeep expensive. Since we are in the Preservation Area we cannot even sell a portion of our land to fund our expenses. Last year I was saying we are several years past retirement – another thing we are not is younger but still there is no funding for compensation for landowners. Although the salamander seems to have done better in the RMP, there has been no improvement for people like us. What we are now are unpaid caretakers of our land for the benefit of NJ. This isn't anything we could have anticipated.

Henry Gore, Holland Township

I have lived at my address for 26 years. My qualifications are that I graduated College of Environmental Science and Forestry in Syracuse over 50 years ago and I have worked in paper industry with some environmental responsibilities. I am speaking as a private citizen. I would like to praise you for the job that you have done so far – especially in the outreach efforts to get people involved. I think that you recognize this is necessary. I think these people know that and appreciate that. I have been a long term advocate of a highland regional planning – because it doesn't force statewide planning on smaller regions. I have 3 suggestions: 1 administration, 2 technical, 3 organizational. I came across many policies and objectives and I thought – how will all of these get done – will it turn into a bureaucratic mess where nothing gets done? One of the biggest problems in NJ is getting things done on time. One of the biggest methods of avoiding is not to get things done. I finally got to pg 339 and finally I found the Councils implementation plan – I would like to make an administrative recommendation – highlight the implementation plan in the beginning of the report. We want to know what you are going to do and when you are going to do it.

I also think that project planning techniques should be used in implementing the Plan and should be included in the report – this may solve timing problems.

My technical comment is that I don't believe that cluster development is the most environmentally sensitive approach. I think that you should de-emphasize the clustering concept.

My final suggestions, concerns organization – the law establishing the Highlands Act specifies that participation of municipal elected officials be maximized – the state Constitution emphasizes that land use planning is a municipal responsibility. This isn't addressed properly in the Plan. I suggest that you establish a local advisory of local authorities and officials, etc, to make amendments to the Plan and make sub-committees as advisory committees. I say this because local input is the most important thing we have - local politics are the only politics. You have to get the elected officials involved.

Eric Stiles, Vice President of Conservation for the NJ Audubon Society

Correction for the record – the landscapes project is based upon hundreds of literature citations, there is a peer view panel outside of the DEP that have reviewed the methodology, to say that it isn't based on science or peer view process is untrue.

You did a good job with the science – in regards to the Plan itself, there is a gapping lack of clarity on the progression of how it will be reviewed. You start off with avoidance – you avoid impacts, you then move onto mitigation based on benchmarks of standards, and then onto mitigation. You have mentioned with no clear sequence or benchmarks for standards. No net loss needs definition. Wildlife habitat will be defined by area, function, quality, and type.

Need clear benchmarks and standards – there is a lot of placeholder language in the Plan – but there is lack of clarity on how it will be expressed. NJ Audubon believes that some of the rare species and habitat would benefit from forestry. Many species of plants and animals require disturbance and early successional habitat. We are a strong component of the land stewardship plan. This is a working and living landscape – it needs to include forestry and farming.

For my opinion - I watched the red knot documentary. I went to the meeting and watched the moratorium vote it down, despite the science. There are 11 elected officials – you represent the public interest, not the constituents who elected you – you are protecting the drinking water and safeguarding the health and economic vibrancy of this area. You have broader civic responsibilities.

Bill Kibler, South Branch Watershed Association

Our mission is clean water. Our watershed covers a very large area. Over half of the watershed is in the Highlands and includes two of the largest reservoirs. I also live in Califon and have a keen interest in the long term future of the Highlands. Given the recent weather – I was reminded of my favorite poet. I believe that Mr. Frost had you in mind when he penned those words - you have promises to keep and many miles to go before you sleep. The legislature charged you first and foremost with protecting clean water – protect, restore, and enhance clean surface and ground water. That mandate is the yardstick by which your efforts will be measured. It is not enough to minimize future harm or preserve status quo. Restoring damaged pieces and enhancing environmental conditions are as important as protecting current condition. The Highlands Council has a historic opportunity – to ensure high quality of life in the Highlands.

You have miles to go before you sleep. You cannot allow development in water deficit areas proven legislation is in place and deficits are in restored – or it guarantees that the water deficits will get worse. You must develop clear and enforceable standards and must ensure that there are no adverse impacts on resources while taking those actions. The time to act is today. There are a lot of elected officials on the Council – you cannot serve single constituents – you must serve the whole state. Clean safe drinking water is essential and the Council has a promise to keep – to make the right decisions to protect, restore and enhance our water.

Patricia Ruby, Upper Raritan Watershed Association

We will be submitting these comments as well as additional concerns. I would like to address mitigation in water deficit areas and in areas of water recharge. We understand the need to allow for future growth. But granting additional water availability in such areas without testing the efficacy of mitigation is not prudent. We encourage the monitoring of mitigation measures and that the expected recharge is achieved before more development. We also understand implementation will require interaction of different entities. You need to clearly define the roles of the Council, the DEP, and other entities. We hope that these recommendations will help to rectify deficiencies in the Plan.

Susan Buck

Things are not much different than the medieval times – in that all I can do is work the land and leave it to one son or daughter. Every single right I had as a property owner has been taken away except the right to work the land. Agriculture is supposed to be exempt from the Act – agricultural activities are supposed to be regulated by the Department of Agriculture. The zones treat farmers in different zones differently. Any provisions attempting to regulate the use of farmlands should be removed from the Plan as that is the responsibility of the Department of Agriculture. Tax payers spent much money to take an extra year to fix the Plan. But what did we get for our time and money?

Up until yesterday I thought that there would be municipality involvement in map changes – but then I heard that you don't intend there to be more development in these map changes. This would have been a sensible change, as local master plans could have been meshed with the RMP.

