



**CONTACT:**

Pegi Adam, 973-744-6090, [pegi@mountsnow.org](mailto:pegi@mountsnow.org)

Peter Furey, 609-393-7163

[pfurey9119@aol.com](mailto:pfurey9119@aol.com)

**FOR IMMEDIATE RELEASE**

**EDITOR NOTE: Farm Bureau's 16-point Criteria for Assessment of RMP follows this release**

**HIGHLANDS PLAN: PROGRESS MADE, BUT LANDOWNER ISSUES  
REMAIN**

**President Richard Nieuwenhuis Presenting Farm Bureau Statement  
at Voorhees High School Highlands Hearings, Wed, Feb 13th**

**Trenton, NJ (February 12, 2008)** – The New Jersey Farm Bureau believes that while the Highlands Regional Master Plan (RMP) is moving in the right direction, it also recognizes that most of the landowner equity concerns raised in the first draft of the 2006 RMP remain. Farm Bureau says the plan requires greater clarification on farming viability, property rights and the economic impact of the Highlands program itself before it can be finalized into an authoritative document that governs land use in the region. In its present form, Farm Bureau cannot endorse or support the RMP. President Richard Nieuwenhuis is presenting Farm Bureau's concerns during the Highlands Hearing, Wednesday, February 13<sup>th</sup>, 6:30 pm, at Voorhees High School, 256 County Road 513, Glen Gardner.

“This revised RMP is certainly an improvement over the November 2006 draft,” says Richard Nieuwenhuis. “We will support those areas of the plan that help farmers remain viable, but more work is needed on the plan to give Highlands farmers a level economic playing field with farmers in other parts of New Jersey and the surrounding region. If they are constrained from competing equally (same standards, policies, regulations, etc), their enterprise ceases to be viable. Farming is a changing industry,” continues Nieuwenhuis. “Farmers in the Highlands must be permitted to alter practices and crops to meet new consumer demand, climate change and regional/global markets”

Farm Bureau is encouraged to see that this plan contains a cluster/lot-size averaging provision in the category of growth management. The RMP should enable rural communities across the Highlands region, regardless of zone or area, to manage future growth in a manner that protects the best farmland and the environment at the same time.

“The RMP must take into consideration that this region is diverse with agriculture, agritourism, large towns with industries and businesses and major highways that funnel traffic between Pennsylvania and New York. We must not allow the plan to become a wilderness management plan,” continues Nieuwenhuis.

As part of its Transfer of Development Rights (TDR) plan, the RMP must include a description of how “Receiving Zones” will work and provide meaningful incentives for Receiving Zones to develop infrastructure. Currently, there is no mechanism in place to ensure that a private market demand will exist to purchase credits from landowners. Furthermore, Farm Bureau sees most municipalities in the Highlands showing an aversion to idea of high-density growth in their jurisdictions.

Farm Bureau’s number one concern has always been the lack of a designated funding source for land acquisition, and this RMP is hindered without it , while farmers worry about the economic impact of the plan’s implementation.

“This Regional Master Plan is being built upon flawed legislation that must be fixed before any plan has a chance at success,” concludes Nieuwenhuis. “The lack of a dedicated funding source for land acquisition and the absence of Receiving Zones for a TDR program, in our opinion, will cripple implementation of the RMP. The burden of protecting valuable Highlands resources must not fall only upon those who live within the region. It must be shared by all residents of the state who seek to benefit from the protection of Highlands resources.”

For further information, contact the New Jersey Farm Bureau, at The Farmhouse, 168 West State Street, Trenton, NJ 08608. Phone 609-393-7163; fax 609-393-7072; email [mail@njfb.org](mailto:mail@njfb.org); website [www.njfb.org](http://www.njfb.org)

The New Jersey Farm Bureau is a non-profit member organization of 15,000 farmers and farm-related individuals within the Garden State. It is the only organization solely dedicated to representing the grass- roots interests and directives of its members in educating all levels of government and the public on the farm community's policies and positions. The Farm Bureau also takes a lead in seeking out initiatives, activities and ventures to enhance the profitability of producer members and ensure the viability of agriculture in New Jersey -- *the Garden State for Good Reason -- our farms.*

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January 2, 2008

## **A LIST OF WHAT HIGHLANDS FARMERS MUST HAVE IN THE HIGHLANDS REGIONAL MASTER PLAN**

The following are the elements Highlands farmers must have reflected in and encouraged by the detailed goals, policies, objectives, and programs of the Highlands Regional Master Plan (RMP):

