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FOR IMMEDIATE RELEASE

**(Richard Nieuwenhuis' statement to the Highlands Council follows this release)**

**(Richard & Helen Heinrich will be available for interviews at tomorrow's council meeting)**

**'LEGISLATIVE FINANCIAL SUPPORT TO OFFSET NEW ENVIRONMENTAL REGULATIONS, RIGHT-TO-FARM GUARANTEES CRUCIAL TO HIGHLANDS PLAN ADOPTION'  
Says New Jersey Farm Bureau**

**TRENTON, NJ (July 16, 2008)** -- "As of this date, no financial support from the legislature to offset the harsh effects of new environmental regulations is in evidence, and without it, the farming community cannot endorse the Highlands Regional Master Plan (RMP), coming up for final vote tomorrow (Thursday, July 17, 2008)," says Richard Nieuwenhuis, president of the New Jersey Farm Bureau. Nieuwenhuis will present the Farm Bureau's position statement to the Highlands Council at that meeting.

New Jersey Farm Bureau feels that the present form of the RMP represents some progress over the original draft, but in addition to its most serious shortfall – lack of a funding source -- it is also overshadowed by questions on over-reaching environmental standards, landowner equity impacts, consideration and definition of agricultural sustainability, inadequate consideration of plan details (especially the mapping) and the economic impacts thereof.

"We are also very concerned about preserving the principles of 'Right to Farm' in this plan. It stands to endanger anything like a level agricultural playing field for farmers in the Preservation and Planning Areas and between the Highlands region as a whole with the rest of the state, not constrained by such strict regulations.

Farm Bureau has outlined its main concerns in four categories:

**1. EXCESSIVELY STRINGENT ENVIRONMENTAL REGULATIONS:** The Act envisioned a balance between protection of natural resources and opportunity for economic development. We see very little economic opportunity. The Act also envisioned a clear distinction in the consideration of the Preservation Area and the

Planning Area, leaving municipal compliance in the Planning Area a voluntary matter. The council's decision on the nitrate dilution standard single-handedly obliterated that legislative intent and gives evidence of environmental overkill.

**2. ABSENCE OF “FAIR COMPENSATION” FOR THE LOSS OF LAND VALUES FOR THE SAKE OF STATE WATER SUPPLY:** As of this date, no dedicated source of funds is available for the Highlands. The TDR system cannot create a market demand for TDR credits without adequate Receiving Zones. The Act clearly sets out “exceptions” for certain landowners, yet we note the attempt to make these opportunities conform to Highlands regulations despite the legislative intent to make them exempt. Only the clustering mechanism has the chance of allowing some additional beneficial use of upland property, yet even this is conditioned upon municipal conformance and avoidance of 50-plus layers of environmental resource mapping. This compensation issue is the biggest defect in the RMP.

**3. THE AGRICULTURAL SUSTAINABILITY PROGRAM MUST SUPPORT THE LONG-TERM VIABILITY OF FARMING BUSINESSES, NOT MERELY THE PROTECTION OF SOIL RESOURCES:** Maintaining land value equity and a positive business climate for agriculture have been the cornerstones of farmland preservation since the state started that program in 1981. In the RMP, mapped layers of environmental data with accompanying restrictions, especially areas defined as critical habitat, may unduly restrict farming operations. Water allocation priorities based on “compatibility with Highlands resource protection, is far too open-ended and may undermine a farmer's access to water for irrigation. We are concerned that there will not be a level playing field between farming in the Preservation and Planning Areas, and between the Highlands region as a whole with the rest of the state. The principles of right to farm must apply equally to farmers in the Highlands, and we urge the Council to respect the longstanding right to farm process established in the SADC and the Department of Agriculture. Finally, we would appreciate having the Council adopt the same definition of “sustainable agriculture” and add it to your glossary of terms as has been used as a standard by the USDA.

**4. IMPACTS OF THE PROPOSED RMP HAVE NOT BEEN ADEQUATELY MEASURED:** We think the Council has hardly had time to review the consequences of the mapped layers, let alone assimilate the Plan changes recommended by staff or do a thorough economic impact statement as required by the Act. This is admittedly a complex task, but it was made so by the council's own choosing. A far simpler plan that concerned itself with direct threats to water supply and water quality was an option available. This Plan unfortunately will become a moving target for most people in the Highlands region, and the costs of its implementation to local governments will be hard to define.

