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PUBLIC HEARING

before

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

ASSEMBLY BILL 122

(Creates the New Jersey Coastal Commission and appropriates \$20 million)

May 26, 1988
Room 413
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

- Assemblyman John O. Bennett, Chairman
- Assemblyman William E. Schluter, Vice Chairman
- Assemblyman Robert W. Singer
- Assemblyman Thomas J. Duch
- Assemblyman David C. Kronick

New Jersey State Library

ALSO PRESENT:

- Spiros J. Caramalis
- Office of Legislative Services
- Aide, Assembly Environmental Quality Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

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E. SCHLUTER
Chairman
J. SINGER
J. DUCH
KRONICK

New Jersey State Legislature
ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 292-7676

May 18, 1988

NOTICE OF A PUBLIC HEARING

The Assembly Environmental Quality Committee will hold a public hearing on Thursday, May 26, 1988, 10:00 A.M., in Room 418, at the State House Annex, Trenton, New Jersey.

The purpose of the hearing is to discuss the following bill:

A-122 ACS Creates New Jersey Coastal Commission,
Villane appropriates \$20 million.

Upon conclusion of the public hearing, the committee will reconvene to consider A-122 ACS and:

A-1058 Prohibits certain discharges of wastes into
Singer the ocean waters.

A-2099 Prohibits waste discharges into ocean waters
Doyle as of January 1, 1990.

Anyone wishing to testify or requiring further information on the above bills should contact Spiros J. Caramalis, Committee Aide, at (609) 292-7676.

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE

ASSEMBLY, No. 122

STATE OF NEW JERSEY

DATED: JUNE 30, 1988

An Assembly Committee Substitute for Assembly Bill No. 122 is reported by the committee.

The proposed Assembly Committee Substitute for Assembly Bill No. 122 establishes a New Jersey Coastal Commission; sets forth the commission's powers; transfers to the commission functions now vested in the Department of Environmental Protection (DEP) under sundry acts, including the coastal wetlands act and the Coastal Area Facility Review Act; and appropriates \$20,000,000 to the commission for implementation of bill's provisions.

The purpose of the bill is to promote the protection, preservation and restoration of the State's coastal area through comprehensive planning, regulation, intergovernmental cooperation, and financial support. The powers and responsibilities for achieving these objectives are assigned to a regional commission, the New Jersey Coastal Commission (henceforth referred to as the "commission"). The coastal area comprises the area defined in the Coastal Area Facilities Review Act, P.L. 1973, c. 185 (C. 13:19-4), as amended by section 63 of this bill. The area encompasses parts of 128 municipalities in the counties of Middlesex, Monmouth, Ocean, Atlantic, Burlington, Cape May, Cumberland and Salem.

Section 4 of the bill establishes the commission as an instrumentality of the State exercising essential government functions, and allocates the commission to DEP, but makes the commission independent of department supervision or control.

The commission is to consist of the Commissioners of Environmental Protection and of Commerce, Energy and Economic Development, and the State Treasurer, who shall serve ex officio, or their designees; eight public members representing certain designated interests or groups; and the four chairpersons of the regional advisory councils, who shall serve in an ex officio capacity. The commission may enlist representatives of designated federal agencies as advisors thereto. The public members shall be appointed by the Governor, with the advice and consent of the Senate, and shall

serve for terms of five-years, except in the case of the members first appointed. Three of the public members shall reside outside the coastal area. The Governor shall appoint from the public members a chairperson, who shall serve a three-year term. Public members of the commission and regional council chairmen shall be compensated on a per diem basis for commission and committee work. In carrying out its functions, the commission may employ secretarial and clerical staff, who shall be in the classified civil service, and professional and other employees that it may deem necessary, but the executive director of the commission shall be appointed by, and serve at the pleasure of, the Governor.

Subsection g. of section 2 requires bonds issued by the commission, including refunding bonds, to receive the prior approval of the Governor and the State Treasurer, or the Director of the Division of Budget and Accounting. Actions taken by the commission and recorded in the minutes shall be subject to review and approval or disapproval by the Governor. The commission shall also file annual reports on its activities with the Governor and the Legislature.

The commission, in concert with the regional advisory councils, shall hold an annual conference, which shall be open to the public, to review commission and council activities, to discuss new or continuing regional problems, and to receive public comment.

The commission may be dissolved by legislative action on the condition that the commission has no outstanding debt, contractual duties or other obligations, or provision is made for the discharge thereof. Upon dissolution of the commission, commission property, funds and assets shall revert to the State.

Section 5 declares the specific purposes of the commission to be: to provide a comprehensive approach to managing growth in the coastal area in close cooperation with local government; to protect, restore and promote the environmental quality, natural, scenic, historic and recreation resources of the coastal area, including protection of the ocean's renewable resources; and to maintain the area's long-term economic viability consistent with protecting its environment.

Section 6 enumerates the general powers of the commission, which include: entering into contracts or other agreements necessary or incidental to the performance of its duties; recommending to DEP more stringent water quality standards for surface and ground water in the coastal areas, or their tributaries or watersheds; collecting

fees for review of applications; issuing revenue bonds for water pollution control, public marinas, parking facilities and potable water supply facilities; making loans or grants or issuing loan guarantees to local government units for the cost of projects undertaken, or required or authorized to be undertaken, in accordance with the management plan, which projects are deemed necessary by the commission to effectuate the purposes of the plan, except activity relating to permit issuance; providing local government units with financial and credit advice; participating in joint ventures with other governmental agencies; recommending to the Governor and Legislature the financial resources and additional legislative measures needed by the commission to implement the policies and purposes of this bill; and taking any other actions deemed necessary, convenient or desirable.

Section 7 grants the commission the power of eminent domain, to be used in connection with a commission project if no feasible alternative exists. This power may not be used to acquire State property; nor may it be used in for a project for which revenue bonds are to be issued, unless approval is obtained from the county or municipality in which the project is to be located. The commission may cause, and shall pay the costs of, the removal and relocation of facilities of public utilities and cable television companies required by a commission project.

Section 8 creates four Regional Advisory Councils to advise the commission on the management plan, project priority lists, commission plans, rules and regulations, or other matters submitted to them. Region one comprises Monmouth and Middlesex counties; Region two-Ocean county; Region three-Atlantic and Burlington counties; and Region four-Cape May, Cumberland and Salem counties. Each council shall consist of two county and eight municipal officials and five public members from the council's region, who shall be appointed by the governing body of the member county or counties. In the case of multi-county districts, representation shall be in proportion to the population and land areas of the counties involved. A member may be removed for cause by the appointing authority. The councils shall elect chairpersons and may employ, subject to approval and funding by the commission, secretarial and clerical staff, who shall be employees of the commission, to carry out council responsibilities. Member counties

and municipalities may also provide staff support to the regional councils.

Section 9 stipulates that, within 18 months of its organizational meeting, and after consultation with the councils and public hearings in each region, the commission shall adopt a coastal area management plan. The plan shall be reviewed, revised and readopted at least once every five years. The commission shall provide for maximum feasible council, local government and public participation in the plan's preparation. The management plan shall be closely coordinated with the provisions of the State Development and Redevelopment Plan, though exempt therefrom, and the Pinelands' Comprehensive Management Plan; and the commission shall consider input from federal, State, county and municipal entities in preparing the plan. The management plan shall protect, preserve and, where practicable, restore, the natural resources and environmental qualities of the coastal area.

Section 10 prescribes the main components of the management plan, which include:

(1) a comprehensive statement of policies for protecting coastal resources and managing development, including the channeling of development into areas already developed or having the infrastructure therefor, or areas where the infrastructure can be efficiently and economically provided;

(2) a resource assessment that determines the types and amounts of development and other human activities that can be sustained by the coastal area ecosystems, and identifies natural, scenic, open space and outdoor recreation resources of the coastal areas, and the public policies required to maintain or restore these resources;

(3) a land use capability component for designating growth areas and special land use areas;

(4) identification of land and water management techniques and other mechanisms that could be utilized by State, regional and local governmental entities to effectuate the policies and purposes of the management plan;

(5) a reference guide of technical planning standards and guidelines use in preparing the management plan;

(6) regional planning guidelines and standards for transportation, housing and other land uses, and for effectuating intergovernmental coordination;

- (7) a public access and use component;
- (8) a five-year coastal area capital improvement program; and
- (9) a financial component detailing the cost of implementing the management plan and the revenue sources therefor.

Section 11 requires State, regional, county and municipal government agencies to comply with the management plan, and the commission to insure implementation therefor, in a manner that assures consistent and uniform protection of the coastal area. The commission shall establish, consistent with the management plan, minimum standards for the adoption and revision, as applicable, of municipal and county master plans, development regulations and capital improvement programs. Within six months of the adoption or readoption of the management plan, each county and municipality in the coastal area shall submit, as applicable, its master plan, development regulations, and capital improvement program to the commission for a determination as to whether the plan, regulations and program are in conformity with the management plan. The commission shall also audit the actions of affected counties and municipalities to determine if they conform to the management plan. County or municipal nonconformance may be found for:

- (1) failure to submit its plan, regulations or program for review and approval by the commission;
- (2) rejection by the commission of its plan, regulations or program;
- (3) for specified actions or inactions by the county or municipality that impede implementation or the management plan, including development approvals that individually or cumulatively have an adverse impact on the environmental quality or natural resources of the coastal area.

Upon a finding of nonconformance, the commission shall:

- (1) withhold grants or loans, except for projects for which a substantial regional benefit would accrue;
- (2) notify the Governor and the Legislature thereof, and recommend that all discretionary funding for the nonconforming county or municipality relating to the management plan be withheld;
- (3) withdraw permit delegation, if any; and
- (4) reduce the thresholds for commission review of development applications within the nonconforming municipality.

The commission shall develop a coordination and consistency plan for achieving intergovernmental coordination of policies and

programs to promote the policies and goals of the management plan, and for integrating into the plan land, water and structures managed in the public interest land, water and structures managed, in the public interest, by governmental or nongovernmental entities.

Section 12 requires preparation of the management plan to include an infrastructure needs assessment, a research needs assessment, and a natural resources inventory. The commission is also required to conduct, or cooperate in the conduct of, research on the health effects of water quality.

Section 13 requires the commission to provide technical and financial assistance to counties and municipalities in the exercise of their land use responsibilities pursuant to this bill.

Section 14 requires each county health department to develop and implement a storm drain monitoring program within the coastal area and to submit reports thereon to the commission.

Section 15 sets out the component elements of a storm drain monitoring program, including the preparation of storm drain maps, the monitoring of drain outfall lines, and identification of persons responsible for the unpermitted storm drain connection causing storm water contamination. The program shall be consistent with existing water quality or water pollution laws. Section 16 requires county health departments to take appropriate actions to prevent the introduction of contaminants into storm waters. Section 17 makes county health departments eligible for State grant assistance of up to 75% of the cost of a the storm drain monitoring program.

Section 18 authorizes the commission to recommend more stringent standards for the water quality of bathing waters and for other ground or surface waters. The commission may enforce more stringent standards for ocean waters adopted by the Department of Health.

