

**2020 ANNUAL REPORT**  
**DELAWARE & RARITAN CANAL COMMISSION**



**Bruce D. Stout, Ph.D., Vice-Chairman**  
**Honorable Shawn LaTourette, Environmental Protection Commissioner (*ex officio*)**  
**Robin Madden, (Commissioner Designee)**  
**Phillip Lubitz**  
**Douglas H. Palmer**  
**John J. Reiser**  
**Honorable Caryl "Chris" Shoffner**

**John Hutchison, Executive Director**

# **Delaware & Raritan Canal Commission**

## **2020 Annual Report**

### **Background**

The Delaware and Raritan Canal Commission is a state agency created pursuant to the “Delaware and Raritan Canal State Park Law of 1974” (N.J.S.A. 13:13A-1 et seq.) whose mission is to: prepare, adopt, and implement a master plan for the physical development of the Delaware and Raritan Canal State Park; review State and local actions that impact on the park to ensure these actions conform as nearly as possible to the Commission’s master plan; and coordinate and support activities by citizens’ groups to promote and preserve the park.

The Commission works with the Department of Environmental Protection’s Division of Parks and Forestry, State Park Service, which owns and manages the Delaware and Raritan Canal as a state park. The Commission also coordinates its activities with the New Jersey Water Supply Authority (NJWSA), which operates and maintains the canal’s vitally important water transmission elements that provide 100 million gallons of drinking water daily for 1 million people in central New Jersey. Working together, the three agencies ensure that the environmental, recreational, historic and water supply resources of the Delaware and Raritan Canal are protected and preserved.

The Commission comprises the Commissioner of Environmental Protection (*ex officio*), and eight residents from Middlesex, Somerset, Mercer and Hunterdon counties, who are appointed by the Governor, with the advice and consent of the State Senate. The Commission Chairman is selected by the Governor pursuant to subsection f. of N.J.S.A. 13:13A-11. The position of Chairman has been vacant since November 19, 2014, and the Commission Vice-Chairman has served as Acting Chairman since that time.

The Commission meets once a month to take formal action on development applications and to make recommendations to staff about planning efforts. Commissioners appoint the Executive Director who serves at the pleasure of the Commission. Commissioners are also routinely involved with staff on many of the key issues addressed by the Commission.

### **2020 Annual Report**

This report has been prepared in compliance with the provisions of N.J.S.A. 13:13A-11(i), which directs that “...[o]n or before December 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature.” This annual report provides a complete statement covering the Commission’s operations and finances for 2020.

## Commission Operations

**Responding to COVID-19 Pandemic:** On March 9, 2020, Governor Murphy issued Executive Order No. 103 declaring a public health emergency and state of emergency throughout New Jersey in response to the outbreak of the novel coronavirus disease 2019 (“COVID-19”), a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus. COVID-19 was first identified in Wuhan, the People’s Republic of China, in December 2019, and quickly spread to the Hubei Province and ultimately to numerous other countries.

At the time of the Governor’s order, the Centers for Disease Control and Prevention in the federal Department of Health and Human Services reported more than 114,000 confirmed cases of COVID-19 worldwide and upward of 4,000 deaths. In the United States, there were more than 500 confirmed cases and 22 deaths. In New Jersey, there were 11 presumed positive cases of COVID-19, and two dozen more possible cases being investigated in 10 counties.

In the days and months that followed, Governor Murphy signed additional executive orders in response to the crisis, including those that instituted aggressive social-distancing measures and mandated the temporary closure of New Jersey’s state parks and historic sites for three weeks.

The Commission also took quick and effective actions in response to the COVID-19 pandemic. The Commission’s workload was reorganized. Priority was given toward ensuring that pending individual permit applications, general permit applications, certificates of approval, and conservation easements and conservation and maintenance agreement documents were reviewed and issued. All in-person pre-application meetings were cancelled, and walk-in permit applications suspended. Applicants were directed to submit applications through the U.S. Postal Service or through private delivery services.

The Commission’s investment in video conferencing technology during 2019 proved invaluable once the pandemic struck New Jersey. The 80-inch monitor and computer in the Commission conference room, which replaced a 1970s vintage motion picture screen, enabled the Commission to meet remotely, and was especially useful for holding pre-application meetings. The prominent 80-inch monitor allowed staff to display in large format architectural/engineering and site photos of pending projects and facilitated staff members’ use of tools such as the NJ-GeoWeb interactive mapping tool.

