



JON S. CORZINE  
Governor

**State of New Jersey**  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.highlands.state.nj.us](http://www.highlands.state.nj.us)



JOHN R. WEINGART  
Chairman

EILEEN SWAN  
Executive Director

Contact: Nancy Benecki, Manager of Communications  
(908) 879-6737 ext. 105 or [nancy.benecki@highlands.state.nj.us](mailto:nancy.benecki@highlands.state.nj.us)

FOR IMMEDIATE RELEASE  
January 18, 2008

## **Highlands Act Is Successfully Defended**

*Second ruling in two weeks upholds the constitutionality of the Act*

TRENTON, N.J. – Superior Court of New Jersey Judge the Honorable Paul Innes today dismissed a lawsuit filed by Warren County and nine residents that challenged the validity of the Highlands Act on four counts, including violations of equal protection and due process guarantees of the New Jersey Constitution.

The Highlands Water Protection and Planning Act, signed into law on August 10, 2004, with mandates to protect and enhance the significant values of the resources in the Highlands Region, which provides drinking water to more than half of New Jersey's residents. The Act defines the 859,358-acre Highlands Region, which covers land in 88 municipalities in seven counties in Northern New Jersey. The Region is divided into two areas: The Preservation Area consisting of 414,964 acres, and the Planning Area, consisting of 444,394 acres. The Highlands Council, created by the mandates of the Highlands Act to oversee the protection of this region, released a final draft of a Regional Master Plan in November 2007.

Warren County claimed that the delineation of the Preservation Area was not scientifically based to protect Highlands water resources. Judge Innes ruled that, "The boundaries of the Preservation Area are rationally related to the purposes of the Highlands Act." With respect to the individual landowners, Judge Innes ruled that, "The act provides all disgruntled owners with administrative remedies."

"The validity of the Highlands Act was upheld for the second time in two weeks, and Judge Innes sent a clear message of the strength of the Act by dismissing this lawsuit," said Highlands Council Chairman John Weingart. "This dismissal is recognition that the work of the Highlands Council is legally defensible and is in line with the mandates of the New Jersey Constitution."

"This decision is confirmation that the work the Highlands Council is doing to protect the area's valuable natural resources is of the utmost importance and for the greater good of all of New Jersey," said Eileen Swan, Executive Director of the Highlands Council. "We will continue to work

January 18, 2008

Page 2

with property owners to assist them consistent with the remedies offered under the auspices of the Highlands Act.”

The State was represented by Deputy Attorney General Barbara Conklin of the Division of Law.

#####