

**APPENDIX**

**Participating Organizations**

- Allyance for a Clean Ocean
- American Lattical Society
- Arthur Kill Coalition
- Asbury Park Fishing Club
- Bay Lany Garden Club
- Be Shore Regional Watershed Council
- Bayshore Saltwater Fishers
- Bedford Seafood Co-op
- Belmar Fishing Club
- Beneath The Sea
- Bergen Save the Watershed Action Network
- Berkley Shores Homeowners Civic Association
- Cape May Environmental Commission
- Central Jersey Anglers
- Citizens Conservation Council of Ocean County
- Clean Air Campaign, NJ
- Coalition Against Toxics
- Coalition for Peace & Justice, Unplugged Salem
- Coast Alliance
- Coastal Jersey Patriot Head Club
- Communication Workers of America, Local 1034
- Concerned Businesses of COA
- Concerned Citizens of Bergen
- Concerned Citizens of COA
- Concerned Citizens of Monmouth
- Concerned Students and Educators of COA
- Eastern Monmouth Chamber of Commerce
- Fisher's Island Conservancy
- Fisheries Defense Fund
- Fishermen's Deck Cooperative, Pt. Pleasant
- Friends of Island Beach State Park
- Friends of Liberty State Park, NJ
- Friends of the Boardwalk, NJ
- Garden Club of Englewood
- Garden Club of Elm Haven
- Garden Club of Long Beach Island
- Garden Club of Middletown
- Garden Club of Morristown
- Garden Club of Navesink
- Garden Club of New Jersey
- Garden Club of New Vernon
- Garden Club of Oceanport
- Garden Club of Princeton
- Garden Club of Rumson
- Garden Club of Short Hills
- Garden Club of Shrewsbury
- Garden Club of Spring Lake
- Garden Club of Washington Valley
- Great Egg Harbor Watershed Association
- Highlands Business Partnership
- Hulk Club of Sea Girl
- Hudson River Fishermen's Association
- Jersey Shore Captains Association
- Jersey Shore Patriot Head Club
- Jersey Shore Rowing Club
- Junior League of Monmouth County
- Keep our Environment Commission
- Kewans Club of Manasquan
- Kewans Club of Shadow Lake Village
- Leonardo Party & Pleasure Boat Association
- Leonardo Tax Payers Association
- Main Street Wildwood
- Marine Trades Association of NJ
- Monmouth Conservation Foundation
- Monmouth County Association of Realtors
- Monmouth County Audubon Society
- Monmouth County Friends of Elktonia
- Monmouth Fishermen's Longshoremen's Fund
- National Coalition for Marine Conservation
- Natural Resources Protection Association, NJ
- NJ Beach Buggy Association
- NJ Commercial Fishermen's Association
- NJ Environmental Federation
- NJ Environmental Lobby
- NJ Main Ship Owners Group
- NJ Marine Education Association
- NJ PIRG Citizen Lobby
- Northampton Fishing & Fishing Club, NJ
- NYC Sea Gyppies
- NY State Marine Education Association
- NY/NJ Barkeeper
- Ocean Week Divert, NJ
- Paddle Outing
- Pleasant Saltwater Sportsmen Club
- Ramapo Riverkeeper
- Ridgepole on Water
- Riverside Drive Association
- Rotary Club of Long Branch
- Rotary District 2750 - Atlantic
- Sam George's by the River Church, NJ
- Saltwater Anglers of Bergen County
- Sandy Hook Bay Anglers
- Save Barnegat Bay
- Save the Bay, NJ
- SI AS Monmouth
- Seaweeders Garden Club
- Shark Research Institute
- Shark River Cleanup Coalition
- Shark River Surf Anglers
- Shore Adventure Club
- Shore Club, NJ Shore Chapter
- Sons of Island of Monmouth County
- Sooptimus Club of Cape May County
- South Jersey One Club
- South Monmouth Board of Realtors
- Staten Island Friends of Ctenoptera
- Staten Island Toro Club
- Strathmore Fishing & Environmental Club
- Surfers Environmental Alliance
- Surfrider Foundation, Jersey Shore Chapter



Ocean Advocacy  
Since 1984

# Clean Ocean Action

www.CleanOceanAction.org

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**Testimony on Behalf of Clean Ocean Action  
 New Jersey Senate Environment Committee  
 Monday, January 28, 2008  
 State House Annex**

Thank you for the opportunity to testify today. I am Cindy Zipf, Executive Director of Clean Ocean Action, a coalition of 125 boating, business, community, conservation, diving, environmental, commercial and recreational fishing, religious, service, student, surfing, and women's organizations based at Sandy Hook, NJ.

The coalition is an advocate for a clean and healthy marine environment. Since 1984, the coalition has successfully worked with federal and state leaders to improve the waters off the NJ coast. We have come a long way. No longer is New Jersey the ocean dumping capitol of the world.

Indeed, we ended ocean dumping at eight sites, prohibited strip-mining of our limited and critical sand reserves, worked to prohibit offshore oil and gas development, closed industrial pipelines, and reduced ocean discharges of raw sewage.

It wasn't easy, but with leadership and vision, we brought the Jersey Shore back. We've transformed it from a polluters' playground and the laughing stock of the nation to a premier shore destination and an essential engine for the state's economy. Today's swimmers see their toes and beach closures occur less often. Fishing has improved, and species long-missing from the shore area are back. And while not all species are safe to eat due to pollution, progress has been made.

Now is the time to lock-in that success before those who see the ocean as an industrial park have a chance to turn back the clock. The New Jersey/New York Clean Ocean Zone is a legislative initiative to permanently protect the waters off the Jersey coast from pollution and habitat-destructive activities, such as fossil fuel production, ocean dumping, and sand mining. To date, it has the support over 100 organizations, 43 municipalities, and nearly 20,000 citizens.

Why is it needed? There are those who see the ocean as the next vast industrial park and, make no mistake, - industrial proposals loom. There is now a race to industrialize the ocean. Proposals include two foreign fossil fuel mega-projects. Not only is more fossil fuel use the wrong direction to reduce greenhouse gas emissions, but also these projects are proposing technologies that have never been proven anywhere else in the world.

- One, ironically called Safe Harbor, would require dumping millions of tons of material in the ocean in a ridiculous effort to build the world's first open ocean island and then slap an industrial LNG facility on top.
- The other, proposed by ExxonMobil, is a floating LNG facility off Manasquan Inlet, called BlueOcean Energy. When this same unproven technology was proposed off the coast of California, Governor Arnold Schwarzenegger rejected the proposal due to environmental concerns.

Closer to home, the floater technology is also proposed in Long Island Sound, and is called Broadwater. Connecticut Governor Jodi Rell vehemently opposes the project and her Attorney General, Richard Blumenthal, has committed to make every effort to prohibit the environmentally harmful proposal. However, Connecticut's solution is simple-- put the Jersey Shore at risk.

To quote Mr. Blumenthal, "BlueOcean Energy is a clear, direct alternative to Broadwater, which is obviously far less dangerous and destructive to the environment than Broadwater."<sup>1</sup> It is the same environmentally destructive technology, but somehow Connecticut's politicians think the ocean off our coast is not worthy of the same protection.

Did we work hard to bring back our ocean, beaches, marine life, and the extraordinary economic benefits they provide to again become the dumping ground for environmentally risky projects no other states want? Absolutely not.

There are many legislative initiatives and actions that are needed, which we would support along with our colleagues, such as stable funding for open space, water quality protection funding, measures to promote energy conservation and efficiency to address global climate change (which is also an extraordinary economic growth opportunity), and examining the benefits of creating a stormwater utility.

