

NATURAL RESOURCES COMMITTEE

REPORT FOR THE JUNE 1, 2005 MEETINGS

Introduction

On June 1, 2005, the Natural Resources Committee held two meetings at the New Jersey Highlands Council office in Chester, New Jersey. Notice of the meetings was provided to the public on the Highlands Council's web site. The first meeting held at 4:00 pm was a scheduled meeting of the Natural Resources Committee. A special meeting to solicit public input on the NJDEP's Highlands Act rules was held at 7:00 pm. Council members present at the meeting were: Tim Dillingham, Eileen Swan, Kurt Alstede and Tracey Carluccio. Council staff members present were: Dante Di Pirro, Steve Balzano, Tom Borden and Lynn Brass Smith. The meeting was called to order at 4 p.m. by Committee Chair Mr. Tim Dillingham.

NJDEP Rules

The Council staff presented the immediately effective rules, with emphasis was issues relative to the Highlands Act and future Master Plan for the Highlands region. The presentation was a continuation of the discussion from May 23 and covered the following topics:

- Impervious surfaces
- Highlands open waters
- Flood hazard areas
- Steep slopes
- Upland forested areas
- Unique and Irreplaceable Land Types
- Existing Scenic Attributes
- Highlands Resource Area Determinations (HRADs)
- Habitat Evaluations for T&E and rare species
- Brownfields
- Fees

After review of the rules and considering the input received, the Natural Resources Committee will present policy recommendations to the full Council and seek approval for the Highlands Council staff to communicate those recommendations to DEP staff, along with suggested language that would carry out those policies.

NJDEP Rules – Public Comment Period

The Natural Resources Committee reconvened at 7:15 pm to obtain public comment on the rules. Approximately 30 members from the public were present. The public was invited to provide testimony and were encouraged to submit written comments to the DEP and Highlands Council. Ten individuals provided oral testimony:

Wendy Wolmer, resident of Pohatcong Township, Warren County
Rules limit her ability to build single family dwellings on a 40 acre property. Ms. Wolmer was informed that her property may qualify for multiple exemptions and will follow up with Highlands Council staff.

Wayne Wolmer, resident of Pohatcong Township, Warren County
Municipal officials need to be educated on the rules.
Concerned about land equity.

Gerry Kearn, resident of Pohatcong Township, Warren County
Rules strict in that they may not allow him to subdivide his property for his children.
The public needs to be educated on the effect of the rules since there is a great deal of confusion.

Christine Harrigan, Consulting Forester, Gracie & Harrigan Consulting Foresters, Inc.
(written comments also provided)
Forestry should be identified within the definition of agriculture.
Wording should be changed in the exemption and HAD language to allow private individuals to manage their land under an approved forest management plan.
Questions the scientific method used to determine upland forested area.
The uses allowed on land with a dedicated conservation restrictions are too limited

Steve Collessor, resident of High Bridge, Hunterdon County and representing Gracie & Harrigan Consulting Foresters, Inc. (written comments also provided).
Same comments as Ms. Harrigan.
Questions need to obtain a HAD and pay a fee when forestry is exempt.

Bill O'Hearn, Highlands Coalition (written comments to follow)
Questions septic density – 88 vs. 25 acre requirements.
Rules have loopholes that will lead to forest fragmentation
Exemptions for single family dwellings may be misused.
Supports redevelopment of Brownfields, but concerned over extending redevelopment “beyond the footprint” of the Brownfield site.

Ross Kushner, Executive Director, Pequannock River Coalition (written comments to follow)
Rules contain many loopholes.
Requested that the 20% net fill standard be eliminated.
Questions the scientific method used to determine upland forested area. They are dynamic resources subject to change (i.e., beaver effect). Ridgelines and “balds” without trees would not qualify as a forest under the current methodology used to determine forest.
The 25 acre septic density is sprawl inducing.
Concerned with linear development, particularly private driveways.

Ed Wengrin, New Jersey Farm Bureau
The methodology used to derive the 88/25 acre septic density has not been provided.

The 25 acre septic density is sprawl inducing.
The 88 acre septic density will reduce land value.
The data supporting the density is not available and appears to be arbitrary.
Questions the need to obtain a HAD and associated fee for exempted activities (forestry/agriculture).
Takings waiver requirement to sell land comes close to the right of first refusal that was in the earlier version of the Act, then later removed.
Regulating agriculture should remain with the Dept. of Agriculture, not the DEP.
Disagrees with DEP's authority to take away previously approved water allocation.

Bill Wolfe, West Amwell Township

Rules are ambiguous.

Rules look at issues from a site specific rather than regional basis (DEP's historic method).

Single family exemptions are going to be widespread.

Will municipal pre-Highlands standards be lost when municipalities revise their ordinances to conform to the Master Plan?

Private driveways will have far-reaching consequences upon resources.

Recommend consolidating permitting.

DEP should perform build-out analysis and use in their rulemaking.

Robin O'Hearn, Director, Skylands Clean

Exemptions that should be watched - example, transit parking in Pompton Village.

Exemptions do not allow for public comment.