Although there was an initial concern that the COVID-19 pandemic would engender a precipitous drop in permit applications and fee revenues, this scenario never materialized. The Commission’s workload remained steady, and actually increased as the pandemic ensued. Fee revenues rose in comparison to prior fiscal years. The COVID-19 crisis underscored the need to implement a system of electronic application submissions and fee collections.

Executive Director John Hutchison noted that the Commission staff, especially Commission engineers Joseph Ruggeri and Damian Friebel, Review Zone Officer Colleen Christie Maloney and Administrative Assistant Tammy Romsdahl, performed admirable service under the challenging work conditions caused by the pandemic. The Commission staff also benefited from assistance provided by the DEP Office of Information Technology, which provided the Commission with

remote work and other information technology tools that enabled the Commission to continue its operations and to meet critical statutory and regulatory deadlines for reviewing project applications.

**Changes in Leadership, Personnel:** In 2020, the Commission's long-standing membership vacancies were partly addressed when the New Jersey Senate provided its advice and consent to the nominations of Caryl "Chris" Shoffner of South Bound Brook Borough and John J. Reiser of North Brunswick Township to serve as members of the Commission. Commissioner Shoffner serves as Mayor of South Bound Brook, thus filling a statutory requirement that one of the eight public members of the Commission be a mayor of a municipality "appertaining to the Delaware and Raritan Canal State Park." Commissioner Reiser, who formerly served as the Middlesex County Engineer, filled the vacancy created by the 2019 resignation of Mary Allesio Leck, Ph.D.

Although the additional appointments helped the Commission address its long-term challenge of maintaining a quorum at Commission meetings, the membership was reduced again in June 2020, when Commissioner Julia Cobb Allen resigned from the Commission after seven years of dedicated service.

In July 2020, DEP Division of Parks and Forestry Director Olivia Carpenter Glenn was appointed Deputy Commissioner of Environmental Protection, focusing her considerable talents on issues of environmental justice and equity. As director, Glenn served as the Commissioner's designee to the Commission. That role on the Commission was subsequently filled by Robin Madden, who was named Deputy Director of the Division of Parks and Forestry.

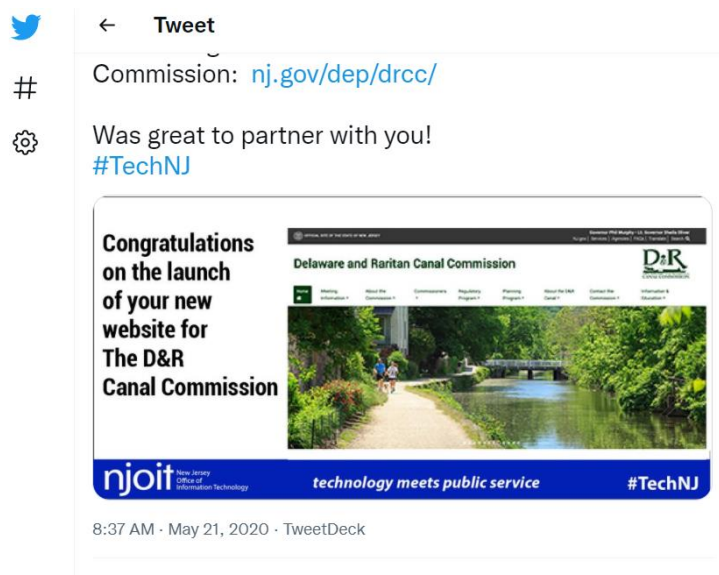
The Commission also welcomed Erica Vavrence to the staff in 2020 as a temporary hourly employee. She made impressive headway in organizing a backlog of filing that accumulated during the pandemic. By scanning scores of documents onto the Commission's cloud-based shared drive, she allowed the other members of the staff to effectively work in remote settings and reduced the backlog of filing that would ultimately need to be stored in the DEP central warehouse.

**Vice-Chairman Resignation:** In December 2020, Vice-Chairman John S. Loos announced his resignation from the Commission, concluding 16 years of dedicated service on the Commission. Commissioners and stakeholders who worked with Vice-Chairman Loos offered their sincere gratitude for his leadership, passion, and commitment to protecting the environmental, recreational, historic, and water supply resources of the Delaware and Raritan Canal. A Franklin Township resident, Vice-Chairman Loos was lauded as a valued mentor who won considerable respect for generously sharing his knowledge of the canal with his colleagues and the public. He earned admiration for his many contributions to the Commission's success. Expressing his appreciation for colleagues' kind words, Vice Chairman Loos noted that his service on the Commission had been one of the highlights of his life.