We are here today to ask that the NJ Senate support the bi-partisan federal legislation -the New Jersey/New York Clean Ocean Zone legislation (H.R. 2854), introduced by US Representatives Frank Pallone with Chris Smith. The support would be in the form of a Senate Resolution, ideally a Joint Resolution between the Senate and Assembly, as well as accompanying legislation. Such legislation would prohibit transportation activities through NJ waters for any purpose or actions related to activities prohibited in the federal Clean Ocean Zone bill. The bill prohibits activities such as: new ocean dumpsites, new point sources of pollution and increases of discharge capacity, permanent extraction of non-renewable natural resources, industrial and non-renewable energy facilities and infrastructure. The legislation would also require responsible regulations and criteria for the development of offshore renewable energy facilities.

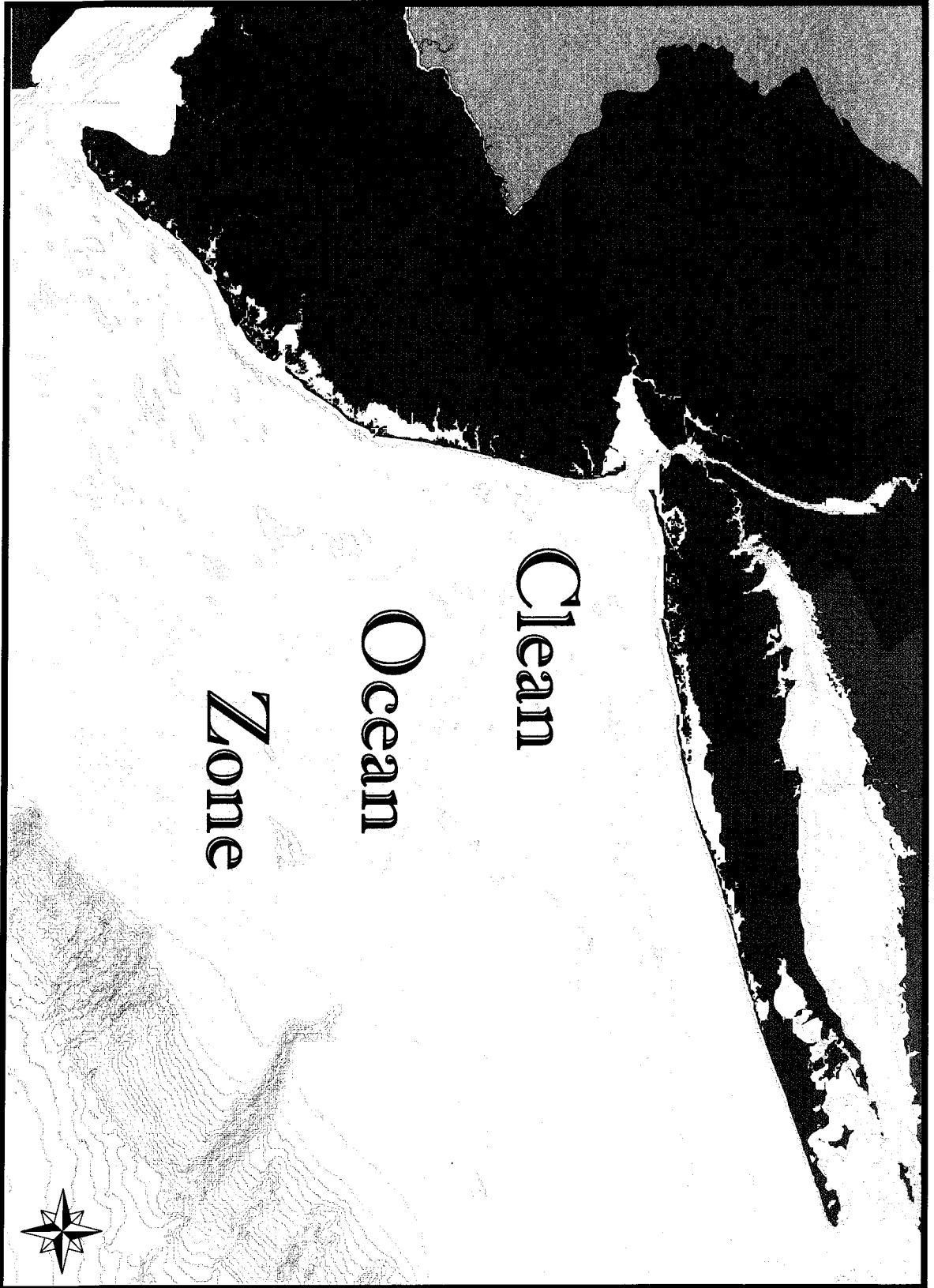
As you may know, state support for the Clean Ocean Zone was specifically highlighted by then Acting Governor Richard Codey in his landmark New Jersey Coast 2005 agenda.

The above is Clean Ocean Action's priority request—this it would send a strong, clear message to Congress, the nation, and citizens that we will *not go back to the bad old days at the Jersey Shore. Our economy and quality of life are at stake.*

Thank you for the opportunity to present this priority for our ocean.

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<sup>1</sup> Documents filed by Attorney General Richard Blumenthal with the New York State Office of General Services Division of Land Utilization, January 7, 2008.



[www.CleanOceanZone.org](http://www.CleanOceanZone.org)

# PROTECTING THE NEW YORK / NEW JERSEY BIGHT

## SUPPORT THE NEW JERSEY/NEW YORK CLEAN OCEAN ZONE ACT - H.R. 2854

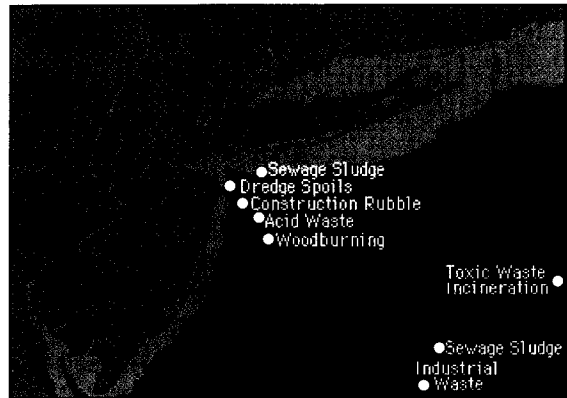


*Bottlenose dolphins in the NY/NJ Bight.  
Photograph courtesy of Herb Segars.*

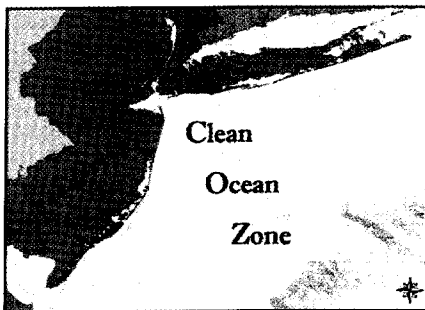
Some stand at the water's edge and see an endless sea, a boundless expanse. One of the many fascinating ecosystems within this vast watery world is located here off the New Jersey and New York coasts. The coasts of NY and NJ and the Gulf Stream, a strong ocean current, create a triangular mini-sea "wedge" within the big ocean, officially known as the **NY/NJ Bight**. The physical, biological, and hydrodynamic characteristics of this 19,000 square-mile area are extraordinary as more than 300 species of fish, nearly 350 species of birds, 7 species of sea turtles, and many marine mammals, such as 25 species of whales

and dolphins and several species of seals and porpoises, frequent this region. The ecological richness of the region is astounding. This fantastic seaway feeds the souls of millions and provides an economic mainstay for multi-billion dollar industries.

