PUBLIC COMMENTS SUBMITTED
Highland Council Comments – October 18, 2012

My name is Deborah Post. I own property in Chester Township.

The $6 billion of Highlands Act lost property values is a burden borne by the farmers and other good stewards of the open space who saw their net worths vaporize on the passage of the most egregious regulatory taking ever to happen in America, a nation with a Fifth Amendment that clearly states “nor shall private property be taken for public use without just compensation.”

Land, as a store of economic value, is as ancient as civilization itself. Equity value stored in land deserves as much protection against theft as other stores of value.

At the April 19, 2012 Council meeting, in connection with landowner just compensation, Mr. Tlank asked: What’s the motivation? There are only a few of them? (referring to the harmed landowners.)

Let me pose some answers to the “what’s the motivation” question:

1. Section 6n of the Highlands Act directs this Council to recognize the need to provide just compensation to the owners of preservation area land.
2. The creation of a functioning tdr program within 18 months of the legislation’s passage is a duty of this Council under the Act.
3. Political promises need to be fulfilled. Senator Smith pledged that compensation funding would be forthcoming. Gov Christie once noted that the senator was apparently lying.
4. There are not just a few landowners, there are hundreds. Just because few choose to subject themselves to the humiliation and disrespect encountered by any landowner who dares to speak at Council meetings does not mean many harmed landowners do not exist.
5. Protection of disenfranchised harmed minorities is a fundamental American value.
6. The Fifth Amendment of the American constitution directs compensation be paid.
7. And finally, how about basic fairness and integrity?

We have recently heard words, hopefully not too empty, from this Council that just compensation would be addressed.

May I suggest that step one might be to actually calculate in detail the size of the just compensation need. Evidencing how little anyone really cares about landowner compensation is the fact that no one has ever bothered to calculate the funding that would be required to compensate all fairly. You don’t even know the size of the nut!

Much of the raw data for such an analysis exists in this Council’s allocator tool data base. I recommend that, by lot and block, the lost buildable lots be multiplied by the municipal average values of those lots by municipality, appraised values found in the RMP’s TDR Technical Report appendix. And those multiplications then summed. The sum then needs to be increased by a factor to represent the excessive and erroneous constraints used by the allocator tool, which really needs to be technically reviewed and revised. The constraint adjustment increase may be as high as 50%. Please do not confuse the arbitrary and capriciously discount approach of the HDC pricing with the appraised values for municipal lots found in the Technical Report.

This is a straightforward arithmetical exercise which should be easily completed. You need to know how much funding is required before you can begin to design a plan with any prayer of success.
Statement to NJ Highlands Council, 18 October 2012

Subject: Opposition to Split Rock Reservoir Boat Ramp, Project P1077-00

Submitted by:
Mary Lee Fulcher
10 Split Rock Road
Boonton Twp., NJ 07005

I wish to express my continued opposition to the DEP proposal for a concrete boat ramp at Split Rock Reservoir, Rockaway Twp. I don’t live in Rockaway Twp. nor do I boat or hike at the reservoir, but I visit occasionally to observe.

Last month I left information packets for Council members, which I hope you have had time to review. At that time I described F&W policy as “Management by Sign.”

My first issue today is to describe Jersey City’s management and protection strategy. A United Water patrol vehicle visits the reservoir daily. I have learned from the guards that they have very little authority, if any. Jersey City also relies on signs that warn “Tampering with this property is a federal offense.” I located nine signs whose positions and distances from the reservoir are noted on the attached map. None except the two on the spillway control building are near the water – puzzling. The signs’ intent seems to be protection of property, especially the dam, rather than water.
My second issue is a mini-survey taken randomly of seven parking lot boaters over the last few months. None had known of the ramp proposal. Four were anti, one neutral, and two in favor, one of whom worked for a store that sells kayaks.

The third issue arose from my conversation with a kayak fisherman who explained the source of the large, jagged rocks at the launch shoreline, which I had not seen before. He said that F&W had built a rock “wall” at the shoreline but it had been severely eroded by hurricane Irene, over a year before, and had not been repaired. It seemed to me that a load of very coarse gravel/rock could have done the job.

However, that reminds us again of the “create it and walk away” attitude of F&W. If such a small repair could not be accomplished, what then of any damage to the concrete ramp, with its gabion walls and dock, if it were built? Without 24-hour surveillance, the ramp would be an irresistible target for vandals. Remember the truck that was driven into the reservoir? The cars that were trashed? All left for Rockaway Twp to deal with.

I emphasize again that the ramp is an OPTIONAL PROJECT that poses the strong likelihood of contributing to pollution of a Class 1 water body.

I believe the Highlands Council has the power to determine the future of this beautiful reservoir. Will it be quiet enjoyment, or
increasing damage and exploitation? If the Council does not protect this Highlands reservoir, who will?

