

## **New Jersey Freshwater Wetlands Mitigation Council Meeting**

October 13, 2015

9:30 a.m.

A regular meeting of the Wetlands Mitigation Council was held on June 9, 2015 at the New Jersey Department of Environmental Protection, Hudson Room, 501 East State Street, 2<sup>nd</sup> floor, Trenton New Jersey at 9:30 am.

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

**STAFF MEMBERS PRESENT:** Jill Aspinwall, Regina L. Kukola and Ana Incollingo.

### **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 September 25, 2015 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 June 9, 2015 Council meeting minutes.**

Ms. Susan Lockwood commented that there was a minor mistake on page two under the public comment paragraph 1 of the June meeting minutes.

Mr. Robert Tucker motioned to approve the June meetings.

Ms. Claudia Rocca seconded the motion to approve meetings

All present voted in favor.

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

Ms. Jill Aspinwall stated that as of August 31, 2015 the Mitigation Fund balance is \$7,940,797.73. During this time period there were three expenditures; Thompson Park \$88,443.06 and \$6,850.00 and Lenape \$1,040.00. Outstanding approved projects with remaining balance are \$6,185,051.06, leaving the mitigation fund with \$1,755,746.67. There is one full proposal before the Council today, Bloomfield Township, with a requested project in the amount of \$2,129,340.00.

Mr. Mark Renna from Evergreen Environmental stated that the fund had had 11 million and now had 8 million, and asked how the 3 million had been spent? Mr. Renna requested an update on the progress that resulted from the expenditure for the \$3,000,000 over the last three years.

Ms. Jill Aspinwall stated that the list of projects on the Update to the fund is the current projects. Once the projects are complete they will not show up on the update.

Ms. Susan Lockwood suggested reviewing the previous updates, which will show you how the money was spent.

Ms. Patricia Burns suggested a spread sheet itemizing the spending of the fund.

Mr. David Roth agreed on the spread sheet to show step by step where the money goes.

Ms. Claudia Rocca suggested a list of total approved amount.

Ms. Jill Aspinwall stated that she would revised the update on the fund to include the original funding amount, the current balance and a sentence or two regarding the status of the project.

Mr. Mark Renna requested that the list of approved projects be given to the public.

Mr. Mark Gallagher stated that it is worth the Council's time to see completed projects.

Mr. Andy Strauss asked for the exact amount of the fund.

Ms. Jill Aspinwall stated \$1,755,746.67.

#### **Update on the In Lieu Fee Document**

Ms. Jill Aspinwall stated that the In Lieu Fee document was approved by the USEPA and has been signed by the Assistant Commissioner of Land Use and the Ms. Claudia Rocca on behalf of the Council.

Mr. Mark Renna stated that he and others submitted comments to EPA and inquired as to the status of those comments.

Ms. Jill Aspinwall stated that that question should be asked of EPA.

#### **Presentation by Princeton Hydro, LLC requesting final approval on a project known as the Third River Floodplain Wetland Enhancement Project, Bloomfield Township, Essex County, NJ.**

Mr. Nick Janow, stated that he appreciated that opportunity to present this important project to the Council.

Mr. Mark Gallagher presented the project known as the Third River Floodplain Wetland Enhancement Project, in Bloomfield Township, Essex County. The Township of Bloomfield is seeking final approval for \$2,129,340.00 from the Council to create and enhance wetlands and floodplain associated with the Third River. The proposal is to create 2.19 acres of wetlands, enhance 3 acres of wetlands as well as some transition area enhancement. They understand that the cost of the project is high and that they used conservative estimates when calculating the budget. For example, disposal costs will be reduced by bringing fill material to a recycling facility. Also, excavation may be less than originally thought, as Bloomfield Township believes that the ground water is higher than what they have budgeted for, based on the water elevation of the wetlands and adjacent river. There was a discussion about the 2 feet of fill and the ground water levels as there

was a concern that if you excavate the fill you would be in the ground water. It was suggested that it would be appropriate to take the time to take probe samples to get a full understanding of the groundwater. The project is being conducted to meet site remediation standards.

