

**NEW JERSEY HIGHLANDS COUNCIL
NATURAL RESOURCES COMMITTEE**

**CHAIR REPORT
FOR THE MEETING OF MAY 18, 2006**

On May 18, 2006, the Natural Resources Committee held a meeting at the New Jersey Highlands Council office in Chester, New Jersey. Notice of the meeting was provided on the Highlands Council's website. Council members present included the Committee Chair Tim Dillingham, John Weingart and Tracy Carluccio. The Highlands Council staff included Tom Borden and Steve Balzano. The meeting was called to order at 3:10 p.m.

Committee Chair Dillingham gave an overview of the primary agenda item which was the creation of procedures for the review of Water Quality Management ("WQM") Plan amendments. The New Jersey Department of Environmental Protection's ("NJDEP") Highlands Rules, at N.J.A.C. 7:38-1.1, specifies that pending completion of the Regional Master Plan, the NJDEP may not approve for a project proposed in the Planning Area of the Highlands Region without first obtaining a recommendation from the Highlands Council. Mr. Balzano provided a summary of the information being developed for the Regional Master Plan ("RMP") that may be used to inform Council recommendations.

The Committee members discussed the need to review such proposed WQM amendments and balance that obligation with the primary obligation to develop the RMP. The Committee members also discussed the importance of reviewing WQM amendments because the data under development for the RMP will continue to provide information that will assist in the review of such amendments. The information will often be supplemental to the information analyzed under NJDEP's standards.

Mr. Dillingham noted that one of the goals of the RMP's smart growth component was to "identify undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not prime agricultural areas, and are located near or adjacent to existing development and infrastructure." The Committee members debated the need to develop specific review criteria above and beyond the standards in NJDEP's rules in Executive Order 109 in order to review the proposed amendments in accordance with the goals of the Highlands Act. The Committee then discussed the concern of the over allocation of staff resources to such reviews and its impact on the development of the RMP.

The Committee received public comment on the process for providing recommendation to WQM Plan amendments. Several commenters suggested that the Council should not recommend the approval of any amendments pending the completion of the RMP. Others noted the need to make recommendations with new data and information.

Mr. Balzano provided a summary of the analysis completed in the review of the proposed amendment in Alpha Borough. He described the site condition of Block 96, Lot 5, which is over 25 acres of agricultural land in State Planning Area One. The 31,200 gallons per day generated from the 108 unit project would be discharged to the Phillipsburg Wastewater Treatment Plant and the site would be served by

Aqua New Jersey, Inc. The stormwater from the site would ultimately be discharge to the Lopatcong Creek a Category One waterbody. Mr. Borden added that the proposed amendment was part of a case management order regarding Mount Laurel litigation and the Order requested Council review within thirty days if possible. Mr. Balzano concluded that based on available data, staff confirmed NJDEP's assessment that there are no wetlands, threatened or endangered species or riparian issues related to this site. He added that it was adjacent to existing developed areas and although the site presently had agricultural use, the site was isolated by roads and rail lines. He recommended that the Council action be conditioned to ensure compliance, for the stormwater discharge, with the Special Water Resource protection provisions of N.J.A.C. 7:8.

Mr. Dillingham asked for public comment on the proposed amendment. Commenters raised concerns regarding the karst geology and potential for sinkholes, the potential to alter the plume of pollutants from the Superfund site in the area, and the impact on Lopatcong creek. Another commenter stated that the proposed density was not appropriate and that given the adjacent densities the density of the project should be increased.

The Committee discussed the option of waiving their review of this project or including a statement of no objection to the proposed amendment. Ultimately, the Committee determined to allow additional public comment on the proposed amendment that would conclude at the June 1, 2006 meeting of the Highlands Council. The public was invited to submit written comments or provide oral comments at the June 1st meeting.

Mr. Dillingham concluded the Committee meeting, stating that there was insufficient time to consider the agricultural grants program.