**Furlough Agreement:** Spurred by the COVID-19 pandemic, the State Government and the Communications Workers of America in June entered into an emergency memorandum of agreement, which required CWA-represented employees to take a maximum of 12 furlough days. The furlough agreement temporarily impacted the activities of the Commission engineers and its

administrative assistant during July. However, despite this and other challenges, the Commission staff remained well-organized and focused on core operations and were able to complete the Commission’s work within the statutory and regulatory timeframes.

**Revamped Commission Website:** A major improvement to the Commission’s operations was realized on May 13 when the Commission’s new website went live. Director Hutchison began the project soon after his appointment as Executive Director in 2017 and worked closely with the New Jersey Office of Information Technology (NJOIT) to completely transform the Commission’s 1990s era website. The new website will provide greater transparency and accessibility to the Commission’s meeting records and planning documents and hopefully generate interest in and advocacy for the canal.



In addition to the standardized and professional architecture common to all state government websites, the new site offers a wide array of new information in an easily accessible format, including past meeting minutes, annual reports, the bylaws, Commissioner biographies, links to the NJ-GeoWeb mapping tool, “FAQs” about the land use program, copies of the Commission’s historic planning documents, Commission-related legislation, maps, staff contacts, interactive driving directions to the Commission office, links to canal-related organizations throughout the United States, and a tool for filing OPRA requests.



The Commission thanked the talented team at NJOIT, particularly Data Processing Systems

Programmer Carl Sebestyen and Promotional Material Specialist Mary Leather, who provided invaluable assistance in designing and implementing the new website.

**Commission Office Improvements:** The Commission moved forward throughout 2020 on much-needed improvements to the Commission office at the historic Prallsville Mills complex in Stockton. The Commission worked with the DEP Office of Natural Resource Development and an architectural firm to prepare for the next phase of renovations scheduled for 2021 that involve installing gutters on the west elevation of the office, replacing energy inefficient and deteriorated exterior windows and doors, and replacing exterior siding damaged by insects and animals. Plans also included the first repainting of the office exterior in decades.

**Tropical Storm Isaias Damage:** Packing punishing winds, Tropical Storm Isaias in August toppled trees and downed power lines throughout New Jersey as it lashed the East Coast after making landfall in North Carolina as a hurricane. Though New Jersey was spared fatalities from the tropical storm that spawned a pair of tornadoes, millions were left without electricity for several days. The wind and water damage forced the temporary closure of State parks and forests, including the Delaware and Raritan Canal State Park. Power to the Commission office was cut for one week, which delayed Commission operations and damaged the office HVAC system.

### **Regulatory Program**

The “Delaware and Raritan Canal State Park Law of 1974” directs the Commission to preserve and protect the Delaware and Raritan Canal as a historic and natural resource, as well as a water supply system for much of central New Jersey. In furtherance of this statutory mandate, the Commission was given regulatory authority to protect the Delaware and Raritan Canal State Park from new development that “may cause an adverse impact on the park including drainage, esthetic and ecological factors.” To that end, the Commission reviews development projects within a designated “Review Zone” established by administrative regulations promulgated at N.J.A.C. 7:45 for their impact on the following:

- 1) Stormwater drainage and water quality;
- 2) Stream corridors;
- 3) Visual, historic and natural quality; and
- 4) Traffic.

The Review Zone is further divided into two subzones. Review Zone “A” is the area within 1,000 feet on either side of the center line of the canal, except in the Municipality of Princeton, where the west bank of Carnegie Lake shall be the boundary of Zone A, and where the Raritan River is within 1,000 feet, its farthest bank being the boundary. Review Zone “B” is based upon sub-watersheds located in central New Jersey that impact the Delaware and Raritan Canal. The Commission’s regulatory jurisdiction encompasses 286,955 acres (approximately 450 square miles of land) located in central New Jersey.

Developments that are defined as “major” projects under the Commission’s regulations (projects that involve the cumulative coverage since January 11, 1980, of one-quarter acre or more of

impervious surface, or the disturbance of one acre of land) must meet the Commission's standards for managing stormwater runoff quantity and quality. In addition, a project of any size that is proposed in Zone A is reviewed for its visual, historic and natural quality impact upon the Delaware and Raritan Canal State Park. The Commission also reviews certain projects that are within one mile of the park for their traffic impact. The Commission also requires the preservation of corridors along the major streams that enter the park.