The maps are useless as the real meat is in the writing. The Plan is a fear based document and doesn't begin to meet the statutory requirements of the Act. It is unusable for anyone looking for a guide for planning purposes. Protection is used very often – doesn't sound much like a planning document.

Many find the Plan is too lax – I do not find that. Words like prohibit are much more common. The Council took another year to fill gaps in the Plan. I guess you were busy finding more things to spend our money on instead of working on those already found. Much of the responsibility seems to fall on the municipalities. How are towns supposed to be finding funding? How can the resources be treated equally if 88 separate entities are doing the work? If the towns are doing the work, why do we have a Highlands Council?

There are many unsupported concepts. The financial plan and impacts are still not addressed – perhaps you don't want the public to know the truth. How do you think we will make up for lost tax revenue? Nothing has been set to compensate landowners. It takes 274 pages before land equity is even addressed. The only thing you clarified were that deed restrictions would be issues before the property owner sees a penny. You were supposed to find creative ways to compensate landowners but have failed in doing so. I see horrendous negative financial impact that will affect landowners.

Over the top expectations and recommendations are in the Plan. I never thought that government could get so out of control. I am tired of paying for other people's pollution, for bureaucracy and fraud – now you want me to pay for other people's water. I have spoken many times but I have been ignored. Maybe you will have your way - you may have your bureaucracy – but you will have missed out on the opportunity to protect the water...but more importantly the land owners....

Dale Davis III, President of Morris County Board of Agricultural and farmer

Our operations have grown and evolved over time – now our children are involved and some have made it their future endeavor. Regarding the RMP – 3 areas that the Highlands Act mandated that haven't been done – there is no carrying capacity, no economic impact statement and nothing much has been done with transportation. I have put a lot of time and effort into the grassroots organization of the Farm Bureau. Many of the counties have worked with the Farm Bureau – the Morris County Board of Agriculture would like you to pay attention to when the Farm Bureau turns in their comments. It is truly the farmers that work off of the land that have helped with these comments. Thank you.

Dale Davis IV, Stony Hill Gardens' Farm, Chester

I am a 2nd generation on Stony Hill Gardens' Farm, in Chester. I have a degree in horticulture. After graduating I returned to the family farm. We farm about 500 acres in Morris County – our farm is multifunctional – we farm hay, straw, ornamental flowers, produce and have an ag-entertainment business. I and my future wife will rely solely on farm income – so it is pertinent that farming remains a viable way of life. Despite the Highlands Act stating that agriculture is an important way of life – it seems that the types of agriculture will be restricted.

First, the policy states only compatible agriculture will be allowed – this effects my operation, because if we aren't compatible, we will require change which may result in a reduction in our income – if so, how will I continue to farm in the Highlands?

Second, the Act supports innovative agriculture – I hope that will be taken in to consideration regarding the determination of when the land is compatible.

Third, fruit and vegetable farms rely on water – the Plan seems to know we rely on water but should provide more assurance that water will be available for those needs. I need to be assured that water will be available for irrigating our crops.

Finally, it states that water will be available for farms that utilize water protection, reuse, and best management but there is a lack of funds and staff to help farms to be conservation friendly. The RMP has attempted to support agriculture but needs additional changes so that we can continue to farm in the Highlands.

Devlen Mackey

I have 50 some pages I will be turning into you. I ask that you must take a bold step and limit or curtail the use of water that is leaving the Highlands. You should be looking not on how to restrict the use here in the Highlands– you shouldn't look at how to further restrict and penalize us, we live here and are the stewards of the land. Get it in your plan – when the water leaves here, that is it, too bad. Anyone on the other side has no limit on their usage of our water. It is unfair.

This is a recipe for disaster – thousands of jobs have already left NJ in response to this Act. You are going to send more jobs out of the Highlands- the state is almost bankrupt. Get it together and do what you are sitting there to do – make your Regional Master Plan – if you can't find something that won't bankrupt the state and be fair, then tell the Governor and the legislators that you can't make it happen. Tell them it won't work – tell them it can't work - it is a recipe for disaster. It has cost people a lot of money. The RMP you have drafted so far will only perpetuate that problem and make it worse - if people only new how much you were taking out of their pockets...

Assemblywoman Marcia Karrow

I represent 220,000 people – about 150,000 live in the Highlands. Regarding the financial component (now that I serve on the Budget Committee) – there is no detail of the costs, operating costs, salaries, etc, you receive a stipend and clearly it isn't enough. You have nothing in your budget for preservation although it is outlined in the Act (on page 12).

On page 32, concerns about critical habitat - it puts the burden of proof on landowners instead of DEP. Page 38, regarding preservation appraisals, your comment is that evaluation for appraisals take a pre-Act value of 2004 and current appraisal, and there is no mention of an expiration – and it will expire in 2009. The only buyer being the DEP - they don't need to lose ability to get appraisal paid for at pre-Act values. On page 83, TDR – and on page 85, you stress that these are voluntary, if you take the receiving area, it is voluntary by municipality – but on page 275 – regarding how the whole program works, the SADC negotiates the TDR and how much a credit is worth. The restriction is then placed by the county and the county enforces it. But there is no money transferred in the pinelands either – the Pinelands credits – the grantee is the DEP, and the DEP and Pinelands can walk on property to make sure it is used properly. But you not only have that the DEP and Highlands' staffs are able to do this, but also the municipalities as well as nonprofit corporations have enforcement rights. I don't think that it is appropriate to have nonprofit corporations have those rights. It is hard enough to have you and the DEP walk on their property.

Page 86, tax stabilization – within your protection money, there is 3.6 million dollars a year for tax stabilization – you led people to believe it is stabilize municipal budgets, but it is only to stabilize the municipal part of the budget. School funding is not part of the reimbursement. It is so onerous, NJ with there non lapsing fund, have contributed towards this fund which then tax assessors have to re-evaluate, and then it gets sent to the Treasurer – right now almost all of the money is sitting in the fund – it is too hard for the Municipalities to apply for and actually receive it. It is painful for officials to balance their budgets – it is more painful however to get a miniscule amount of money back.