Thank you.
## ATTACHMENTS

### Public Water Supply Signs
- Map of Locations
  - Nov., 2012
- Public Water Supply, No Trespassing (text)
  - Apr., 2012
- Signs in locations
  - Oct., 2012

### Boat Launch
- Shoreline, 2003
  - Nov., 2003
- Shoreline, 2004
  - July, 2004
- Shoreline, 2012
  - Oct., 2012

### Dixon's Pond Preservation
- Article, Citizen of Morris County
  - July, 2012
- Letter to Asst. Comm. Boornazian, DEP
  - June, 2012
- Map of Split Rock/Dixon's Pond area
  - 1984
Dixon’s Pond preservation is hailed
Value to Highlands water supply, unique beauty cited

ROCKAWAY TWP. - A conservation deal completed on Monday will protect more than 129 acres south of Decker Road in Rockaway and Boonton townships, according to officials. The pact was finalized in Morristown by representatives of The Trust for Public Land (TPL), the New Jersey Conservation Foundation (NJCP), New Jersey Department of Environmental Protection (DEP) and Morris County.

The property adds to a complex network of more than 5,900 acres of public conservation land in this section of the New Jersey Highlands and supports critical water resources in the Highlands, including a tributary of the Stony Brook, a Rockaway River watershed stream, and Dixon’s Pond, officials said.

"The Dixon’s Pond property is a true Highlands gem. It contains valuable wetlands, as well as rocky outcrops with wonderful views of the water," Freeholder Ann F. Grossi, liaison to the county's open space program, noted.

The county provided $1.2 million of the $25.5 million purchase price through a grant from the open space portion of the Morris County Preservation Trust Fund to the New Jersey Conservation Foundation.

Additional funding included $35.5 million from the New Jersey Department of Environmental Protection (DEP).

"The Preservation Trust and local partners have been an important part of the financial support for the project," Grossi said.

The property contains 174 acres in Chatham Township and 55 acres in Morristown. The property is adjacent to the Chatham Park conservation area in Morristown.

"The Dixon’s Pond property is an acquisition that will enable the Trust to expand the area's network of preserved lands," said Richard Booros, chairman of The Trust for Public Land. He added that the property has been several conservation areas such as with the Kittatinny Ridge and Pine Barrens.

"The Highlands are one of the last undeveloped areas in the state," Grossi said. "The property contains over 40 acres of forest, wetlands and open spaces, and will provide public access for trail use and recreational enjoyment."

"We are grateful to the people of Morris County, the State of New Jersey, and The Trust for Public Land for their help in acquiring this property," she added. "This project is an example of the collaborative efforts that are required to preserve the natural resources of New Jersey."
10 Split Rock Road  
Boonton Twp., NJ 07005  
June 4, 2012

Mr. Richard Boornazian  
Assistant Commissioner for Natural and Historic Resources  
New Jersey Department of Environmental Protection  
P O Box 402  
501 East State Street  
Trenton, NJ 08625-0402

Re: Project P1077-00, Split Rock Reservoir Boat Ramp  
Block 50001, Lot 1, Rockaway Twp., Morris County

Dear Assistant Commissioner Boornazian:

I read with interest May 4 article in the Citizen of Morris County regarding the preservation of Dixon’s Pond, and your comments as NJDEP spokesperson. I have known this beautiful pond -- about half a mile from my house -- since childhood. This article prompted me to phone your office regarding the above project.

During the 1980's real estate bubble, Dixon's Pond was targeted by a local developer for 36 homes. Mr. Ardes performed over 100 perc tests, of which only six were satisfactory. The property was so riddled with holes that it looked as if it had been bombed.

At that time I was chairman of our Board of Health, which did not look favorably upon the application. Fortunately for the pond, the developer lost his backers, and the property was auctioned as part of the subsequent RTC proceedings. I had the distinct honor of sitting near the late Mrs. Edna Johanson, who placed the winning bid. Now, many years later, I am extremely pleased that the property has been formally preserved.

The Citizen article quoted you as saying, “The Christie administration is committed to the protection of open space and New Jersey's natural resources... The DEP is proud to be playing an important role in this joint effort to preserve the Dixon's Pond property, an acquisition that will protect water quality in the Highlands region.”

Your statement was indeed a noble one. However, I was disturbed to learn of your support for the F&W proposal to enlarge the parking lot and build a boat ramp at Split Rock Reservoir, a project that is expensive, unnecessary and environmentally
damaging. The reservoir is about two aerial miles from Dixon's Pond, and is in the same watershed.

The engineering plans show the ramp extending from the existing parking lot to the shore and overlaying wetlands (and therefore it is well within the 300' protective buffer) at the south shore of the Category I reservoir. What a mockery of Highlands regulations!

You may not have heard about the July 4, 2010 weekend “celebration” at the reservoir which severely challenged Rockaway Township's police resources. After notifying all relevant state and municipal agencies of its intentions, and after receiving no responses, the Township blocked the parking lot entrance and exit. F&W doubtless neglected to mention these events to other DEP divisions.

In an enclosure more relevant to your division, I have included before and after photographs of the historic kilns which had stood for many decades, undisturbed, hidden in the trees, until the State opened the reservoir.

If, however, you are aware of abuses to this once pristine area, and of the State's sadly deficient stewardship, I am sorry to say that I consider your Dixon's Pond remarks to be quite hypocritical. Split Rock deserves better than the treatment it has received from the DEP (does that P really stand f Protection?). I trust that it will not be necessary in the future for me to refer to the DEP as the Department of Environmental Predation. As you can see, I have a rather harsh opinion of DEP stewardship.

Split Rock should be protected, not exploited further.

Project P1077-00 should be canceled immediately.

Yours hopefully

Mary Lee Fulcher

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