

July 1, 2006

Lisa Jackson, Commissioner  
Department of Environmental Protection  
401 East State Street  
Trenton, NJ 08625

Dear Commissioner Jackson:

We the undersigned have concerns regarding the current interpretation of C-1 stream buffers on farmland being converted to non-agricultural uses like residential or commercial subdivisions.

NJDEP rules require a 300-foot buffer zone to protect the resource qualities of C-1 waters. Recognizing the special role of farmers, the rules allow a reduction of the buffer to 150 feet for farming purposes if the land is already "disturbed," meaning not in its natural state.

NJDEP interpretation is presently allowing this buffer reduction to be permanent even when the land is taken out of agricultural production - and thus allowing construction of buildings in the buffer.

We strongly urge that this interpretation be reconsidered. Where no farm buildings have occupied land, we believe it should not be considered as "disturbed" land when being developed for other uses, and the 300-foot buffer should be enforced. This would allow the land to return to its natural state and provide the protections for C-1 resources intended by the rules.

Furthermore, the NJ Supreme Court has supported the right of NJDEP to adopt the C-1 protection rules. There is, therefore, no reason to allow construction in the 300-foot buffer of C-1 waterways and their tributaries.

Thank you for your consideration of our comments, and we look forward to your response to our request.

Sincerely,

Association of New Jersey Environmental Commissions (ANJEC) Sandy Batty, Executive Director

Citizens United to Protect the Maurice River and its Tributaries,  
Inc, Jane Morton Galetto, President

Coalition for Affordable Housing and the Environment, Paul  
Chrystie, Executive Director

Delaware Riverkeeper Network, Tracy Carluccio, Special Projects  
Director

Friends of Holland Highlands, Michael Keady, President

Friends of Little York, (Hunterdon County). Robert Reid,  
spokesperson

Hackensack Riverkeeper, Capt. Bill Sheehan

Musconetcong Watershed Association, Beth Styler Barry, Executive  
Director

New Jersey Audubon Society, Susan Kraham, Director of Policy and  
Counsel to the President

New Jersey Conservation Foundation, Alison Mitchell, Policy  
Director

New Jersey Environmental Federation, David Pringle, Campaign  
Director

New Jersey Highlands Coalition, Julia Somers, Director

New Jersey State Federation of Sportsmen's Clubs, George P. Howard  
Conservation Director

New Jersey State Federation of Women's Clubs, Marjorie Strohsahl

Newton Creek Watershed Association, Mark Dill, President

New York - New Jersey Trail Conference, Dennis W. Schvejda,  
Advocacy Director

North Byram Concerned Citizens, Scott Olson

Phillipsburg Riverview Organization, Reggie Regrut, Executive  
Director

Pinelands Preservation Alliance, Richard Bizub, Director of Water Programs

Rancocas Conservancy, Barbara Rich, President

Save Barnegat Bay, Willie deCamp, President

Sierra Club, N.J. Chapter, Jeff Tittle, Director

Skylands CLEAN, Eve Tomczak, Associate Director

South Branch Watershed Association, William S. Kibler, Executive Director

Stony Brook-Millstone Watershed Association, Jim Waltman, Executive Director

The Upper Raritan Watershed Association, Cindy Ehrenclou

Upper Rockaway River Watershed Association, Connie Stroh

Cc. Mark Mauriello, Assistant Commissioner  
Debbie Mans, Governor's Office