On page 87, COAH is brought up for the first time - we need an MOA (Memo of Understanding) between COAH, Smart Growth and the State Plan Commission and you that COAH will not impose all of building in the Preservation Area to the Planning Area. We are waiting for it – it is this most dangerous thing about the entire Act – that unchecked all of this growth will end up allowing the corridor of the Planning Area that no one wants. It will destroy what is left of the water and no one wants it....

Regarding agricultural resources – I believe it needs to incorporate the Right to Farm – agriculture and right to farm trumps the Highlands Act – it doesn't do justice to the intentions of the Act.

Larger point – you are charged with a difficult thing. I wish there were more of you up there – it is difficult that we can't get all of you - it was one of many people's main points last year. I know how much the landowners are in pain, and I know what the environmentalists are saying - but this is about balance. You need to focus on what the Act actually says – literally. There is supposed to be growth in the Preservation Area–

there is supposed to be no growth in the Planning Area – the difference is that you are mandated to find the areas in the Preservation Zone and you bribe the officials to find growth and no growth areas in the Planning Areas. Clustering is part of that balance – you are charged with finding the balance. When I say that this is about bribery and not black mail – page 121 – about conforming regarding open space preservation – to require conservation or land stewardship easements as condition for development – that is blackmail. That is no where in the Act and is completely against the Constitution of NJ. No property owner should turn over their property without proper compensation - but to tell the municipality that they have to be the bad guy. What if it was overturned and there was no compensation – I would never tell an official to stick their necks out?

Regarding the balance of the components - regarding resource assessment - you have no numbers – pg 10 the purpose of the RMP is to find the amount of sustainability. It requires that you determine amounts of human development. Regarding transportation – you still don't have any real projects. You say on page 260 – the projects need to be designed to equip farming equipment – then the Act states the transportation projects are supposed to be bedded by the DOT before going into the Plan – but you don't have any DOT projects in there. You are supposed to identify real projects.

Goals – these are goals, not requirements – goals for the Preservation Area and one of these is and this is my finishing line – on pg. 103-104, on the chart, goals specific to different areas – on Planning Area you have 5 – the fourth includes industrial development and economic growth, but it is not on the preservation side. You also have on the planning side transportation – but it is blank on the preservation side, but it is mandated in the Act.

The following is required:

- You need to determine the amount of human development.
- Create a financial component.
- Detail costs of implementation.
- Details of sources of revenue for covering the costs.
- Transportation component which shall include projects that will be reviewed by the DOT prior to implementation.
- Smart Growth component that has appropriate development and redevelopment for economic growth.

These are for the Highlands– not the Planning Area alone. The resource assessment shall be used only for advisory purposes in the Planning Area and should not have binding or regulatory affects therein. If you didn't think that they did that intentionally – look at Chapter 34 – which was written prior to the 300 ft buffer regulation – and mentions that is shouldn't extend into the Planning Areas.

It is clear – there is a Preservation Area where you area supposed to stimulate the economy through smart growth and redevelopment and the Planning Area which should be hands off except for advisory, unless you can entice municipalities in. You are charged with finding a balance between the two. You need to make this work for both sides. The creators of this law weren't looking to hurt anyone. You need to work with the municipalities to entice them in.

Sam Race, farmer in White Township, Mayor of White Township

I am going to limit my comments to the TDR program. I do believe portions are better than they were before. I believe that you were directed to protect the water so that more than 60% of the people of NJ can continue to use it. To succeed your plan must have a workable TDR program. I heard that when you released the Plan, it should be based on commitment of money of the legislature, but then someone said that it isn't your responsibility – it is the responsibility of the legislature. In your statements on pg 340 says that the Council should seek funding and that it is of the highest level of importance. You should be saying to legislature, we cannot do this without some commitment of money. It should be funding from another plan or it could be, from even a better source, and that is water tax for people who use that water. I think you as a Council have to be stronger in your dealings with the legislature about how the Plan can succeed. It will not succeed without a TDR program which will work – to do that you need a commitment of money and a place where the credits are in the receiving area. We are not looking forward to changing our master plan to fit with your plan (since we are in the Preservation Area). Our single homeowners are not going to be happy about making up for the reduction farm taxes to cover educational costs.

Debra Close, Tewksbury Township

I am going to touch on the relationship between Highlands Act and RMP and how they interact with energy utilities companies and the Board of Utilities. We are in the Protection Zone – we live in a historic home – which is in both the state and national historic registers. We are also on a scenic road. Our land abuts transitional wetlands and there are vernal pools on our property. The long tailed salamander which is endangered is on our property. Our property is a poster child for what the Act is supposed to protect – but it is threatened by a public utility – JCP; which believes it doesn't have to comply with the Act or the RMP. They are pushing to site on these transitional wetlands – a substation. PSEG has done extensive clear cutting and removal of trunks and JCPL plans to do the same. I has caused runoff, destruction of wildlife habitat, and damaged our roads, our historical areas and our scenic habitat. Once again, we (Friends of the Fairmount District) ask that you ensure that the public utilities are all held accountable and to the same standards as everyone else. The Act and the Plan are meaningless if they have no teeth. It will all be for not if the utilities are not held accountable for their activities.