However, not so long ago, with eight ocean dumpsites, the Bight was the "Ocean Dumping Capital of the World." These dumpsites include those for dredged material, cellar dirt, sewage sludge, acid wastes, wood incineration, and industrial wastes. The Bight shows the results of this legacy of pollution: fish advisories from contaminated sediments, beach closures from runoff, storm drains, and raw sewage discharge, and littered beaches. Though those barbaric days are behind us, there are those who, looking to exploit the sea's riches and threaten its ecosystem, view this living resource as a cheap disposal ground. The Bight is still at the receiving end of the most densely populated urbanized area in the country, belching a steady toxic tide of poisons into the water. The fertile waters of the Bight are suffocating under the rainy day deluge of sediment, pesticides, petroleum, and sewage. The bounty-rich offshore underwater lands are seen by powerful industries as ripe for exploitation.



*The NY/NJ Bight was the "Ocean Dumping Capital of the World," with 8 dumpsites.*



*The Clean Ocean Zone is needed for continued protection of the ocean.*

### IT'S TIME TO LOCK-IN THE PROGRESS...

Laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat-destructive activities, such as ocean dumping of contaminated sediments, permanent extraction of offshore sand by industrial strip-miners, and offshore gas and oil exploration to name a few. These destructive activities undermine the economic potentialities for the sustainable living marine resources and must be prohibited. Elected officials must strive harder to protect the ocean. The current battles are fought permit by permit, which is time-consuming, unproductive, and exhausting. It is time to lock-in

the tremendous path of progress which has led to far-reaching improvements in our ocean water quality and lock-out environmentally harmful activities, thereby ensuring the continued protection of the ocean today and for future generations. Federal legislation, "**The New Jersey/New York Clean Ocean Zone Act**" or H.R. 2854, has been introduced in the US House of Representatives in the 109th and 110th US Congress. The bill awaits debate and action.

"Clean Ocean Zone" \* c/o Clean Ocean Action \* PO Box 505 \* Highlands, NJ 07732 \* 732-872-0111  
Info@CleanOceanZone.org \* www.CleanOceanZone.org

*The Clean Ocean Zone is a project of Clean Ocean Action. Factsheet revised July 2, 2007 to reflect bill number.*

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## **SUPPORT THE COZ**

### *THE 10 POINTS OF H.R. 2854*

**“The New Jersey/New York Clean Ocean Zone Act” will permanently protect the waters of the New York/New Jersey Bight, and:**

#### REDUCE POLLUTION:

1. Prohibit new ocean dumpsites.
2. Mandate capping of the Historic Area Remediation Site (HARS) — formerly the Mud Dump Site — with progressively cleaner sediment to ensure the remediation of the HARS and to protect against adverse ecological effects.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges).
4. Reduce pollution from stormwater and sediments. (This will be accomplished through state initiatives.)

#### PROTECT MARINE ECOSYSTEMS:

5. Prohibit the permanent extraction (e.g. strip-mining) of non-renewable natural resources, including sand and gravel.
6. Prohibit industrial and non-renewable energy facilities and infrastructure, including oil and gas exploration and development.
7. Require the development of responsible regulations for renewable energy sources. (This will be achieved by requiring determinations by two federal agencies that a lease, easement or right-of-way to establish a renewable energy facility will not unreasonably degrade or endanger human health or the marine environment.)

#### SUPPORT MARINE RESOURCE ACTIVITIES:

8. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions. The COZ legislation shall not be used to restrict or limit recreational or commercial fishing.
9. Support federal and state approved artificial reefs, and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
10. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean, such as: boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

### **Join the Wave of Support for the COZ**

Broad support of the COZ will be needed to reach its end goal -- federal and bi-state (New York and New Jersey) legislation -- and to lead to the permanent protection of the NY/NJ Bight. Concerned citizens, organizations and student groups, environmental commissions, and municipalities can help move H.R. 2854 forward. To support the COZ, municipalities and organizations are encouraged to pass a “Statement of Support” or a resolution. Citizens can sign petitions and send postcards to elected officials to urge their support of the bill. For more information, visit [www.CleanOceanZone.org](http://www.CleanOceanZone.org) or call Clean Ocean Action at 732-872-0111.

# CLEAN OCEAN ZONE SUPPORTERS\*

## ORGANIZATIONS

Alliance for a Living Ocean (NJ)  
American Littoral Society  
Asbury Park Consortium (NJ)  
Asbury Park Fishing Club (NJ)  
Association of New Jersey  
    Environmental Commissions (NJ)  
Bayshore Regional Watershed Council (NJ)  
Barnegat Bay National Estuary Program (NJ)  
Beachside Bungalow Preservation Association (NY)  
Bedford Garden Club (NY)  
Citizens Against Aberdeen Forge & Mirror Lake (NJ)  
Citizens' Environmental Coalition (NY)  
Citizens for Wesley Lake (NJ)  
Clearwater (NY)  
Coalition Against Toxics (NJ)  
Coalition for Peace & Justice (NJ)  
Coast Alliance  
Coastal Marine Resource Center of New York  
Communications Workers of America – Local 1034  
Concerned Citizens of Bensonhurst (NY)  
Concerned Citizens of Montauk (NY)  
Divers Anonymous Scuba Dive Club (NJ)  
Eastern Monmouth Area Chamber of Commerce (NJ)  
Fisheries Defense Fund, Inc.  
Fishermen's Conservation Association (NY)  
Fishermen's Dock Cooperative – Point Pleasant (NJ)  
Friends of Liberty State Park (NJ)  
Friends of Long Island Sound (NY)  
Friends of the Boardwalk (NY)  
Friends of the Navesink Highlands/Lenape  
    Woods Coalition (NJ)  
Garden Club of Irvington (NY)  
Garden Club of Long Beach Island (NJ)  
Garden Club R.F.D. of Middletown (NJ)  
Garden State Seafood Association (NJ)  
Gildford Park Yacht Club (NJ)  
High Technology High School Environmental Club (NJ)  
Holly Club of Sea Girt (NJ)  
Hudson River Fishermen's Association - NJ Chapter (NJ)  
In Too Deep Dive Club (NJ)  
Island Heights Garden Club (NJ)  
Jamaica Bay Eco Watchers (NY)  
Jersey Shore Chefs Association (NJ)  
Kiwanis Club of Long Beach Island (NJ)  
The League of Women Voters of Ocean County (NJ)  
Long Branch Historical Association (NJ)  
Lower Cape May Regional Education Association (NJ)  
Lower Cape May Regional School French Club (NJ)  
Lower Cape May Regional School Girl's Track Team (NJ)  
Manasquan Kiwanis Club (NJ)  
Manasquan River Watershed Association (NJ)  
Marine Trades Association of New Jersey  
Maris Stella Advisory Committee (NJ)  
Medical Mission Sisters, North America Sector  
Metropolitan Waterfront Alliance  
Mid-Atlantic Fishery Management Council  
Monmouth Coastal Watersheds Partnership (NJ)  
Monmouth Conservation Foundation (NJ)  
Monmouth County Audubon Society (NJ)  
Monmouth County Friends of Clearwater (NJ)  
Natural Resources Protective Association (NY)  
New Jersey Council of Diving Clubs (NJ)  
New Jersey Environmental Federation (NJ)  
New Jersey Historical Divers Association, Inc. (NJ)  
New Jersey Museum of Boating (NJ)  
NY/NJ Baykeeper  
New York Sportfishing Federation (NY)  
New York State Marine Education Association  
Non-Commissioned Officers Association (NJ)  
Ortley Beach Property Owners Association Inc. (NJ)  
PaddleOut.org (NJ)  
Pingry Environmental Protection Club (PEPC),  
    Pingry School, NJ  
Recreational Fishing Alliance  
Religious On Water  
Rochester Garden Club (NY)  
Rockaway Valley Garden Club (NY)  
Rumson-Fair Haven Regional High School  
    Environmental Club (NJ)  
Rumson Garden Club (NJ)  
Saltwater Anglers of Bergen County (NJ)  
Save Barnegat Bay (NJ)  
School Based Youth Services (NJ)  
Secular Franciscan Order, St. Francis of  
    Assisi Fraternity (NJ)  
Seaweeders Garden Club of Bay Head &  
    Mantoloking (NJ)  
Shark River Cleanup Coalition, Inc. (NJ)  
Shrewsbury Garden Club (NJ)  
Sisters of Charity of Saint Elizabeth –  
    Leadership Team (NJ)  
Sisters of St. Dominic (NJ)  
Sisters of St. Joseph – Philadelphia (PA)  
Sisters of Mercy of New Jersey Justice Circle (NJ)  
South Jersey Dive Club (NJ)  
South Monmouth Board of Realtors (NJ)  
Staten Island Tuna Club (NY)  
St. Francis of Assisi Environmental Ministry (NJ)  
Students for Waveriding & Environmental  
    Leisure (SWEL), Rutgers University (NJ)  
Surfers' Environmental Alliance  
Surfrider Foundation  
Surfrider Foundation - Central Long Island Chapter (NY)  
Surfrider Foundation - Eastern Long Island Chapter (NY)  
Surfrider Foundation - Jersey Shore Chapter (NJ)  
Surfrider Foundation - New York City Chapter (NY)  
Surfrider Foundation - South Jersey Chapter (NJ)  
Syracuse Garden Club (NY)  
United Boatmen of NY/NJ  
Unplug Salem Campaign (NJ)  
Village Garden Club of Middletown (NJ)  
WATERSPIRIT (NJ)  
York Street Project (NJ)

