

New Jersey Freshwater Wetlands Mitigation Council Meeting
November 15, 2018

A regular meeting of the Wetlands Mitigation Council was held on November 15, 2018, at the NJDEP Offices located at 501 East State Street in Trenton, NJ.

COUNCIL MEMBERS PRESENT: Dr. Lenore Tedesco (Chair, appointed 4/24/17), Mark Renna, Claudia Rocca, Dr. Philip Orton (via phone at 9:45), Bryon DuBois

STAFF MEMBERS PRESENT: DAG Kristina Miles, Jill Aspinwall, Kim Springer

Dr. Tedesco called the meeting to order at 9:30 am, and stated that public notice for this meeting was given to the Secretary of 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 on October 30, 2018.

Review and approval of the May 17, 2018 Council meeting minutes

Ms. Rocca made a motion to approve the May 17, 2018 Council meeting minutes.

Mr. DuBois seconded the motion to approve the May 17, 2018 Council meeting minutes.

There were no questions or discussion on the May minutes, and all Council members voted for approval of the minutes. Dr. Orton was absent from this vote as he had not yet joined the meeting.

Update on the Mitigation Fund

Dr. Tedesco stated that staff has been working on updating the format of the fund update and she believes that the format as presented addresses the Council's suggestions and recommendations on the format.

Ms. Aspinwall stated that as of September 20, 2018, the Mitigation Fund balance is \$4,377,772.97. There were two expenditures during this reporting period: \$230,681.96 for Jamesburg Park and \$46,508.71 for Deep Run Preserve. There was one monetary contribution received for NJDEP Permit #1506-10-0039.1 in the amount of \$4,212.00

Ms. Aspinwall provided an update for each of the approved projects that are still ongoing. A total of \$3,299,853.55 has been allocated to approved projects, leaving a balance of \$1,077,919.42 of non-allocated funds. This portion of the table has been updated to reflect the total amount of wetlands created, enhanced or restored.

The total interest earned on the account is \$292,050.42.

Mr. Mark Gallagher of Princeton Hydro stated that Lake Hudsonia has received their permit and work should be commencing soon. Bloomfield has also received the permit and the Township has passed a resolution to retain a contractor. Liberty State Park has been transferred to the Army Corps of Engineers and they are working on a redesign of 250 acres.

Old Business

Review and approval of a resolution approving a monetary contribution in the amount of \$4,212.00 for NJDEP Permit # 1506-10-0039.1 FWW 110002, Brick Township, Ocean County.

Ms. Rocca moved to approve a resolution approving the monetary contribution.

Mr. DuBois seconded the motion to approve the resolution approving the monetary contribution.

Ms. Aspinwall stated that the purpose of the resolution was to memorialize the Council's approval at the May 17, 2018 meeting of a monetary contribution for NJDEP Permit #1506-10-0039.1.

A vote was taken and three Council members voted to approve the Resolution and one Council member voted against the Resolution.

The motion to approve the Resolution failed.

A discussion amongst the Council members and with Ms. Aspinwall followed regarding the implications of the failed motion. Ms. Aspinwall asked Mr. Renna why he voted against the Resolution. Ms. Aspinwall explained the Council's approval at the May 17, 2018 meeting of the monetary contribution needed to be memorialized and the Resolution is intended solely to provide the required memorialization. Ms. Aspinwall stated the Council is not voting again on the substantive determination to accept the monetary contribution, but rather voting to determine whether the resolution memorializing the monetary contribution is accurate. It was determined that the resolution was accurate, however each Council member was entitled to their right to vote the way they wanted. During the discussion, at approximately 9:45am, Dr. Orton joined by phone.

There followed additional discussion as to whether the Council could make another motion regarding the Resolution since another Council member had joined the meeting. Mr. Renna asked whether, legally, a second motion could be made. DAG Miles advised that it was a parliamentary procedure issue, and that while the Council could not consider the same defeated motion twice in the same session, the Council could consider a sufficiently altered motion in the same session. In subsequent discussion, it was suggested that a subsequent motion that made clear the procedural intent of the Resolution would be sufficient to avoid the parliamentary procedure issue.