Through its regulatory program, the Commission holds conservation easements on more than 5,000 acres of land that provide flood storage, improve water quality of major streams that enter the canal, and provide habitat for wildlife.

The Commission staff, consisting of three full-time employees and two part-time engineers, reviewed a total of 337 projects in calendar year 2020. Of these reviews, 113 were deemed complete by staff and presented to the Commission for formal action; 37 were General Permit Authorizations issued by the Executive Director in accordance with Subchapter 5 of N.J.A.C. 7:45; 78 were jurisdictional determinations, and 57 were certificates of approval. In addition, 165 staff reports were determined to be technically or administratively deficient, and staff issued reports recommending the submission of additional information necessary to determine completeness. Commission staff also engaged in many informal reviews and pre-application meetings with the regulated community to determine whether projects were complete and ready for Commission consideration.

**Conservation Easement acreage preserved:** Stream corridors are critical to improving and maintaining water quality entering the Delaware and Raritan Canal and canal park; they allow these areas to store and mitigate stormwater that may contribute to flooding. N.J.A.C. 7:45-9.5 directs applicants for individual permits that impact upon a Commission-regulated stream corridor to take whatever measures are necessary to ensure that those corridors will be preserved, and to prevent future encroachments in the stream corridor. The Commission's regulations further provide that, at a minimum, such measures shall include easements, deed restrictions, or other measures satisfactory to the Commission. In furtherance of this regulatory mandate, the Commission requires conservation easements on stream corridor buffers for approved projects.

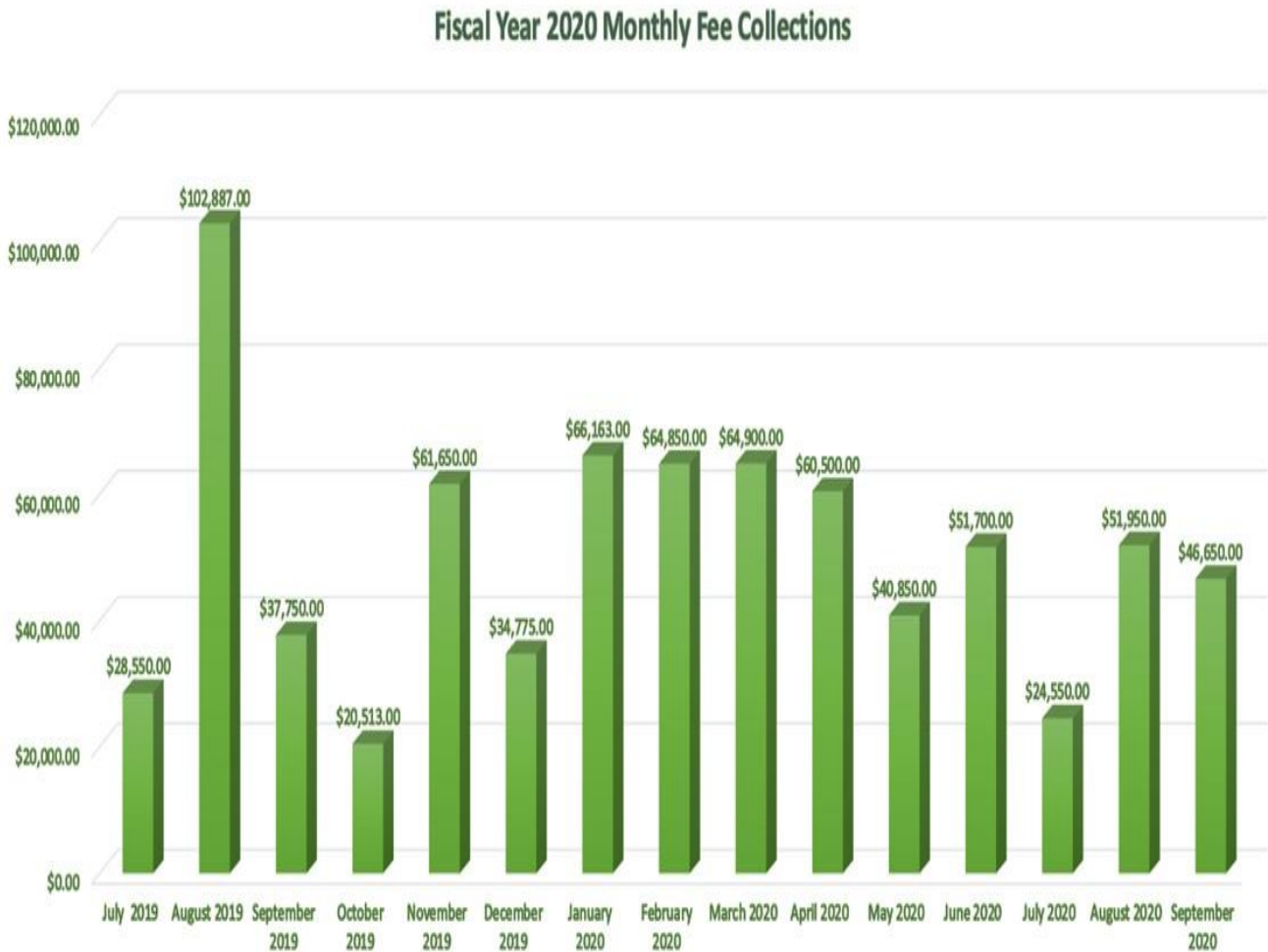
The easements along stream corridors that flow into the Delaware and Raritan Canal State Park generally stipulate the responsibility of the landowner to not develop the land, often require the planting of native vegetation, and often impose "no-mowing" and other landscape maintenance restrictions. Easement documents are filed with the clerk of the county in which the permitted project is located, and run with the land, meaning that the environmental protections automatically transfer with the property when the property is transferred to a different owner.