*\*As of November 1, 2007.*

*The Clean Ocean Zone (COZ) is a project of Clean Ocean Action.*

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## CLEAN OCEAN ZONE SUPPORTERS\*

*The Clean Ocean Zone (COZ) was listed as a priority in  
Acting New Jersey Governor Richard Codey's "2005 Coast Initiative."*

### MUNICIPALITIES & COMMISSIONS

Asbury Park, NJ, Environment &  
Shade Tree Commission  
Atlantic Highlands, NJ, Environmental Commission  
Borough of Barnegat Light, NJ  
Borough of Bay Head, NJ  
Borough of Beach Haven, NJ  
Borough of Belmar, NJ  
Township of Berkeley, NJ  
Borough of Bradley Beach, NJ and  
Environmental Commission  
Township of Brick, NJ  
City of Brigantine, NJ  
Borough of Deal, NJ  
Township of Dover, NJ  
Borough of Eatontown, NJ  
Township of Freehold, NJ  
Hazlet Township, NJ, Environmental Commission  
Township of Howell, NJ  
Borough of Interlaken, NJ  
Borough of Keyport, NJ  
Township of Lakewood, NJ  
Borough of Lavallette, NJ  
Township of Long Beach, NJ  
City of Long Branch, NJ  
Township of Manalapan, NJ  
Borough of Manasquan, NJ  
Borough of Mantoloking, NJ  
City of Margate, NJ  
Township of Marlboro, NJ  
Township of Middle, NJ  
Township of Neptune, NJ and  
Environmental/Shade Tree Commission  
Township of Ocean (Ocean County), NJ  
City of Ocean City, NJ and Ocean City Coastal  
Conservation Commission  
Borough of Ocean Gate, NJ  
Borough of Point Pleasant Beach, NJ  
Borough of Red Bank, NJ and  
Environmental Commission  
Borough of Seaside Heights, NJ  
Borough of Seaside Park, NJ  
Borough of Ship Bottom, NJ  
Somers Point, NJ, Environmental Commission  
Township of Stafford, NJ  
Borough of Surf City, NJ  
Township of Wall, NJ and  
Environmental Advisory Committee  
City of Wildwood, NJ  
Borough of Wildwood Crest, NJ

Citizens: 19,000+

*Is your organization or municipality on this list?*

*Contact Clean Ocean Action to find out how to become a supporter of the Clean Ocean Zone.*

*\*As of November 1, 2007.*

*The Clean Ocean Zone (COZ) is a project of Clean Ocean Action.  
732-872-0111, [sandyhook@cleanoceanaction.org](mailto:sandyhook@cleanoceanaction.org)*

110TH CONGRESS  
1ST SESSION

# H. R. 2854

To restore, protect, and preserve the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2007

Mr. PALLONE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore, protect, and preserve the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “New Jersey/New York  
3 Clean Ocean Zone Act of 2007”.

4 **SEC. 2. CONGRESSIONAL FINDINGS, POLICY, AND DEC-**  
5 **LARATION OF PURPOSE.**

6 (a) FINDINGS.—The Congress finds the following:

7 (1) The New York/New Jersey Bight is an es-  
8 sential natural and scenic resource of the United  
9 States, providing innumerable recreational, commer-  
10 cial, economic and aesthetic benefits and extraor-  
11 dinary ecological, biological, and environmental bene-  
12 fits.

13 (2) Various harmful activities within the New  
14 York/New Jersey Bight, including the dumping of  
15 contaminated dredged material, the dumping of var-  
16 ious wastes, point source and nonpoint source pollu-  
17 tion, the extraction of nonrenewable natural re-  
18 sources, and the potential development of deepwater  
19 oil and gas facilities, have caused or may cause seri-  
20 ous adverse impacts to human health, welfare, and  
21 amenities, or threaten the marine environment, eco-  
22 logical systems, and economic potentialities of the  
23 New York/New Jersey Bight.

24 (3) Ecologically unique areas at risk from deg-  
25 radation caused by pollution, such as the New York/  
26 New Jersey Bight, are worthy of special protections

1 to reduce such threats. Pollution-preventing protec-  
2 tions have been established for and awarded to the  
3 Great Lakes and the Everglades, for example.

4 (b) PURPOSE.—

5 (1) IN GENERAL.—The purpose of this Act is to  
6 restore, protect and preserve, the natural, chemical,  
7 physical, and biological integrity, and the economic  
8 potentialities, of the New York/New Jersey Bight.

9 (2) LIMITATION.—This Act is not intended—

10 (A) to authorize or require any fisheries  
11 management actions within the New Jersey/  
12 New York Clean Ocean Zone, including fish-  
13 eries management allocation and techniques or  
14 any similar fisheries management related activ-  
15 ity; or

16 (B) to prohibit or limit beach replenish-  
17 ment activities, flood control activities, erosion  
18 control activities, or habitat restoration projects  
19 on or along the shoreline adjoining the New  
20 Jersey/New York Clean Ocean Zone.

21 **SEC. 3. DESIGNATION OF NEW JERSEY/NEW YORK CLEAN**  
22 **OCEAN ZONE.**

23 (a) DESIGNATION.—The New York/New Jersey  
24 Bight shall be known and designated as the “New Jersey/  
25 New York Clean Ocean Zone”.

1 (b) REFERENCES.—Any reference in a law, map, reg-  
2 ulation, document, paper, or other record of the United  
3 States to the area referred to in subsection (a) shall be  
4 deemed to be a reference to the “New Jersey/New York  
5 Clean Ocean Zone”.

