DELAWARE AND RARITAN
CANAL COMMISSION

RESOLUTION OF THE DELAWARE AND RARITAN CANAL COMMISSION 2021-07:

WHEREAS, The Commission issued a certificate of approval for project DRCC #07-3548, which authorized the New Jersey Turnpike Authority to undertake a highway widening project between Exit 6 and Exit 9, which was approved on April 23, 2009; and

WHEREAS, Pursuant to the provisions of N.J.S.A 13:1:3A-12d, the Commission is empowered to receive and accept, from any Federal or other public agency or governmental entity, grants or loans for, or aid of, the purposes of establishing Commission to develop a Master Plan for the Delaware and Raritan State Park and to implement a land use regulatory program to ensure the conformance of proposed private and public projects with such Master Plan; and

WHEREAS, N.J.A.C. 7:45-9.5 and 12.2, respectively, authorize the Commission to protect and preserve stream corridors that are associated with development projects, both during the construction of the project, but on a regular basis thereafter; and

WHEREAS, The widening project approved pursuant to DRCC #07-3548 resulted in direct impacts to over 60 acres of stream corridor acreage, and because of these impacts, approximately 150 acres of land associated with stream corridors were preserved as mitigation for those impacts, which in turn required that the Commission staff ensure that the impacts did not extend beyond the approximately 60 acres described in the approved plans, and that the preserved stream corridors were not encroached upon in the future by others; and

WHEREAS, It was envisioned at the time that such activities would continue on a monthly basis for a period of five years commencing in 2009, and would entail monitoring of the areas to be preserved as mitigation for the stream corridor encroachments; and

WHEREAS, One of the conditions of approval for DRCC #07-3548 required the New Jersey Turnpike Authority to remit the sum of $100,000.00 to the Commission to defray the cost associated with the monitoring of the preserved stream corridors as provided in the certificate of approval, which monies were subsequently deposited in Commission mitigation account #4875-031; and

WHEREAS, The five-year period envisioned for the monthly monitoring of the stream corridor subject acreage has long since expired, the monitoring of the stream corridor areas associated with project DRCC #07-3548 remains an ongoing activity of the Commission staff which can be

accomplished through the use of existing fiscal resources, and that a balance of $32,000.00 in the mitigation account remains unexpended; and

WHEREAS, the Commission determines that the balance of the monies deposited in account #4875-031 can be better used to address the urgent need to complete the project to reforest the northern section of the Bull's Island Recreation Area, which has been closed to the public for an extended period of time; and

NOW THEREFORE, BE IT RESOLVED:

1. The Commission approves the transfer of an amount not to exceed $30,000 to the Division of Parks and Forestry from mitigation account 4875-031, which shall be used for reforestation activities at the northern section of Bull's Island Recreation Area.

2. That a copy of this resolution, signed by the Chairman and attested by the Secretary, be transmitted to the DEP Assistant Commissioner for Management and Budget, the DEP Assistant Commissioner for Natural and Historic Resources, the Director of the Division of Parks and Forestry, the Superintendent of the Delaware and Raritan Canal State Park.

Bruce D. Stout, Ph.D., Vice Chairman

I hereby certify the foregoing to be a true copy of the resolution adopted by the Delaware and Raritan Canal Commission at their meeting of December 15, 2021.

John Hutchison, Secretary