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## **5. WATER: N.J. proposes strict limits to river developments**

**Arthur O'Donnell, *Land Letter* editor**

The New Jersey Department of Environmental Protection this week proposed sweeping limits on development near rivers and reservoirs that supply drinking water and fishing opportunities. The plan would apply "Category One" status to more than 900 miles of waterways and some 1,300 acres of reservoirs in 11 counties, said DEP Commissioner Lisa Jackson.

Category One is the state's highest level of water-quality protection and entails a near total ban on development up to 300 feet of stream banks and a maximum ratio of "impervious" surfaces, such as concrete, asphalt or roofing. In many cases entire river systems and their tributaries and associated lakes will fall under the proposed changes. Small developments of less than one acre and most agricultural uses are exempt from the state permitting rules, however.

Varied buffer limits -- up to one mile wide -- apply to waterways that flow through habitats that support certain threatened or endangered species, including: the bog turtle, brook floater, Eastern pond mussels and the dwarf wedgemussel.

According to DEP, about 250 miles of the river systems are already protected to a degree because they fall within the Highlands Preservation Area ([Land Letter](#), April 12).

In a related move, the agency also proposed new water quality management planning standards and regulations to address the effects of septic systems on groundwater. The rule changes would require municipal planners to upgrade existing plans or enact new plans to conform to the new state rules. DEP said that 141 municipalities are without current plans and 289 others have outdated plans.

In a statement accompanying the proposals, Jackson said the new rules "will mean safer drinking water for New Jersey's families and cleaner habitat for rare species of wildlife" and they will "shield fragile areas from the threats that invariably accompany inappropriate development."

The rules revise definitions of waterways that are considered as exceptional ecological, recreational, water supply or fisheries resources, and therefore eligible for Category One status.

The new regulations will be published May 21 in the state register prior to the start of a 60-day comment period.

[Click here](#) to view the DEP documents.