6 **SEC. 4. REGULATION OF THE NEW JERSEY/NEW YORK**  
7 **CLEAN OCEAN ZONE.**

8 (a) OCEAN DUMPSITES.—

9 (1) PROHIBITION OF DESIGNATION OR ESTAB-  
10 LISHMENT OF NEW SITES.—Neither the Adminis-  
11 trator, the Secretary, nor any State may issue a per-  
12 mit for ocean dumping, nor designate or establish  
13 any new disposal site, within the New Jersey/New  
14 York Clean Ocean Zone, including pursuant to sec-  
15 tion 102, 103, 104A, or 104B of the Marine Protec-  
16 tion, Research, and Sanctuaries Act of 1972 (33  
17 U.S.C. 1412, 1413, 1414a, 1414b) or section 4 of  
18 Public Law 95–153 (33 U.S.C. 1412a).

19 (2) TERMINATION OF EXISTING DESIGNA-  
20 TIONS.—Except as provided by paragraph (3), all  
21 existing designations of disposal sites within the  
22 New Jersey/New York Clean Ocean Zone are hereby  
23 terminated, and such sites shall not be used as dis-  
24 posal sites.

1           (3) USE OF HARS.—Notwithstanding para-  
2           graphs (1) and (2), and consistent with the terms,  
3           conditions, and limitations of section 228.15(d)(6) of  
4           title 40, Code of Federal Regulations, dredged mate-  
5           rial may be placed in the Primary Remediation Area  
6           of the HARS for the purposes of ecological remedi-  
7           ation and protection of sensitive species at sensitive  
8           life stages, if the Administrator determines, fol-  
9           lowing testing and analytical measures established  
10          by regulation for materials proposed for ocean  
11          dumping, that the dredged material qualifies as ma-  
12          terial for remediation.

13          (b) REGULATION OF POINT SOURCES.—

14           (1) PROHIBITION ON DISCHARGES FROM NEW  
15          POINT SOURCES.—The discharge of a pollutant into  
16          the New Jersey/New York Clean Ocean Zone from  
17          a point source constructed or put into use after the  
18          date of enactment of this Act is prohibited under  
19          section 301 of the Federal Water Pollution Control  
20          Act (33 U.S.C. 1311). Neither the Administrator,  
21          nor any State, may issue a permit, pursuant to sec-  
22          tion 402 of the Federal Water Pollution Control Act  
23          (33 U.S.C. 1342) or comparable State law, for the  
24          discharge of a pollutant into the New Jersey/New  
25          York Clean Ocean Zone from a point source con-

1       structured or put into use after such date of enact-  
2       ment.

3               (2) LIMITATIONS ON EXISTING PERMITS.—A  
4       State or Federal permit issued pursuant to section  
5       402 of the Federal Water Pollution Control Act (33  
6       U.S.C. 1342) for the discharge of a pollutant into  
7       the New Jersey/New York Clean Ocean Zone may  
8       not be renewed, reissued, or modified after the date  
9       of enactment of this Act to allow for any increase of  
10      discharge capacity of any point source or sources.  
11      The renewed, reissued, or modified permit may not  
12      contain any effluent limitation that is less stringent  
13      than comparable effluent limitations in such permit  
14      and shall otherwise require compliance with all other  
15      applicable laws and regulations under the Federal  
16      Water Pollution Control Act, including applicable  
17      water quality standards.

18             (c) EXTRACTION OF NONRENEWABLE NATURAL RE-  
19      SOURCES.—

20             (1) PROHIBITION.—The permanent extraction  
21      of any nonrenewable natural resource from the New  
22      Jersey/New York Clean Ocean Zone for commercial  
23      or industrial use is prohibited, unless such removal  
24      is undertaken for the primary purpose of maintain-  
25      ing or establishing navigation channels.

1           (2) LIMITATION.—This Act shall not be used to  
2           restrict or otherwise limit beach replenishment ac-  
3           tivities, flood control activities, erosion control activi-  
4           ties, or habitat restoration projects on or along the  
5           shores of the New Jersey/New York Clean Ocean  
6           Zone.

7           (d) NONRENEWABLE ENERGY FACILITIES.—Except  
8           as set forth in subsection (e)—

9           (1) the creation of any type of nonrenewable en-  
10          ergy facility or pipeline within the New Jersey/New  
11          York Clean Ocean Zone is prohibited;

12          (2) the Secretary of Transportation shall not  
13          issue any license pursuant to section 4 of the Deep-  
14          water Port Act (33 U.S.C. 1503) or section 106 of  
15          the Maritime Transportation Security Act of 2002  
16          (116 Stat. 2086) for the ownership, construction, or  
17          operation of a deepwater port used for the produc-  
18          tion, storage, transport, or transfer of nonrenewable  
19          energy in the New Jersey/New York Clean Ocean  
20          Zone;

21          (3) there shall be no conveyance of any interest  
22          in any federally owned, submerged or subterranean  
23          land within the New Jersey/New York Clean Ocean  
24          Zone for the purpose of establishing or operating a  
25          nonrenewable energy facility, including—

1 (A) the conveyance of such an interest for  
2 any pipeline that transports any nonrenewable  
3 natural resource or any refined product pro-  
4 duced therefrom, within or through the New  
5 Jersey/New York Clean Ocean Zone; and

6 (B) the grant or lease of such right-of-  
7 ways by the Secretary of the Interior pursuant  
8 to section 28 of the Mineral Leasing Act (30  
9 U.S.C. 185), or the Outer Continental Shelf  
10 Lands Act (43 U.S.C. 1301 et seq.).

11 (e) RENEWABLE ENERGY FACILITIES.—

12 (1) LIMITATION ON GRANTING LEASES, ETC.—

13 No lease, easement, or right-of-way for a renewable  
14 energy facility may be granted for any federally  
15 owned, submerged, or subterranean land in the New  
16 Jersey/New York Clean Ocean Zone except in ac-  
17 cordance with this subsection, section 8(p) of the  
18 Outer Continental Shelf Lands Act (43 U.S.C.  
19 1337(p)), and section 388 of the Energy Policy Act  
20 of 2005 (43 U.S.C. 1337 note).

21 (2) COMPLIANCE WITH APPLICABLE LAWS.—

22 The granting of any lease, easement, or right-of-way  
23 referred to in paragraph (1) shall comply with all  
24 applicable laws and regulations and shall not be ex-  
25 empt nor categorically excluded from the require-

1       ments of section 102 of the National Environmental  
2       Policy Act of 1969 (42 U.S.C. 4332). Section 102  
3       of such Act shall be applied to each such lease, ease-  
4       ment, and right-of-way on a project-by-project basis.

5               (3) DETERMINATION REQUIRED.—No lease,  
6       easement, or right-of-way referred to in paragraph  
7       (1) may be granted unless—

8               (A) the Secretary of the Interior, after  
9       completion of any review required by paragraph  
10       (2), determines that such action—

11               (i) complies with all environmental  
12       criteria, conditions, and restrictions estab-  
13       lished by or pursuant to section 8(p) of the  
14       Outer Continental Shelf Lands Act (43  
15       U.S.C. 1337(p)) or section 388 of the En-  
16       ergy Policy Act of 2005; and

17               (ii) will not unreasonably degrade or  
18       endanger human health, welfare, or amen-  
19       ities, the marine environment, or ecological  
20       systems or economic potentialities thereof;  
21       and

22               (B) the Secretary of Commerce, acting  
23       through the Administrator of the National Oce-  
24       anic and Atmospheric Administration, concurs

1 in writing with the determination of the Sec-  
2 retary of the Interior under subparagraph (A).

