

**MINUTES OF THE  
NATURAL LANDS TRUST MEETING**

**April 16, 2015**

**12:00 PM**

**Office of Natural Lands Management, Trenton, New Jersey**

Chairman Catania called the meeting to order at 12:08 PM and roll was taken. A quorum of trustees was present. At least one of the trustees was a state governmental representative.

The Open Public Meetings Act notice was read as follows: Notice of the date, time, location and agenda, to the extent known, was forwarded to three newspapers of general circulation, and provided to the Secretary of State in accordance with the Open Public Meetings Act. It was also noted that such notice was provided on the Trust's website in compliance with the Act requiring State, regional, and local authorities, boards, and commissions to establish a website providing specific information in order to facilitate transparency in government.

*In attendance were:*

Michael Catania, Chairperson  
James Hall, Vice Chairperson  
Theresa Lettman, Trustee/Secretary-  
Treasurer  
Emile DeVito, Trustee  
John Flynn, Alternate for DEP Trustee  
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Larry Torok, DEP Trustee  
Thomas Gilmore, Trustee (by phone)  
Ryan Benson, DAG, Trust Counsel  
Robert J. Cartica, Executive Director  
Martin Rapp, Trust Staff  
Cari Wild, Trust Staff

*Absent were:*

Matt Spayth, Trustee representative for the State Treasurer  
Rich Boornazian, Trustee representative for the DEP Commissioner  
Steve Eisenhauer, Trustee  
State House Commission representative (not appointed)

*Guests:*

Robert Darwin, de maximis, inc.  
Bruce Sattin, Esq., Szaferman Lakind  
Kevin Dyson, Brown and Caldwell  
Scott MacMillin, Brown and Caldwell  
David Kutner, NJ Future  
Dr. Leah Yasenchak, BRS, Inc.  
Matthew Brener, BRS, Inc.  
Jason Worth, T&M Associates  
Charlie Rooney, T&M Associates  
Marty McHugh, National Fish and Wildlife Foundation (by phone)  
Garrett Loesch, Township Administrator /CMFO, Little Egg Harbor Township

**General Public Comment:** None

**Financial Report:** Mr. Cartica outlined the Financial Statements for the quarters ending September 30, 2014 and December 31, 2014. Mr. Hall motioned to approve the Financial Statements. Mr. Torok seconded the motion and the Financial Statements were unanimously approved by a vote of 7 to 0.

The **October 3, 2014 minutes** were reviewed. Mr. Hall motioned to approve the minutes. Mr. DeVito seconded the motion and the minutes were unanimously approved by a vote of 6 to 0 with Ms. Lettman abstaining.

**New Business:**

Mr. McHugh and Ms. Yasenchak presented the **Mystic Island Preserve, Little Egg Harbor Township, Ocean County- Restoration Plan proposal**. The proposed project is part of a larger ecosystem restoration project being completed by Little Egg Harbor (LEH) Township and neighboring Tuckerton Borough with funds provided by the National Fish and Wildlife Foundation (NFWF) to New Jersey Future through the Hurricane Sandy Coastal Resiliency Competitive Grants Program. The purpose of the NFWF-funded work is to protect and preserve the fragile tidal wetlands that border the communities of LEH Township and the Borough of Tuckerton through the creation of a natural living shoreline, which typically involves the use of natural vegetation, such as submerged aquatic vegetation, fill, and biodegradable organic materials in order to stabilize and prevent the loss of vegetated shorelines and associated habitat. LEH Township proposed the restoration of two areas of living shoreline on the Mystic Island Preserve to preserve natural habitat and increase the resiliency of the preserve and to protect an area adjacent to Iowa Court against future storm surge and wave attack from Barnegat Bay during storm events. In the Iowa Court area, due to it being more severely eroded and exposed, LEH Township proposed a stone toe in conjunction with upland fill and vegetation. For the second area which appears more stable and less vulnerable, LEH Township proposed a coir log toe with upland fill and vegetation, although it did not rule out the use of a stone toe. A number of the Board members expressed concern about the use of stone toe as part of a living shoreline. Mr. DeVito suggested that perhaps the two areas of the project could be connected through coir logs. He noted that one of the most useful aspects of the project is what we are going to learn from it in terms of potential resiliency tools. Because this is a habitat management activity beyond the scope of normal day-to-day management, the Board was asked to conceptually approve the proposed project. Mr. Hall motioned to conceptually approve the Mystic Island Restoration Plan with the understanding that the plan would limit the use of stone toe to the Iowa Court area and that a revised plan would be brought to the Board for approval. Mr. Torok seconded the motion and the plan was conceptually approved by a vote of 7 to 0.

Mr. Darwin updated the Board regarding monitoring work done under the **Hamilton Preserve, Hamilton Township, Atlantic County-D'Imperio Memorandum of Understanding (MOU)**. As D'Imperio noted when it brought this to the Board in 2013, to the extent that any contamination is found in groundwater at the Hamilton Preserve, it may be necessary to install an extraction well or conduct other remediation. Based on the ground water monitoring that has since been performed, contamination was found under the edge of the Hamilton Preserve. The plan approved by the USEPA requires the installation of three extraction wells to contain the contaminated groundwater plume. Due to the location of the contaminated groundwater plume, D'Imperio has no alternative but to locate one of extraction wells on the Hamilton Preserve. D'Imperio proposes an Amended MOU (AMOU) that authorizes the installation of one

extraction well, an observation well and underground connections to pipes leading to a treatment plant approximately one mile away from the Hamilton Preserve. Once treated, the water will be injected into the aquifer. Under the proposed AMOU, the same restoration requirements that apply under the MOU will be required with respect to the new activities, namely the installation of gates, invasive species monitoring and management, and a requirement that the use of any fill at the property be pre-approved by the Trust. In addition, D'Imperio will provide a monetary payment of \$25,000 as reimbursement for staff time and resources. Mr. Hall motioned to approve the AMOU with the inclusion of the \$25,000 payment. Mr. Torok seconded the motion and, by a vote of 7 to 0, the AMOU was approved and the chair authorized execution subject to its review, approval, and revision by the AG's Office.

