

MEETING MINUTES

RESIDENT MEETING WITH HOPEWELL TOWNSHIP OFFICIALS AND MERCER COUNTY SOIL CONSERVATION DISTRICT REPRESENTATIVE

Date: October 23, 2008

Location: Hopewell Township Municipal Building

BACKGROUND

Honey Lake was created under the Small Watershed Act, Public Law 566 in the 1950's at the request of the Stony Brook Millstone Watershed Association (SBMWSA) and for the purpose of controlling sediment accumulation in Carnegie Lake.

It was under the Small Watershed Act and by this SBMWSA request that Baldwin Lake, Curlis Lake, Honey Lake, Hunt Lake, Rosedale Lake and Willow Lake, all within Hopewell Township, were constructed. As part of this Watershed effort, the Federal Government contracted to construct 3 of the lakes on private property and the local sponsors indemnified owners from all liability.

Baldwin Lake is presently owned and maintained by the New Jersey Department of Environmental Protection (NJDEP). Curlis Lake, Rosedale Lake and Willow Lake are presently owned, operated and maintained by Mercer County.

Honey Lake and Hunt Lake were previously maintained by the SBMWSA through 2002. At that time, SBMWSA decided to transfer the obligation to the County of Mercer. In 2005 NJDEP Dam Safety determined the maintenance obligation belonged to the Soil Conservation District and the MCSCD accepted the obligation.

The initial 1950's request was required by the Federal Government to be sponsored by a public entity and the Mercer County Soil Conservation District, a body politic of the State of New Jersey, was selected as the sponsor in 1956.

The dams were designed by the Natural Resources Conservation Service (NRCS) in the late 1950's and Honey was constructed in 1963 and Hunt Lake was constructed in 1960.

The Federal Government executed 50 year agreements with the MCSCD to obligate them as responsible party. These agreements expire in 2010 for Hunt lake and 2013 for Honey Lake. The term of the agreement has been assumed to be based upon an engineering determination of life expectancy of the dam structures. This assumption is that flood control dams have a life expectancy of 50-100 years and dams that have the sole purpose of controlling sediment volume have a life expectancy of 50 years.

Honey Lake was drained in 1964 and deepened.

There have been hydraulic studies completed for Honey Lake and Hunt Lake to evaluate the integrity of each dam and the impacts that would be associated with a dam break. The result has been a finding by the Federal Government that both dams represent "Significant Hazards" because of downstream conditions. However, the NJDEP has issued a finding that each dam represents a "High Hazard" because of downstream conditions.

The high hazard classification makes the MCSCD ineligible to continue to be a sponsor for both lake sites based upon Federal criteria.

The high hazard classification is due to Route 31 and the home site downstream and on the east side of Route 31 for Hunt Lake dam. The high hazard classification of Honey Lake is due to one home site downstream of the dam.

It is unknown at this time what work is required to change the classification from high hazard to low hazard. A detailed engineering study is required to make such a determination and the NRCS has filed a grant request with the Federal Government for \$60,000 to fund such a study. This request has not been able to be considered because of the lack of a Federal budget for over 2 years. This request is also competing with other requests on a national basis so the ability to secure the grant through such means is questionable.

Because of Hurricane Floyd and the impacts caused by high hazard dam failures during that storm in Burlington County, the NJDEP has filed a lawsuit against 10+ such dam owners across the State to compel them to meet NJDEP criteria. NJDEP expert admitted during testimony that these dams were not, in fact, in such danger.

The lawsuit has been sent to a mediator and one intervener in the case has named Mercer County as a 3rd party. The Attorney General appears to be demanding the preparation of an emergency action plan as well as forcing a decision on long term ownership and maintenance.

NEXT STEPS

Hopewell Township will have its Hydrogeologist review each site and make a determination on groundwater well impacts and recharge IF each dam is removed.

There will be outreach to Congressman Rush Holt to see if assistance can be provided at the Federal level to act on the NRCS grant application. Who should lead this effort is TBD.

A legal review and inquiry will be made to determine if the mediation proceedings can be “stayed” while this cooperative effort is being made. Who should lead this effort is TBD.

Hopewell Township will make an inquiry of Mercer County to determine if they are in possession of an updated emergency action plan that can be used as a model to create one for this dam structure without great effort or cost.