Richard Cotton

The original Plan has evolved. The two main points brought up seem to be landowner equity and economics. They are weakness in the Plan and need to be addressed. The issues of clustering – as a nonviable option – I don't think it will serve us. When you try to overly a plan that will take us into the future you need to consider long term impacts. I know that there are special interest pushing the Plan and I want to thank the staff for looking at the reality and trying to find a compromise. I think it is imperative to cluster, and to look at new technology and to look at sustainable energy, to do design as an example to calm fears of the unknown. If we could get to the point that you could demonstrate in simple terms what you want to happen, it may give the farm community a little comfort in the fact that there is some effort to design a receiving area to fund this plan. A few people spoke about the water resource – I find it unconscionable that there is no dialog about this resource and as it sits under the Highlands Act as we export it there are no restrictions on recycling, withdrawal, amounts, conservation and ultimate discharge. Some of this is going into wastewater systems and degrading water in other areas.

Technology – if you do not implement technology. Without it the Plan will soon come apart and you won't achieve any sustainability – I encourage you too look into alternative energy and water, green technology in buildings create community and not subdivisions. I think that is an issue. I ask that you go back, given the landowner equity and the technology pieces and the economics that are not ready and that you have a dialog on both sides to advance some of these ideas and dispel some of the uncertainty which will help with the fear.

Tariq Mahmood, Flanders

I own 10 acres in Flanders that is totally under preservation. It is by 206 which is a highly traveled road. I don't think that this should all be taken out of service. I still do not have any clear direction whether I am able to build on this property or not. 206 will always remain a commercial area. If this is about water and where water is going, then we need to look into taxing for that water use.

JOHN: How many people would support a water tax – ok, almost everyone...

Dennis Mirande

Without preserving the Highlands we will have lost a great resource that is a treasure. My kids and I open a scrapbook from 1985 – 22 years later we have succeeded in something that has made us all richer, because if water is a common denominator, water is a resource we must preserve. Not just for today but for the future. We talk about lost value from farmland – if your well goes dry, your land has no value. So we must protect this water. These water deficits must be reversed and we must not allow development in the Preservation Area. We are not sure there is enough water for human needs. We need to make the RMP bullet proof and isn't subject to interpretation. We need to clarify what the challenges are here. Our children and their children will thank us. You can not pin a value to these resources - we need to endow our future generations with these values – these resources are priceless today and will be even more so tomorrow.

Dave Fisher, Vice President of a Mensel and Mumford – a development company in Hazlet, NJ

Our company is the purchaser of property in Greenwich. Please reconsider the designation of this area as conservation constrained. It doesn't follow the guidelines - this property is both in and adjacent to areas already used for residential, commercial, etc, development. In the Plan, the future land use opportunities are described including the land use maps. In this case, I prefer to call this the no new use map. If this isn't true, then why are the only areas set for new growth, the areas that already have development. To the best of our knowledge, this property does not have any properties to make necessary for conservation. It is cleared old farmland – public water and sewers already exist and there are no recognized environmental sensitive areas. This property has development on 3 sides. This property has been recognized as part of the local master plan as well as the Warren County as part of a PA2 - so it has been recognized as an area for development. It is a total misread to us as to why this is conservation constrained...we would greatly appreciate knowing why this property has been designation this way.

John Wyciskalo (lawyer with property mentioned by Dave Fisher prior)

Originally this was not designated as conservation constrained – so we had thought that we wouldn't have anything to worry about. Warren County had designated this a development area – PA2. It was part of the Smart Growth and Strategic Growth plan. Essentially it now has been put into a Preservation Zone. I attended all of the seminars and advice was given - it was recognized that the mapping wasn't perfect. We submitted for changes to the map (as we were encouraged to do) and we thought responses would be forthcoming, but we were disappointed. On the new version we are still in this same zoning. We will be making more written submissions. By my read, once the Plan is adopted, the individual property owner will not be able to make map amendment requests, so we hope that we will receive a response before adoption.

Tom Flath, Long Valley, Community Builders Association, NJ Builders Association

I want to speak for the trades and on behalf of jobs that will be lost. After reviewing the Plan – it is just a list of policies and goals. The draft RMP is not a plan. Implementation of the Plan is based on standards that don't exist. It is unreadable with unclear guidelines. It is statutorily incomplete. It should establish that existing community zones don't have restriction on development and redevelopment. There should be an opportunity for landowners to make amendments to the maps when they are incorrect. Make provisions for affordable housing as the RMP doesn't address the housing needs for the people in this area. It fails to address the economic impact of the implementation of the Plan - the statute requires it to do so. The TDR program is complex – it will not work – the towns in the Planning Area do not want this housing. It will not generate the money to compensate the landowners. These towns will fight it. They do not want to take the overflow (like in Toms River). It is incomplete. This RMP has nothing to do with water. I am a local builder - this plan is to keep me out. I hate to make you aware – but I am already gone – I have a hypothetical. I am a business man and I have to make a living. If I came to you regarding an investment in the Highlands – and was asked how much? I don't know. When will it get done? I don't know. What will we end up with? There are no answers. I am not going into any of these areas. There used to be an ordinance book to guide us - now it is a shot in the dark. Marcia, this Act needs to be overturned and you need to make that happen. Desalination is your answer.

Bob McNinch

I own a 110 acre farm in NW NJ – not in Highlands area. I don't know whether or not the Highlands Act will be a benefit to the general population – but let's assume it will be. It seems it is at a huge cost for farmers and other land owners in conservation area. It is not right that the cost only be carried by the farmers and large land owners. The cost should be shared from everyone who benefits from it. You first need to measure the loss of equity – make it part of the Plan. Then write a check to cover the loss. Share the cost with people in the state who benefit from these resources. I think the Plan doesn't adequately address this issue and it is flawed. It just isn't right.

David Barnes, Tewksbury Township

When the Act was first signed – there were exemptions – some were regarding utility. Right now, the BPU standards read – 150 ft wide right of way for all transmission lines – so for every mile, 18 acres are clear cutted. Also with the right to clear cut is the ability to use chemicals to prevent future growth – which seems contrary to what the Act is supposed to do. I have tried to bring this all to you. You have the seen the damage that has been done it is ridiculous and it is unnecessary. I have read that the BPU is reopening its issue of clear cutting – at least they are listening – and back on the first of this month, PSEG would like to reclassify sub transmission lines as transmission lines – so it would make much more areas have to follow the same stringent rules and allow more clear cutting. The Act exempts utilities and doesn't address this. I hope that as the BPU reopens their vegetation management that the Council stands up and makes their voices heard loudly. What they are allowing them to do is against what you have been doing for the last few years.

