

NATURAL RESOURCES COMMITTEE

STAFF REPORT FOR THE MEETING OF MAY 23, 2005

Introduction

On May 23, 2005, the Natural Resources Committee held a meeting at the New Jersey Highlands Council office in Chester, New Jersey. Notice of the meeting was provided to the public on the Highlands Council's web site. Council members present at the meeting were: Tim Dillingham, Eileen Swan and Kurt Alstede. Council staff members present were: Dante Di Pirro, Steve Balzano, Tom Borden and Lynn Brass Smith. There were two matters on the agenda: NJDEP Phase II rules; and the Fast Track Law. The meeting was called to order at 2 p.m. by Committee Chair Mr. Tim Dillingham.

NJDEP Phase II Rules

As directed by the Highlands Act, on May 9, 2005, the DEP adopted immediately effective rules implementing the enhanced environmental standards in the preservation area of the Highlands region. Under the Act, the DEP will re-propose these rules later this year. We refer to this second set of rules as the "DEP Phase II Rules". The DEP has agreed to give the Highlands Council 45 days from adoption of the immediately effective rules to provide comment. The DEP will consider these comments before proposing the Phase II Rules.

In preparation for reviewing the rules, the Natural Resources Committee has scheduled June 1, 2005 to hear public input on the rules. The Highlands Council staff has also requested that State agencies provide their comments. 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.

At today's Natural Resources Committee meeting, the Council staff gave a presentation as to what is contained in the immediately effective rules. The presentation covered the following topics:

- Impervious surfaces
- Linear development
- Upland forests
- Onsite wastewater disposal systems
- Brownfields
- Fees
- Highlands applicability determinations
- Wastewater treatment facilities
- Highlands open waters

- Flood hazard areas
- Steep slopes
- Relationship between the DEP rules and the Council's development of the regional master plan.

Staff will continue its presentation at 4:00 on June 1st when the Natural Resources Committee is scheduled to meet next. That evening at 7:00 p.m., the Committee will also take input from the public on the rules. The committee will report on the status of its rule review and on public input that was received when the full Council meets on June 2nd.

Fast Track Law

At the Council meeting on Thursday May 19, 2005, the Council asked the Natural Resources Committee to consider the potential impact of the Fast Track Law on the Highlands and on the Council's development of its regional master plan for the Highlands. It further requested that the Committee then provide recommendations for appropriate action by the Council.

The Committee discussed the fact that the Fast Track Law exempts the preservation area but not the planning area from the fast tracking of permit reviews. It further discussed how the law defines "smart growth areas" for the purposes of expediting review and whom the law gives authority to designate additional such areas. In particular, it was discussed that the law does not give the Highlands Council the authority, by means of its regional master plan, to determine which areas are appropriate for designation as "smart growth areas." It was agreed that more consideration of this matter is necessary before the Committee will be prepared to make recommendations to the full Council.