Section 19 appropriates monies from the Clean Communities Account to the commission for distribution in accordance with a plan, approved by DEP, for meeting the needs of coastal area municipalities.

Section 20 authorizes the commission to prepare and update a priority list for beach or shore protection projects eligible for financial assistance from the commission, the State or federal government units. The commission may undertake a beach or shore protection in joint venture with a federal, State or local government

unit, with the commission providing financial, technical or managerial assistance to the venture.

Section 21 allows any person requiring permit approval from the commission and another governmental entity to seek the assistance of the commission in identifying all permits or permissions required, and requires the commission to prepare and circulate a permit application checklist in regard thereto. Provision is also made for pre-application conferences with prospective applicants. The commission is also required to review its permitting procedures and those of other governmental units and make recommendations to such other units for improving permit processes.

Section 22 creates an Office of Coastal Advocate. The office shall operate under a chief counsel to be appointed by, and who shall serve at the pleasure of, the commission.

Section 23 sets out the duties of the Coastal Advocate, to be performed under the direction of the commission. The Coastal Advocate shall render legal advice to the commission; perform advocacy and representative functions on behalf of the commission; conduct investigations and initiate legal proceeding to promote and protect the environmental quality of the land and water areas within the coastal area and seek appropriate legal remedies in relation thereto; issue periodic status reports on water quality; provide testimony on development or permit applications; and audit the actions of counties and municipalities for conformance to the management plan.

Section 24 concerns the issuance of commission bonds, including the purpose and nature of such bonds, the mechanics of issuance and sale, reserves and security therefor, payments of bond principal and interest, and refund bonds. The bonds shall be obligations of the commission and payable from commission revenues, receipts or funds required therefor, including debt service payments on debt obligations of local governments issued to the commission.

Section 25 deals with bond covenants. Sections 26 and 27 concern the pledging of revenues or other monies or property by the commission, and authorize the commission to provide guarantees for payment of all or part of the principal and interest on obligations of local government units issued for eligible projects. Section 28 prohibits the commission from incurring any indebtedness or liability on behalf of, or payable by, the State or a political subdivision thereof. Section 29 deals with personal liability relating to the

issuance of bonds. Section 30 authorizes the establishment of reserve and other funds or accounts deemed necessary or desirable by the commission.

Section 31 pledges that the State shall not limit or alter the rights or powers vested in the commission to meet its commitments to the holders of its bonds until the principal and interest thereon have been paid. Section 32 declares the commission's bonds to be authorized investments for certain purposes and authorized security for any public deposits.

Section 33 authorizes the commission to require the State Treasurer to reimburse the commission from State aid payable to a local government upon the failure of that unit to meet its obligations to the commission. The commission may also require increases in fees or other charges for services provided by a local unit when the revenues of such local unit have been pledged as security for the payment of principal and interest on commission bonds, and the revenues are insufficient to meet such payments.

Section 34 authorizes a local government unit to lease or otherwise convey real property or an interest therein to the commission without advertisement and on such terms and conditions as the governing body of the conveying unit shall determine; except that only certain properties of the State may be conveyed and then only with the approval of, and subject to conditions set by, the State House Commission.

Section 35 authorizes the commission to establish and collect rates or rents and other charges for the use of, or services provided by, a commission project, and fix the terms and conditions of the use or services. The commission may convey all or part of a project to a local unit of government, and may enter into agreements with public or private entities for the joint acquisition or construction of a project. Local government units are, in turn, authorized to finance such projects by appropriation or the issuance of bonds, and may levy taxes or assessments in connection therewith.

Section 36 requires at least annual audits of the commission's books and accounts by a certified public accountant selected by the State Treasurer. The State Auditor is also entitled to examine the commission's books and accounts.

Section 37 authorizes the commission to issue a joint commission permit and develop a single permitting process for proposed developments in the coastal wetlands or other coastal

areas. but the review and permit shall remain subject to the separate provisions of law applicable thereto.

Section 38 establishes a time-frame and standards for determining the completeness of an application filed with the commission for the purpose of commencing the commission's hearing process.

Section 39 grants the commission the option of holding a public hearing on a given application, and establishes time schedules therefor and for approving or denying an application, or for requiring additional information from an applicant.

Section 40 authorizes the commission to delegate its powers to issue permits under the coastal wetlands act and the Coastal Area Facility Review Act to a county or municipality which has had its master plan and development regulations certified by the commission. The commission may revoke such delegation upon a later finding of nonconformance with the intent and purposes of the coastal management plan. Permit applications filed with, and final actions taken by, a county or municipality to which the commission has delegated permit review authority, shall be filed with the commission. Approvals or denials of permit applications by such bodies shall also be filed with the commission. The commission, on its own initiative, may review local approvals involving delegated powers. Denials of permit applications are not reviewable by the commission.

The commission may review a decision on a permit, issued by a county or municipality under its delegated powers, upon petition by a county, municipality or a party of interest. Petitions for review shall be forwarded to the appropriate regional advisory council, which may elect to engage in dispute resolution or to refer the dispute back to the commission for an adjudicatory hearing. Council dispute resolution agreements are reviewable by the commission. Commission decisions on council agreements or on any permit application are subject to judicial review. All variances issued under the Municipal Land Use Law in the coastal area are subject to review by the commission. Finally, section 40 also establishes time schedules for the appeals and review processes.

Section 41 allows the resubmission of previously disapproved permit applications. Section 42 makes commission employees members of the Public Employees Retirement System. Sections 43 and 44 transfer the functions of the Division of Coastal Resources in the coastal area to the commission in accordance with the State

Agency Transfer Act. That act entails the transfer of the files, employees and monies of the transferred agency to the new agency to which the functions are transferred. Sections 45 and 46 concern matters of statutory construction.

Sections 46 through 51 concern the transfer, from the board of commerce and navigation to the commission, of jurisdiction over water-front and harbor facilities, and navigable waters in the coastal area.

Sections 52 through 54 transfer to the commission authority to repair, construct, or reconstruct bulkheads, seawalls, breakwaters, groins, jetties, beachfills, dunes and other appurtenant structures within the coastal area. These powers are currently exercised by DEP.

Sections 55 and 56 transfer functions of the Divisions of Marine Services and of Resource Development in the coastal area to the commission.

Sections 57 through 59 rescind the Commissioner of Environmental Protection's authority to review applications for construction in the coastal area.

Sections 60 through 68 effectuate the transfer to the commission of authority to regulate designated construction and other activities in the coastal area. Section 62 also redefines the types and sizes of facilities subject to, or exempted from, coastal area permit reviews. The most important changes involve new thresholds for residential developments in designated growth areas of certain State aid municipalities, and the proposed location of residential and commercial developments between the mean high water lines of tidal waters and the nearest parallel public street or road, or 1,000 feet, whichever is greater. Section 64 exempts from the new thresholds developments that have received preliminary or final subdivision or site plan approval prior to the bill's enactment date. Section 63 omits from the definition of coastal area certain areas subject to the "Pinelands Protection Act." Section 67 amends the findings that must be made in order to issue a permit for development in the coastal area.

Section 71 exempts the commission's management plan from the State Development and Redevelopment Plan. Sections 72 through 77 transfer to the commission the authority, currently vested in DEP, to carry out the provisions of the Shore Protection Bond Act of 1983, including designation of shore protection projects to be funded thereunder.

Section 78 repeals various sections of the Coastal Area Facility Review Act. Section 79 appropriates \$20,000,000 for implementing the provisions of the bill. Section 80 provides that certain sections of the bill shall not take effect until 90 days following the first meeting of the commission. These include: the permit provisions contained in sections 37 through 41; the transfer provisions contained in sections 43, 44, and 47 through 61; and certain related provisions contained in section 65, and sections 67 through 78.

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 122

STATE OF NEW JERSEY

ADOPTED JULY 2, 1988

Sponsored by Assemblymen VILLANE and BENNETT

1 AN ACT to provide for the restoration and protection of, and
advocacy for, the coastal area, creating a New Jersey Coastal
3 Commission, revising various parts of the statutory law, and
making an appropriation.

5

BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

1. (New section) Sections 1 through 46 of this act shall be
9 known, and may be cited as, the "New Jersey Coastal
Commission Act."

11 2. (New section) The Legislature finds and declares that the
beaches, dunes, riverfronts, bayfronts, and inlets along New
13 Jersey's coastline and the surrounding region are sources of
beauty and recreation for hundreds of thousands of residents and
15 visitors each year, a priceless environmental resource, and a vital
component of the State's economy; that the waters of the
17 Atlantic ocean and the State's rivers and bays are subject to
pollution from a variety of sources; that New Jersey's dense
19 population and expanding development, as well as a variety of
natural phenomena, challenge and threaten the continued
21 environmental integrity of the shore region and the coastal
waters; that the economy of the coastal area is dependent upon
23 the quality of the coastal environment; that immediate action
needs to be taken to protect the coastal environment and improve
25 the area's water quality; that the restoration, protection, and
enhancement of the State's coastal environment are matters of
27 highest priority and can be accomplished best through
comprehensive planning, regulation, coordination among all levels
29 of government, and financial support; and that the most effective
and appropriate instrument to carry out these functions is a
31 regional commission with a mandate to preserve, protect, and,
wherever practicable, restore, and serve as an advocate for, the
33 coastal area.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 3. (New section) As used in sections 1 through 46 of this act:
2 "Acquisition" means to acquire by purchase, lease, gift or
3 other means real or personal property, or an interest therein.
4 "Bonds" mean any bonds, notes, interim certificates,
5 debentures, or other obligations issued by the commission
6 pursuant to this act.
7 "Coastal Advocate" means the Office of the Coastal Advocate
8 created pursuant to section 22 of this act.
9 "Coastal area" means that area designated pursuant to section
10 4 of P.L. 1973, c. 185 (C. 13:19-4).
11 "Commission" means the New Jersey Coastal Commission
12 created pursuant to section 4 of this act.
13 "Commissioner" means the Commissioner of Environmental
14 Protection.
15 "Cost" means the cost of all labor, materials, machinery and
16 equipment, lands, property rights and easements, financing
17 charges, interest on bonds, plans and specifications, surveys or
18 estimates of costs and revenues, engineering and legal services,
19 and all other expenses necessary or incident to all or part of a
20 project.
21 "Local government unit" means a county, municipality,
22 municipal or county sewerage or utility authority, municipal
23 sewerage district, joint meeting, improvement authority, or any
24 other political subdivision of this State authorized to undertake a
25 project in the coastal area.
26 "Management plan" means the "New Jersey Coastal Area
27 Management Plan" developed and adopted pursuant to section 9
28 this act.
29 "Project" means any plan, work, or initiative that the
30 commission undertakes, requires to be undertaken, or authorizes
31 to be undertaken pursuant to, and consistent with, the
32 management plan including, but not limited to: land use, natural
33 resource and infrastructure planning; stormwater mapping and
34 monitoring; the acquisition, construction, rehabilitation, or
35 improvement of any structures, lands, riparian property,
36 equipment, facilities, or other real or personal property in the
37 coastal area, including the acquisition of land for the
38 conservation or protection of open space or ecologically sensitive
39 areas; and any other activity deemed necessary by the

1 commission to effectuate the purposes of this act, but does not
2 include any activity for which the commission is responsible only
3 for issuing a permit.

