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May 31, 2007

The Honorable Jon Corzine
Governor of New Jersey
Office of the Governor
PO Box 001
Trenton, NJ 08625

Dear Governor Corzine,

We are writing to request that you address with urgency the matter of degraded coastal water quality along the Jersey Shore and its New Jersey's estuaries and tidal waters.

Several days after your administration publicly forecasted good water quality this summer, a serious incident of a "brown tide" algal bloom was reported. According to DEP's website (NJBeaches.org) today (Wednesday, May 30th), "there is a heavy algae bloom affecting waters and beaches in the Raritan and Sandy Hook Bays. Patches of heavy algae were also observed in the surf to approximately 300 yards offshore from Sandy Hook south to Manasquan Inlet."

Brown tide algal blooms are one type of "harmful algal blooms" (HABs) that plague coastal waters. They can be caused by excessive nutrient loadings and also by long periods of low water flow, water column stratification, and reduced mixing – conditions that are often associated with low flushing rates and long residence times for water. A comprehensive report was issued by NJDEP in 2000 on the phenomenon of HABs in New Jersey¹.

Brown tides such as the one impacting Raritan and Sandy Hook Bays, have potential detrimental human health, ecological health, aesthetic and economic impacts. In particular, they can degrade coastal habitats and kill fish, shellfish and other marine organisms.

¹ Harmful Algal Blooms in Coastal New Jersey by Mary Downs Gastrich, Ph.D., NJDEP. 2000.

This incident is a strong signal that all is not well with the Jersey Shore and its coastal waters and habitats. It is a manifestation of the problem of over-development in coastal counties and the subsequent problems of increased impervious surfaces, contaminated stormwater, and reduced freshwater flows into tidal creeks. All of these impacts cause algal blooms, low levels of oxygen in coastal waters, excessive levels of nutrients, impaired underwater habitats and trash that washes up on New Jersey's beaches.

Over-development is real and not getting better. The Rutgers Center for Remote Sensing and Spatial Analysis (CRSSA) has drawn some preliminary findings based on NJDEP's digital map of the state's land cover¹. They have concluded that the level of urbanization of New Jersey's land between 1995 and 2002 was roughly 15,000 acres a year, which is slightly higher than the previous decade's rate of 14,000 acres per year. This is a startling fact, given that New Jersey has prided itself as having a strong coastal development law and program.

Probably the most important finding was that the researchers found that State's growth hotspots with significant up ticks in development rates were coastal counties (Atlantic, Monmouth and Ocean with +24%, +22%, +37% increase in annual rate, respectively). These counties are losing wetland and forest land to urbanization at a rapid rate that is continuing unabated.

Clearly, business as usual is not up to the task of controlling the loss of forest and wetland acreage that is critical to improving coastal water quality. We urge you to use the power of your Administration to take leadership on this issue and do more to help stem the tide of coastal degradation.

For over a year, we have been urging Commissioner Jackson and the Department of Environmental Protection staff to adopt measures that would incorporate ecosystem-based management tools into its coastal policies. We have offered many ideas for how the Department could adopt an ecosystem based management approach to coastal management in letters to your office² and Commissioner Jackson³. These ideas came in part from a report that we released in the Fall of 2005 called Ocean Blueprint: New Jersey, a Blueprint for State Level Action⁴, which researched how New Jersey could implement the recommendations of the Pew Oceans Commission and the National Ocean Commission on Ocean Policy.

¹ Rutgers CRSSA. March 22, 2007. "New Jersey maintains rapid rate of urban development and subsequent loss of open space"
http://www.crssa.rutgers.edu/projects/lc/urbangrowth95_02/PressRelease_03_22_07_LatHropHasse.pdf

² July 31, 2007 (check date) letter from Coastal Ocean Coalition to Governor Jon Corzine.

³ February 28, 2007 letter from Coastal Ocean Coalition to Commissioner Lisa Jackson

⁴ <http://www.coastaloceancoalition.org/oceanbprint/ob-index.htm>

Central to our recommendations to your administration has been that DEP move toward adopting an ecosystem-based management approach. Ecosystem-based management, which was strongly recommended by both national commissions, moves beyond traditional species-by-species, problem-by-problem management approaches to take account of factors such as the interplay between and among species, including food web interactions. It is a critical management component to avoid future harmful algal blooms like this current brown tide.

We urge you to lead the DEP toward more proactive measures that will restore, protect and maintain the state's coastal and ocean ecosystems. We envision that within five years, if the State enacts improved policies, New Jersey could improve dissolved oxygen levels in its tidal and ocean bottom waters that support ocean life, prevent increases in the number of degraded watersheds (defined as those watershed with more than 10% covered with impervious surfaces), better protect ocean habitats that support fish, birds and other ocean life from new uses, and restore wild ocean life populations.

We urge you to consider the following ideas, which we believe are at the core of a meaningful ocean ecosystem protection program for the State to pursue over the next three to five years. Please note that these program recommendations come as a package – it would not be appropriate to cherry pick one or two and ignore the inter-related whole:

1. Enact an ecosystem based management policy through an Executive Order or Legislation.
2. Convene experts who could work with DEP staff to review its coastal programs and recommend how it can adapt those programs with ecosystem-based management approaches. This advisory body could be a new Coastal and Ocean Protection Council (modeled on New Jersey's Clean Water and Clean Air Councils), or a task force, or a commission.
3. Develop a statewide coastal and ocean habitat protection plan that 1) evaluates the function, value to ocean life, status and trends of coastal and ocean habitats, 2) identifies existing and potential threats to the habitats, and 3) recommends how DEP can strengthen its regulatory programs to result in better protection and restoration of coastal and ocean habitats.
4. Prepare an annual report that presents a snapshot and trends analysis of the land use/land cover change and the overall health of New Jersey's coastal and ocean resources that document how the State is meeting the goal of protecting, maintaining and restoring healthy coastal and ocean ecosystems.
5. Conduct an ecosystem-based management pilot program, using The Nature Conservancy's "Conservation By Design" process⁵ on a specified waterbody. This process is being conducted by New York for the Great South Bay and could be adapted to New Jersey on a similar scale.

⁵ For a particular water body or watershed, a team of professionals selects surrogate species, identifies key ecological attributes, determines threats to the attributes, establishes a restoration goal, determines strategies to deal with each threat, develops a series of measurable objectives, and recommends actions and steps to achieve the objectives. The recommendations then could help DEP determine the gaps in its programs that need remedying in order to meet the objectives.

6. Strengthen the implementation and enforcement of CAFRA so that cumulative impacts are accounted for and addressed by regulatory permits.
7. Improve the state's monitoring of bycatch – the unwanted sea turtles, birds and undersized fish that fishing boats throw back, either dead or dying, because it is a protected species, or because fishermen don't want or can't keep it. With many of New Jersey's most important commercial and recreational saltwater fish and shellfish species in trouble, accurate information on sources of fishing-related mortality is more important than ever and creation of a state observer program to help assess bycatch would lead to improved information on the bycatch problem and help develop solutions.

This week's brown tide bloom in Raritan Bay is the Jersey Shore's cry for help. Now is the time for New Jersey to take some bold steps toward advancing ecosystem based management for New Jersey's coast and ocean waters. We hope that you will provide the leadership needed to help tackle this important conservation issue.

Sincerely yours,

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