

**HIGHLANDS COUNCIL
NATURAL RESOURCES COMMITTEE
CHAIR REPORT
FOR THE SEPTEMBER 15, 2005 MEETING**

On September 15, 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, John Weingart, Tracey Carluccio and Kurt Alstead. Council staff members present were: Dante Di Pirro, Steve Balzano, Tom Borden, and Lynn Brass-Smith. The following items were on the agenda: Highlands Council staff application review process; NJDEP surface water quality rule proposal and IPR; dedicated funding; and consultant update. Committee Chair Tim Dillingham called the meeting to order at 1:15 p.m.

1. Application Review

Steve Balzano provided a status report on staff's preparation of proposed internal and external application review procedures.

- > Staff is developing an internal review process for redevelopment applications (70% site impervious) and establishing criteria which would trigger when duplicate applications filed with the Highlands Council should be reviewed.
- > Staff expects to have completed within the month a NJDEP/Highlands Council coordinated review procedure for Wastewater Management Plan amendments.
- > Staff is working with NJDOT and COAH to advance a procedure for capital project review and COAH related application review, respectively.

2. NJDEP Proposed Surface Water Quality Standards and IPR (Interested Party Review)

Tom Borden explained how the proposed NJDEP Surface Water Quality Standards rules would address Highlands Preservation Area waters. Preservation Area surface waters would not be reclassified to C-1 but would be provided C-1 level of antidegradation protection for point source discharges. The definition of measurable change has been revised and is more specific as to how "measurable changes" are calculated. A few Highlands streams are proposed to be reclassified as FW2-TP (C-1). A map identifying the streams was distributed. The proposed rule does not amend the current stormwater rules. The staff is reviewing the proposed rules in detail and will report back to the NRC.

In addition to proposing a Surface Water Quality Standards rule, the NJDEP noticed an ("Interested Party Review ("IPR")) that proposed buffers Statewide. With regard to the Highlands, it would propose a 300-foot wide riparian buffer width on all Highlands waters (both Planning and Preservation Area). The timing will probably be such that the Regional Master Plan (RMP) will be released before the rules are in effect.

Highlands staff is developing a list of Planning Area streams (the "in and through" streams) as requested by the NRC at their last meeting. These streams will be reviewed during development of the RMP. The Council will then have a technical basis to recommend reclassification of streams to C-1. Tracey Carluccio suggested that the stream petition process use the same procedure the NRC has followed for other technical decision issues: NRC review and recommendation, then to Council for action.

Tim Dillingham recommended that the location of municipal discharges be identified to determine the relationship between the discharges and streams. There is also a disconnect between the IPR's proposed 300-foot riparian buffer which may allow discharges and the stormwater rules which do not allow discharges.

2. Dedicated Funding

The Land Conservation Committee is studying alternate means to acquire land with funding generated from the potential water tax. One potential source of funds is Senator Smith's proposed water fee bill. It is estimated that \$12 million would be brought about by the bill. Eileen Swan is interested how the NRC will dovetail on this.

Alternate approaches to funding were discussed. Tim Dillingham recommended review of the Environmental Infrastructure Fund and Water Resource Development Act bill (targeted for Passaic watershed). Tracey Carluccio noted that FEMA funds are available for the Rockaway and Passaic watersheds for ecological restoration work to prevent flooding. The appropriations process requires that someone in the region nominate the area for funding.

4. Consultants

Steve Balzano reported that DEP has been an active partner with the Highlands Council staff and is readily providing technical expertise and data to the Highlands Council for the RMP. Four work groups have been established: Water Resources, Ecological Resources, Historic and GIS. Staff is working to develop a draft water resources work plan in the next several weeks

The initial round of Technical Advisory Committee (TAC) meetings have been completed. Staff is in the process of developing technical abstracts which will feed into the RMP work plan.

The Council's consultants are moving ahead with their tasks. One of the more challenging tasks involves wastewater assimilated capacity of streams – how to determine the limit on discharges. Issues to be addressed include whether receiving streams can accommodate additional discharge, whether treatment plants be upgraded and establish whether there is future expansion opportunity. The locations and amounts of discharges are known; however, assimilative capacity is not.

Tracey Carluccio and Tim Dillingham cautioned against accepting all existing NJPDES permits until we know the assimilation capacity of streams and cautioned against quickly validate existing NJPDES permits since many may not be in compliance.

On other workplan related issues: Steve Balzano reported that land valuation and it's relationship to TDR is underway; Rutgers is conducting a fiscal impact analysis; and a slopes-digital elevation (phase II project post RMP release) is underway.

5. Public Comment

Wilma Frey, NJ Conservation Foundation

Wilma Frey whether the surface water classification rule proposal is available. Ms. Frey was advised that the rules are posted on the NJDEP website.

Ross Kuschner, Pequannock River Coalition

Ross Kuschner questioned whether the rules provide unnamed tributaries that flow into C-1 surface waters with the same level of protection, and suggested that a new category for Highlands tributaries be established that offer the same level of protection. With respect to the USGS water studies, Mr. Kuschner questioned whether the Council has considered what flow is acceptable.

A member of the public from the Warren County Environmental Commission

Several streams in Warren County never made it onto the C-1 stream list during the first round of NJDEP reclassification, and asked where they can obtain the current list of proposed streams. A map provided by the NJDEP concurrent with the rule proposal was provided to the commenter.

A member of the public

Similar to the Pinelands Area, the Highlands Council may wish to consider a new classification for Highlands Area waters, rather than pulling C-1 standards in different directions. The DEP is effectively protecting Preservation Area waters, but not Planning (although the IPR does provide a 300-foot riparian buffer). As a planning exercise using GSR32, land in Peapack Gladstone was converted to pre-deforestation 1600's condition to determine what the past recharge capacity of the land. This data was compared to present conditions.

Tim Dillingham adjourned the meeting at 3:00 p.m.