"Regional advisory council" or "council" means any of the
5 bodies created to advise and assist the commission pursuant to
6 section 8 of this act.

7 4. (New section) a. There is established in, but not of, the
8 Department of Environmental Protection a body corporate and
9 politic, with corporate succession, to be known as the "New
10 Jersey Coastal Commission." For the purpose of complying with
11 the provisions of Article V, Section IV, paragraph 1 of the New
12 Jersey Constitution, the commission is allocated within the
13 Department of Environmental Protection, but notwithstanding
14 this allocation, the commission is independent of any supervision
15 or control by the department or the commissioner or any officer
16 or employee thereof. The commission is an instrumentality of
17 the State exercising public and essential government functions of
18 the State.

19 b. The commission shall consist of 15 members, appointed and
20 qualified as follows:

21 (1) The Commissioner of Environmental Protection, the
22 Commissioner of Commerce, Energy and Economic Development
23 and the State Treasurer, or their designees, who shall serve ex
24 officio;

25 (2) Eight public members appointed by the Governor, with the
26 advice and consent of the Senate, who shall be residents of this
27 State. Five of the public members shall be residents of the
28 coastal area and three shall reside outside the coastal area. To
29 the extent practicable and feasible the public members shall have
30 demonstrated expertise and interest in coastal issues and be
31 actively connected with, or have experience in: (a) commercial
32 marine, including shell, fishing; (b) in-state environmental
33 protection advocacy groups; (c) in-state open space conservation
34 advocacy groups; (d) the coastal area tourism industry; (e) the
35 home building industry; or (f) land use planning. At least one
36 person shall be appointed from each of the foregoing categories,
37 but no person may be appointed from any one category if eligible
38 for appointment from any conflicting category. Not more than
39 two members from any one category may serve on the

1 commission at the same time. Not more than four of these
2 members may be of the same political party and no more than
3 two of these members may be residents of the same county. In
4 appointing public members the Governor shall take into
5 consideration the nomination of proposed members by
6 associations or organizations representing any of the above
7 categories; and

(3) The four elected chairpersons of the regional advisory
8 councils, who shall serve ex officio.

9 Representatives of the United States Army Corps of Engineers,
10 the United States Environmental Protection Agency, the United
11 States Coast Guard, and the National Oceanic and Atmospheric
12 Administration may, within the limits of each representative's
13 responsibilities, and at the request of the commission, serve as
14 advisors to the commission.

15 The Governor shall appoint, within six months of the effective
16 date of this act, the public members to the commission.

17 c. The eight public members appointed by the Governor shall
18 each serve terms of five years, except that of the members
19 initially appointed four shall serve four-year terms and four shall
20 serve five-year terms. Each public member shall remain in
21 office for the term of appointment and until a successor is
22 appointed and qualified. A public member is eligible for
23 reappointment. Any vacancy in the membership occurring other
24 than by expiration of term shall be filled in the same manner as
25 the original appointment but for the remainder of the unexpired
26 term only. Any public member may be removed by the Governor
27 for cause after public hearing, and may be suspended by the
28 Governor pending the completion of the hearing.

29 d. The Governor shall designate one of the eight public
30 members to be the chairperson of the commission. The
31 chairperson shall serve for a term of three years and until a
32 successor has been designated. The members shall triannually
33 elect a vice-chairperson from among their members. The
34 members shall elect a treasurer and secretary who shall be
35 members of the commission. The Governor shall appoint, with
36 the advice and consent of the Senate, an executive director of
37 the commission, who shall serve at the pleasure of the Governor
38 and shall be in charge of the operation of the commission as the
39

1 commission may direct. The commission may employ or appoint
2 secretarial and clerical staff in the career service and any other
3 employees as are necessary to carry out the duties and functions
4 of the commission, who shall be in the senior executive or
5 unclassified service.

6 e. The public members of the commission, including any
7 chairpersons of the regional advisory councils who are appointed
8 from the public at large, shall be compensated, subject to the
9 availability of monies appropriated by the Legislature therefor,
10 on a per diem basis for attendance at commission meetings and
11 meetings of any formal committees of the commission.

12 f. The first meeting of the commission shall take place as soon
13 as practicable following the appointment and qualification of a
14 majority of the commission members. The commission shall meet
15 pursuant to a schedule to be established at its first meeting and
16 at the call of the chairperson, but in no instance shall the
17 commission meet less than once a month. A majority of the
18 members of the commission constitutes a quorum for the
19 conducting of official commission business. In no event may any
20 action be taken or resolution adopted without the affirmative
21 vote of at least eight members. A vacancy on the commission
22 does not impair the right of a quorum of the members to exercise
23 the powers and perform the duties of the commission.

24 g. No resolution or other action of the commission providing
25 for the issuance of bonds or the refunding of bonds may be
26 adopted or otherwise made effective by the commission without
27 the prior approval, in writing, of the Governor and of the State
28 Treasurer or the Director of the Division of Budget and
29 Accounting in the Department of the Treasury. A true copy of
30 the minutes of every meeting of the commission shall be
31 delivered forthwith, by and under the certification of the
32 chairperson thereof, to the Governor. No action taken at the
33 meeting by the commission may take effect until approved by the
34 Governor or until 15 days after the copy of the minutes has been
35 delivered. If, in the 15-day period, the Governor returns the copy
36 of the minutes with a veto of any action taken by the commission
37 or any member thereof at the meeting, the action shall be of no
38 effect. The Governor may, prior to the expiration of the 15-day
39 period, approve all or part of the action taken at the meeting

1 prior to the expiration of the 15-day period. Notwithstanding the
foregoing, if the last day of the 15-day period is a Saturday,
3 Sunday, or legal holiday, then the 15-day period is extended to
the following business day. No resolution or other action of the
5 commission providing for the issuance of bonds or refunding bonds
for financing a project that conflicts with the provisions of this
7 act or the management plan shall be approved by the Governor.

h. One year following the first meeting of the commission, and
9 annually thereafter, the commission shall make report of its
activities during the preceding calendar year to the Governor and
11 the Legislature. The report shall set forth a complete operating
and financial statement covering the commission's operations
13 during the preceding year.

i. Nine months following the first meeting of the commission,
15 and annually thereafter, the commission shall hold a conference
in concert with members of the regional advisory councils, which
17 shall be open to the public. The conference agenda shall include,
but need not be limited to:

19 (1) A review of commission and council activities in the
preceding time period;

21 (2) Working forums on new or continuing regional problems
that may require council consideration and commission action; and

23 (3) Comment from the public.

j. The commission may exercise the powers delegated to it in
25 this act only in the coastal area, except as otherwise provided by
law.

27 k. The commission shall continue in existence until dissolved
by act of the Legislature. Any dissolution of the commission
29 shall be on condition that the commission has no debts,
contractual duties, or obligations outstanding or that provision
31 has been made for the payment, discharge, or retirement of these
debts, contractual duties, or obligations. Upon dissolution of the
33 commission all property rights, funds, and assets thereof shall
pass to, and become vested in, the State.

35 5. (New section) The commission shall exercise its power to
achieve the following purposes:

37 a. Protect, preserve and restore the environmental quality and
natural resources of the New Jersey's coastal area, and,
39 consistent with the protection and preservation thereof.

- 1 maintain the long-term economic viability of the coastal area,
and ensure public access to, and use or enjoyment of, the natural,
3 recreation and historic resources in the coastal area;
- b. Provide a comprehensive approach to protecting the
5 environment by managing growth in the coastal area, noting
regional differences and acting in close cooperation with local
7 governments;
- c. Protect the ocean's renewable resources by acting to
9 improve the quality of near coastal and estuary waters and
coastal habitats;
- 11 d. Preserve and promote the scenic, historic and recreational
aspects of the coastal area; and
- 13 e. Insure that regulations governing the coastal area are
understandable and provide for the widest public participation in
15 the commission's decisionmaking processes.
6. (New section) The commission has the following powers and
17 duties:
- a. Make and alter bylaws for its organization and internal
19 management;
- b. Adopt and use an official seal and alter it at its pleasure;
- 21 c. Maintain a principal and other offices at the place or places
in the coastal area as it may designate.
- 23 d. Sue and be sued in its own name, except that a judgment
against the commission shall not create any direct personal
25 liability against its members, employees, or agents;
- e. Indemnify its members, employees, and agents for any
27 claims, suits, costs of investigations, costs of defense,
settlements, or judgments against them on account of an act or
29 omission within the scope of a member's duties, or an
employee's or agent's employment, but the commission shall
31 refuse to defend or indemnify if it determines that the act or
failure to act was because of actual fraud, willful misconduct, or
33 actual malice;
- f. Apply for, receive, and accept, from any federal, State, or
35 other public or private source, appropriations, permit fees,
donations, grants or loans for, or in aid of, the commission's
37 authorized purposes;
- g. Prepare and transmit to the Commissioner of Environmental
39 Protection such recommendations for additional or more

1 stringent water quality standards for surface and ground waters
in the coastal area, or in tributaries and watersheds thereof
3 within or outside the coastal area, as the commission deems
appropriate. Nothing in this subsection shall be construed to
5 authorize the commission to adopt or impose any water quality
standards;

7 h. Prepare, promulgate, adopt, amend or repeal, pursuant to
the "Administrative Procedure Act," P.L. 1968, c. 410 (C.
9 52:14B-1 et seq.), rules and regulations necessary to implement
the provisions of this act;

11 i. Make and enter into all contracts, leases, and agreements
necessary or incidental to the performance of its duties and the
13 exercise of its powers under this act and, subject to any
agreement with the holders of the commission's bonds, consent
15 to any modification, amendment or revision of any contract,
lease, or agreement to which the commission is a party;

17 j. Acquire, own, hold, construct, improve, rehabilitate,
renovate, operate, maintain, sell, assign, exchange, lease,
19 mortgage, or otherwise dispose of real and personal property, or
any interest therein, in the exercise of its powers and the
21 performance of its duties under this act; enter into agreements
with a municipality for making payments in lieu-of-taxes on
23 property located within that municipality on which is situated a
project owned and operated by the commission; and make
25 recommendations to the Legislature as to methods and sources of
compensation for any person who may be deprived of the
27 reasonable use of that person's property by action of the
commission in implementing the management plan;

29 k. In connection with any application under this act, unless
specifically directed otherwise, require and collect any fees and
31 charges as the commission deems reasonable to cover the cost of
the application review procedure;

33 l. Issue notes and revenue bonds secured by the imposition of
user fees and provide for the rights of the holders thereof and the
35 refunding thereof, as provided in this act. Notwithstanding any
other provision of this act, the commission may issue revenue
37 bonds only for the following projects: 1) remedial or ameliorative
water pollution control; 2) public marinas; 3) parking facilities;
39 and 4) potable water supply facilities. Water pollution control