Bill Honachefsky, Clinton Township

In 1940s and 1950s I grew up on a farm so I have empathy for the farmers. The RMP is so critical – the Highlands Act came about as a result of concern that the Highlands ecosystem not suffer same degradation as other areas in NJ. We now know that we are dependent on the quality of the environment which is dependent on the quality of our land use. This is a government responsibility. It is this site by site approval process that wreaks havoc. Rarely are site impacts linked. Critics have called the information used for the RMP “junk science” – is it reliable yes, is it perfect, no – that is due to the complexity of our ecosystem. We need not prove our case beyond a reasonable doubt - but we do need a more region land act. Yours is no easy task. It is not the time to turn the ecological clock back, but to get the regional master plan on the street and working. Nature trumps everything...

Basil Hone, Citizens to Save Tewksbury

The Citizens to Save Tewksbury believes that the Highlands Council has almost reached the finish line. The RMP is mandated by a NJ Act which sets out in detail what it is to address. The Council is bound by this Act. It cannot choose what to observe and what to ignore. The time has come to adopt the RMP and implement the Plan. The RMP is not without faults, but amendments can be made - it is time to move on. Perfection is not the true basis of legislation – look at the practical. Achieve what will yield great good for the people. After making changes, if appropriate, such as achieving the assuredness of funding, assuring adequate water protection in deficit areas, not allowing sewers in the Preservation Zone, and reviewing the provisions to ensure that the conservation zone is protected - implement the Plan without further delay. CST suggests the top priorities should be full functional TDR program, and the completion of memorandum between Council and COAH. For example, look at Tewksbury - the new COAH rules have increased 120% the obligation for housing - Tewksbury's ability to protect water and resources will be impaired if there is not a balance between affordable housing and environmental protection.

Ted Harwick

I want to talk about money – I have calculated some numbers. I am going to give you some numbers – if the 5 million people taking water out of this area – if you charged them, you could come up with the money to pay for the money owed to land owners.

You should look into desalination.

Maybe if you could change the format so that some answers could be answered in these hearings. You need to go to the legislation and tell them either you need to have the ability to get the funding or they need to get the big bucks for people who have lost their land equity.

Jim Matarazzo

This Highlands Act if enforced will take tradition and the very spirit of America and trash it. The spirit lives within the farmer. We have done our part to make this the finest country. It has been for several years, because hard work has always been rewarded. Not since we took land from Native Americans have we had such a land grab. It has been made to look like a freebie with no costs. The farmer and landowner are footing the bill, but they are in the majority - who cares about that? Inadequate planning, lack of knowledge, and not knowing what is best has led to poorly developed land and inadequately protected lands. Robbing the rights of landowners will not solve this problem. The solution is in identifying problem areas and repairing a lot of it. I have learned much about how watershed should work - the Highlands Act is not the answer but is a land grab; with a transfer of wealth, not development rights. This has the public fooled, but not the farmers and land stewards. The Act is not the way – it is a smoke screen. We need an effort to correct errors of previous poor development. We should rectify sight by sight – then redevelop the area with no run off – developing this area the right way will not add to runoff. Bringing financial disaster to landowners in one area, to save others is wrong. To take what doesn't belong to you is not the right way. Remember where you are - God Bless America...

Chuck Latini, Hire, Grule and Associates – Planning Firm

We think that the 2008 draft is an improvement. It is worthy of good planning. Two areas in regards to the club in Harmony Township - this area makes a case for being not in the Preservation Area, but to be in the Planning Area. It has no critical habitat. The mapping has a profound impact on the clubs – holding financially, in the value, trying to be competitive for the other clubs in the area. And not being able to get the revenue to make repairs and maintain jobs so they have had to reduce employees. It will be found in the report that we issued – it makes the case to follow the lines conservation by environmental data and not roads.

We offer comments we believe there needs to be flexibility for projects that make sense, to move forward (those that don't effect water quality) – especially those to maintain jobs. This is particularly important in this state where laws have been taken literally with no flexibility – which could stymie growth and create resentment. Two things are important – preservation and enhancement. While we need to be stewards, but while there are environmental problems that can be improved with intelligent and sensible development.

Rilda Hone

I am here to say thank you to the Highlands Council. In 2008 we should know without any doubt that areas like the Highlands must be protected for the future benefit for all. This plan does that. The Council has listened to every man's concerns at hearings and at hundreds of meetings - it has addressed our comments, corrected and re-corrected, it has advised and redrawn all in order to create the RMP. This comprehensive analysis takes into account all stakeholders. It also tries to protect the streams, rivers, forests, flora and fauna. It has addressed the financial concerns arising from the implementation plans. It will provide legal protection for towns in the protection zones and those in the Planning Zone who put it. The Council is further working with COAH and utilities. The Council has incorporated all aspects of the Act. Despite its monumental attempts – the Plan will not be perfect – it is a working document. There is time for perfection, but no time to lose in providing protection. Our legislature recognized this in 2004. The time to pass this plan and implement the law is now.

