

**New Jersey Freshwater Wetlands Mitigation Council Meeting  
February 17, 2022**

A regular meeting of the Wetlands Mitigation Council was held on February 17, 2022. Due to declared COVID-19 state of emergency and related executive orders, the Freshwater Wetlands Mitigation Council meeting was held virtually via Microsoft Teams Meeting.

COUNCIL MEMBERS PRESENT: Dr. Lenore Tedesco (Chair), Bryon DuBois, Susan Lockwood, Claudia Rocca

STAFF MEMBERS PRESENT: DAG Jay Stypinski, Faelyn Meyers

Dr. Tedesco called the meeting to order at 9:30 am and announced that public notice for the meeting was given to the Secretary of State's office and written notice was sent to The Newark Star Ledger/Trenton Times, The Camden Courier Post, and the Atlantic City Press on February 17, 2022. A statement on the COVID-19 pandemic and the virtual meeting was included.

Ms. Meyers took roll call attendance:

Dr. Tedesco- Present  
Ms. Rocca- Present  
Mr. DuBois- Present  
Ms. Lockwood- Present

**Review and decision regarding the December 16, 2021, Council meeting minutes.**

Dr. Tedesco opened the floor for Council Discussion.

Ms. Lockwood made a correction on page 3. She mentioned the individual permit (IP) was statutory. The general permit (GP) rate can be adjusted to consumer price index and not based on the IP rate.

Ms. Meyers stated she made the changes and will send out the amended minutes after the Council meeting.

Ms. Lockwood moved to approve the amended minutes.

Ms. Rocca second to approve the December 16, 2021, meeting minutes.

Ms. Meyers took roll call vote:

Dr. Tedesco- Yes  
Ms. Rocca- Yes  
Mr. DuBois- Yes  
Ms. Lockwood- Yes

Dr. Tedesco asked Ms. Meyers to include Dr. Orton in the roll call even though he was not present.

Ms. Meyers announced that Dr. Orton had resigned from the Council. The Council has a quorum of four members for this meeting.

### **Update on the Mitigation Fund**

Ms. Meyers stated that the balance as of February 15, 2022, was \$ 2,655,988.25. Over the last 4 months, the Council made seven payments from the Fund to Thompson Park, Pin Oak, Jamesburg Park, Deep Run Preserve, Lenape Farms, and Buckelew Bogs. With these payments the allocated funds are now at \$1,459,844.53, making a new Fund balance of \$1,196,756.71. She did not find a schedule for current Council project updates and will update the Council during the next meeting.

Dr. Tedesco stated she will continue to get timely reports regarding the funds.

Dr. Tedesco asked if there are any questions. There were none.

### **Discussion of subcommittee roles regarding monetary contributions**

Dr. Tedesco stated that in the last meeting the Council agreed to creating a subcommittee to review monetary contributions (mc) made to the fund and the associated Rules.

Dr. Tedesco asked for three volunteers.

DAG Stypinski mentioned the subcommittee cannot be a quorum which is why only three members can participate.

Mr. DuBois and Ms. Rocca volunteered to join the committee.

Dr. Tedesco asked Ms. Lockwood to join as the third member since she has experience in this area.

Ms. Lockwood agreed and mentioned she found meeting minutes of when single family rates were adopted and had saved them.

Dr. Tedesco made a motion to create a subcommittee to review the policy concerning monetary contributions

DAG Stypinski agreed with making a motion to adopt the subcommittee members.

Ms. Lockwood second the motion and brought up another question. Ms. Lockwood mentioned other areas of the rules that have affected the Council. She suggested the Council makes recommendations for changes to the intertidal and subtidal shallows (ISS) portion of the Rules.

Dr. Tedesco mentioned that ISS contributions would be covered under the greater umbrella of Monetary Contributions.

Ms. Meyers took roll call:

Ms. Rocca – Yes

Ms. Lockwood – Yes

Mr. DuBois – Yes

Dr. Tedesco – Yes

Ms. Meyers stated she will leave it to the subcommittee to decide when to meet.

Dr. Tedesco agreed and will leave all legal questions to DAG Stypinski.

Ms. Meyers will send a note to Dr. Tedesco regarding the plan.

Dr. Tedesco thanked the members.

Dr. Tedesco asks for any other question or comment.

### **Public Comment**

Dr. Tedesco opened the floor to public comment.

Mr. Mark Renna from Evergreen Environmental introduced himself. He stated the Council has to accept the in-leu fee (ILF) for the ISS which is the main source of money in the Fund.

Mr. Renna stated there were 63 entries in the ISS Fund update report given by Ms. Meyers which are being charged at a rate of a beach front real-estate property. If you take the dollars collected and the acreage of impact this works out roughly to \$3.58 million dollars per acre or per credit. While the Council charges 10 cents on the dollar for a single-family rate for mitigation purposes.