Dr. Tedesco moved to accept the documentation in order to adopt the resolution to memorialize the Council's decision to accept a monetary contribution.

Ms. Rocca seconded the motion to accept the documentation in order to adopt the resolution to memorialize the Council's decision to accept a monetary contribution.

A roll call vote was taken:

Mark Renna- No
Bryon DuBois-yes
Claudia Rocca-yes
Lenore Tedesco- yes
Philip Orton- abstain

The motion did not pass.

There was then a discussion on why there is a need to vote on a resolution if it is simply a memorialization of the Council's decision. DAG Miles will look into the issue to be discussed by the Council at a later time.

New Business

Presentation by Craig Metzger, Amy S. Greene Environmental Consultants on the status of the Kittatiny-Kenco Project.

Craig Metzger of Amy S. Greene Environmental presented the Pequest Wildlife Management Area/Kenco Acquisition project in order to provide an update to the Council on the progress of the project since the last time he was before the Council, approximately 5 years ago. Mr. Metzger included a PowerPoint slideshow as part of his presentation.

The Kenco Wetland Restoration Project is a 90 plus acre property consisting of modified agricultural wetlands. The property was drained in the 1950s for agricultural production. There is over one mile of shoreline along the Pequest River and over 3 miles of agricultural ditches. The site contains 21 acres of mature forests. The dominant vegetation present on site before construction included sod, autumn olive and multiflora rose. The Council approved the resolution for funding the project in August 2014. Design and permitting were conducted between 2014 and 2017. Construction began July 2017, planting began November 2017, and was completed in March 2018. Maintenance and Monitoring began in April 2018 and is anticipated to continue to December 2022. There has been a lot of involvement from NJDEP Division of Fish and Wildlife on the property and this will continue throughout the length of the project. The project consisted of 34.2 acres of forested wetland restoration, 19.6 acres of wet meadow restoration, 9.1 acres of stream corridor restoration, 21 acres of enhanced forested wetlands, 4.6 acres of passive forested wetland restoration, 1 mile of floodplain bench along the Pequest River, 1 mile of stream realignment, ditch plugging, instream structures and bank stabilization, and the incorporation of wildlife habitat features. The construction highlights include the implementation of sediment and erosion control measures and BMPs, over 40,000CY of earth movement, topsoil stripping and reuse, removal of debris, stream diversion, decompaction and microtopography and plant salvage. Landscaping highlights include plant salvage, 20,000 installed trees and shrubs, 70 acres were seeded and stabilized with native seed mixtures, and habitat features such as brush piles, perching snags, vernal habitat, basking logs, and turtle nesting mounds were incorporated. Annual monitoring of the site will continue from 2018 through 2022. Maintenance and monitoring will include invasive species control, wildlife documentation, replanting, and herbivory control for

deer, beaver and voles. The project received the 2018 Firman Bear Ecological Excellence Award. The project restored 90.47 acres of wetlands and wildlife habitat, restored three miles of stream bank through bank stabilization and stream restoration, and completed over 70 acres of riparian zone enhancement. The project established approximately 30 freshwater wetland credits for the equivalent of \$70,000/credit. Public access and the placement of educational signs and trails will continue. Throughout the monitoring period, documentation of rare plants and wildlife found on site will continue. For example, *Juncus torreyi*, a New Jersey endangered plant was recently found on site and Amy Greene Consultants is in the process of verifying that find.

Dr. Tedesco asked if the stream system has seen any flood events. Mr. Metzger stated that the stream has experienced several flooding events, some of which occurred during construction. However, the stream stabilization and the site have incurred no erosion issues during any of the flooding events.

