

07/16/03

TITLE: WATER WORKS 33 - FOLK TALES AND FOLK WISDOM -or- Chanting “Fire” in a Crowded Theater

DESCRIPTION: (A regular feature)

Time: 08:45:49

ARTICLE

I own all the water.

Don't be alarmed, you own it too. We all own all the water in the Garden State. If you doubt me, listen to the “Water Supply Management Act,” New Jersey Permanent Statutes 58:1A-2: “The Legislature finds and declares that the water resources of the State are public assets of the State held in trust for its citizens ... ; that ownership of these assets is in the State as trustee of the people; that because some areas within the State do not have enough water to meet their current needs and provide an adequate margin of safety, the water ... must be planned for and managed as a common resource ...”, “... to insure that within each basin there exist adequate water supplies ...”, and “... an adequate supply and quality of water for citizens of the State, ... through its Department of Environmental Protection ...”.

Just our luck. The more important point now is that we don't have what are known as “water rights” in New Jersey. Water rights are common in the western United States, but decades ago our lawmakers had the foresight to choose an alternative as suitable for our still extensive agricultural regions, as it was for the rest of what would become the most urbanized state in the nation. The events fictionalized in the movie, “Chinatown,” loosely based on a real government theft of a rural water supply, through covert manipulation of water extraction rights, could never happen in New Jersey.

Which should ease our minds, somewhat. When New Jersey's drinking water is the subject, “our” is no figure of speech. It's the law. Wherever your water may come from, the NJDEP has the same fiduciary responsibility to you, as any manager would of anything else that you own, like a retirement fund. As a registered Republican with a notion or two about my property rights, and about the standard of performance I expect from public officials whose salaries I pay, I'm a fan. If that makes me an environmentalist - as Editor put it recently - no one in Franklin has ever called me one.

Like the Bozos on the bus, we're all “environmentalists” in Franklin, of one kind or another. We have far more farms than woodlands here, and we all live a little closer to the dirt than a lot of Hunterdon County. Quakertown and Pittstown are practically surrounded by cultivated tracts, and a few of our handful of newer neighborhoods border farmed land too, reminders that the old settlements at Cherryville and

Sidney were young once. We're still a small town, where "the environment" means the place down the road owned by people we probably know. To outlanders, we can be confusing, like some up-river tribe narrating journeys through "Hunterdon Incognita", with no words for what the more civilized world calls maps. We know what we're talking about; we just have our own way of looking at things.

Our environmental vernacular begins with "Good Steward of the Land," a term in our Planning Board's working lexicon, last seen in town heading a bill of particulars, not fancy talking in a preamble. It means, "The way farmers here have always lived," plus, "Natural Resource Conservation Service, Agricultural Best Practices," and it's how Franklin Township became what we see today. Add minimum lot size zoning that protects your well from my septic system and you have us, end to end. That zoning provoked our Great Land Use War. Small, rural towns invariably quarrel with themselves over land use ordinances, now and then - our feud lasted years. We learned hard lessons, before anyone put the result of centuries of first-rate planning here seriously at risk. Leaders of that conflict's several factions (we had more than the usual two) hold reunions now as a quorum of our Planning Board. And, from the very years we all spent fighting ourselves, came Franklin's Rule One - No big changes, anywhere, until everyone has a long talk about water, first.

You see why we find "58:1A-2" so congenial. It's always good to have Leviathan on your side. Our civil war left behind it a chronicle of meeting minutes, committee reports, maps and charts, volumes of studies and legal briefs that would make Ken Burns think twice before digging. Back then, as our banker boxes tell it, the NJDEP agreed with the aquifer recharge rates that justified Franklin's zoning. The state thinks differently today. For the 7-acre zone surrounding Quakertown, that could have been our AR-11 zone instead (we're a conservative town), the largest lot size warranted by the NJDEP is now 2 acres. We can't both be right. The stakes are high in this fight, for Franklin and most of Hunterdon County. If we lose here, any fool, armed with New Jersey's new aquifer math, can do the same to your town's zoning, your drinking water and you. Ron Gutkowski

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THE HUNTERDON COUNTY NEWS

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