The Commission's stream corridor protections and easement program have resulted in one of the largest protected riparian corridors in New Jersey. More than 5,000 acres of stream corridor have been preserved and hundreds of acres of native plant restorations have been undertaken

under the Commission’s direction to date -- an accomplishment reached at no cost to state taxpayers. In 2020, the Commission executed easements that added an estimated 66 acres of stream corridor easements to those that have been preserved since the inception of the Commission’s regulatory program in 1980.

**Financial Information**

During Fiscal Year 2020, which ended on Sept. 30, 2020, the Commission collected \$758,238 in total revenue from project application fees. The following chart details the amount of monthly fee collections:

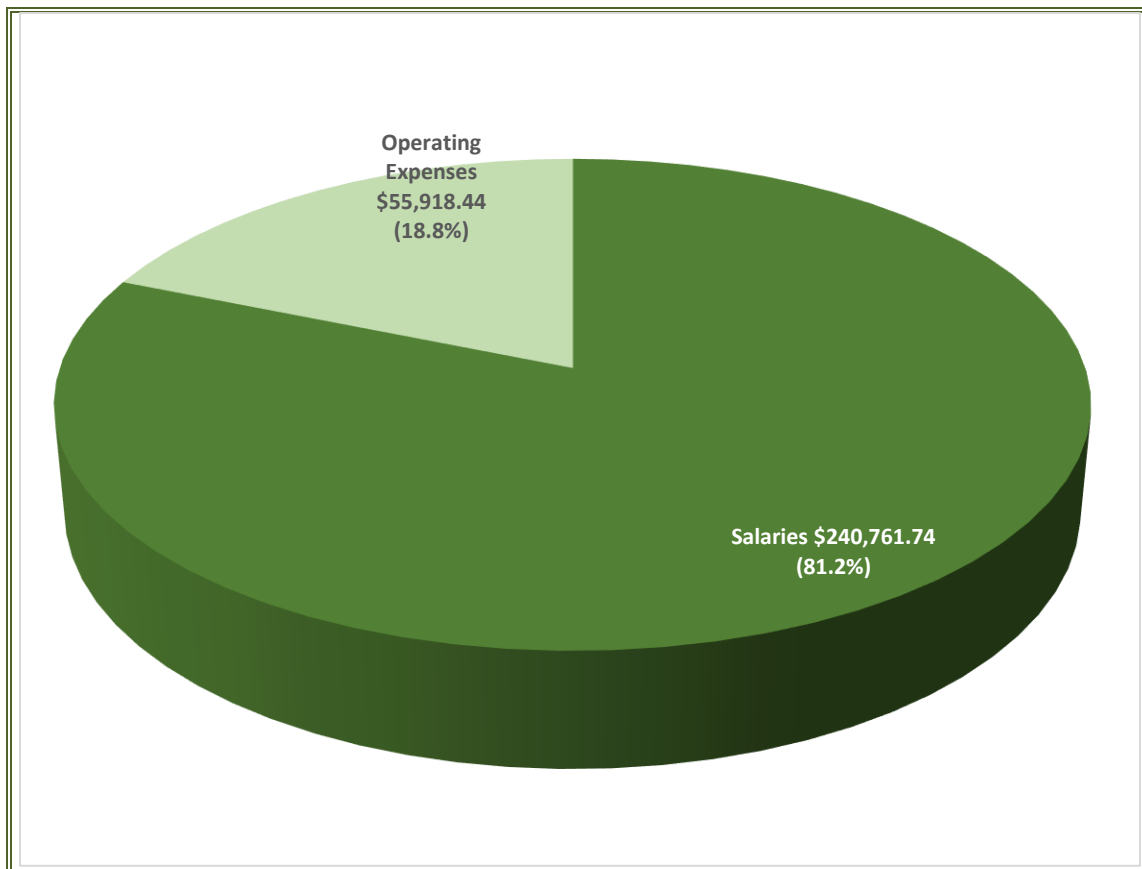


Commission fees are predominantly collected for the review of stormwater applications and stream corridor impact, but also include the review of visual, historic and natural quality impacts of proposed projects, traffic impact review, jurisdictional determinations, general permits and subdivisions. The following table provides a detailed breakdown of application fees collected pursuant to the various subchapters of the Commission’s regulations:



Fee Category	Amount Collected
Jurisdictional Determinations (N.J.A.C. 7:45-13.2(a))	\$6,600
General Permit No. 1 (N.J.A.C. 7:45-13.2(b))	\$1,200
General Permit No. 2 (N.J.A.C. 7:45-13.2(c))	\$2,050
Subdivision Review (lot line review only) (N.J.A.C. 7:45-13.2(i))	\$300
Stormwater Runoff and Water Quality Impact (N.J.A.C. 7:45-13.2)	\$635,100
Stream Corridor Impact (N.J.A.C. 7:45-13.2(g))	\$82,500
Visual, Historic and Natural Quality Impact Review (N.J.A.C. 7:45-13.2 (d)&(e))	\$11,413
Other (primarily "major modifications") (N.J.A.C. 7:45-13.2(k))	\$19,075

The Commission expended a total of \$296,680.18 in FY 2020. The Commission expenditures in FY 2020 are further broken down into the salary and operating costs noted in the following chart:



A detailed itemization of the \$55,918.44 in Commission Operating Expenses for FY 2020 is provided in the following table:

<b>Expenditure Detail</b>	<b>Total Amount Expended</b>
Office Supplies	\$573.75
State Print Shop Charges	\$175.07
Photocopier Rental	\$1,556.19
Household/Security	\$490.05
Postage	\$1,628.90
Information Pro Tele Op Services	\$1,183.39
Household	\$1,682.42
Consultant/Advisory Prof Services	\$0.00
Temporary Personnel Employment Services	\$1,244.60
Miscellaneous Services	\$213.49
Office of Attorney General Charges	\$18,606
Building & Grounds Maintenance	\$1,096.80
Maintenance of Vehicles	\$786
Rent -- Other	\$416.22
Buildings and Grounds Improvements	\$0.00
New Construction	\$12,680
Other Equipment	\$6,650.14
Info Processing Tele Equipment	\$6,935.42
<b>FY19 Total Operating Expenses</b>	<b><u>\$55,918.44</u></b>

### **Notable Commission Actions**

**Master Plan Update Analysis:** In an important step toward the proposed update of the 1989 Delaware and Raritan Canal State Park Master Plan, the Commissioners in August voted unanimously to authorize agency staff to work with the Edward J. Bloustein School of Planning and Public Policy at Rutgers University to research which areas of the current master plan are in need of revision. Since the master plan's last update 31 years ago, the canal region has changed significantly, particularly in land-use patterns, climate and environmental conditions, recreational use, demographics, and the condition of the canal's historic and cultural resources. Commissioners have voiced concern that, without an updated master plan, the Commission faces challenges conducting regulatory reviews that are consistent with actual conditions in the Review Zone. Jeanne Herb, adjunct member of the Bloustein School Urban Planning & Policy Development Program, who directs its Environmental Analysis & Communications Group, agreed to dedicate one semester of the Spring 2021 studio course of the Master of City and Regional Planning degree program to researching and assessing current conditions within the Commission's jurisdiction and changes that have occurred. The studio course project would yield a report that could be used as a guiding document for a master plan revision and update and

possibly lay the groundwork for potential funding.