#### **Unfinished Business:**

Ms. Wild provided the Board with a **Petty's Island, Pennsauken Township, Camden County Status Report**. Trust and NJAS staff met with the Petty's Island stakeholders for the annual update on February 6, 2015. The Trust recently awarded two contracts at Petty's Island: one an engineering feasibility study of the Crowley Ramp as a potential future visitor's center location; and the other for three conceptual designs that integrate industrial heritage features into the landscaping around or approaching the future visitor's center. With these two contracts, the \$82,500 grant the Trust received from the William Penn Foundation in 2013 is depleted. The Trust has initiated discussions with William Penn for another grant that would, among other things, fund the services of a historian/archaeologist to research the history of Petty's Island as well as a documentary filmmaker(s) to make short films telling the story of Petty's Island's preservation and the history of Petty's Island. It was also noted that CITGO made their annual stewardship payment in the amount of \$125,000.

Mr. Catania provided the **Delaware Bay Migratory Shorebird Subcommittee Report**. The subcommittee is exploring many possibilities including funding through DEP-approved supplemental environmental projects. Mr. Catania reported that he and Eric Stiles of the New Jersey Audubon Society recently met with DEP's Compliance and Enforcement (Assistant Commissioner John Giordano) to discuss funding opportunities through DEP-approved supplemental environmental projects.

#### **New Business:**

Mr. Cartica presented the **Spending Authorization for Calendar Year 2015**. This year's authorization includes full biodiversity inventories at the Bear Swamp at Red Lion and Hamilton Preserves and a number of species-specific inventories at other preserves. Mr. Hall motioned to approve the Spending Authorization for Calendar Year 2015. Mr. DeVito seconded the motion and the 2015 Spending Authorization was unanimously approved.

The Board considered the **Bennett Bogs Preserve-The Nature Conservancy (TNC) Land Donation Offer in Lower Township, Cape May County**. Mr. DeVito motioned to approve the TNC Bennett Bogs Preserve land donation on the conditions that a \$25,000 land stewardship endowment be provided by TNC and that if there are any structures, improvements or contamination that would require the expenditure of Trust funds, the offer be brought to the Board for approval before acquisition. Mr. Hall seconded the motion and the offer was unanimously approved.

The Board considered the **Bearshead-O'Flynn/GA Land Donation Management Assignment Offer in Hamilton Township, Atlantic County**. Mr. Flynn recused himself from the matter based on the advice from the NJ Attorney General's Office that by virtue of his employment within the Green Acres Program his vote may present an appearance of conflict notwithstanding that he has no personal or financial stake in Trust management assignments. Mr. DeVito motioned to accept the Land Donation Management Assignment Offer. Mr. Torok seconded the motion, and the offer was unanimously approved with Mr. Flynn abstaining.

Mr. Cartica presented the Board with the **New Jersey Wetlands Mitigation Council Resolution Approving Expenditures**. Mr. Cartica explained on or about October 2, 2014, the Trust received a memorandum and signed resolution dated August 5, 2014 by the Acting Chair of the Wetlands Mitigation Council (Council) requesting disbursements totaling \$565,649.08 from the Wetlands Mitigation Fund to the Green Trust Alliance. In accordance with the Trust's April 18, 2004 MOU with the Council, the Executive Director of the Trust shall disburse moneys for projects approved by a resolution of the Council; provided, however, that disbursements exceeding \$250,000 shall require the authorization of the Trust's Board, which shall act on any request for such authorization within ten working days after the Executive Director's receipt of a request for disbursement from staff to the Council. Per Trust bylaws, in the event a decision by the Board is required and a special meeting cannot be held due to time constraints or lack of a quorum, the Executive Director may poll the members of the Board to determine their preference on an issue. In such a circumstance, the Executive Director shall supply to each Board member, in writing, a draft resolution and information sufficient for Board consideration. With the concurrence of at least seven (7) members of the Board, the Executive Director may take action in accordance with the resolution. On or about October 7, 2014, Mr. Cartica polled the Trust's Board to determine their preference on this issue. Eight Board members, with at least one of them of them being an official of state government, responded affirmatively to approve the resolution. This resolution, having been presented to the Board at today's meeting and there being no objection, was affirmed.

The Board considered the **Draft 2014 Annual Report**. Ms. Wild requested that the Board provide any comments/changes on the draft report within the next thirty days. Mr. DeVito motioned to approve the draft report subject to Board members and staff having flexibility to incorporate changes, including the addition of the noted article. Mr. Torok seconded the motion, and the 2014 Annual Report was unanimously approved.

The **2015 Board meeting dates** are: June 5, 2015, September 11, 2015, and December 4, 2015.

Mr. Hall motioned for the meeting to be adjourned. Mr. Torok seconded the motion, and the meeting was adjourned at 2:35 PM by a unanimous vote.

Respectfully submitted,



Theresa Lettman  
Secretary/Treasurer