3 (4) STANDARD OF REVIEW.—For purposes of  
4 paragraph (3), an action is deemed to unreasonably  
5 degrade or endanger human health, welfare, or  
6 amenities, the marine environment, or ecological sys-  
7 tems or economic potentialities thereof, only if the  
8 action is likely to cause, on an individual or cumu-  
9 lative basis—

10 (A) significant adverse impacts to marine  
11 habitat, ecosystem diversity, productivity, and  
12 stability of the biological community within the  
13 area of the renewable energy facility concerned  
14 and surrounding biological communities;

15 (B) a threat to human life, health, or exist-  
16 ing or potential amenities through—

17 (i) the creation of a hazard to naviga-  
18 tion, fishing, or recreation;

19 (ii) direct exposure to pollutants; or

20 (iii) consumption of exposed aquatic  
21 organisms; or

22 (C) significant impairment of recreational,  
23 scientific, or economic benefits currently or po-  
24 tentially derived from or within the area of the

1 renewable energy facility and surrounding wa-  
2 ters.

3 (f) UNDERWATER RESEARCH AND EXPLORATION.—

4 (1) IN GENERAL.—Nothing in this Act restricts  
5 or otherwise limits underwater research or explo-  
6 ration of the aquatic environment within the New  
7 Jersey/New York Clean Ocean Zone, if such re-  
8 search or exploration—

9 (A) will not adversely affect, or will be per-  
10 formed for the sole purpose of furthering, the  
11 restoration, protection and preservation of, the  
12 natural, chemical, physical and biological integ-  
13 rity of the New Jersey/New York Clean Ocean  
14 Zone; and

15 (B) is conducted in accordance with all  
16 other applicable laws and regulations.

17 (2) PROHIBITION.—The conduct of any under-  
18 water research or exploration of the aquatic environ-  
19 ment within the New Jersey/New York Clean Ocean  
20 Zone that does not comply with paragraph (1) is  
21 prohibited.

22 **SEC. 5. SUPPORT FOR MARINE ACTIVITIES.**

23 (a) MARINE ACTIVITIES.—

24 (1) ACTIVITIES NOT LIMITED.—Nothing in this  
25 Act shall be considered to restrict or otherwise limit

1 the conduct of any of the maritime activities de-  
2 scribed in paragraph (2) in the New Jersey/New  
3 York Clean Ocean Zone, to the extent that such ac-  
4 tivity does not violate any other applicable law or  
5 regulation.

6 (2) MARINE ACTIVITIES DESCRIBED.—The  
7 maritime activities referred to in paragraph (1) are  
8 the following:

9 (A) Boating.

10 (B) Underwater diving.

11 (C) Surfing, swimming, and other similar  
12 recreational activities.

13 (D) Recreational fishing and commercial  
14 fishing.

15 (E) The creation of artificial reefs.

16 (b) FISHERIES MANAGEMENT ACTIONS NOT AU-  
17 THORIZED.—This Act shall not be used to adopt or enact  
18 fisheries management actions within the New Jersey/New  
19 York Clean Ocean Zone, including fisheries management  
20 allocation and techniques or any similar fisheries manage-  
21 ment related activity.

22 **SEC. 6. ENFORCEMENT.**

23 This Act may be enforced under sections 105 and 107  
24 of the Marine Protection, Research, and Sanctuaries Act  
25 of 1972 (33 U.S.C. 1415 and 1417), except that section

1 4(b) of this Act may be enforced under sections 309 and  
2 505 of the Federal Water Pollution Control Act (33  
3 U.S.C. 1319 and 1365).

4 **SEC. 7. DEFINITIONS.**

5 Except as otherwise specifically provided, in this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Environ-  
8 mental Protection Agency.

9 (2) ARTIFICIAL REEF.—The term “artificial  
10 reef” means a federally or State approved structure  
11 that is constructed or placed in the waters of the  
12 New York/New Jersey Bight for the purpose of en-  
13 hancing one or more of benthic relief, fishery re-  
14 sources, commercial diving, recreational diving, surf-  
15 ing, commercial fishing opportunities, and rec-  
16 reational fishing opportunities.

17 (3) CONTINENTAL SHELF.—The term “Conti-  
18 nental Shelf” means the seabed and subsoil of the  
19 submarine areas adjacent to the coast of the United  
20 States, and all submerged lands lying seaward and  
21 outside of the area of lands beneath navigable wa-  
22 ters (as that term is defined in section 2 of the Sub-  
23 merged Lands Act (43 U.S.C. 1301)), extending to  
24 a depth of 1000 fathoms.

1           (4) DISCHARGE OF A POLLUTANT.—The term  
2           “discharge of a pollutant” means any addition of  
3           any pollutant to the waters of the New York/New  
4           Jersey Bight from any point source.

5           (5) DISPOSAL SITE.—The term “disposal site”  
6           means a precise geographical area designated under  
7           Federal law for the dumping of any material into  
8           the waters of the New York/New Jersey Bight, in-  
9           cluding, but not limited to, any site at which dump-  
10          ing is authorized under a permit issued under sec-  
11          tion 102 or 103 of the Marine Protection, Research,  
12          and Sanctuaries Act of 1972 (33 U.S.C. 1412,  
13          1413).

14          (6) DREDGED MATERIAL.—The term “dredged  
15          material” means any material excavated or dredged  
16          from the navigable waters of the United States.

17          (7) DUMPING.—The term “dumping” has the  
18          meaning that term has under section 3(f) of the Ma-  
19          rine Protection, Research, and Sanctuaries Act of  
20          1972 (33 U.S.C. 1402(f)).

21          (8) EFFLUENT LIMITATION.—The term “efflu-  
22          ent limitation” has the meaning that term has in  
23          section 502(11) of the Federal Water Pollution Con-  
24          trol Act (33 U.S.C. 1362(11)).

1           (9) HARS.—The term “HARS” means the  
2 dredged material disposal site located within the  
3 New York/New Jersey Bight and bounded by the co-  
4 ordinates set forth in section 228.15(d)(6) of title  
5 40, Code of Federal Regulations (in effect as of July  
6 1, 1999), also known as the Historic Area Remedi-  
7 ation Site.

8           (10) MATERIAL.—The term “material” has the  
9 meaning that term has in section 3(e) of the Marine  
10 Protection, Research, and Sanctuaries Act of 1972  
11 (33 U.S.C. 1402(c)).

12           (11) MATERIAL FOR REMEDIATION.—

13           (A) IN GENERAL.—The term “material for  
14 remediation” means dredged material that,  
15 through testing and analysis, is determined by  
16 the Administrator to—

17           (i) contain, or to cause through bio-  
18 accumulation, chemical concentrations of  
19 any Contaminant of Concern that are less  
20 than those concentrations present in, or  
21 caused through bioaccumulation by, the  
22 surficial sediment collected at a depth of  
23 no more than 6 inches from the proposed  
24 placement site within the HARS;

1 (ii) have fewer screening level  
2 exceedances for Contaminants of Concern  
3 than the surficial sediment collected at a  
4 depth of no more than 6 inches from the  
5 proposed placement site within the IIARS,  
6 except material for remediation shall have  
7 no Screening Level exceedances if such  
8 surface sediment have no such exceedance;  
9 and

10 (iii) otherwise complies with applicable  
11 Federal and State laws and regulations es-  
12 tablished for materials proposed for ocean  
13 dumping, including, without limitation,  
14 section 227.6 of title 40, Code of Federal  
15 Regulations.

16 (B) CONTAMINANT OF CONCERN DE-  
17 FINED.—In this paragraph, the term “Contami-  
18 nant of Concern” means—

19 (i) any of the pollutants specified in  
20 the chart in subparagraph (C) and having  
21 the corresponding Screening Level value  
22 (in parts per billion dry weight); and

23 (ii) any additional pollutant des-  
24 ignating under subparagraph (D).

