

The background is a solid blue color with several water droplets of various sizes scattered across it. The droplets are rendered with realistic shading and highlights, giving them a three-dimensional appearance. They are located in the top-left, bottom-right, and bottom-center areas of the slide.

WATER MANAGEMENT RULE ADOPTION COMMENTS

(KIRKWOOD – COHANSEY RULES)

P&I COMMITTEE

AUGUST 25, 2023

BACKGROUND

K-C Project

- Gibson Bill
- Hydrologic studies
- Habitat & Species impact studies
- Stakeholder meetings (numerous & extended)

Need for Improvements to CMP

- Clearer requirements
- Objective metrics
- Incorporate K-C Project studies

Progressive Protections

- Greater protections in Preservation Area District, Special Agricultural Production Area & Forest Area
- Allow withdrawals in less restrictive Management Areas

AMENDMENT HISTORY

Proposed
Amendments -
September 6,
2022

- Two public hearings held
- Public Comments: support for amendments, requests for minor changes and clarifications, concerns from resource extraction industry regarding non-consumptive uses

Notice of
Substantial
Change – April
3, 2023

- Addressed concerns regarding non-consumptive use by adding definition and requirements for resource extraction industry application; minor changes and clarifications
- Public comment period ended June 3
- 6 commenters

SUBSTANTIAL CHANGE NOTICE

(COMMENTERS #21-26)

- PUBLIC HEARING COMMENTS (2)
 - Support for changes addressing non-consumptive use by resource extraction industry
- WRITTEN COMMENTS (6)
 - Support for changes
 - Amend definition of term “parcel” for resource extraction purposes
 - Add specific statement in rule that non-consumptive use will not result in interbasin transfers
 - Request that resource extraction companies be exempt from demonstrating non-consumptive use
 - Hydrogeologic report for resource extraction non-consumptive use is a significant burden
 - Review by Commission and DEP is duplicative
 - Objection to Commission and DEP meeting after close of comment period

RESPONSE DOCUMENT

- Minor technical change: “sealed wells” changed to “decommissioned” wells because of changes in NJDEP terminology
- Non-consumptive use demonstration for resource extraction operations:
 - No changes to rule language necessary
 - Response to comments notes that hydrogeologic reports intending to demonstrate non-consumptive use must ESTIMATE the volume of water returned
 - Consistent with reports prepared for Water Allocation Permit applications to NJDEP

ADOPTION NOTICE

- Approval from Governor's office to proceed with adoption: August 9
- Recommendation for adoption: September 8 Commission meeting
- Governor's approval of minutes O/A November 6
- Submitted for publication: NLT November 9
- Publication in NJ Register/ Effective Date: December 4, 2023