

"Highlands Water Protection and Planning Act."

The Legislature finds and declares that it is a matter of historical record that 18th century mariners, approaching the mid Atlantic Coast, could smell the scent of pine trees 175 miles from landfall, so intense and overpowering was the green lushness of the land and treescape of the American continent; that the lands that later would become the State of New Jersey comprised a swath of matchless physical beauty, marked on two boundaries by great and historic rivers, and containing mountains and ridges and rolling hills, valleys and streams, coastal plains and estuaries, and inland forests, fields and wetlands; that it was the historic fate of the green lands of New Jersey to be located between two international cities, New York and Philadelphia, which positioned the State to be a launching pad for the industrial and urban revolutions of the 19th century and the suburban revolution of the 20th century; that these great transformations, while together producing great wealth, diversity, inventiveness, and dynamism, also overlaid the State with a macadam and iron grid of highways, industrial facilities, suburban housing developments, airports, malls, traffic congestion, and their collateral environmental problems.

The Legislature further finds and declares that there exists, precariously, in the heart of this, the most densely populated state in the nation, one of the few remaining vestiges of the wild lands and natural efflorescences which once excited the dreams of the early settlers: the New Jersey Highlands; that the New Jersey Highlands constitute New Jersey's portion of the national Highlands region, which stretches from the northwest corner of Connecticut down through southern New York State and across New Jersey into eastern Pennsylvania, connecting the Berkshires and the Blue Ridge Mountains; and that the national Highlands region has been recognized as a landscape of special significance by the United States Forest Service and has been accorded special status by the States with portions of the Highlands within their borders.

The Legislature further finds and declares that the New Jersey Highlands Region consists of just shy of 800,000 acres, or about 1,250 square miles, stretching from Ringwood in the northeast to Phillipsburg in the southwest, across portions of Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren counties and 90 municipalities; that the New Jersey Highlands ensconces hundreds of lakes and ponds, capacious reservoirs cosseted by expanses of watershed protection lands, pristine stretches of chilly trout-producing streams, runs of forest land and cover serving as habitat for black bear, deer, river otter, and bobcats, and mountainous outcrops and skygrazing trees in which hawks, owls, and eagles nest; and that the New Jersey Highlands offers unparalleled opportunities for hiking, bird watching, fishing, and other naturalist and recreational activities to the millions of residents of the nearby metropolitan areas.

The Legislature further finds and declares that the health and wellbeing of current and future residents of the State depend upon the existence of a secure and clean supply of potable water; that the deleterious effects of promiscuous industrial, commercial, and residential development on both surface and ground water quality is well documented; that suburban sprawl development, with its inefficient use of natural resources, increases the demands on water supplies while at the same time increasing the sources of pollution and runoff that degrade the water supply; that the State of New Jersey and private and public water companies have spent hundreds of millions of dollars over the last decades in cleaning up contaminated water supplies and treating water to make it drinkable; and that it is universally acknowledged that it is the wiser public policy to

prevent the contamination of a water supply rather than to try to clean it up after it has been polluted.

The Legislature further finds and declares that the New Jersey Highlands is the location of a majority of the State's reservoirs, and that its surface and ground water resources together provide drinking water for over half of the residents of New Jersey; that the water resources of the Highlands area yield approximately 415 million gallons of water a day, which by way of numerous water systems and interconnections makes possible the daily life of many residents who may be unaware of the origin of the seemingly magically-appearing water at the spigot; that the New Jersey Highlands, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by hop-scotch suburban development; that the population of the New Jersey Highlands is growing at a rate 50% faster than the Statewide average, with more than 3,000 acres per year being lost to development; and that the existing land use and environmental regulation system cannot protect the water and natural resources of the New Jersey Highlands against the environmental impacts of sprawl development.

The Legislature further finds and declares that the protection of the New Jersey Highlands, because of its vital link between the natural and untouched beauties of the State's past and the future of the State's drinking water supplies, is an issue of State level importance that cannot be left to the uncoordinated land use decisions of 90 municipalities and a myriad of private landowners; that the State should take action to delineate within the New Jersey Highlands a preservation area of exceptional natural resource value and watershed protection lands where stringent protection policies would be implemented; that a regional approach to land use planning in the preservation area should be established to replace the existing balkanized system; that such a new regional approach to land use planning should be complemented by increased standards more protective of the environment established by the Department of Environmental Protection for development in the preservation area of the New Jersey Highlands; that the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands; and that in the light of the development pressures now arrayed against the New Jersey Highlands, these new approaches should be implemented as soon as possible.

The Legislature further finds and declares that the preservation of agricultural open space and the retention of agricultural activities in the New Jersey Highlands would serve the best interests of all citizens of the State by ensuring the numerous social, economic, and environmental benefits which accrue from the continuation of agriculture in the Garden State; and that the strengthening of the agricultural industry and the preservation of farmland in the New Jersey Highlands are important to the present and future economy of the State and the welfare of its citizens.

The Legislature further finds and declares that residential, commercial, and industrial development and redevelopment and economic growth in certain appropriate areas of the New Jersey Highlands is also in the best interests of all the citizens of the State, providing enumerable social, cultural, and economic benefits and opportunities.

The Legislature therefore determines, in the light of the sentiments set forth hereinabove, and with the intention of transforming such sentiments into action, that it is in the public interest of all the residents of the State of New Jersey to enact legislation setting forth a comprehensive approach to the protection of the water and other natural resources of the New Jersey Highlands; that this comprehensive approach should consist of the identification of a preservation area of the New Jersey Highlands that would be subjected to stringent water and natural resource protection, planning, and regulation; that this comprehensive approach also should consist of the establishment of a Highlands Water Protection and Planning Council charged with the preparation of a regional master plan for the preservation area in the New Jersey Highlands as well as for the region in general; that this comprehensive approach should also include the adoption by the Department of Environmental Protection of stringent standards governing major development in the Highlands preservation area; that because of the imminent peril that the ongoing rush of development poses for the New Jersey Highlands, immediate, interim standards should be imposed on the date of enactment of this act on major development in the preservation area of the New Jersey Highlands, followed subsequently by adoption by the department of appropriate rules and regulations; that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible wherever appropriate in the New Jersey Highlands; that it is appropriate to encourage in certain areas of the New Jersey Highlands, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and that all such aforementioned measures should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, and forever and ever green for the pleasure and enjoyment of future generations.