1 (C) CHART.—The chart referred to in sub-  
 2 paragraph (B) is as follows:

<b>Pollutant</b>	<b>Screening level</b>
Cadmium .....	1,200.0000
Chlordane .....	0.5000
Dieldrin .....	0.0200
2,3,7,8 TCDD (Dioxin) .....	0.0036
Total DDTs .....	1.5800
Lead .....	46,700.0000
Mercury .....	150.0000
Total Polychlorinated Biphenyls (PCBs) .....	22.7000
Total Polynuclear Aromatic Hydrocarbons (PAHs) .....	4,022.0000.

3 (D) ADDITIONAL POLLUTANTS.—The Ad-  
 4 ministrator shall designate additional pollutants  
 5 and corresponding Screening Level values for  
 6 purposes of this paragraph as is necessary to  
 7 achieve the purpose and intent of section  
 8 4(a)(3).

9 (12) NAVIGATION CHANNEL.—The term “navi-  
 10 gation channel” means a channel that is federally or  
 11 State designated and open to permit free and unob-  
 12 structed navigation by all types of vessels and tows  
 13 normally using such waterways.

14 (13) NEW YORK/NEW JERSEY BIGHT.—The  
 15 term “New York/New Jersey Bight” means the geo-  
 16 graphic area within the Atlantic Ocean generally  
 17 known by that name and located within the bound-  
 18 aries described more particularly as follows: Begin-  
 19 ning at a point at the southern tip of Cape May,  
 20 New Jersey, and running—

1 (A) northerly along the mean high water  
2 mark of the coast of New Jersey to the north-  
3 ern tip of Sandy Hook, New Jersey, then

4 (B) northeasterly along the transect of the  
5 northern tip of Sandy Hook and the western tip  
6 of Long Island, New York, then

7 (C) easterly along the mean high water  
8 mark of the south shore of Long Island to the  
9 eastern tip of Long Island, New York, then

10 (D) southerly to the eastern bank of Block  
11 Canyon to the 1,000 fathom line of the Conti-  
12 nental Shelf, then

13 (E) southwesterly along the 1,000 fathom  
14 line to the western bank of Baltimore Canyon,  
15 and then

16 (F) northwesterly to the point of beginning  
17 at the southern tip of Cape May, New Jersey.

18 (14) NONRENEWABLE ENERGY.—The term  
19 “nonrenewable energy” means any form of energy  
20 that is produced from a nonrenewable natural re-  
21 source, including oil, natural gas, liquid or gaseous  
22 fuels, sand, or rock, any product produced there-  
23 from, or any synthetic version thereof.

24 (15) NONRENEWABLE ENERGY FACILITY.—The  
25 term “nonrenewable energy facility” means any

1 equipment, pipeline, or facility, other than an elec-  
 2 trical transmission cable, a communication cable, or  
 3 a vessel in transit, that is or will be used pri-  
 4 marily—

5 (A) in the development, production, conver-  
 6 sion, storage, transfer, processing, or transpor-  
 7 tation of any non-renewable natural resource;  
 8 or

9 (B) for the manufacture, production, or as-  
 10 sembly of any equipment, machinery, product,  
 11 or device that is involved in any activity de-  
 12 scribed in subparagraph (A).

13 (16) NONRENEWABLE NATURAL RESOURCE.—

14 The term “nonrenewable natural resource”—

15 (A) except as provided in subparagraph  
 16 (B), means any naturally occurring, inanimate  
 17 object, mineral, or nonliving resource that can-  
 18 not be replenished by natural means at the  
 19 same rate that it is consumed; and

20 (B) does not include any manmade object.

21 (17) PERMANENT EXTRACTION.—The term  
 22 “permanent extraction” means the permanent re-  
 23 moval of any nonrenewable natural resource from  
 24 the marine environment, including the water column,  
 25 the seabed, or subsoil.

1 (18) PIPELINE.—The term “pipeline”—

2 (A) except as provided in subparagraph  
3 (B), means any pipe or conveyance constructed  
4 or used primarily for the transport of non-  
5 renewable energy; and

6 (B) does not include an electrical trans-  
7 mission cable or communications cable.

8 (19) POLLUTANT.—The term “pollutant”—

9 (A) except as provided in subparagraph  
10 (B), has the meaning that term has in section  
11 502(6) of the Federal Water Pollution Control  
12 Act (33 U.S.C. 1362(6)); and

13 (B) does not include any material approved  
14 under Federal law or a stricter State standard  
15 for use in the construction or maintenance of a  
16 permitted artificial reef.

17 (20) POINT SOURCE.—The term “point source”  
18 has the meaning that term has in section 502(14)  
19 of the Federal Water Pollution Control Act (33  
20 U.S.C. 1362(14)).

21 (21) RENEWABLE ENERGY RESOURCE.—The  
22 term “renewable energy resource”—

23 (A) means a source of energy that is re-  
24 generative and is produced without depleting or

1 otherwise diminishing the resource from which  
2 such energy is derived; and

3 (B) includes solar, thermal, photochemical,  
4 photoelectric, photosynthetic, hydropower, geo-  
5 thermal, tidal, and wind energy sources.

6 (22) RENEWABLE ENERGY FACILITY.—The  
7 term “renewable energy facility” means any equip-  
8 ment or facility, other than a vessel in transit, that  
9 is or will be used primarily—

10 (A) in the development, production, conver-  
11 sion, storage, transfer, processing, or transpor-  
12 tation of any renewable energy resource; or

13 (B) for the manufacture, production, or as-  
14 sembly of equipment, machinery, products, or  
15 devices, which are involved in any activity de-  
16 scribed in subparagraph (A).

17 (23) SECRETARY.—The term “Secretary”  
18 means the Secretary of the Army.

19 (24) VESSEL IN TRANSIT.—The term “vessel in  
20 transit”—

21 (A) means a vessel that has departed for,  
22 but has not yet arrived at, its next point of des-  
23 tination; and

1                   (B) includes any vessel described in sub-  
2                   paragraph (A) that is temporarily anchored  
3                   pending such arrival.

○

# Senate Environment Committee

January 28, 2008

Submitted By: Cheryl Reardon and Jim Sassi  
Project Directors  
Association of NJ Environmental Commissions (ANJEC)  
South Jersey Bayshore Coalition (SJBC)

The South Jersey Bayshore Coalition (SJBC) is comprised of 21 non-profit organizations which have conservation and environmental interests in the NJ Delaware Bayshore Region. SJBC mission is to preserve the cultural heritage and environmental integrity of the South Jersey Bayshore. The Coalition seeks to build State and local awareness and appreciation of the South Jersey Bayshore Region, leading to its protection. ANJEC, the Association of New Jersey Environmental Commissions, coordinates the Coalition, organizing meetings and facilitating communication between the member organizations.

Since its inception, the Farmland Preservation Program has preserved about half of the goal of 300,000 acres needed to sustain New Jersey's agricultural industry, thus protecting our regional food supply. Locally grown produce has become ever more important due to increased risks of food contamination posed by security threats and uncertain conditions and controls of food production, packaging and transportation outside our boundaries. In addition, local produce provides an alternative to the high energy demands and resulting carbon emissions caused by transporting food to New Jersey from around the world. It should be noted that on average every food item consumed in this country travels 1500 miles from production to end use.

In order to reach the goal of securing a viable agricultural land base, we must have a stable and permanent funding source for the Garden State Preservation Trust for farmland as well as open space protection. Preservation efforts continually compete with development pressure, rising land costs, legal challenges, ever changing COAH requirements, and limited funding sources. These factors, combined with decades of bad planning decisions, have brought New Jersey to the brink of buildout and inability to effectively deal with sprawl; thereby accelerating the decline of our urban centers and threatening our quality of life and natural resources.

