



February 2006 Highlights
 - Offshore Wind Panel Interim Report is Insufficient
 - Man with Moxie Leads New Jersey
 - Volunteer Opportunities to Beat the Winter Blues

RETURN SERVICE REQUESTED

Clean Ocean Action
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 732-872-0111
 www.CleanOceanAction.org
 Institute of Coastal Education
 Wildwood, NJ 609-729-9262



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STAY INVOLVED IN YOUR COALITION!

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- If you received a message on your address label, it's time to renew.
 - Your contribution will ensure that you receive this monthly newsletter, action alerts, and notices of events for one year.
 - To renew, please detach this form and enclose with your check.
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Clean Ocean Action, PO Box 505, Highlands, NJ 07732
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COA is a 501(c)(3) organization and contributions are tax deductible.

February 2006

February 18, Saturday

- **Fishing Flea Market**, hosted by Ocean Wreck Divers of New Jersey, 8AM-2PM, Toms River Intermediate West School. Call COA to volunteer at information booth.

February 19, Sunday

- **SCUBA Flea Market**, hosted by Ocean Wreck Divers of New Jersey, 8:30 AM-2PM, Toms River Intermediate West School. Call COA to volunteer at booth.

February 23-26, Thursday-Sunday

- **NJ Boat Show**, NJ Convention Center, Edison. Event hours vary by day. Call COA to volunteer at information booth.

SAVE THE DATE!

April 1, Saturday

- **12th Annual John Murphy & Bob Hunter Memorial Flounder Tournament**, Bahrs Landing, Highlands. See flyer inside.

April 29, Saturday

- **21st Annual Spring Beach Sweeps**, 9AM-12:30PM. For information, go to www.cleanoceanaction.org.

COA PARTICIPATING ORGANIZATIONS Featuring... Garden Club of New Jersey

Can you say *Spartina alterniflora*? The members of the **Garden Club of NJ (GCNJ)** not only can say it, but know the vast importance of this salt marsh grass species along the NJ coast. The GCNJ is a federation of Garden Clubs founded in 1925, and a Charter Member of National Garden Clubs, Inc. GCNJ serves over 5,500 members in 120 clubs in the state.

The GCNJ "provides education, resources, and opportunities for adult and youth members to expand the love of gardening and floral design and encourages active participation in civic, environmental, and historic preservation projects to protect the past for the future."

In addition to coordinating the interests of member clubs, GCNJ aids in the protection and conservation of our natural resources. The member clubs cooperate with other groups furthering the interests of conservation and horticulture, and support educational, charitable and scientific causes.

As such, individual clubs became involved with COA during the early days of the campaign to stop ocean dumping and have remained strong supporters. At the time, Wini Applegate was the Environmental Awareness Chairman on the GCNJ Board and led the member clubs in actions to help the ocean.

"Water is the most important natural resource that we have," said **Wini Applegate**, also past GCNJ President. "It is up to everyone of us to promote and educate members of our communities on good water practices. It is our responsibility to preserve clean water for our grandchildren."

Wini is now Chairman of the Environmental Studies Schools of National Garden Clubs, Inc., and a new member of COA's Board of Trustees.

The GCNJ hosts environmental, youth, garden education, garden therapy, and horticulture programs, including rain gardens, and offers scholarships. For information about GCNJ, visit www.gcnj.netfirms.com.

OFFSHORE WIND PANEL INTERIM REPORT IS INSUFFICIENT

Over the past year, the members of the Blue Ribbon Panel invested time, gathered significant amounts of information, and debated the appropriateness of offshore wind facilities. Clean Ocean Action (COA) reviewed the Blue Ribbon Panel's Interim report, "Comparison of the Benefits and Costs of Developing Offshore Wind in New Jersey," that was released in December (for a copy of the report, go to www.njwindpanel.org).

In signing the Executive Order that established the Blue Ribbon Panel, Acting NJ Governor Codey charged the Panel with "identifying and weighing the costs and benefits of developing offshore wind turbine facilities, and considering both economic and environmental costs and benefits. The Blue Ribbon Panel shall also consider the need for offshore wind turbines and a comparison to other electric power sources, including fossil, nuclear and renewable fuels as part of the State's long-term electricity needs."



After careful review by Principal Scientist, Dr. Jennifer Samson, COA found that the Interim Report falls short of that charge. Specifically, it does not contain information essential for determining the appropriateness of offshore wind facility development. For example, the report:

- acknowledges the lack of scientific data and information available;
- fails to discuss the monetary cost of construction, maintenance, operation, and decommissioning;
- does not show that the actual amount of energy that will be produced by the facility is only between 10-20% of the named amount (i.e., 300 MegaWatt);
- repeatedly cites the findings of two scientifically flawed studies;
- looks at placement of wind facilities in an area from three miles offshore, some of which may not be viable due to low winds, environmental sensitivity, or other limiting factors;
- does not address the possibility that any wind facility off the NJ coast could be subjected to high winds and strong wave action caused by Nor'easters and Hurricanes; and,
- does not include the possibility of fuel/oil spills from maintenance and storage.

