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## NJ WETLANDS RULE OVERHAUL PROPOSED

The State of New Jersey is proposing a comprehensive overhaul of its freshwater wetlands program, a three-decade old regulatory scheme aimed at preserving swampy areas vital to filtering out pollution and controlling flooding.

In a rule proposal of nearly 700 pages, the Department of Environmental Protection is seeking to reduce unnecessary rules, add flexibility, and provide more consistency with other state and federal environmental programs.

But the proposal is triggering concern among some environmental groups that it would go too far in streamlining rules at the expense of existing protections.

The Freshwater Wetlands Act is one of the signature achievements of former Gov. Thomas Kean's legacy, a record with no shortage of environmental milestones. Enacted after a bruising legislative battle in 1987, the law sought to save disappearing wetlands, a natural resource crucial to protecting drinking-water supplies and serving as critical habitat for a wide variety of species.

In the rule, the state agency said it aims to align the wetland rules with the other two permitting programs administered by its Division of Land Use Regulation. The other programs - the coastal zone management and flood-hazard management sections - underwent a similar revamping late last year over the protests of most of the state's environmental groups.

"The transformation of the operations of the land-use permitting program also involves streamlining functions, re-energizing engineering business processes, and leveraging technology to eliminate unnecessary paperwork," according to the rule proposal.

The Environmental Protection Agency has determined the changes proposed by New Jersey fulfill the requirements of the federal Clean Water Act.

The development of the rule has been a lengthy process - even by Trenton's protracted standards. The department held three stakeholder meetings with interested parties - the most recent occurring in March 2014 and the two others in April 2011. The rule was published last month and a public hearing was held last week.

The new rules ease permitting in several ways, but critics cite the new use of allowing permit-by-certification for the wetlands program as particularly troublesome. It would allow developers to simply certify they followed all the standards without departmental oversight before undertaking actual activities in the wetlands.

The changes also allow some permits to last for 10 years, instead of five, and establish conditions to

allow "temporary disturbances," a provision that does not now exist, according to Tittel.

By: Tom Johnson  
Philadelphia Inquirer - 6/8/17

*New Jersey's wetlands serve as a last line of defense for conservation of much of the state's remaining natural spaces. These spaces protect what little habitat remains for many of the state's endangered species and provide important filtration processes that clean out pollutants from the water in which we drink from. Protection of these spaces is critical and to leave the importance of protection in the hands of developers could jeopardize people's health and property. Clearly the rules of the State's wetlands program needs to be more consistent with local government, other state, and federal regulations. It would be best if the proposed rule changes found a balance between providing more consistency which can streamline the process for developers and still keep state oversight regulations. State oversight has worked for the past 30 years and is what is best for preserving the remaining wetland areas.*

*Wetlands permitting is typically different from state to state, and in some instances from county to county. If New Jersey and other States would adopt more of the federal regulations on wetlands, there would be a consistent understanding of what is and what is not a wetland or wetland boundary throughout the US. Therefore, out of state developers would have a better understanding of what they are permitted to do in or near a wetland. The more of an understanding developers have when encountering a wetland, the more likely the wetland will be protected.*

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