1 and potable water supply projects funded by notes or revenue
bonds issued by the commission shall be limited to growth areas
3 designated in the management plan, and, except for remedial or
ameliorative water pollution control projects, no project may be
5 funded hereunder until the adoption of a management plan by the
commission. The commission may issue revenue bonds for a
7 project only with the agreement of the governing body of the
county and municipality where the project would be located;

9 m. Subject to any agreement with holders of its bonds, invest
moneys of the commission not required for immediate use,
11 including proceeds from the sale of any bonds, notes or
obligations, in any obligations, securities, and other investments
13 in accordance with the rules and regulations of the State
Investment Council;

15 n. Procure insurance to secure the payment of its bonds or the
payment of any guarantees made in accordance with this act, or
17 against any loss in connection with its property and other assets
and operations, in any amounts and from any insurers as it deems
19 desirable;

o. Retain on a contract basis the services of accountants,
21 engineers, and financial experts, and any other advisors,
consultants, and experts on such terms and conditions as the
23 commission may deem necessary or appropriate. Any person
retained on a contract basis shall be domiciled or have an office
25 in the State, except that the commission may retain the services
of a person not domiciled or not having an office in the State
27 upon adoption of a resolution setting forth the necessity therefor;

p. Make and contract to make loan guarantees, loans, and
29 grants to local government units to finance the cost of projects
and acquire and contract to acquire notes, bonds, or other
31 obligations issued or to be issued by local government units to
evidence the loans;

33 q. Subject to any agreement with holders of its bonds,
purchase bonds of the commission and hold them for resale or
35 provide for the cancellation thereof, all in accordance with the
provisions of this act;

37 r. Subject to any agreement with holders of its bonds, obtain
as security or to provide liquidity for payment of all or any part
39 of the principal of and interest and premium on the bonds of the

1 commission or for the purchase upon tender or otherwise of the
3 bonds, lines of credit, letters of credit, and other security
5 agreements or instruments in any amounts and upon any terms as
7 the commission may determine, and pay any fees and expenses
9 required in connection therewith;

s. Provide to local government units any financial and credit
7 advice as these governmental units may request;

t. Make payments to the State from any moneys of the
9 commission available therefor as may be required pursuant to any
11 agreement with the State or act appropriating moneys to the
13 commission;

u. Enter into agreements with the federal government, another
13 State agency, or a local government unit to undertake a project
15 as a joint venture;

v. Call to its assistance and avail itself of the services of the
15 employees of any State, county, or municipal department, board,
17 commission, or agency as may be required and made available to
19 the commission to review any permit or project of the
21 commission or for any function that the commission may
23 undertake;

w. Recommend to the Governor and Legislature the financial
21 resources needed to achieve the purposes of this act;

x. Encourage the use of best available land management
23 practices to prevent runoff from agricultural and other lands;

y. Take any and all actions necessary, convenient or desirable
25 to carry out its purposes and to exercise its powers and duties
27 under this act.

7. (New section) a. The commission may acquire in its own
29 name, whether publicly or privately owned, any real property, or
31 any interest therein, by the exercise of the power of eminent
33 domain. The exercise of this power shall be pursuant to the
35 provisions of P.L. 1971, c. 361 (C. 20:3-1 et seq.). The
37 commission may exercise this power upon a determination that it
39 is reasonably necessary for any of its projects and no prudent and
feasible alternative exists. The power may not be exercised with
respect to property owned by the State or in which the State has
any interest. The power may not be exercised as it relates to any
project for which revenue bonds will be issued except with the
agreement of the governing body of the county and municipality
where the project would be located.

1 b. Upon a determination by the commission that it is necessary
2 that any facilities such as tracks, pipes, mains, conduits, cables,
3 wires, towers, poles, and other equipment and appliances of any
4 public utility, as defined in R.S. 48:2-13, or of any cable
5 television company as defined in P.L. 1972, c. 186 (C. 48:5A-1 et
6 seq.), which are now, or hereafter may be, located in, on, along,
7 over, or under any project, should be removed from the project,
8 the public utility or cable television company owning or operating
9 the facilities shall relocate or remove them in accordance with
10 the order of the commission; except that the expense of the
11 relocation or removal, including the cost of installing the
12 facilities in a new location or locations, and the cost of any lands,
13 or any rights or interests in lands, and any other rights acquired
14 to accomplish the relocation or removal, less the cost of any
15 lands or any rights of the public utility or cable television
16 company paid to the public utility or cable television company in
17 connection with the relocation or removal of the property, shall
18 be ascertained and paid by the commission as a part of the cost
19 of the project. In case of any such relocation or removal of
20 facilities, the public utility or cable television company owning or
21 operating the facilities, its successors or assigns, may maintain
22 and operate the facilities, with the necessary appurtenances, in
23 the new location, for as long a period, and upon the same terms
24 and conditions, as it had the right to maintain and operate the
25 facilities in their former location.

26 8. (New section) There are created four Regional Advisory
27 Councils for the purpose of advising the commission in all of its
28 actions, including but not limited to, the development of the
29 management plan, project priority lists, other plans, rules and
30 regulations, and any other matter referred to them by the
31 commission and for providing a forum for the resolution of land
32 use disputes that may arise pursuant to P.L. 1973, c. 185 (C.
33 13:19-1 et seq.) or P.L. 1970, c. 272 (C. 13:9A-1 et seq.).

34 a. Each council shall consist of 15 members, appointed and
35 qualified as follows:

36 (1) Two elected or appointed county officials from the council
37 region appointed by the county governing body or bodies, as the
38 case may be, of the council region, who may not be of the same
39 political party, and who may serve on the council during their
terms of office;

1 (2) Eight elected or appointed municipal officials from the
council region appointed by the county governing body or bodies,
3 as the case may be, of the council region, not more than four of
whom may be of the same political party, and who may serve on
5 the council during their terms of office; and

(3) Five members of the public at large residing in the council
7 region appointed by the county governing body or bodies, as the
case may be, of the council region, not more than three of whom
9 may be of the same political party.

In those regions comprising more than one county,
11 representation shall, to the greatest extent feasible, reflect
population and land area in the proportion of each county in the
13 region. The governing bodies of each county in a region shall
agree on a methodology for selecting the members on their
15 respective councils.

b. Of the members initially appointed to each council, five
17 members shall be appointed for terms of three years, five for
terms of two years, and five for terms of one year. Thereafter,
19 all council members shall serve three-year terms. Each
qualified council member shall remain in office for the term of
21 appointment and until a successor is appointed and qualified. Any
vacancy in the membership occurring other than by expiration of
23 term shall be filled in the same manner as the original
appointment but for the remainder of the unexpired term only.
25 Any member may be removed by the county governing body or
bodies, as the case may be, for cause, after public hearing, and
27 may be suspended by the county governing body or bodies, as the
case may be, pending the completion of the hearing.

c. The members of each council shall elect a chairperson from
29 among their members. The chairperson shall serve for a term of
31 three years and until a successor has been elected. A chairperson
is not eligible for successive terms.

d. The members of each council shall serve without
33 compensation, but may be reimbursed by the commission for
expenses necessarily incurred in the performance of their duties.
35

e. Each council may employ or appoint, with the approval, and
37 at the expense, of the commission, secretarial and clerical staff,
who shall be commission employees and shall be subject to the

1 provisions of Title 11A (Civil Service) of the New Jersey
2 Statutes. The commission and any local government unit may
3 provide staff assistance to each council.

4 f. Each council shall meet at the call of its chairperson. A
5 majority of the members of each council shall constitute a
6 quorum for the conducting of official council business. In no
7 event shall any action be taken or resolutions adopted without the
8 affirmative vote of at least eight members. A vacancy on a
9 council does not impair the right of a quorum of its members to
10 exercise the powers and perform the duties of the council.

11 g. The council regions comprise those portions of the counties
12 within the coastal area as follows:

- 13 (1) Region one--Monmouth and Middlesex counties;
14 (2) Region two--Ocean county;
15 (3) Region three--Atlantic, Burlington and Cape May counties;
16 and
17 (4) Region four--Cumberland and Salem counties.

18 9. (New section) a. Within 18 months after its first meeting,
19 and at least every five years thereafter, the commission shall,
20 after consultation with the councils, prepare and adopt, or
21 review, revise and readopt, pursuant to the "Administrative
22 Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), a New
23 Jersey Coastal Area Management Plan. Prior to the adoption or
24 readoption of the management plan the commission shall hold a
25 public hearing in each region in the coastal area. Within one
26 week after the adoption or readoption of the management plan,
27 the commission shall send a copy of the plan to each municipality
28 and county in the coastal area.

29 b. The development of the management plan shall be closely
30 coordinated with the provisions of the "State Development and
31 Redevelopment Plan" adopted pursuant to P.L. 1985, c. 398 (C.
32 52:18A-196 et seq.) and the comprehensive management plan for
33 the pinelands adopted pursuant to P.L. 1979, c. 111 (C. 13:18A-1
34 et seq.). Nothing in the management plan may, however, be
35 construed to affect the provisions or requirements under the
36 comprehensive management plan for the pinelands. In developing
37 the management plan the commission shall consider input from
38 federal, State, county, and municipal entities, and other

1 regional bodies, with respect to their land use, environmental,
capital, and economic development plans.

3 c. The commission shall adopt procedures to provide for the
maximum feasible council, local government, and public
5 participation in the preparation of the management plan and in
the periodic review and revision of the plan for purposes of
7 readoption.