Michael Keaby, Holland Township – President of a Local group – Friends of Holland Highlands

We are a grassroots group formed in 2001. We realized that fighting subdivisions wasn't going to be effective and realized that a regional plan was needed. I commend the Council for making state aid available to help townships to conform. However, there are uncertainties – for example the promised model ordinances don't exist yet; also is the lack of memorandum of understanding with the DEP. The Council properly upheld, even though the DEP didn't raise red flags for the sewers at Huntington Knolls – but we are concerned that the DEP will heed your recommendation as there is no MOU existing between the Council and the DEP. We are also uncertain because development is stated to be allowed in water deficit areas – with the 125% mitigation with no proof that it will work. It seems that the Council is ignoring essential mandate to protect the water. It also adds new community zones - one of these new zones has no public water or sewer service and the second has no public water. So we hope that you will look at what is actually going on the ground. I am overcome with uncertainty that changes not based on science could occur – those changes should be based on science not bureaucracy.

John Melick, President of Hunterdon County Board of Agriculture, Co-owner of Melick's Farm

There is an issue of lack of dedicated funding source. Why doesn't the RMP contain an economic impact statement detailing costs? It is a mandatory provision and has been ignored. Another that is lacking is the analysis of build out potential. Do what Assemblywoman Karrow stated. Agriculturally, the RMP needs to go further. I am concerned with regulations and policies that will leave agriculture at a disadvantage to other agriculture in other areas; Also - not having the ability for agriculture to change as public's needs, etc, change. By doing that you are dooming agriculture. The Right to Farm should be included in all sections. I can personally let you know that provisions of the Right to Farm Act are already being clouded because of this Act. We see the struggling state economy. Unless efforts for finding a funding source are mandated, and unless agriculture is treated fairly and meaningful Right to Farm provisions are set forth, you will see agriculture leave this state – then who will provide the tax revenue that the state so readily spends.

Peter Melick

Let me re-emphasize – the one constant thing we have had has been change. The RMP wants to pin down agriculture as it is now. It really limits you going forward - the things you will have to do to change your operation are overwhelming – it will just be easier to move. You have to have people here who are able to create local food.

I want to touch on the water issue – according the figures, agriculture only uses .2% of the water allocated from the Highlands– they want to leave 10% for agriculture - but for that to work there has to be a good water allocation process. Right now it takes years to get any kind of answer. You have to streamline that process and make water available to agricultural interests. Also, it is essential for people outside of the Highlands to help pay for it. You can't expect to put this on the backs of a few landowners.

Also, the TDR is disheartening – so much emphasis is put on it, but there is no way for that to work without mandatory receiving areas. You say you are going to shield areas from having these receiving areas – but it won't work without receiving areas. That should be spelt out so we can see how it will work.

Last thing, the fact that Right to Farm is only mentioned once in passing, but it was spelled out in the legislation. I think that the Plan should spell it out and clarify that because the way it is written now it does contradict the Right to Farm Act.

Mitchell Jones, Vice President of Warren County Board of Agriculture, also a farmer

One thing you don't hear about is young farmers. I haven't seen many. One thing that I'm worried about is the Right to Farm - there is very little reference to it. On pg 145 - there is one reference. That is the only one that I could find. There needs to be more language about it. The RMP says nothing about the Right to Farm Act or the provision to use the Agricultural board to provide resolution of conflicts with agriculture and local communities. Then on agricultural resources there is no mention of the Right to Farm. Policy 3a6 - about conflict - there is nothing about how to use your County Agriculture Board for that. It gives them something to hold onto and the ability for them to continue their lifestyle. The Right to Farm isn't in the Agriculture Review Standards.

The RMP does have other entities that work with soil and water conservation - US Department of Agriculture, Natural Resource Conservation, and local Soil Conservation Districts - they are recognized in the new draft. They provide technical assistance to farmers. This assistance is provided with federal and state funding - but we are not sure if the funding is available. These plans are not able to be funded. Will the Plan draw funds and focus away from other agriculture issues in the state to address issues in the Highlands? Or will farmers be left hanging because there are no funds? By providing funding to implement these projects the water quality will be protected and enhanced without all of this regulation.

Dave Shope

The NJ Water Supply Authority is going through its annual rate review. I looked at what it would take for them to pay their half of the loss of land value – the results were surprisingly pleasing. I assumed a 5% return on the bond over 30 years. I did it two ways – semiannually and annually. Semiannually to float a 7 billion \$ bond at 5% would cost an extra \$34.66 per million gallons - paid over a year it would be \$58.69 per million gallons. Let me note that the Water Supply Authority charges at cost – which is 228 per million gallons – 2 years ago they were charging much more. It is certainly doable – the water companies were paying this in the past – but they will object to it.

I will submit a couple of things tonight. One is a handout that was given by the environmental group in Washington. Another is a letter from the Water Supply Authority in response to an email from water users. They are questioning the Water Protection Unit. Watershed Protection has developed a program that far exceeds the standards of the AWWA for protection. What is the problem? I don't get it. At the same time, Middlesex Water just got a 9.1% rate increase from the DPU. They also grant increases in clear cutting. Other increases are being sought. This has allowed increases in their quarterly dividend yet again. I have to wonder if some people are shelling for the water companies. There is an old saying – the solution to pollution is dilution. We provide the dilution, you provide the solution – this comes from a water supply document. I keep on hearing about water deficit – we provide water for 5.4 million NJ citizens, 800,000 live here. Tell me about a water deficit if this is the scenario.

Again from the Water Supply Authority – if you look at how impervious surfaces affect water availability – you get : natural ground (44 inches of rain per year which is on the light side) – shallow recharge will support 12 people – deep recharge will support 12 people. Runoff will support almost 5 people – what is lost through evaporation is enough for 20 people – per acre. (Gives statistics). My point is that the more you pave, the less that is lost in transfer of evaporation.

William Randolph, member of Board of State Agriculture

We continue to believe that successful implementation requires: dedicated source of funding for land separate from the Garden State Preservation Trust. We continue to lose farmers through attrition. There is an issue with them being able to compete. They need to be able to borrow against their land. Without funding agriculture will cease to be. Many have made the statement that the farmers land is his 401K. Identifying funding prior to adoption would reassure landowners and lead to a much more effective and collaborative process. The message going to farmers will be to get out before Highlands comes to your town. There is not enough money – farmers are nothing if not realistic. Petition the legislation to address this issue of funding.