The town will be contributing \$500,000 to match the project and will do some of the construction work, which will help to reduce costs.

There was further discussion on the pipe connections to the river as well as the enhancement area. There are deer issues at the site, and therefore everything will be enclosed.

Mr. Mark Renna, Evergreen Environmental, stated that there is not a lot of information on defining success. Typically its 85% survival, 85% coverage, what are the success criteria?

Ms. Susan Lockwood stated that DEP is developing monitoring standards and that they would be incorporated into the project.

Mr. Mark Renna stated that there needed to be equitable treatment of banks and mitigation projects, and that \$2,000/year for monitoring seemed very low.

Mr. Andy Strauss stated that the town understands that monitoring is a valuable component and that Rutgers, as a partner, may undertake some of the monitoring.

Mr. David Roth asked for Task 6, Wetland Planting and establishment, how much of the \$105,000 was for plant stock.

Mr. Mark Gallagher stated that they use a 2.5 multiplier for stock and installation, and they are budgeting 10 foot on center so it is about \$35,000 for plant material.

The Council expressed that there were insufficient funds to cover the whole amount to finish this project.

Mr. Mark Gallagher stated that they are hoping to find other sources of funds. . Also, he stated that the Town will do the actual construction which will relieve some of the costs and that the town is hoping they can track other funding sources.

Mr. Andy Straus commented that they understand that the Town has an important component and that they can adjust the budget so that monitoring goes to the Township. In addition, Dr. Beth Ravitt, Rutgers University and her colleagues will be partnering with the Town on this project and will be providing design and science input. In addition, they can assist with the development and implementation of a monitoring program, and by using students can reduce the costs.

There was a discussion on how to fund the project since the amount requested is more than the Council has. The Council discussed funding the project in phases or committing future funds to the project. However, the Council cannot contract with anyone for more than the amount in the Wetlands Fund. In addition, the Council should not rely on future monetary contributions since there is no guarantee when a monetary contribution will come in and in what area it will come in, since now all monetary contributions will be tracked using the ILF document. The Council can either deny the project or can fund the project in the amount that they have in the fund, with the applicant making up the difference in the project amount.

Ms. Claudia Rocca motioned to approve the project on the amount of \$1,755,746.67 with the condition that applicant provide a revised proposal to Council staff to reflect the approved budget of \$1,755,746.67. The applicant will have to make up for the any budget deficiency.

Mr. David Roth seconded the motion to approve.

A Roll call vote was taken

Mr. Robert Tucker    yes

Ms. Sue Lockwood    yes

Ms. Claudia Rocca    yes

Ms. Patti Burns       yes

Mr. Dave Roth         yes

The motion passed.

Mr. Nick Janow thanked the Council for their level of commitment. This is the first step of many for this project and he whole heartedly thanked the Council.

Public Comment:

Mr. Mark Renna stated that he will be watching the ILF to ensure its compliance with the 2008 Federal Rules and remarked that the Council has committed all of its funds. Mr. Renna inquired on the status of the motion to increase the single family homeowner monetary contribution amount passed by the Council. Ms. Aspinwall stated that the increase, while approved by the Council is required to be changed by rule making.

Mr. Renna further stated that \$400-500,000 per wetland credit reflects the actual cost of mitigation. He said that the Council charges \$300,000, which does not accurately depict true mitigation costs, which has really skewed things, and that the economics are artificially skewed based on the actions taken by the Council. Mr. Renna further stated that the Council should be charging more money. In addition, he said, the Council should be meeting 6 times per year, but with the lack of a quorum or nothing to discuss, the Council realistically is meeting 4 times per year. Mr. Renna, stated that the Council has lost its effectiveness, terms have or will expire and there is no money.

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

The next meeting date has tentatively scheduled for December 8, 2015.