10. (New section) The management plan shall include, but
9 need not be limited to:

a. A comprehensive statement of policies for protecting
11 coastal resources and managing development in the coastal area,
based upon a resource assessment made pursuant to subsection b.
13 of this section, which policies shall:

(1) Preserve, restore and protect the natural resources and
15 environmental qualities of the coastal area, including, but not
limited to, coastal and estuary waters, agricultural areas, fresh
17 and saltwater wetlands, flood plains, stream corridors, aquifer
recharge areas, sand dunes, areas of unique flora and fauna and
19 other ecological systems, and areas of scenic, historic and
recreational value;

(2) Provide for the development of, and use of land and water
21 resources in, the coastal area in a manner consistent with: (a) the
preservation and protection of the natural resources and
23 environmental qualities thereof based on ecological
considerations; (b) the protection of the coastal area from
25 individual and cumulative adverse impacts of development on the
environment and natural resources; and (c) the protection of
27 human life and property from natural hazards, including rising sea
levels, and erosion;

(3) Channel patterns of compatible residential, commercial
31 and industrial development in or adjacent to areas already
utilized for such purposes or in areas where the necessary
33 infrastructure exists or can be provided efficiently and
economically;

b. A resource assessment:

(1) That determines the amount and type of development and
37 other human activities that can be sustained by the ecosystems of
the coastal area while maintaining and enhancing the viability
and natural productivity of the ecosystems, with special
39 reference to the ecological vitality of wetlands, natural hazards,

1 endangered or unusual species or habitat, and the cumulative
adverse impacts of development on air and water quality;

3 (2) Of natural, scenic, public open space and outdoor
recreation resources of the area, together with a determination
5 of the land use and other public policies required to maintain or
restore such resources;

7 c. A land use capability component for designating areas for
growth, limited growth, agriculture, open space, natural resource
9 conservation, recreation, habitat protection, water related or
dependent use, and other appropriate designations that the
11 commission may deem necessary. In making these designations
the commission shall seek to provide for development and
13 redevelopment only in locations where highway and transit
capacity, sewerage, water supply, and other physical
15 infrastructure facilities and public services are available or can
be provided efficiently and economically and where the
17 development or redevelopment will not conflict with the
preservation and protection objectives of the management plan;

19 d. Consider, evaluate and recommend mechanisms by which
the policies and purposes of the management plan may be carried
21 out, including land and water protection and management
techniques, utilizing State, regional and local police, regulatory
23 and other powers. Nothing in this act may be construed to
authorize the exercise of any powers not authorized by law, or
25 such additional powers as may be necessary or incidental to the
reasonable exercise thereof. In the event that the commission
27 recommends land and water protection management techniques
that are not authorized by law, the commission may recommend
29 to the legislature enactment of authorization therefor;

e. A reference guide of technical planning standards and
31 guidelines used in the preparation of the management plan;

f. Regional planning guidelines and standards in the following
33 areas: housing, transportation, land and water-based recreation,
urban and suburban redevelopment, historic preservation, public
35 facilities and services, and intergovernmental coordination;

g. A public access and use component, including, but not
37 limited to, a detailed program to assure public access to, and use
of, the beaches and shoreline of the coastal area, and to inform
39 the public of the availability of these and other public

1 recreational opportunities, and of appropriate uses of the land
and water within the coastal area;

3 h. A five-year coastal area capital improvement program,
coinciding with the term of each management plan, to encompass
5 projects to be undertaken or assisted by the commission for
purposes of implementing the policies and goals of the
7 management plan. The capital improvement program shall set
forth the project ranking criteria used by the commission and
9 contain a project priorities list, which shall provide a description
of each project; its purpose and relation to the policies and goals
11 of the management plan; its impacts, costs and proposed
construction schedules; and commission funding to be available
13 therefor; and

i. A financial component, together with a cash flow timetable,
15 which details:

(1) The cost of implementing the management plan, including,
17 but not limited to, payments in lieu-of-taxes, acquisition of fee
simple or of other interests in lands for preservation or
19 recreation purposes, grants, loans, loan guarantees, project costs,
general administrative costs, and any anticipated, extraordinary
21 or continuing costs;

(2) The sources of revenue for covering such costs, including,
23 but not limited to, appropriations, bond revenues, fees, grants,
donations, and loans from local, State, and federal departments
25 and agencies, and from the private sector.

11. (New section) a. Every State, regional, county and
27 municipal government agency shall comply with the management
plan. The commission shall require State, county, and municipal
29 government implementation of the management plan in a manner
that will insure the consistent and uniform protection of the
31 coastal area. The commission shall establish, consistent with the
management plan, minimum standards for the adoption or
33 revision of, as applicable, municipal or county master plans,
development regulations and capital improvement programs in
35 the coastal area.

b. The commission shall make a finding in the case of each
37 county and municipality in the coastal area as to that county's or
municipality's conformance with the management plan. A
39 county or municipality is in conformance with the management

1 plan when, as applicable, its master plan, development
2 regulations and capital improvement program, as appropriate, in
3 the coastal area are deemed by the commission to be in
4 conformance with the management plan and where the actions of
5 the county or municipality, as they relate to provisions of the
6 management plan, are not inconsistent with the management plan.

7 c. Within six months of the adoption or readoption of the
8 management plan, each county and municipality shall submit to
9 the commission its master plan, development regulations and
10 capital improvement program. The commission shall review and
11 make a determination as to whether the plan, regulations and
12 program conform to the management plan. If the plans and
13 ordinances are in conformity therewith, the commission shall
14 certify their conformance. Upon a finding that the plan,
15 regulations or program are not in conformance, the commission
16 shall, in writing, set forth the reasons for the finding of
17 nonconformity and the action the county or municipality must
18 take in order to conform to the management plan. A county or
19 municipality that has been found not to be in conformance with
20 the management plan may resubmit its plan, regulations or
21 program, as the case may be, to the commission for further
22 review. The commission shall review and approve or disapprove a
23 county's or municipality's master plan, development regulations
24 and capital improvement program within 45 days of receipt
25 thereof.

26 A county or municipality shall be deemed to be not in
27 conformance with the management plan for purposes of
28 subsection e. of this section, if:

29 (1) It fails to submit, as appropriate, its master plan,
30 development regulations or capital improvement program for the
31 coastal area within six months of the commission's adoption or
32 readoption of the management plan; or

33 (2) The commission rejects the master plan, development
34 regulations or capital improvement program submitted following
35 adoption or readoption of the management plan.

36 d. Upon receipt of an audit report for a particular county or
37 municipality submitted by the Coastal Advocate in accordance
38 with subsection j. of section 23 of this act, the commission shall
39 make a determination as to whether that county or municipality

1 is or is not in conformance with the management plan. Upon a
3 finding of nonconformance, the commission shall send the county
5 or municipality, in writing, its reasons for finding nonconformity,
7 a copy of the audit report, and recommendations for action to be
9 taken by that county or municipality to be in conformity. A
county or municipality that has been found not to be in
conformance with the management plan pursuant to this
paragraph may, at a later date, petition the commission to
reconsider the finding of nonconformity.

A county or municipality is not in conformance with the
management plan pursuant to this subsection if:

(1) approvals or conditions of approvals for development
activities constituting 5% or greater, on an annual basis, of the
approvals for dwelling units, or square feet of nonresidential
activities, are substantially in conflict with, or impede the
implementation of, the management plan; or

(2) activities required by the management plan for which
standards are contained in the management plan are not
undertaken or are funded at levels less than 90%, on an annual
basis, of the funding required by standards established by the
commission.

The commission may find a county or municipality not to be in
conformance with the management plan if, upon petition or its
own review, it finds, by resolution, that:

(1) any single approval for development activity or pattern of
approvals, whether or not the approvals constitute, on an annual
basis, 5% of the approvals for residential or nonresidential
developments, are substantially in conflict with, or impede the
implementation of the plan; or

(2) the county or municipality has failed to implement any
activity required by the management plan, whether or not the
activity is funded at a level greater than 90%, on an annual basis,
of the funding required by standards established by the
commission.

e. Upon a finding by the commission that a county or a
municipality is not in conformance with the management plan,
the commission shall:

(1) withhold all grants, loans or loan guarantees to that county
or municipality, except upon a finding of substantial, regional
benefit;

1 (2) notify the Governor and both houses of the Legislature and
recommend that all discretionary funding relating to the policies,
3 standards and guidelines included in the management plan for
that county or municipality be withheld until that entity
5 conforms to the management plan; and

7 (3) withdraw permit delegation from that county or
municipality pursuant to this act; and

9 (4) if it is found that, in the case of a municipality, the
approval or conditions of approval for 10% percent or more of the
dwelling units or of the nonresidential square footage approved in
11 any year is not in conformance with the management plan,
require permit review and approval by the commission,
13 notwithstanding any provision to the contrary in P.L. 1973, c. 185
(C. 13:19-1 et seq.),

15 (a) for the area of that municipality between the mean high
water line of any tidal waters and the nearest parallel public
17 street or road, or 1,000 feet, whichever is greater, of any
application for the construction, alteration, enlargement,
19 relocation, or reconstruction of any structure, or for a subdivision
or resubdivision of land into two or more lots, tracts or parcels
21 for sale or development, within that area of the municipality;
except that, in the case of the reconstruction of a single family
23 dwelling unit as a result of damage to 50% or more of that unit, a
presumption shall exist that the owner is entitled to a permit to
25 reconstruct. The provisions of this paragraph shall not apply to
the structural alteration or reconstruction of less than 50%, or to
27 a structural enlargement of less than 25%, as of the time of
enactment of P.L. , c. (C.) (now pending in the
29 legislature as this bill), of a single family dwelling unit;

31 (b) for the area of that municipality within the coastal area
but outside the area designated in paragraph (4)(a) of this
subsection, of any development application for the construction,
33 alteration, enlargement, relocation, or reconstruction of three or
more dwelling units or a commercial development requiring a
35 total of 10 or more parking spaces, or a subdivision or
resubdivision of land into three or more lots, tracts, or parcels
37 for sale or development, within that area of the county or
municipality.

39 f. Upon a finding set forth in a resolution of the commission

1 that a municipality is not in conformance with the management
2 plan by reason of a pattern of decisions the cumulative effect of
3 which would be to adversely impact on the natural resources or
4 environment of the coastal area, the commission, notwithstanding
5 any provision to the contrary in P.L. 1973, c. 185 (C. 13:19-1 et
6 seq.), may:

7 (1) if the pattern of decisions resulting in the adverse impact
8 is within the area between the mean high water line of any tidal
9 waters and the nearest parallel public street or road, or 1,000
10 feet, whichever is greater, require permit review and approval by
11 the commission of any application for the construction,
12 alteration, enlargement, relocation, or reconstruction of any
13 structure, or for a subdivision or resubdivision of land into two or
14 more lots, tracts or parcels for sale or development, within that
15 area of the municipality; except that, in the case of the
16 reconstruction of a single family dwelling unit as a result of
17 damage to 50% or more of that unit, a presumption shall exist
18 that the owner is entitled to a permit to reconstruct. The
19 provisions of this paragraph shall not apply to the structural
20 alteration or reconstruction of less than 50%, or to a structural
21 enlargement of less than 25%, as of the time of enactment of
22 P.L. , c. (C.) (now pending in the Legislature as this
23 bill), of a single family dwelling unit;

24 (2) if the pattern of decisions resulting in the adverse impact
25 is within the coastal area but outside the area designated in
26 paragraph (1) of this subsection, require permit review and
27 approval by the commission of any development application for
28 the construction, alteration, enlargement, relocation, or
29 reconstruction of three or more dwelling units or a commercial
30 development requiring a total of 10 or more parking spaces, or a
31 subdivision or resubdivision of land into three or more lots,
32 tracts, or parcels for sale or development, within that area of the
33 municipality.

34 g. The commission shall develop a coordination and
35 consistency plan that details the ways in which local, State, and
36 federal policies and programs, including but not limited to the
37 federal "Coastal Zone Management Act of 1972," 16 U.S.C.
38 §1451 et al., shall be coordinated to promote the goals and
39 policies of the management plan, and identifies the means

1 whereby land, water, and structures managed by governmental or
nongovernmental entities in the public interest within the coastal
3 area shall be integrated into the management plan.