**Bull’s Island Recreation Area Loop Trail:** Calling it an example of “how government should work,” Commissioners in November voted to approve a long-awaited proposal to reopen the northern portion of Bull’s Island Recreation Area in Delaware and Kingwood townships. The northern portion of the recreation area formerly contained a campground that was closed since 2011, following a fatal accident. An inter-departmental working group, convened at the invitation of the Commission and comprised of representatives of the DEP Division of Parks and Forestry, the DEP State Historic Preservation Office (SHPO) and the NJWSA devised the plan for the future use of the northern campground area. The proposed reopening project involves minimal tree cutting and proposes the creation of a loop trail that would allow public access to the historically significant areas of the Delaware and Raritan Feeder Canal and the Delaware River wing dam. The proposed ADA-accessible trail would provide park patrons with mobility issues greater access to much-loved and noteworthy section of the Delaware and Raritan Canal State Park.

**Vegetation Management Plan Approved:** In January, the Commission approved the NJWSA 2020 vegetation management plan, which is critical to maintaining the transmission complex that supports the flow of water in the canal and ensures the delivery of more than 100 million gallons of water per day to 1 million New Jersey residents. Effective vegetation management allows the NJWSA for safely maintaining the water flow, maintenance of the embankment areas, keeping a path clear to allow vehicles to travel along the path, and allows staff to visually inspect the embankment. Trees to be removed include diseased Ash trees; invasive species; and those that threaten public safety, impede access to the canal by NJWSA staff, as well as trees that suffered damage during storms and are severely leaning over the canal and multiuse trail. Vegetation management can include planned work and emergency work related to severe weather events. The NJWSA regularly communicates with the Commission, the DEP Division of Parks and Forestry, and the SHPO regarding tree work proposed in the Delaware and Raritan Canal State Park.

**Port Mercer Canal House:** The Commission issued a general permit for the installation of a new septic system at the historic Port Mercer Canal House -- a project made possible, in part, with mitigation monies that the Commission provided from a project in Lawrence Township. The Commission mitigation monies will enable the DEP’s Division of Parks and Forestry to re-occupy the second-floor apartment and allow the Lawrence Historical Society to use the first floor as its headquarters.

The Port Mercer Canal House was built during the canal’s period-of-significance (1834-1932) and is listed on the State and National Registers of Historic Places. The house was built in the 1830s next to the swing bridge over the Delaware and Raritan Canal and provided a home for the bridgetender and his family.



The house is typical of the basic clapboard-style residence that was built along the canal. This home is two-storied with a gable roof and one central chimney. Its entrance door and porch are located on the gable, or side façade of the structure. It has four interior rooms with two on the first floor and two above on the second floor with an enclosed side stairway and cooking fireplace originally situated in the basement. Of this style bridge house, only seven examples survive. Remediation of the failed septic system will allow this historically significant structure to be occupied, kept in good repair, economically viable and accessible to the public.

**Preservation of Historic Photographic Slides:** The Commission pressed forward with the critical work of preserving the Commission’s priceless collection of 35mm photographic slides compiled by former Commission Executive Director James C. Amon. The slides feature historic photos and postcards of the canal and its structures and capture the construction and development of the Delaware and Raritan Canal State Park. Also included is an archive of photographs that depict the canal region’s flora and fauna and scenes of life along the canal during the 1970s and 1980s.

To ensure the proper care and storage of these irreplaceable materials, the Commission in January formally accessioned the collection to the state Division of Archives and Records Management (DARM) in the Department of State for scanning and preservation. The collection is now the legal property of DARM. The originals would be made available to scholars, writers and the public at the Department of State’s archives building and could be put on public display once the goal of a Delaware and Raritan Canal museum is realized. Later in the year, some of the best and most interesting scanned historic images were transmitted to the NJOIT for inclusion on the Commission’s new website.



## **Conclusion**

As it was for all of State Government, 2020 was an undisputed year of challenges for the Commission. However, despite the difficulties posed by a global pandemic, and the uncertainties brought about by the abrupt shift to remote work and meetings, the Commission was able to

fulfill its statutory mandate and take proactive action to protect and preserve the Delaware and Raritan Canal, the State Park and the 286,955-acre Review Zone that surrounds one of New Jersey's most significant environmental, recreational and historic resources.