- 1. There must be an ongoing, dedicated source of funding designated** to provide the "fair compensation" Highlands landowners were promised by the Legislature in the Highlands Act with appraisals based on Pre-Highlands/DEP rules values (January 1, 2004). There needs to be funding for the purchase of development easements, for land acquisition, and funding for the TDR Bank (necessary to make any Highlands Development Credit Transfer program feasible).
- 2. The residents of New Jersey who receive water from the Highlands (over 5 million people) must share the burden of providing funds for "fair compensation" to Highlands landowners.**
- 3. The RMP must create a level economic playing field for agriculture across all sections of the Highlands and agriculture in the rest of the State.** Policies in the RMP and the municipal actions to be based upon them that affect farming must be "blind to the line." Currently the RMP implies that the 34,262 cropped farmland acres in the Highlands Preservation Area can only continue ongoing agricultural activities. Farming is a business in competition with agriculture statewide and in the wider region. If Highlands farmers cannot compete equally (same standards, policies and regulations) as other New Jersey farmers, there is nothing the Highlands Council can do to make up the shortfalls in income and loss of opportunity.
- 4. The RMP policies and municipal regulations for the Highlands Region to follow must encourage, not limit, agriculture's ability to change with consumer needs and preferences, climate and markets that are regional as well as world-wide.** Farming has changed many times since the 1600s when it began in the Highlands, the RMP must provide maximum flexibility so that it can continue to adapt.
- 5. The Highlands Council and staff must prevent unforeseen consequences of the RMP that might render Highlands farm operators ineligible for cost-sharing and technical assistance from federal and state agencies.** In fiscal year 2007, \$925,459 in Farm Bill programs focused on improving water quality on New Jersey farms in accordance with national natural resource conservation standards. Continuing this after the RMP is adopted can only be accomplished by coordination with the federal and state agencies under whose policies and programs New Jersey and Highlands farmers have operated for more than 60 years. Five of the Highlands seven counties received \$2,429,482 in other farm program support in 2007, a significant factor in the viability of their agricultural industry that could be jeopardized by conflicting Highlands regulation.
- 6. The Highlands Act determined that Highlands farmers who plan for "agricultural development" such as barns or processing facilities on their land would follow the standards in the rules administered by the New Jersey Department of Agriculture, not the municipalities nor the Highlands Council.** These rules set triggers on new impervious cover rather than caps that are not flexible enough to cover the diverse activities farmers may need to undertake to be viable. The triggers set points at which farmers must develop and implement comprehensive farm conservation plans that are more than adequate to protect water resources while recognizing the need for flexibility to cover the various sizes and types of such projects.
- 7. The provisions of the New Jersey Right to Farm Act must be incorporated and supported in the RMP and the plans and regulations of all conforming municipalities.** The Right to Farm

Act must be referenced in all sections of the RMP. Notice must be given to all those purchasing land or other property in the Agricultural Resource Area that farm landowners have a right to farm and acceptance of this made a condition of the sale.

8. **The RMP must require that municipalities that conform to the plan create municipal land use plans and regulations that support the practice and business of agriculture** instead of working to curtail it or drive it out of the community. The Highlands Council through the RMP has an opportunity to educate and require all conforming municipalities to become models in these practices.
9. **The RMP must enable rural communities across the entire Highlands region regardless of zone or area to manage future growth so as to protect the best farmland** through innovative planning tools such as clustered conservation development or lot-size averaging. This is essential to keep new development away from the best farmland while still compensating landowners for their lost land equity.
10. **Use of the threatened and endangered species habitat mapping (DEP's Landscape Project) must not be used in the RMP due to its lack of statutory authority or scientific credibility.** Threatened and endangered species regulation in the Highlands must only include species on the federal or state lists and mirror federal and state statutes. The RMP must not broaden the species covered in order to put more land out of agricultural production or development. Threatened and endangered species regulation must protect farmland owners who succeed in supporting threatened and endangered species from additional restrictions on their farm operation. The burden of proof of actual presence of such species must be on the DEP, not the landowner; otherwise the landowner must be reimbursed for cost of studies to correct the mapping.
11. **The RMP must make the maximum effort to identify potential feasible TDR Receiving Areas and to identify alternative marketplaces or methods to increase the absorption of Highlands Development Credits in order for TDR to be a credible way to provide "fair compensation."** This must include meaningful incentives to encourage municipalities to create the infrastructure needed for additional development and true regulatory streamlining through DEP permitting. Merely allowing municipalities the ability to assess one-time impact fees will not suffice.
12. **The RMP must provide assurance that agriculture's water needs will be met and receive priority.** Agriculture only uses 0.2% of the Highlands water supply (Nov. 2006 draft RMP p. 20), but must be able to create ways to expand farm water supply to adapt to potential climate change or enhance the farm's viability. This could include new farm ponds and impoundments if necessary to catch the 40-plus inches of rainfall in the Highlands every year.
13. **The RMP must not require development of regional or municipal scenic resource plans unless a consensus of what is "scenic" is agreed upon by a wide diversity of stakeholders and a method to compensate landowners whose property rights might be inhibited by such plans is developed.** Listing as "scenic" should not be permitted without the landowner's agreement. Owners of "historic" farm buildings must have the same or equal financial incentives to maintain them as owners of any other historic or cultural resources and be able to make non-farm uses of them if they cannot be adapted to reuse.
14. **The RMP must not allow monitoring of farm property by any agency without prior notice and contact with the landowner.** Any monitoring must include the appropriate state or federal agricultural support agencies. The CADBs must continue to be the only agency responsible for monitoring deed restrictions on preserved farms. The office of the State Forester must be the only agency responsible for approving Woodland Management Plans required for Farmland Assessment.

- 15. The RMP must respect the property rights of forest landowners.** It should suggest to the DEP that its fee-simple acquisition program be diversified to include an easement purchase program. It must enable standardization of conservation easements, tree cutting ordinances, and requirements for forest management planning while recognizing the statutory exemption of forestry activities conducted according to a Woodland Management Plan approved by the State Forester.
- 16. The RMP must not require any exactions of deed restrictions without compensation.** Deed restrictions to be required along with Highlands Development Credit use may restrict the land for development purposes only. There should never be a deed restriction associated with merely obtaining a permit.