5 12. (New section) a. In preparing the management plan the
commission shall:

7 (1) Prepare an infrastructure needs assessment, which shall
describe present and prospective conditions, needs, and costs of
State, county, and municipal capital facilities, including water,
9 sewerage, solid waste, transportation, drainage, flood protection,
shore protection, and related capital facilities;

11 (2) Prepare a research needs assessment detailing that
information deemed necessary or useful to the commission in
13 preparing and implementing the management plan and carrying
out its functions under this act;

15 (3) Develop a natural resources inventory, which shall maintain
and update, through data collection and field work, a partially
17 computerized data base of lists of rare and endangered species,
natural communities ranked according to rarity, land areas of
19 unique or ecological significance, and other items designated by
the commission.

21 b. The commission shall conduct, or cooperate in the conduct
of, research projects relating to the health effects of water
23 quality on humans, fish, and shellfish.

25 13. (New section) The commission shall provide technical and
financial assistance to local governments in order to encourage
the use of the most effective and efficient planning and
27 development review data, tools, and procedures. The commission
may give grants to counties and municipalities for planning and
29 development regulation changes.

31 14. (New section) Each county health department or county
board of health, established pursuant to P.L. 1975, c. 329 (C.
26:3A2-1 et seq.), within the coastal area shall develop and
33 implement a storm drain monitoring program for its area within
the coastal area. Periodic reports on the program shall be
35 delivered by each county health department or board of health to
the commission.

37 15. (New section) Each county storm drain monitoring program
shall:

39 a. Provide for the preparation of a storm drain map which

1 locates, lists, and numbers each storm drain outfall line in the
3 area of the county's jurisdiction which discharges into surface
waters;

5 b. Provide for water monitoring at storm drain outfall lines
identified on the storm drain map in order to detect the presence
7 of fecal coliform or other contaminants which may appear as the
result of a sewer line break or an unpermitted connection to that
9 storm drain, or a significant nonpoint source pollution problem
from surface runoff;

11 c. Provide for the performance of tests to identify the source
of any fecal coliform or other contamination detected at the
storm drain outfall;

13 d. Identify the person responsible for any unpermitted sewer
line or connection, or significant nonpoint source pollution which
15 caused the presence of any fecal coliform or other contamination;

17 e. Provide, expand, upgrade, or contract for any laboratory
facilities and services necessary to perform the required water
monitoring and other tests; and

19 f. Be consistent with the "Water Pollution Control Act," P.L.
1977, c. 74 (C. 58:10A-1 et seq.), the Statewide Water Quality
21 Management Program Plan, and the applicable areawide water
quality management plan adopted pursuant to the "Water Quality
23 Planning Act," P.L. 1977, c. 75 (C. 58:11A-1 et seq.) and the
management plan.

25 16. (New section) Upon identification of the source of any
contamination pursuant to the storm drain monitoring program,
27 the county health department or board of health shall take all
appropriate actions to prevent the introduction of fecal coliform
29 and other contaminants into the storm drain and may initiate
legal proceedings pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et
31 seq.) to enforce or restrain the violation of any State or local
law, rule, regulation, or ordinance that resulted in the
33 contamination.

35 17. (New section) Notwithstanding any law to the contrary,
county health departments or boards of health may apply to the
commission for grants to establish storm drain monitoring
37 programs not to exceed 75% of the cost of any such program.
The commission shall, pursuant to the "Administrative Procedure
39 Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), prescribe

1 procedures for applying for the grants, and the terms and
conditions thereof, and standards of performance to implement a
3 storm drain monitoring program.

5 18. (New section) a. The commission shall recommend to the
State Department of Health additional or more stringent
standards for water quality below which bathing in that water
7 may adversely affect the health of humans. Upon a finding that
water quality at a specific location exceeds the established water
9 quality standards adopted by the State Department of Health, the
commission may order that bathing in the waters surrounding that
11 point is prohibited until the standards are met.

13 b. The commission shall, based on the results of research
projects conducted in accordance with subsection b. of section 12
of this act, prepare and transmit to the Commissioner of
15 Environmental Protection recommendations for more stringent
water quality standards for surface and ground waters in the
17 coastal area, or of tributaries or watersheds of such waters
within or outside the coastal area, as the commission deems
19 appropriate. These recommendations shall be accepted or
rejected by the commissioner within 90 days of receipt thereof.
21 The commissioner shall provide a written statement as to the
reasons for his decision.

23 19. (New section) Any moneys to be expended in the coastal
area from the Clean Communities Account, created pursuant to
25 section 7 of P.L. 1985, c. 533 (C. 13:1E-99.2), shall be
appropriated to the commission and deposited in a special
27 account created by the commission. The commission shall
distribute these moneys in a manner determined pursuant to the
29 plan approved by the Department of Environmental Protection
developed to reflect the needs of each municipality in the coastal
31 area.

33 20. (New section) a. The commission shall, on an ongoing
basis, review the New Jersey Shore Protection Master Plan
prepared by the Department of Environmental Protection
35 pursuant to section 5 of P.L. 1978, c. 157. The commission shall
make additions, modifications, and revisions to the plan when the
37 commission determines that there is a developing or emergent
need for other projects or actions to restore, maintain, or protect
39 the beach areas within the jurisdiction of the commission. The

1 commission shall prepare, and systematically update and revise, a
3 priority list of beach or shore protection projects within its area
5 of jurisdiction. Before inclusion of a project on a priority list,
7 the project shall be reviewed by a coastal geologist consultant,
9 utilizing accepted principles of coastal geology, for the purpose
11 of ensuring that the proposed beach or shore protection project
13 takes adequate account of the transitory nature of the shoreline
and the effects of coastal storms and rising sea level. This
priority list shall be given primary consideration in the
commission's determination of the projects to which it shall
provide financial assistance or in its recommendation that an
appropriation for financial assistance be made by the State or
federal government.

15 b. The commission may enter into agreements with the federal
17 government, or with any State or local unit of government, or any
19 public agency, under which the commission and the other entity
shall undertake a beach or shore protection project as a joint
venture, with the commission providing financial assistance
through loans, loan guarantees or grants and any technical or
managerial assistance, as the agreement may provide.

21 c. The commission may make grants to pay, in whole or in
23 part, the cost of any beach or shore protection project, either by
25 providing the local share of a project that is part of a federal
27 program, or by providing direct assistance through grants to any
29 local government unit undertaking a beach or shore protection
project whenever the compelling or emergent need for a project
may warrant that action be taken. The commission may also
pledge its credit for the repayment of any such loan made for the
same purposes by any financial institution.

31 d. Any action taken pursuant to this section shall be in
conformance with the provisions of the management plan.

33 21. (New section) a. A person who is required to apply for a
35 permit or permission from another governmental entity in
37 addition to the commission to perform any construction work or
engage in any activity in the coastal area may seek the assistance
of the commission in identifying all permits or permissions that
the applicant may need to secure from federal, State, regional or
local units of government.

39 b. The commission shall prepare and make available to any

1 interested person a permit application checklist identifying all
3 items reviewed by the commission, or, in the case of a delegation
of authority pursuant to section 40 of this act, by a municipality
5 or county, in evaluating an application for a permit issued
pursuant to section 10 of P.L. 1973, c. 185 (C. 13:19-10) or
7 section 4 of P.L. 1970, c. 272 (C. 13:9A-4), and any approvals
that may be required from federal, state, regional or other
9 governmental entities. The checklist shall be periodically
reviewed and updated by the commission in order to assure the
currency of the information provided therein.

11 c. A prospective applicant may request a pre-application
conference with the commission to discuss and review the permit
13 application checklist requirements prepared in accordance with
subsection b. of this section and the documentation that may be
15 required thereunder. At the request of a prospective applicant,
the conference also may informally review a concept plan for a
17 development which the prospective applicant intends to prepare
and submit for commission review. The concept plan and
19 documentation in connection therewith shall be for discussion
purposes only. The commission shall request the attendance of
21 representatives of any State, regional or local agencies that also
may be required to review the permit application. The
23 commission shall establish pre-application conference
requirements and shall charge a pre-application conference fee,
25 which shall be in addition to permit application fees.

d. The commission shall periodically review its permitting
27 procedures and the permitting procedures of other governmental
entities for the coastal area and may make recommendations to
29 these other governmental entities to improve their permitting
processes.

31 22. (New section) The provisions of P.L. 1944, c. 20 (C.
52:17A-1 et seq.) to the contrary notwithstanding, there is
33 established in the commission the Office of the Coastal
Advocate. The Office of the Coastal Advocate shall operate
35 under the supervision of a chief counsel, who shall be known as
the Coastal Advocate. The Coastal Advocate shall be appointed
37 by, shall answer directly to, and shall serve at the pleasure of the
commission. The Coastal Advocate may, with the approval of the
39 commission, employ such staff as may be necessary to perform

1 the duties of the office. The Coastal Advocate shall be an
attorney-at-law of this State and a person qualified by training
3 and experience to perform the duties of the office. The Coastal
Advocate shall receive such salary as shall be provided by the
5 commission.

7 23. (New section) The Office of the Coastal Advocate shall
perform, under the direction of the commission, the following
duties:

9 a. Provide legal advice and render legal services to the
commission;

11 b. Receive complaints of pollution or other activities that may
lead to the environmental degradation of the land or waters of
13 the coastal area or the circumvention of the management plan;

15 c. Provide advocacy and legal services on an individual or class
basis to represent the public's interest in maintaining and
protecting the resources of the coastal area;

17 d. Initiate legal proceedings in the name of the commission to:

(1) promote and protect the environmental quality of the land
19 and water areas within the coastal area;

(2) enforce the provisions of "The Wetlands Act of 1970," P.L.
21 1970, c. 272 (C. 13:9A-1 et seq.), the "Coastal Area Facility
Review Act," P.L. 1973, c. 185 (C. 13:19-1 et seq.), and the "New
23 Jersey Coastal Commission Act," P.L. , c. (C.) (now
before the Legislature as this bill); and

25 (3) seek injunctive or other relief or civil penalties for the
violation of any environmental law of this State or of the federal
27 government where the violation of that law affects the
environmental quality of the coastal area.

29 The Coastal Advocate may take legal or other action outside
the coastal area whenever pollution therefrom may affect the
31 environmental quality of the coastal area;

33 e. Conduct investigations to promote and protect the
environmental quality of the land and water areas within the
coastal area. The Coastal Advocate may direct that a hearing or
35 examination be held before the Coastal Advocate, or a member
of that office designated by him, pursuant to such rules as he
37 may prescribe. If a member of the office is so designated, he
shall submit to the Coastal Advocate the evidence taken by him,
39 together with his recommendations. The Coastal Advocate, or

1 any member of the office designated by him, may, in any part of
the State, administer oaths and examine witnesses under oath on
3 any matter relating to the powers and duties of the office. Any
person who, having been so sworn, willfully gives false testimony
5 is guilty of perjury. The Coastal Advocate may issue subpoenas
signed by him, requiring the attendance of witnesses and the
7 production of books and papers before him, or a member of the
office designated by him. Any person who, being served with a
9 subpoena issued pursuant to the provisions of this subsection,
shall fail to attend, give testimony or produce the books or papers
11 requested, unless such testimony or books or papers would
incriminate him or subject him to a fine or punishment, shall be
13 liable to a penalty of \$500.00 for each offense, to be recovered in
the name of the commission. The penalty, when recovered, shall
15 be paid to the State Treasurer. The Coastal Advocate shall
prosecute the action for the recovery of the penalty prescribed in
17 this subsection when, in his judgment, the facts and the law
warrant such prosecution;

19 f. Issue periodic status reports on the quality of ocean and
other waters within the coastal area;

21 g. Represent the public interest in administrative and court
proceedings to promote and protect the environmental quality of
23 the coastal area;

25 h. Represent the commission's interests in testimony before
the Congress of the United States and other appropriate
governmental bodies, as the commission directs, to promote the
27 environmental protection of the coastal area;

29 i. Appear and present testimony and comments on
development or permit applications pending before the
commission, or a municipality or county within the coastal area,
31 and any other proceeding before the commission; and

33 j. Audit the actions of counties and municipalities as those
actions relate to conformance with the management plan. The
office shall make monthly audit reports to the commission
35 advising of management plan conformance, which reports shall be
available to the public.

