

New Jersey Freshwater Wetlands Mitigation Council Meeting

February 9, 2016

9:30 a.m.

A regular meeting of the Wetlands Mitigation Council was held on February 9, 2016 at the New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2nd floor, Trenton New Jersey at 9:30 am.

COUNCIL MEMBERS PRESENT: Claudia Rocca, Patricia Burns, David Roth and Susan Lockwood.

STAFF MEMBERS PRESENT: Jill Aspinwall, DAG John Doyle, and Regina L. Kukola

Meeting called to order

Claudia Rocca called the meeting to order, read the Sunshine Law statement and stated that public notice for this meeting was given on January 22, 2016 to the Secretary of the State's office and written notice was sent to the following newspapers; The Newark Star Ledger/Trenton Times, The Camden Courier Post, and the Atlantic City Press.

Review and approval of the December 8, 2015 Council meeting minutes.

Ms. Jill Aspinwall informed the Council that Ms. Susan Lockwood submitted editorial comments, which were distributed to the Council yesterday. Ms. Aspinwall asked Ms. Lockwood to outline the edits with the Council.

After Ms. Lockwood reviewed the edits she made, Ms. Claudia Rocca motioned to approve the December 8, 2015 meeting minutes.

Ms. Lockwood seconded to approve the December 8, 2015 meeting minutes.

All present voted in favor.

Update on the Mitigation Fund.

Ms. Aspinwall stated that as of December 31, 2015, the balance of the Mitigation Fund was **\$6,811,998.84**. There were three expenditures since the last report: Lenape (\$430,740.17), Thompson Park (\$545,499.87), and Quakertown Preserve (\$7,760.66). Ms. Aspinwall stated that the Lenape and Thompson Park expenditures were large because those projects have received their permits and are moving towards construction. Quakertown Preserve's expenditure includes two payments made for monitoring activities. There are a total of 12 Outstanding Approved Projects with remaining balances: Walnut Brook (\$4,455.00), Cadwalader Park (\$8,640.00), Quakertown Preserve (\$17,377.27), Lake Hudsonia (\$350,000.00), Lenape (\$164,329.69), Skillman Park (\$40,000), Kittatinny (\$1,967,000.00), Pin Oak (\$1,388,769.58), Thompson Park (\$162,230.88), Jamesburg (\$430,836.24), Deep Run Preserve (\$505,240.37), and Bloomfield Township (\$1,755,746.67). The total of allocated funds for these projects is **\$6,794,625.70**, which brings the new fund balance to **\$17,373.14**.

Ms. Lockwood asked if the upcoming contribution for the Carteret Waterfront Marina would be reflected on the Mitigation Fund update in future meetings. Ms. Aspinwall responded that because the Carteret contribution is being received under the new In-Lieu-Fee instrument, future Mitigation Fund updates will include two tables: one table tracking projects approved and funds received before the implementation of the In-Lieu-Fee instrument and one table tracking projects approved and funds received after the implementation of the In-Lieu-Fee instrument.

Old Business

Review of a resolution memorializing the Council's decision to approve a monetary contribution in the amount of \$765,325.00 for NJDEP Permit # 1201-05-0004.2, Carteret Waterfront Marina, Borough of Carteret, Middlesex County.

Ms. Lockwood motioned to approve the Resolution.

Ms. Burns seconded the motion to approve the Resolution.

All present voted in favor.

Mr. Mark Renna asked if the Council was accepting public comment and Ms. Rocca stated that the Council would hear public comment.

Mr. Renna referenced the clause in the resolution that states that "there are no other approved wetland mitigation banks servicing the applicable watershed management area", and informed the Council that there is a tidal mitigation bank that serves a portion of WMA 7. In addition, Mr. Renna stated that the amount of the contribution was insufficient and that he did not foresee the contribution being used on an in-kind mitigation project to create or enhance intertidal subtidal shallows in WMA 7.

Ms. Lockwood asked what bank Mr. Renna was referring to, and Mr. Renna responded that MRI-3 Mitigation Bank serves portions of WMA 7. He explained to the Council that tidal mitigation banks are driven by HUCs rather than WMAs, and determined by interagency review teams co-chaired by the Army Corps and NJDEP.

Ms. Lockwood clarified that the MRI-3 Mitigation Bank serves a portion of WMA 7 that does not include the Carteret Waterfront Marina project site. She suggested that future resolutions should read that there is no mitigation bank covering the area of the project site. Ms. Aspinwall responded that at the meeting it was stated that there were no mitigation banks servicing the applicable watershed management area, so the resolution was an accurate depiction of what transpired during the meeting. Ms. Aspinwall agreed that better clarification could be provided in the future.

Review of a resolution memorializing the Council's decision to approve the use \$13,248.83 of the approved Cadwalader Park Ecological Restoration budget to remove and dispose of a perimeter fence, City of Trenton, Mercer County.

Ms. Lockwood motioned to approve the Resolution.

Ms. Burns seconded the motion to approve the Resolution.

Ms. Rocca asked for clarification explaining why the resolution approved the use of \$13,248.83, while the update on the Mitigation Fund lists Cadwalader Park's remaining balance as \$8,640.00. Ms. Aspinwall explained that the prior Council which approved the grant for this project authorized two advance payments in 2009 and 2010 totaling \$51,360.00 to the City of Trenton. The \$13,248.83 request amount includes an amount of \$4,608.83 already paid to the City of Trenton that was not able to be accounted for because D&R Greenway completed the monitoring, but utilized other grant funds to complete the project. Ms. Aspinwall informed the Council that if the City of Trenton spends less than \$4,608.83 on the removal of the perimeter fence and installation of interpretative signage, then the City of Trenton will owe the Council any remaining balance. Ms. Aspinwall also stated that no additional funds will be released to the City of Trenton until they document expenditures totaling the sum of the advance payments made in 2009 and 2010.

Ms. Rocca asked if there were any public comments on the resolution and none were made.

All present voted in favor.

New Business

Ms. Rocca stated that there were no New Business items on the agenda.

Public Comment

Ms. Rocca asked if there was any additional public comment.

Mr. Renna asked if all Council members currently present would be attending the next meeting. Ms. Patti Burns responded that she would be resigning from the Council to pursue other opportunities, and will not be present at future meetings. Mr. Renna thanked her for her service and asked if future meetings will have a quorum. Ms. Burns responded that she will be available to call into meetings if needed until June 2016.

ADJOURNMENT: Ms. Claudia Rocca motioned to adjourn the meeting. Mr. David Roth seconded the motion. All present voted in favor of adjourning the meeting.

The next meeting date has tentatively scheduled for April 12, 2016.