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 14,000+ 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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**STATEMENT REGARDING HIGHLANDS  
REGIONAL MASTER PLAN FINAL ADOPTION**

by Richard Nieuwenhuis, NJFB president

July 17, 2008

We need to address several important issues that have arisen over the course of developing the RMP, which is now being positioned for a final vote. Before making these points, let me say that we too have been exhausted by the planning process and its seemingly endless series of questions about policy language, scientific standards, adherence to the enabling legislation and all of the potential impacts on our farmer and Highlands region constituents. You know by our constant presence and participation that we have shared the sense of mission that has been exhibited by the members of the Highlands Council and staff. We thank you for the courtesies extended to us during the planning process.

**SUMMARY:** Overall, we agree the present form of the RMP represents some progress over the original draft and some helpful language is now included for the farming industry. But those small steps are overshadowed by serious questions regarding landowner equity impacts, over-reaching environmental standards, consideration and definition of agricultural sustainability, inadequate consideration of the details of the Plan (especially the mapping) and the economic impacts thereof, and the move toward final approval without having the financial support from the Legislature to off-set the harsh effects of new environmental regulation. We are unsatisfied that a whole series of agricultural policy questions have been proposed in the RMP that have been scarcely reviewed or debated by the Council and representatives of our industry. We fear that assurances we received when the legislation was developed about avoiding a new layer of rules for Highlands farmers may be in jeopardy. Property owners, as you have heard many times, are losing most of their previously existing beneficial uses without any form of meaningful compensation being made available.

I can outline our remaining concerns in four categories.

**EXCESSIVELY STRINGENT ENVIRONMENTAL REGULATIONS:** The Act envisioned a balance between protection of natural resources and opportunity for economic development. We see very little economic opportunity. The Act also envisioned a clear distinction in the consideration of the Preservation Area and the Planning Area, leaving municipal compliance in the Planning Area a voluntary matter. Your decision on the nitrate dilution standard single-handedly obliterated that legislative intent and gives evidence of environmental overkill.

**ABSENCE OF “FAIR COMPENSATION” FOR THE LOSS OF LAND VALUES FOR THE SAKE OF STATE WATER SUPPLY:** As of this date, no dedicated source of funds is available for the Highlands. The TDR system cannot create a market demand for TDR credits without adequate Receiving Zones. The Act clearly sets out “exceptions” for certain landowners, yet we note the attempt to make these opportunities conform to Highlands regulations despite the legislative intent to make them exempt. Only the clustering mechanism has the chance of allowing some additional beneficial use of upland property, yet even this is conditioned upon municipal conformance and avoidance of 50-plus layers of environmental resource mapping. This is the biggest defect in the RMP.

**THE AGRICULTURAL SUSTAINABILITY PROGRAM MUST SUPPORT THE LONG-TERM VIABILITY OF FARMING BUSINESSES, NOT MERELY THE PROTECTION OF SOIL RESOURCES:** Maintaining land value equity and a positive business climate for agriculture have been the cornerstones of farmland preservation since the state started that program in 1981. In the RMP, mapped layers of environmental data with accompanying restrictions, especially areas defined as critical habitat, may unduly restrict farming operations. Water allocation priorities based on “compatibility with Highlands resource protection” is far too open-ended and may undermine a farmer’s access to water for irrigation. We are concerned that there will not be a level playing field between farming in the Preservation and Planning Areas, and between the Highlands region as a whole with the rest of the state. The principles of right to farm must apply equally to farmers in the Highlands, and we urge the Council to respect the longstanding right to farm process established in the SADC and the Department of Agriculture. Finally, we would appreciate having the Council adopt the same definition of “sustainable agriculture” and add it to your glossary of terms as has been used as a standard by the USDA.

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In conclusion, please know that Farm Bureau will continue to monitor and participate in the Highlands planning process as the program moves ahead. Farmers here and outside the region have a lot at stake. We appreciate the courtesies received from Council members and staff. We will not rest until these issues are satisfactorily resolved

Thank you.

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