37 24. (New section) a. The commission may, from time-to time,
issue its bonds, subject to the limitations set forth in subsection l.
39 of section 6 of this act, in any principal amounts as in the

1 judgment of the commission shall be necessary to provide
sufficient funds for any of its corporate purposes, including the
3 payment, funding or refunding of the principal of, or interest or
redemption premiums on, any bonds issued by it whether the
5 bonds or interest or redemption premiums thereon to be funded or
refunded have or have not become due, the establishment or
7 increase of reserves or other funds to secure or to pay the bonds
or interest thereon and all other costs or expenses of the
9 commission incident to and necessary to carry out its corporate
purposes and powers.

11 b. Whether or not the bonds of the commission are of a form
and character as to be negotiable instruments under the terms of
13 Title 12A of the New Jersey Statutes, the bonds are made
negotiable instruments within the meaning of and for the
15 purposes of Title 12A, subject only to the provisions of the bonds
for registration.

17 c. Bonds of the commission shall be authorized by a resolution
or resolutions of the commission and may be issued in one or
19 more series and shall bear any date or dates, mature at any time
or times, bear interest at any rate or rates of interest per annum,
21 be in any denomination or denominations, be in any form, either
coupon, registered or book entry, carry any conversion or
23 registration privileges, have any rank or priority, be executed in
any manner, be payable in any coin or currency of the United
25 States which at the time of payment is legal tender for the
payment of public and private debts at any place or places within
27 or without the State, and be subject to any terms of redemption
by the commission or the holders thereof, with or without
29 premium, as the resolution or resolutions may provide. A
resolution of the commission authorizing the issuance of bonds
31 may provide that the bonds be secured by a trust indenture
between the commission and a trustee, vesting in the trustee any
33 property, rights, powers and duties in trust consistent with the
provisions of this act as the commission may determine.

35 d. Bonds of the commission may be sold at public or private
sale at any price or prices and in any manner as the commission
37 may determine. Each bond shall mature, and be paid not later
than 35 years from the effective date thereof, or the certified
39 useful life of the project or projects to be financed by the bonds,
whichever is less.

1 e. All bonds of the commission shall be sold at the price or
prices and in the manner as the commission shall determine, after
3 notice of sale, published at least three times in at least three
newspapers published in the State of New Jersey, and at least
5 once in a publication carrying municipal bond notices and devoted
primarily to financial news, published in New Jersey or the city
7 of New York, the first notice to be at least five days prior to the
day of bidding. The notice of sale may contain a provision to the
9 effect that any or all bids made in pursuance thereof may be
rejected. In the event of rejection or of failure to receive any
11 acceptable bid, the commission, at any time within 60 days from
the date of the advertised sale, may sell the bonds at private sale
13 upon terms not less favorable to the State than the terms offered
by any rejected bid. The commission may sell all or part of the
15 bonds of any series as issued to any State fund or to the federal
government or any agency thereof, at private sale, without
17 advertisement. Notwithstanding the foregoing, the commission
may issue bonds without a competitive bid process by means of a
19 negotiated bond sale which is structured, underwritten and
marketed by a predetermined financial entity selected through a
21 competitive process upon a finding by the commission that 1) a
volatile bond market exists; 2) there is a need to facilitate a
23 refunding of an existing debt; 3) there is a need to market a new
and complex financing; or 4) other unusual conditions exist.

25 f. Except as provided in section 4 of this act, bonds of the
commission may be issued without obtaining the consent of any
27 department, division, board, bureau, or agency of the State, and
without any other proceedings or the happening of any other
29 conditions or things, other than those consents, proceedings,
conditions or things which are specifically required by this act.

31 g. Bonds of the commission issued under the provisions of this
act are not a debt or liability of the State or of any political
33 subdivision thereof other than the commission and do not
constitute an indebtedness, liability, or obligation of the State or
35 any political subdivision, but all these bonds unless funded or
refunded by bonds are payable solely from revenues or funds
37 pledged or available for their payment as authorized in this act.
Each bond shall contain on its face a statement to the effect that
39 the commission is obligated to pay the principal thereof and

1 the interest thereon only from its revenues, receipts, or funds
pledged or available for their payment as authorized in this act
3 and that neither the State, nor any political subdivision thereof,
is pledged to the payment of the principal of or the interest on
5 the bonds.

h. Upon the decision by the commission to issue refunding
7 bonds, and prior to the sale of those bonds, the commission shall
transmit to the Joint Budget Oversight Committee, or its
9 successor, a report that a decision has been made, reciting the
basis on which the decision was made, including an estimate of
11 the debt service savings to be achieved and the calculations upon
which the commission relied when making the decision to issue
13 refunding bonds. The report shall also disclose the intent of the
commission to issue and sell the refunding bonds at public or
15 private sale and the reasons therefor.

(1) The Joint Budget Oversight Committee, or its successor,
17 has the authority to approve or disapprove the sales of refunding
bonds as included in each report submitted in accordance with
19 this subsection. The committee shall notify the commission in
writing of the approval or disapproval as expeditiously as possible.

(2) No refunding bonds shall be issued unless the report has
21 been submitted to and approved by the Joint Budget Oversight
Committee, or its successor, as set forth in paragraph (1) of this
23 subsection.

(3) Within 30 days after the sale of the refunding bonds, the
25 commission shall notify the Joint Budget Oversight Committee,
or its successor, of the result of that sale, including the prices
27 and terms, conditions and regulations concerning the refunding
bonds, the actual amount of debt service savings to be realized as
29 a result of the sale of refunding bonds, and the intended use of
the proceeds from the sale of those bonds.
31

(4) The committee shall review all information and reports
33 submitted in accordance with this subsection and may, on its own
initiative, make observations and recommendations to the
35 commission, or to the Legislature, or both, as it deems
appropriate.

i. Each issue of bonds of the commission shall be special
37 obligations thereof payable out of particular revenues, receipts,
or funds, subject only to any agreements with the holders of
39

1 bonds and may be secured by one or more of the following:

3 (1) A pledge of revenues and other receipts to be derived from
5 the payment of the interest on and principal of notes, bonds, or
7 other obligations issued to the commission by one or more local
9 government units, and any other payment made to the
commission pursuant to agreements with any local government
units, or a pledge or assignment of any notes, bonds, or other
obligations of any local government unit and the rights and
interest of the commission therein;

11 (2) A pledge of rentals, receipts, and other revenues to be
13 derived from leases or other contractual arrangements with any
15 person or entity, public or private, including one or more local
governments units, or a pledge or assignment of those leases or
other contractual arrangements and the rights and interest of the
commission therein;

17 (3) A pledge of all moneys, funds, accounts, securities, and
19 other funds, including the proceeds of the bonds, notes, or other
obligations;

21 (4) A pledge of the receipts to be derived from the payments
of State aid, payable to the commission pursuant to section 33 of
this act; and

23 (5) A mortgage on all or any part of the property, real or
25 personal, of the commission then owned or thereafter to be
27 acquired, or a pledge or assignment of mortgages made to the
commission by any person or entity, public or private, including
one or more local government units and the rights and interest of
the commission therein.

29 25. (New section) In any resolution of the commission
31 authorizing or relating to the issuance of any of its bonds, the
33 commission, in order to secure the payment of the bonds, and in
addition to its other powers, may by provisions therein which
shall constitute covenants by the commission and contracts with
the holders of the bonds:

- 35 a. Secure the bonds as provided in section 6 of this act;
- 37 b. Covenant against pledging all or part of its revenues or
39 receipts;
- c. Covenant with respect to limitations on any right to sell,
mortgage, lease or otherwise dispose of any notes, bonds, or other
obligations of local governmental units, or any part thereof, or
any property of any kind;

1 d. Covenant as to any bonds to be issued by the commission,
and the limitations thereon, and the terms and conditions thereof,
3 and as to the custody, application, investment, and disposition of
the proceeds thereof;

5 e. Covenant as to the issuance of additional bonds of the
commission or as to limitations on the issuance of additional
7 bonds and on the incurring of other debts by it;

f. Covenant as to the payment of the principal of, or interest
9 on, bonds of the commission, as to the sources and methods of
payment, as to the rank or priority of the bonds with respect to
11 any lien or security or as to the acceleration of the maturity of
the bonds;

13 g. Provide for the replacement of lost, stolen, destroyed or
mutilated bonds of the commission;

15 h. Covenant against extending the time for the payment of
bonds of the commission or interest thereon;

17 i. Covenant as to the redemption of bonds by the commission
or the holders thereof and privileges of exchange thereof for
19 other bonds of the commission;

j. Covenant to create or authorize the creation of special
21 funds or accounts to be held in trust or otherwise for the benefit
of holders of bonds of the commission, or reserves for other
23 purposes and as to the use, investment, and disposition of moneys
held in those funds, accounts or reserves;

25 k. Provide for the rights and liabilities, powers and duties
arising upon the breach of any covenant, condition, or obligation
27 in and prescribe the events of default and terms and conditions
upon which any or all of the bonds of the commission shall
29 become or may be declared due and payable before maturity and
the terms and conditions upon which the declaration and its
31 consequences may be waived;

l. Vest in a trustee or trustees within or without the State any
33 property, rights, powers and duties in trust as the commission
may determine which may include any or all of the rights, powers
35 and duties of any trustee appointed by the holders of any bonds of
the commission including rights with respect to the sale or other
37 disposition of notes, bonds, or other obligations of local
government units pledged pursuant to a resolution or commission
39 indenture for the benefit of the holders of bonds of the

1 commission and the right by suit or action to foreclose any
2 mortgage pledged pursuant to the resolution or commission
3 indenture for the benefit of the holders of the bonds, and to limit
4 or abrogate the right of the holders of any bonds of the
5 commission to appoint a trustee under this act, and to limit the
6 rights, duties, and powers of the trustee;

7 m. Pay the costs of expenses incident to the enforcement of
8 the bonds of the commission or of the provisions of the resolution
9 authorizing the issuance of those bonds or of any covenant or
10 agreement of the commission with the holders of the bonds;

11 n. Limit the rights of the holders of any bonds of the
12 commission to enforce any pledge or covenant securing the bonds;
13 and

14 o. Make covenants other than or in addition to the covenants
15 authorized by this act of like or different character, and make
16 covenants to do or refrain from doing any acts and things as may
17 be necessary, or convenient and desirable, in order to better
18 secure the bonds of the commission, or which, in the absolute
19 discretion of the commission, would make the bonds more
20 marketable, notwithstanding that the covenants, acts, or things
21 may not be enumerated herein.