We urge this Committee to support policy and regulations that will stimulate reinvestment in our cities and encourage people to live there rather than in a subdivision miles from their work place. This will reduce congestion on our roads, reduce fuel consumption, reduce smog, conserve natural resources, and relieve development pressure on our rural and agricultural areas.

SJBC requests the Senate Environment Committee to make renewal and strengthening of the Garden State Preservation Trust funding a top priority in 2008.

Another area of environmental concern within the South Jersey Bayshore region is resource extraction activities – specifically logging and mining, which often take place in inappropriate areas. For example, Burden Hill Forest in Quinton Township (Salem County) and Middle Township (Cape May County) are both areas of intense and unique biodiversity that are threatened by ongoing or proposed mining ventures.

Impacts of mining go beyond habitat destruction and leave areas stripped of irreplaceable ground cover and vulnerable to runoff and erosion, thus reducing critical recharge of already overdrawn aquifers, and threatening water quality throughout the downstream watersheds.

Logging operations are found throughout Southern New Jersey, including wooded wetlands, and have intensified over the past few years. Harvest of timber in New Jersey supports the furniture industry in Europe and the Far East and trees are targeted accordingly. As a result, much of our old growth forests are robbed of their canopy of specimen hardwood trees. Although timber is considered a renewable resource, recovery takes a century or longer for our old growth forests. Much of New Jersey's forested areas are already fragmented as a result of uncontrolled clearing making the remaining stands of forests all the more important to sustain wildlife and to provide essential filtering and recharge of our aquifers.

Although New Jersey is the most densely populated State, we are allowing our natural resources to be extracted and transported outside our State and Country. By all appearances, New Jersey has gone full circle to its pre-revolutionary status of a colony, supplying raw materials to outside interests as feedstock for their industry. This is not only a threat to our environment, it is also socially and economically unacceptable.

The Coalition commissioned the Rutgers Center for Remote Sensing and Spatial Analysis to do a comprehensive inventory of the natural and cultural resources of the South Jersey Bayshore region ([www.sjbayshore.org](http://www.sjbayshore.org)). The inventory presents a wealth of information that will help guide state protection of the Bayshore's resources. For example, it shows the aquifers and their recharge rates and surface waters of the region. While state designation of Critical Water Supply Area 2 has helped in protection of the aquifer, demand for water continues to increase.

SJBC urges the Senate Environment Committee to support policy and regulations that will protect and conserve all of New Jersey's natural resources; particularly our old growth forests, soils, agricultural lands, and water resources.



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## **Environmental Priorities for 2008**

**Senate Environment Committee**

**January 28, 2008**

**Bill Wolfe, Director**

### **1. Implement the Global Warming Response Act**

The legislature directed DEP to submit a Plan - by June 2008 - for meeting Governor Corzine's much touted aggressive green house gas emissions reduction goals. A package of new laws, regulations, investment, incentives, and programs will be required. The Commissioner should lay out a detailed programmatic vision, which includes a binding commitment to re-negotiate the goals of the RGGI bill just enacted; to provide a deadline for the new Energy Master Plan being developed by BPU; and to present policies towards decisions on various controversial major energy projects, such as Oyster Creek nuclear plant cooling towers, Exxon ocean LNG, and off shore wind

### **2. Adopt and fund a long over due Water Supply Master Plan**

Water supply deficits currently exist and more are projected in light of expected growth. Global warming will impact rainfall, with more severe and prolonged droughts likely. Existing infrastructure is very old, often in need of billions of dollars of investments in repair or upgrade to meet ever tightening health standards, as needed to respond to NJ's toxic legacy. DEP is years behind in revising the current plan which is over a decade old and out of date in light of new science. DEP must commit to a plan that assures a sustainable and healthy water supply, with strict limits on new development and mandatory water conservation for all users.

### **3. Strengthen the Highlands Regional Management Plan**

The current plan about to be adopted would allow far too much development in the region, which is why many environmental groups oppose it and why three Highlands Council members voted against their own plan. Governor Corzine has final say on all actions of the Council - so the buck stops with the Governor. Jackson needs to weigh in with Corzine to counter pro-growth and parochial local interests on the Council to protect the water supply for half the state..

#### **4. Adopt mandatory chemical plant safety measures**

Corzine - as US Senator and Gubernatorial candidate - pledge to enact mandatory chemical plant safety laws. He has failed to do so. Current regulations are voluntary and allow the chemical industry to control decisions to adopt critical public safety protections. The Legislature needs to mandate current voluntary guidelines, especially requirements to adopt technologically feasible "inherently safer technologies". Current rules allow the chemical industry to reject them based on cost, which puts communities needlessly at risk.

#### **5. Protect urban communities from air toxics**

The entire state of NJ fails EPA cancer risk health benchmarks for air toxics. Urban and disadvantaged communities are disproportionately impacted due to concentrated nearby polluting industries and loads of trucks and car emissions. Newark kids have the highest asthma rates in the world. Admissions at urban hospital emergency rooms soar on bad air days, leading to premature death and disease. This is a compelling moral and environmental justice issue. Jackson must speak out.

#### **6. Repair broken toxic site cleanup program**

NJ's toxic cleanup program is broken. Polluters have been allowed to walk away and leave toxic pollution behind under "caps" - again mostly in urban, poor or black communities. The laws were weakened to cut costs and stimulate development. That approach has failed. Its now time to restore prior protections and reorient the program back toward protecting communities, not developers. -

#### **7. Adopt standards for schools and daycare standards to protect children**

The legislature mandated that DEP approve the cleanup plans for sites where schools and daycares are built. Will DEP mandate complete cleanup??The law also mandated the new rules be proposed by January 2008 to set safe indoor standards at schools and daycare centers - at low levels that will protect children. This law was enacted in response to the "Kiddie Kollege" fiasco - where 60 children were poisoned by mercury vapors in a daycare center ;located in a converted industrial thermometer manufacturing facility under a 12 year old unenforced cleanup order. Jackson should brief the committee on this children's health program for schools and day cares.

## **8. Show me the money - Restore DEP Budget and invest in critical green infrastructure -**

Governor Corzine has spoken a lot lately on the need to invest billions in roads. But DEP still has not recovered from the Whitman Administration's staff and budget cuts. The Corzine budget cuts and hiring freeze have made historical resource problems worse. They have led to attrition and vacancies in key staff positions. DEP receives the large majority of its budget from polluters fees and federal grants, only a very small percentage is the burden of NJ taxpayers - less than 1/2 or 1% of the \$34 billion total state budget. Any further cuts at DEP help polluters and developers, not taxpayers. Jackson must draw the line on budget and investment issues..

## **9. Transparency, open government, and ethics reforms**

DEP must disclose publicly - on their website - all meetings with industry lobbyists and all pre-application permit meetings. The public right to know is paramount and DEP must operate as an open public agency, and not a consulting firm for the polluters and developers. DEP must not hire private contractors that have conflicts of interests. The public confidence and trust is jeopardized by current practices.

## **10. Fix and adopt proposals in the pipeline**

DEP has several important regulatory proposals in the hopper that have yet to be adopted, including the "water quality management planning rules (sewer rules) and the stream encroachment rules (flood prevention). DEP recently has begun to solicit input on how to strengthen current coastal management and storm water rules. DEP has long promised to enact rules to protect the disappearing habitat of threaten and endangered species, and criteria to protect wildlife from toxic water pollution buildup. DEP has proposed a controversial cleanup plan on the Passaic River (TMDL) and needs to develop one for Barnegat Bay and hundreds of other polluted waters that fail Clean Water Act standards. Jackson needs to speak clearly and fight for the resources and political support to make these long overdue stronger protections happen.