

Agenda
Stakeholder Meeting
Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A)
April 11, 2011
Public Hearing Room, NJDEP

- **Opening remarks- Robert B. Piel, Jr., Office of Land Use Management**
- **Introductions – Kerry Kirk Pflugh, Office of Communications, Meeting Facilitator**

Topics of Discussion

1. **Streamlining of Administrative Process** (application contents, review times, public notice, electronic submittal, public hearings, etc.)
 - We are considering making substantial changes to the administrative process to better align all the land use rules.
 - We are considering adding the ability to submit an application electronically; do you see any problems with that change?
 - We are considering adding a process for instant permits for activities that have little or no effect on wetlands or transition areas. Activities such as monitoring wells are being considered. Are there other activities that can be considered under this process?

2. **General permits** - We are considering creating additional general permits and coordinating Flood Hazard Area GP's with FWW GP's. GP's for solar panels on landfills; solar panels on modified agricultural areas, and a GP for utility right-of-way maintenance are being considered. Do you have any suggestions for additional activities that should be considered for GP's?
We are also considering expanding GP20 for bank stabilization to rely on flood hazard area calculations to determine the length and type of stabilization. Are there any existing general permits that you find need to be revised or clarified?

3. **Permits-by-rule** – We are considering creating permits-by-rule. The following activities are being considered: maintenance of wetland stormwater basins; other maintenance activities that currently require a GP1; surveying activities and placement of monitoring wells in wetlands; spraying of invasive species as long as an Aquatic Pesticide Permit is obtained; and certain stream cleaning activities. Are there any activities you consider eligible for a permit-by-rule?

4. **Transition Area Waivers-** We are examining how to better clarify allowable impacts for access through transition areas such as under Statewide General permit #10 for minor road crossings. Do you have any suggestions on how to accomplish this? We are also considering eliminating the matrix type width reduction transition area waiver because we have heard from stakeholders that it is complicated and rarely used.
5. **Surveying Standards for wetlands and transition areas –** We are considering creating surveying standards for wetland and transition area delineations. Do you have any recommendations?
6. **State open waters vs. ditch-** We are considering providing better guidance in the rule for determining whether a feature is a stream or a ditch. Do you have any recommendations regarding how to differentiate these features?
7. **Mitigation –** We are examining the mitigation subchapter to determine if clarification or changes are needed. We are considering allowing for more flexibility in mitigation options. We have heard from stakeholders that it is difficult, time consuming and expensive to locate sites suitable for mitigation. Do you have any recommendations or concerns? We are also considering reducing monitoring periods for certain mitigation projects associated with clean-up projects because the shorter time frame is sufficient to determine success of these specific mitigation projects.