To assess the information that was in the report, COA created a chart, "Comparison of the Benefits and Costs of Developing Offshore Wind in New Jersey Based on the Interim Report." The chart outlines information presented in the report in terms of benefits, costs/impacts, and caveats. COA's chart and review are available on www.cleanoceanaction.org (follow "Issues & Campaigns" & "Offshore Wind Energy").

COA supports the development of "green" energy, including, first and foremost, energy conservation and efficiency. COA is carefully evaluating the Blue Ribbon Panel process. In determining whether the ocean should play a role in developing renewable energy, a thorough and true determination of the cost and benefits is essential. If found appropriate, specific laws, regulations, criteria, and ownership/management guidance must be in place.

WASTING OUR WATERS AWAY

COA Case for Appeal Rejected, but NJDEP Rapped

A significant source of concern is NJ's wastewater treatment plants that are permitted to discharge 64 billion gallons of effluent per year into the sea. COA has been working to reduce pollution from these pipes by urging the NJ Department of Environmental Protection (DEP) to place reasonable restrictions on permits -- to no avail. To further our cause, COA challenged DEP's permit approval for the Asbury Park Wastewater Treatment Facility. Absurdly, the official process to appeal is to ask DEP to admit they may have been wrong. Rutgers Environmental Law Clinic (RELC) represented our case, and not surprisingly, DEP flatly denied our request.

With that, RELC took the case to court where it wound its way through the system for several years. At stake was the right to a "third party appeal." In other words, if DEP issues a permit that is not good for the ocean, and our only option is to appeal to DEP, how is that "due process?"

Sadly, on January 11, 2006, the NJ Superior Court unanimously decided that COA's request to a third party hearing was properly denied. The Court held that "it is clear that there are no adjudicative facts in issue."

Although COA is disappointed and strongly disagrees, as there were significant scientific flaws in the permit, the decision does move the process forward. For one, it provides guidance that can be used in the future to better frame the scientific and legal issues. Importantly, the Court also gave a good rap across DEP's knuckles. The Court stated that DEP can no longer simply deny a hearing request saying that DEP "must explain the reasons why the DEP Commissioner has concluded that a third party's hearing request does not meet the statutory standard for a hearing."

FLOTSAM & JETSAM

Man with Moxie Leads New Jersey



COA welcomes Governor Jon Corzine and his moxie. His new administration has pledged to put NJ's economic house in order, even as they work to clean house of ethical and political corruption. These will be challenging times, and on the fiscal front, all programs will face harsh budget cuts.

Still, essential to sustaining and enhancing the state's economy is the ocean—the life-blood of NJ. COA will continue to provide direction and leadership through the tough days ahead, finding new funding strategies while strengthening ocean protections. As US Senator, Mr. Corzine had an admirable environmental record, and is off to a good start as Governor to continue that legacy. During his transition, Mr. Corzine convened policy groups to identify short and long-term action agendas for environmental, energy, and development issues. COA's Cindy Zipf served on the Energy Policy group. To contact Governor Corzine, write to: PO Box 001, State House, Trenton, NJ 08625.

New NJDEP Leader has Experience, Expertise, and Coastal Roots

Governor Corzine selected Lisa Jackson as Commissioner of DEP to lead his environmental team. With nearly 20 years of experience in federal and state agencies, Jackson is well chosen. Born and raised in New Orleans, Jackson graduated from Tulane University's School of Chemical Engineering, and later obtained a Master's degree in Chemical Engineering from Princeton University. She came to NJ after working 16 years for USEPA in Washington, DC and New York City. During her USEPA tenure, Jackson worked in the Superfund site program, and on hazardous waste cleanup regulations and cleanup projects.

Jackson has worked at NJDEP since 2002 in Land Use Regulation, Water Supply, Geological Survey, Water Monitoring and Standards, and Watershed Management. Importantly, she worked as Assistant Commissioner of Compliance and Enforcement and improved enforcement actions against polluters. The NJ Senate must approve Lisa Jackson. Until such time, her title is Acting Commissioner. To send her a note, write to: 401 E. State Street, 7th Floor, East Wing, PO Box 402, Trenton, NJ 08625-0402.

COASTAL WATER QUALITY ISSUES

Nicole Simmons, 732-872-0111, Policy@cleanoceanaction.org

Coastal Permit Program Rules Needs Improvement

COA submitted comments to NJDEP's proposed re-adoption of the Coastal Permit Program Rules. These are important rules that govern permit review procedures, public comment opportunities, and enforcement of the Coastal Area Facility Review Act (CAFRA), Waterfront Development Law, and the Wetlands Act of 1970.