Mr. Renna stated that this is an impressive project and asked whether the credit price included the land, design and permits? Mr. Metzger replied that the credit price did not include the land value as the property was already owned by the State of New Jersey. Mr. Metzger stated that the property was the right fit for the project, as the land was primed to be restored. They used local contractors who know the area.

Mr. Andy Strauss asked what the total cost of the project was? Mr. Metzger replied that that the project costs \$2.1 million dollars. The project received support and assistance from the NJ Division of Fish and Wildlife along with North Jersey Resource Conservation and Development Council volunteers. The design and approval portion of the project was about \$250,000 and \$500,000 has been allocated to monitoring and maintenance. The project was not publicly bid and multiple contractors were used.

Dr. Orton asked how many areas were lowered in elevation. Mr. Metzger replied that there were approximately 10-12 acres of excavation that were lowered but other areas were raised through the use of ditch plugs. Dr. Orton asked whether or not this site improved the flood waters retention of the area. Mr. Metzger replied that the site is very small in comparison to the size of the watershed, however it still does play a role in reducing flooding.

Presentation by Mark Gallagher, Princeton Hydro, on the status of the Skillman Park Project.

Robert George from Princeton Hydro presented on the status of the Skillman Park Wetland Enhancement project. Mr. George included a PowerPoint slideshow as part of his presentation.

Mr. George began by providing an overview of the project, which is located within a 256-acre passive recreation county park in Montgomery Township, Somerset County New Jersey. The project area included Sylvan Lake Dam, which was located along the Rock Brook. Ultimately, the removal of the Sylvan Lake Dam allowed for the restoration of an 8-acre riparian-wetland complex. In 2015 Princeton Hydro conducted field surveys and identified that the area had very low vegetative cover and few woody plants. The areas that were vegetated were predominately

herbaceous species including Pennsylvania smartweed and spotted lady's thumb. The general goals of the project included long-term stability, habitat diversity and the establishment of a native scrub-shrub community. This site did present a few challenges due to its location within a flood plain. In addition, the 2008 dredging removed substrate that exposed the red shale outcroppings. The challenges were overcome and, during planting, the site was planted with 3250 herbaceous plugs including: swamp milkweed, common boneset, spotted trumpetweed, fowl manna grass, rice cut grass, cardinal flower, green arrow-aryum, duck potato, soft stem rush and woolgrass. The site was also planted with 770 woody plants including smooth alder, common buttonbush, Virginia sweetspire, swamp azalea, swamp rose and black willow. Year two had a marked growth in woody plant growth. The increase recruitment of sycamore led to an increased stability of the site. In year 3, 2018, the site continued on the trajectory of little to no invasive on the site as invasive species were being outcompeted on site. Willows are thriving on the site with lots of natural recruitment. Many of the willows on site are already 4-5 inch caliper trees. In conclusion, the site has many stewardship opportunities. The site is currently meeting and/or exceeding cover requirements, has high survivorship of woody species and minimal invasive species. Moving forward monitoring will continue on this site. As dam removals increase statewide, there is an opportunity for riparian enhancement in the former impoundment.

Mr. Renna asked how Princeton Hydro was able to complete this project for \$56,000. Mr. George responded that there were no volunteers, and that he purchased and installed all of the vegetation. The dam was already planning to be removed and was not a part of this project, nor was the original dredging of the impoundment.

2019 Schedule of Meetings

There were no concerns over the 2019 schedule of meetings. The proposed meeting dates for 2019 include:

January 17, 2019
March 21, 2019
May 16, 2019
July 18, 2019
September 19, 2019
November 21, 2019

Council Comment

There were no comments.

Public Comment

There were no comments

ADJOURNMENT: Ms. Rocca motioned to adjourn the meeting.

Dr. Tedesco seconded the motion to adjourn the meeting.

All present voted in favor of adjourning the meeting.

The next Wetland Mitigation Council meeting has been tentatively scheduled for January 17, 2019.