Gary J. Brower, Esq.

Attn: DEP Docket Number 05-15-04

New Jersey Department of Environmental Protection

Office of Legal Affairs

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Trenton, NJ 08625-0402

RE: Freshwater Wetland Protection Act Rules

Proposal: PRN 2017-061

DEP Docket No. 06-17-03

Dear Mr. Brower:

I am writing to urge the New Jersey Department of Environmental Protection not to adopt the proposed Freshwater Wetland Protection Act rules. I believe these rules are not in the spirit of the Freshwater Wetland Protection Act and the Federal Clean Water Act.

The proposed rules state that it should be “liberally constructed to effectuate the purposes of the act.” N.J.A.C. 7:7A-1.5. That purpose is plainly written in the Act which says “it shall be the policy of the State to preserve the purity and integrity of freshwater wetlands.” The rules, in many instances, proposed by NJDEP does not implement that goal. We know that protecting wetlands and their buffers are vital to New Jersey’s environmental and economic health and future.

Wetlands provide many benefits to New Jersey. Those benefits are both environmental and economic. Wetlands provide:

* Valuable habitat for wildlife including threatened and endangered species.
* Absorb storms resulting in reduced flooding.
* Act as filters reducing pollution that flows into our streams and aquifers, and ultimately our drinking water

The proposal to allow mitigation to occur outside of the immediate area of the impacts will result in less protections for the impacted area. For example, the proposed rules would allow a permit to fill in wetlands in Hopewell Borough in exchange for buying credits in a mitigation bank in Cranbury, which is 20 away. The two areas have different wildlife areas, and different streams run through the areas. The result will be the potential for more flooding and more water pollution in the area of the permit while the environmental benefits are going to the area surrounding the mitigation bank. Removing the requirement that mitigation occurs as close to the impact as possible will only result in winners and losers.

It is well recognized that extreme weather events are increasing. According to Climate Central, New Jersey, the heaviest downpours are increasing in frequency. As extreme events are increasing, it is more important than ever to safeguard the natural resources that protect us.

It is also well recognized that wildlife and threatened and endangered species, in particular, are suffering from the continued fragmentation of their habitat. Simplifying the process to fill in or degrade wetlands will result in more fragmentation of habitat to the detriment of our wildlife.

Lastly, wetlands provide filtering benefits removing pollutants from the stormwater. Stormwater collects many kinds of pollutants from the ground including asbestos, oil, antifreeze, pesticides and other chemicals. The proposed rules reduce the protections afforded to wetlands. As many of New Jersey’s waters are not clean enough to meet standards; it is important we do not reduce these protections.

We ask that the NJDEP do not adopt the rules as proposed. The rules should increase the protections afforded to wetlands not reduce those protections.