In short, COA requested that DEP withdraw the current proposal and file a new proposal that improves the regulatory process for public comment and review, and amends the definition section. In general, DEP missed an important opportunity to comprehensively amend the rules to address serious and inevitable threats to coastal water quality from sea level rise, sediment runoff, and pollutants, to name a few. The proposal also lacks any improvement in regulatory oversight, an essential component of any effective rule.

In addition, COA opposed the Coastal General Permit for the Development of Three or Fewer Dwelling Units. Such a general permit is likely to exacerbate water quality problems due to pollution caused by sediment and toxic runoff from increased impervious surfaces.

Log onto COA's website to read our comments on the rules (follow links for "Issues & Campaigns," then "Coastal Water Quality").

Progress in the Northern Bayshore Region

The Bayshore Regional Watershed Council (BRWC) is making progress toward developing a Dredged Material Management Plan for the Raritan Bay/Sandy Hook Bay region. In mid-January, BRWC submitted an Expression of Interest to the NJ Department of Transportation for funding from the "I Boat NJ" Fund. Steve Taylor, Adjunct Professor in the Monmouth University Department of Political Science Policy Program, has agreed to be the project manager. Currently, project participants include: John Tiedemann, from the Urban Coast Institute - Monmouth University, who will provide technical experience; the Hazlet Area Quality of Life Alliance; and COA. COA will be surveying the region to identify its dredging needs as well as possible places that the material can be beneficially used. If you have dredging needs along the bayshore from Highlands to Hazlet, or know places that could use clean dredged material, please contact Nicole Simmons at COA.



Congratulations to Nicole Simmons, Esq.,
COA Water Policy Analyst,
who was recently sworn in
to the New York State Bar!



Winter Flounder
Pseudopleuronectes americanus

Coastal Creature Feature

December's Creature Feature was the **Winter Flounder**, a thick, meaty, and highly prized food fish. Also known as "blackbacks" and "lemon soles," Winter Flounder range from southern Labrador to Georgia. Their migration consists of moving inshore during the winter and offshore to deeper waters during the summer.

Worms, clams, and small invertebrates make up an adult Winter Flounder's diet. Congratulations to **Tom Olsen**, aka "Catfish Clayton," of **Jackson, NJ**, who won a COA T-shirt for his creative and correct guess of the Winter Flounder!

February's Creature Feature is a member of the goose family, and is much smaller than its relative, the Canada goose. It can weigh up to three pounds, and has a small ring of white around its neck. This small goose arrives in states from Massachusetts to North Carolina in mid-fall and stays until mid-spring. This goose spends its summers breeding in the arctic with its life-long mate. To enter for a chance to win a COA T-shirt, send your guess by mail, fax, or e-mail (PO Box 505, Sandy Hook, NJ 07732; FAX 732-872-8041; Education@CleanOceanAction.org).

(What's Cool at ICE and Coastal Creature Feature appear every other month.)



February Coastal
Creature



Celebrate
YOGA DAY USA

at
Brahma Yoga Spa
Saturday, January 28, 2006
Proceeds to benefit Clean Ocean Action


BRAHMA
YOGA • SPA
1050 Ocean Avenue
Sea Bright, NJ 07760
(732) 224-9004

Evening Reception, 6-8pm
Entertainment, raffle, door prize,
gift bags, in-store specials, and
refreshments by Whole Foods
Market of Middletown Township
\$15 minimum donation

OUTREACH

Kari Jermansen, 732-872-0111, Outreach@cleanoceanaction.org

Volunteer Opportunities to Beat the Winter Blues

COA seeks volunteers to staff an information table, speak to people about ocean pollution issues, and sell COA T-shirts. Volunteer times are typically 2-4 hours, but are flexible. New and/or young volunteers are welcome. To sign up for these festivals and help our ocean, please contact Kari prior to the event.

Saturday, February 18: *The Fishing Flea Market*, volunteers needed 8AM-2PM, Toms River Intermediate West School, Toms River.

Sunday, February 19: *The Scuba Flea Market*, volunteers needed 8:30AM-2PM, Toms River Intermediate West School, Toms River.

Thursday-Sunday, February 23-26: *NJ Boat Show*, volunteers needed 12-9PM, 12-9PM, 9AM-9PM, and 9AM-6PM, respectively, NJ Convention Center, Edison.

Friday-Sunday, March 24-26: *Paddlesport 2006*, volunteers needed 11AM-9PM, 9AM-6PM, and 9AM-4PM, respectively, Garden St. Expo Center, Somerset.

EDUCATION

Holly Jantz, 732-872-0111, Education@cleanoceanaction.org

Calling All North/Central Jersey Middle School Teachers!

COA is now accepting applications for the Spring Student Summit, to be held May 16 and May 17 at Sandy Hook. Private and public middle schools (grades 5-8) from in Sussex, Warren, Hunterdon, Mercer, Monmouth, Middlesex, Somerset, Union, Essex, Hudson, Bergen, Passaic, and Morris Counties are eligible to apply and attend. For details and an application, go to www.cleanoceanaction.org (follow links for "Education Programs" and "Student Summit") or call Holly.