

Debate over Highlands now turns to fairness

The Highlands preservation bill has been approved by the Legislature and will certainly be signed into law by Gov. James E. McGreevey. It is being hailed as a landmark moment by environmentalists and other supporters for its sweeping protections of hundreds of thousands of acres that will also protect a vital water supply.

Our position

Despite its approval in the Legislature, the Highlands bill still needs substantial change to be as effective in protecting the environment as supporters claim.

But without some major alterations it won't be nearly the environmental victory it could be — and should be.

The fundamental goal of the bill is beyond reproach; nearly 400,000 acres in northwestern

New Jersey will be protected from all development. And the scope of the task does justify the creation of a new bureaucracy to handle the Highlands on a regional basis rather than relying on the planning successes and failures of individual communities.

But many elements of the bill have either been poorly designed or hampered by partisanship. Some key aspects — such as a secure funding source — remain uncertain. Supporters concede that amendments will almost certainly be forthcoming to help refine the bill.

Changing the proposed composition of the 15-person Highlands Council that will make land-use decisions for the region should be the first order of business.

The bill currently calls for the entire panel to be hand-picked by McGreevey. And while there are provisions to incorporate Republican elected officials on the Council, we can assume McGreevey will find friendly compatriots from the other side of the aisle to serve.

That council will have enormous power over zoning throughout the Highlands' municipalities. Outside the preservation core is another 400,000 acres within the Highlands to serve as a "planning area" where some growth will occur.

The planning area is designed to accommodate development in places that want it, with the help of incentives to accept additional growth. But the realistic question being asked by many officials is what happens if no one wants the increased development? Builders will undoubtedly be able to go through the courts to force construction somewhere. But which communities will then have to take the bullet?

Public officials in Republican-heavy Hunterdon and Warren counties figure they will be the likely victims when the decisions are being made by a council stacked with McGreevey appointees. That's why they are saying now that they will shift their focus to trying to ensure fair and balanced representation on the council.

Opponents have several potential avenues to consider, among them a legal challenge of the entire measure on constitutional grounds. But the paramount concern of many is to protect communities within the planning area from unwanted growth.

McGreevey has to do the right thing here. He has his bill and preserves a large swath of the Highlands. Now, at the very least, he should take pains to assure proper representation on the Highlands Council for all parts of the region. He can't do that by selecting the entire panel. The structure of the council and how it is put together must change to make this legislation work properly.