We need a private sector driven TDR Program - without designated receiving areas in and out of the Highlands you can't have a successful TDR Program. Thirdly, funding for conservation practices to ensure proper stewardship of these resources into the future; we fully support the policy for well thought out clustering – with 80% set aside for continued agriculture. We support the refinement of the priorities mapping – focusing on farm soils, proximity, and size. We believe that this draft is a step in the right direction but more work remains. Like the amount and type of development the region can handle. Also the analysis of cost of implementation and links between land use and transportation; a viable plan needs to balance the burden of protecting water across NJ. We will be sending in more comments to the Council.

Stephen Parker, Bedminster Township. – Somerset Airport

I can sympathize with the family farmers even though we aren't agriculture. The essential question is that I have been unable to determine - what is the process of appeal for the classification of our land? Our land has been designated in the Preservation Zone – most of the property is open space. I look at the other airports in the Highlands – most are listed as existing community. Even the farms to the north of us – they in the conservation zone – slightly less restricted. Is there a mechanism for protocol for the process of appeal? Is it submitting comments? Is it a negotiation, is there leeway – how do you townships figure out whether to opt in?

Henry Kent-Smith, Firm of Buchanan, Ingersoll, & Rooney

I represent two different landowners for the area in planning in Hunterdon County. Every master plan requires a housing element and it is Constitutional in nature. The data that you provide is good data, but what is done with it doesn't even meet the bare essentials of a housing element. This Council and COAH need to meet and determine the housing needs or there could be a problem of Constitutional importance. Therefore, it is imperative that Council and COAH come to agreement that the courts find acceptable. Funding – it makes no sense, that the burden of water provision is put on the landowners in Highlands, with no incentive of conservation on those using the water outside of the Highlands. A water tax would be a good idea. TDR – the Council has struggled with that – it is fundamental – greater incentives have to be given.

Beth Styler-Barry, Musconetcong Watershed Association

We believe that the state Smart Growth policies should be fully embraced so that sustainable communities can be built while also preserving. We believe that water sewer capacities should only be utilized where they currently exist. To that end, we feel public water and sewer should not be able to expand in the conservation zones in both the Preservation and Planning Areas.

Harold Danielson

I can see what you are trying to do in the preservation of our water resources but we only have one side of the coin. We have the preservation side but we are not controlling the use of the water. I suggest that for existing older homes, before they get a C of O, they must comply with modern standards. There has to be a balance. You cannot have tremendous growth in one area at the cost of another – I don't think that the water resources would support it.

I don't see that there will be funding for the Highlands. I did go to your attorneys for guidance. I was told to go to the farm bureau, to try to get farm assessment - I did, and was told my properties were too small. I was then told to go to a nonprofit group to purchase my properties – I said then that this is not my responsibility – it is the responsibility of the state – they put this burden on me. Initially I was going to put my corporation in the Highlands– but then I incorporated in the state of Wyoming. I own about 200 acres there and I pay 77 a year in taxes.

NJ used to be a powerhouse of industry. But it has left and NJ has done nothing to build itself up again. I am one of many who are leaving NJ. Especially retired folks who cannot afford to stay here. Especially farmers - when their equity is taken away, so they cannot borrow, when they need to, you are going to put them out of business.

Jeff Tittel, Sierra Club

There has been a loud and clear message from environmentalists and the citizens – that is that the Plan needs clear standards and that it doesn't seem to adequately protect the water. The Council should spend more time addressing the public and the issues than sending out press releases.

I want to discuss the new impervious surface information - my concern is quite frankly, that more areas are going to be marked as impervious, and that more areas will have development. It may occur that lawns and some wooded areas will be marked as impervious. You take a broad interpretation of the law, and say that you are narrowing it. You are going to be adding more areas into redevelopment – setting up more issues – sewers, areas becoming receiving areas, and most of these areas are already water deficit.

Looking at secondary and impaired areas – you aren't looking at cumulative impact. Look at recharge. Clustering on farmland – it increases non-pollutant zones - your nitrate levels are going to spike.

The new COAH rules and numbers that area allocated for the Highlands for development and with the amount of exemptions – this may break open the Preservation Area for development and cause a Constitutional crisis. Instead of focusing on press releases, please work to make sure this plan will protect water for NJ.

Bill Wolfe, West Amwell

I believe in preservation and I was involved with the drafting of the Act. Economic impacts – there was a study recently done on home values, a professor from Rutgers went on record that NJ homes in the Highlands had preserved equity in their homes because there is restricted development.

Also, numerous studies show that properties in proximity to natural structures benefit from it. The Act creates enormous wealth for the region. You need to focus on that and not the greedy individual concerns. On the cost side – there is a huge literature about ratables – more development creates additional costs to the area - that more development increases local taxes. So the Highlands Act will stabilize tax rates.

With respect to property rights- no farmer or property owner created soil or soil productivity. So equity – they didn't create. Property value is socially created - we need to understand what equity means – it is not an individualist idea.

One point, page 9, 10 – it has a finding and a conclusion – in the face of the challenges the continued loss and fragmentation of remaining lands... is no longer tenable” and it also states that accordingly it mentions identifying the type and amount of development the region can sustain (section 11 of the Act). The Plan needs to set determinations and standards today. You are leaving everything open to interpretation – I don't think you can plug the gaps – you need to reach a holding pattern until you can “bang the concept out”.

Dave Pringle, Campaign Director, NJ Environmental Federation

I want to address what you call misconceptions - which are inaccurate – are used to push the focus away from the public comments and concerns in this area.

1. RMP encourages development in water deficit areas – yet limited development will continue. Despite all of the public hearings - not enough have been in non Highlands areas.