Mr. Renna continued to say that the Council has not mitigated for ISS since the nineties and continues to use the funds to mitigate for Freshwater Wetlands (FWW). He requests the use of a Request for Proposal (RFPs) for ISS funds and projects.

Mr. Renna asked to make an additional comment.

Mr. Renna claimed the marketing and distribution of the Council meeting notice is not the best. He understood that COVID is partially to blame. He claimed that newspaper advertisement does not result in large attendance.

Mr. Renna also stated it has been three years since \$1.4 million was allocated for Liberty State Park which is still in the design phase. He mentioned how a large sum of money was involved in the project.

Dr. Tedesco said the Council would continue to monitor the situation.

No more comments from the public were made.

## **Council Comment/Other Business**

Ms. Lockwood mentioned the RFP. She was not sure what projects the public was interested in. She stated the Fund has two big pots of money backed by the ISS contributions. One being the Atlantic Coastal and the other for which she forgot the name.

Ms. Meyers stated it was the Raritan.

Ms. Lockwood claimed the Council converted to in-lieu fee to make sure the mitigation funds were accumulating and not stagnant.

Ms. Lockwood suggested putting out an RFP sometime this year, so the funds were not sitting for too long. She mentioned the EPA found fault in the past due to the funds not getting used.

Dr. Tedesco mentioned the funds for the Atlantic were new funds received in 2021-2022 and agreed on making an agenda item for the RFP situation moving forward.

Ms. Lockwood mentioned the State and Environmental Protection Agency (EPA) had a new watershed registry tool which could be used to identify locations for mitigation. She stated the registry is in the development phase but could be of use during the RFP process and for other mitigation projects. The registry would identify mitigation and restoration projects.

Ms. Lockwood was not sure if the registry would help applicants going forward and asked for a presentation on the tool. She mentioned how other states were developing registries for public use.

Dr. Tedesco asked how the registry might be used? To help the Council rank projects, find projects or both?

Ms. Lockwood said she is not sure, but it could be useful to private companies that are looking for areas to mitigate. She explained, the registry can identify properties with mapping.

Ms. Lockwood mentioned it would be a great tool if an applicant wants to work on a restoration project. The registry could help applicants identify projects and then apply to the Council for grant funding. She mentioned the registry would show great locations which could focus efforts if the property is accessible.

Dr. Tedesco stated other states prioritize mitigation restoration and would like to come up with a way the Council can be proactive. She claimed she is not sure if it is RFP, but it would be smart for the Council to investigate.

Dr. Tedesco recommended asking DAG Stypinski if using the registry aligns with the State laws.

Ms. Meyers stated she will investigate different tools and see if she can reach out to a lead. She asked the Council to send her other known tools that they would like to know about.

Dr. Tedesco agreed. She mentioned groups like the Salt Marsh Barrel, Black Rail Works, and the FWW and Saltwater Species assemblies.

Ms. Lockwood voiced her concern regarding the number of Council members with the resignation of Dr. Orton. She mentioned a vacant position in the higher education spot. She stated an example of an individual who applied for the Council but whom stopped responding to inquiries before he could be appointed.

Ms. Lockwood asked the Council if they knew any contacts with an ecological background. She mentioned she knew a few people but expressed concern with the time it takes the State to make appointments.

Ms. Lockwood stated that every action the Council will take must be unanimous to pass. If the Council does not have four "yes" votes than nothing can be approved.

Dr. Tedesco mentioned she cannot help if nothing happens on the State side. She expressed that she would be willing to help by reaching out to the connection at the State to help move the appointment process along.

Ms. Lockwood stated that they should find individuals who are eligible. The Department of Environmental Protection (DEP) submits their names, but the Governor's office makes the appointments, which takes time.

Ms. Lockwood noted the situation where the gentleman volunteered for the Council three years ago but until now, did not hear back from the State. She mentions she's very sympathetic regarding the situation when a variety of people are interested in the Council but lose interest over time when they do not receive a timely appointment

Dr. Tedesco said she sees both sides effecting the ability of the council. She mentioned the current low membership is affecting the Council's ability to function.

Ms. Lockwood mentioned they had a Council opening on the environmental side but was not sure if the spot was moving. She stated she was waiting to hear back from the applicant and would seek help from Rutgers regarding the new vacancy. The Council will go through Jessica Cobb for feedback.

Mr. DuBois mentioned he know a few individuals at Rowan and Stockton who would be interested in the Council. He asked for a list of open positions.

Ms. Rocca made a motion to adjourn at 10:09 am.

Mr. DuBois seconded the motion and every member voted yes.

**Executive Session- Not Held**

**Adjourn**

The next meeting is scheduled for April 21, 2022