2. On water deficit – your counter documents say you would allow limited development if that development reduces that the deficit – but you will not know if that will happen - what if it fails...you could cover your bet, by addressing the deficit before development.

3. You have two contradictory definitions for impervious cover - you use a very broad term when it is allowing development and small or narrow when it is limiting development.

I think that Council has lost its way- I think you lost focus a long time ago - it is not the Highlands Development Council - it is the Highlands Water Protection and Planning Council. It is stated that you cannot rely on the uncoordinated land use efforts by local municipalities, property owners, and authorities; also that the protection of the Highlands is of state importance. This is your mandate and it comes first and foremost. You are missing the target. One of the Council members stated that you are a glorified planning Council. Many of you are elected officials – this applies to all of you. Councilman Peterson stated that is place on the Council has and will affect his re-election.

Andrew Drysdale, Chester Township

I would like to point out what is happening in NJ the last few days – with these conditions most of NJ right now is an impervious surface. We had a plan to develop our small property into 4 lots – our plan would have stopped a lot of water that ran off. Development can be good for environment, if it is done correctly. It can be done right. *(reads written comments from previous hearing).*

My name is Andy Drysdale, my wife Lois and I own 16.5 acres in the Preservation Area in Chester Township, Morris County, New Jersey. The land is the remainder of my Grandfather's dairy farm that he purchased in 1926. I have been a self-employed since 1969. I am 72 years old and my wife is 70. This land was a major part of our retirement fund.

Our plan to subdivide the property was environmentally friendly and was stopped by the Highlands Act. Water that now run off the tract and out to sea would have been put back into the ground. Many trees would have been planted where none now exist. A very dangerous drainage situation that exists in the public road would have been corrected by the off site improvements.

The Highlands Area is as nice as it is because it has been well taken care of by its people and their local governments. It would be even better if the State had not intervened with such things as the Mount Laurel Decision and forced high density growth areas on municipalities.

The majority of the Highlands Council and their Staff have worked for nearly four years now in an attempt to make something good out of a bad and unnecessary law. You know what the story is. Please tell the Governor and the Legislature to abolish this law as well as many others which are costing the taxpayers so much money. There are too many large government programs and huge retirement benefits like the six figure pensions that state judges receive.

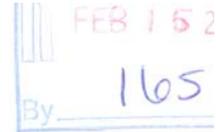
Finally I was pleased to see much of the Declaration of Independence read prior to the Super Bowl and would like to quote a few lines from it, "Governments are instituted among Men, deriving there just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it," To put this statement into context please read the entire document paying particular attention to the ninth reason beginning with the word He which referred to King George the III.

The value of our land has been stolen and the Act must be repealed. The information gathered by the Council should be given to the municipalities for their use. We were told that we would be compensated at January 2004 values, that hasn't happened and we are all older. Please read the entire Constitution.

Elliot Rugga For Celeste Home (who was unable to attend)

Statement for senior citizen who couldn't be here – she is an academy award winning actress, which is less important than the fact that she has a farm in the Highlands. (Reads written statement below)

February 13, 2008



Dear Members of the New Jersey Highlands Council:

I have lived in the New Jersey Highlands since 1922. I have experienced droughts, witnessed the flooding and I have seen the beauty of the Highlands and its life sustaining resources, being methodically reduced in both size and quality by ever increasing sprawl development.

The water and other resources of the New Jersey Highlands must be vigorously protected, or New Jersey, from the Hudson River to the Delaware River will become an uninterrupted series of malls, apartments, McMansions, parking lots and roadways.

The time is now for the New Jersey Highlands Council to adopt a regional master plan that has the strongest standards for resource protection, prohibiting development in the most environmentally sensitive areas and create and fund a workable program that encourages continued sustainable farming.

Celeste Holm
Washington Township (Morris County), NJ

Wilma Frey, Hunterdon County

I have concerns about water deficits in the watersheds that there shouldn't be development there prior to addressing those deficiencies. I am going to talk about something that hasn't been talked about - that is the regions' scenic areas. It is stated that you need to maintain the regional and scenic character of the area. I personally purchased a home in a beautiful town - I bought the road - it was the road, not the home that sold me. People are in the love with the area. In the RMP in order to protect these resources, we ask that you immediately expand the Highlands resource inventory. We urge you to add additional scenic areas and they should include municipal open space, the Musconetcong River, and the Highlands trail. In addition - water supply reservoirs - which are highly visible features - should be added to the inventory. Nonprofits and land trusts should be able to add there lists to the inventory. We ask that you do start a study on regionally significant scenic areas. I strongly recommend that instead of a rigid 1000 area border around these lakes with the intent of that is to protect the area around the lake, that it needs to be able to extend to areas that surround the lake and what is visible. It probably wouldn't be a rigid 1000 area border. That needs to be rethought.

Warren Evanko

The state itself seems to be conflicted on the Act in that the part of the Plan was to preserve and some was to continue development in already developed areas. In effect, what has occurred, instead of allowing one home on 15 acres, instead it has designated high densely populated areas. This will increase the use of the aquifer. So when you have an isolated area – you have very large homes on wide spans instead of thousands of homes on smaller spans of property in highly dense areas. When you take an entire parcel, devalue it, someone is going to realize that when you devalue 1/3 of the property in NJ, the rest of the NJ will pick up the burden. I suggest that the voting constituency, the bulk property owners in areas like Woodbridge, that those areas realize that they will cover higher property taxes.

Michael Natale

I looked at McGreevy's book - there were several things mentioning the corruption surrounding this Act. (*He reads from McGreevy's book*). I find it quite ironic that environmentalists and people jump on the bandwagon to endorse this law because it is a free ride. This Highlands Act – is about saving water – is it about curtailing development or just politics in NJ as usual.

John Weingart's closing comments.