22 26. (New section) Any pledge of revenues, receipts, moneys,
23 funds, or other property or instruments made by the commission
24 are valid and binding from the time the pledge is made. The
25 revenues, receipts, moneys, funds, or other property so pledged
26 and thereafter received by the commission are immediately
27 subject to the lien of the pledge without any physical delivery
28 thereof or further act, and the lien of any pledge is valid and
29 binding as against all parties having claims of any kind in tort,
30 contract, or otherwise against the commission irrespective of
31 whether the parties have notice thereof. Neither the resolution
32 nor any other instrument by which a pledge under this section is
33 created need be filed or recorded, except in the records of the
34 commission.

35 27. (New section) The commission is authorized to guarantee
36 or contract to guarantee the payment of all or any portion of the
37 principal and interest on notes, bonds, or other obligations issued
38 by a local government unit to finance the cost of any project
39 which the local government unit may lawfully undertake or

1 acquire and for which the local government unit is authorized by
law to borrow money, and the guarantee shall constitute an
3 obligation of the commission for the purposes of this act. Each
guarantee by the commission and the terms and conditions
5 thereof shall be subject to approval by the State Treasurer, and
the commission shall make available to the State Treasurer all
7 information, statistical data, and reports of independent
consultants or experts as the State Treasurer shall deem
9 necessary in order to evaluate the guarantee.

28. (New section) All expenses incurred in carrying out the
11 provisions of this act are payable solely from revenues or funds
provided or to be provided under the provisions of this act and
13 nothing in the act shall be construed to authorize the commission
to incur any indebtedness or liability on behalf of, or payable by
15 the State or any political subdivision thereof.

29. (New section) Neither the members of the commission nor
17 any person executing bonds issued pursuant to this act shall be
liable personally on the bonds by reason of the issuance thereof.

30. (New section) The commission may establish reserves,
19 funds, or accounts as may be, in its discretion, necessary or
desirable to further the accomplishment of the purposes of the
21 commission or to comply with the provisions of any agreement
made by, or any resolution of, the commission.
23

31. (New section) The State of New Jersey pledges to, and
25 covenants and agrees with, the holders of any bonds issued
pursuant to this act that the State will not limit or alter the
27 rights or powers vested in the commission to acquire, construct,
maintain, improve, and repair any project in any way that may
29 jeopardize the interest of the holders, or to perform and fulfill
the terms of any agreement made with the holders of the bonds,
31 or to fix, establish, charge and collect the rents, fees, rates, or
other charges, within the power of the commission as may be
33 convenient or necessary to produce sufficient revenues to meet
all expenses of the commission and fulfill the terms of any
35 agreement made with the holders of the bonds, together with
interest thereon, with interest on any unpaid installments of
37 interest, and all costs and expenses in connection with any action
or proceeding by, or on behalf of, the holders, until the bonds,
39 together with interest thereon, are fully met and discharged or
provided for.

1 32. (New section) The State and all public officers, local
government units and agencies thereof, all banks, trust
3 companies, savings banks and institutions, building and loan
associations, savings and loan associations, investment
5 companies, and other persons carrying on a banking business, all
insurance companies, insurance associations and other persons
7 carrying on an insurance business, and all executors,
administrators, guardians, trustees and other fiduciaries, may
9 legally invest any sinking funds, moneys or other funds belonging
to them or within their control in any bonds issued pursuant to
11 this act, and these bonds shall be authorized security for any and
all public deposits.

13 33. (New section) a. To assure the continued operation and
solvency of the commission, the commission may require the
15 State Treasurer to reimburse any obligations of the local
government unit to the commission from the State aid payable to
17 that local government unit if a local government fails or is unable
to pay to the commission in full when due any obligations owed to
19 the commission. As used in this section, obligations of the local
government unit include: the principal of, or interests on, notes,
21 bonds, or other obligations of a local government unit issued to,
or guaranteed by the commission, including the subrogation of the
23 commission to the right of the holders of those obligations; fees
or charges payable to the commission; and any amounts payable
25 by a local government unit under any service contract or other
contractual arrangement the payments under which are pledged
27 to secure any notes, bond, or other obligations issued to the
commission by another local government unit. State aid includes
29 business personal property tax replacement revenues, State urban
aid and State revenue sharing, as these terms are defined in
31 section 2 of P.L. 1976, c. 38 (C. 40A:3-3), or other similar forms
of State aid payable to the local government unit and, to the
33 extent permitted by federal law, federal moneys appropriated or
apportioned to the local government unit by the State.

35 (1) If the commission requires, and there has been a failure or
inability by a local government unit to pay its obligations to the
37 commission remaining uncured for a period of 30 days, the
chairperson of the commission shall certify to the State
39 Treasurer, with written notice to the fiscal officer of the local

1 government unit and to the Legislature, the amount remaining
3 unpaid, and the State Treasurer shall pay that amount to the
5 commission, or, if the right to receive those payments has been
7 pledged or assigned to a trustee for benefit of the holders of
bonds of the commission, to that trustee, out of the State aid
payable to the local government unit, until the amount so
certified is paid.

(2) The amount paid over to the commission shall be deducted
9 from the corresponding appropriation or apportionment of State
11 aid payable to the local government unit and shall not obligate
13 the State to make, nor entitle the local government unit to
15 receive, any additional appropriation or apportionment. The
17 obligation of the State Treasurer to make payments to the
commission or trustee and the right of the commission or trustee
to receive those payments shall be subject and subordinate to the
rights of holders of qualified bonds issued or to be issued pursuant
to P.L. 1976, c. 38 (C. 40A:3-1 et seq.).

(3) In those instances where the local government unit is a
19 utility, authority or other agency created by one or more
21 municipalities or counties, the commission may require the
23 municipalities or counties that receive service or other benefits
therefrom to enter into service contracts or other contractual
25 arrangements under which they would satisfy any deficiencies in
the revenues of the local government unit to repay the loans
made by the commission, which contracts would be pledged to
secure the payment of the loans of the commission.

27 b. Whenever a local government unit covenants or pledges to,
29 or secures the payment of its obligations to the commission by, in
whole or in part, certain revenues of the local government unit
31 derived from rates, fees, or charges imposed on another local
33 government unit, the payments thereof under a service contract
or other contractual arrangement are pledged to the payment of
35 the obligation to the commission. If the other local government
37 unit fails or is unable to pay in full when due any of the
obligations, and the State aid revenues to which the unit is
entitled for any reason have not been made available for the
39 payment of, or are not available in sufficient amounts to pay, the
obligations in full, the commission is authorized during the period
of such failure to cause the local government unit, in accordance

1 with the covenants or pledges established in any loan or other
2 agreement relating thereto, to establish and collect rates, fees
3 and charges in the amounts required to pay the obligations in
4 accordance with the covenants or pledges established in the loan
5 or other agreement relating thereto.

6 34. (New section) Any local government unit, notwithstanding
7 any contrary provision of law, except any requiring notice of
8 public hearing, is authorized to lease, lend, grant, or convey to
9 the commission at its request upon such terms and conditions as
10 the governing body of the local government unit may deem
11 reasonable and fair and without the necessity for any
12 advertisement, order of court, or other action of formality, other
13 than the ordinance, resolution or regular action thereof, any real
14 property or interest therein which may be necessary or
15 convenient to the effectuation of the purposes of the
16 commission. No property of the State, other than meadowlands,
17 riparian lands or lands under water and similar lands or interest
18 therein referred to and whose disposition is controlled by the
19 provisions in Title 12 and Title 13 of the Revised Statutes shall be
20 so granted, leased or conveyed to the commission except upon the
21 approval of the State House Commission and payment to the
22 State of the price therefor as may be fixed by the State House
23 Commission.

24 35. (New section) a. The commission may establish, alter and
25 collect rates, rents, fees or other charges for the use or services
26 of any project and contract in the manner provided in this section
27 with one or more persons, one or more local government units, or
28 any combination thereof, receiving the use or services of any
29 project, and fix the terms, conditions, rents, fees, or other
30 charges for the use or services.

31 b. The contract may provide for acquisition by the person or
32 local government unit, of all or any part of the project for
33 consideration payable over the period of the contract or
34 otherwise as the commission in its discretion determines to be
35 appropriate, but subject to the provisions of any resolution of the
36 commission authorizing the issuance of bonds or any trust
37 agreement securing them.

38 c. Any one or more public or private entities may cooperate
39 with the commission in the acquisition or construction of a

1 project and may enter into any agreement with the commission as
is necessary, with a view to effective cooperative action and
3 safeguarding of the respective interests of the parties thereto,
which agreement shall provide for contributions by the parties
5 thereon in the proportion as may be agreed upon and those other
terms as may be mutually satisfactory to the parties including
7 without limitation the authorization of the construction of the
project by one of the parties acting as agent for all of the parties
9 and the ownership and control of the project by the commission
to the extent necessary or appropriate for purposes of the
11 issuance of bonds by the commission. Any local government unit
may provide a contribution as is required under an agreement by
13 the appropriation of money or, if so authorized by law, by the
issuance of bonds, by levying of taxes or assessments, or the
15 issuance of bonds in anticipation of the collection thereof, or by
the payment of the appropriated money or the proceeds of the
17 bonds to the commission pursuant to that agreement.

d. Nothing in this act shall be construed as authorizing the
19 commission to impose, or require a local government unit to
impose, a charge for access to the upland areas adjacent to tidal
21 waters.

36. (New section) The commission shall cause an audit of its
23 books and accounts to be made at least once in each year by
certified public accountants selected by the State Treasurer and
25 the cost thereof shall be considered as an expense of the
commission and a copy thereof shall be filed with the Governor,
27 State Treasurer, the President of the Senate, and the Speaker of
the General Assembly. The State Auditor, or his legally
29 authorized representative, may examine the accounts and books
of the commission.

31 37. (New section) The commission shall issue a joint coastal
commission permit, where applicable, and shall develop a single
33 permitting process for any permit issuable pursuant to P.L. 1970,
c. 272 (C. 13:9A-1 et seq.) and P.L. 1973, c. 185 (C. 13:19-1 et
35 seq.), by it, or by a municipality or county to which authority has
been delegated pursuant to section 40 of P.L. c. (C.)
37 (now pending in the Legislature as this bill). Notwithstanding
that a joint permit may be issued, the commission, or county or
39 municipality, in reviewing or approving a permit shall apply the

1 statutory criteria for the construction of a facility or undertaking
2 of a regulated activity that is required for each type of activity
3 regulated by each act.

4 38. (New section) Within 45 days following receipt of an
5 application pursuant to P.L. 1970, c. 272 (C. 13:9A-1 et seq.) or
6 P.L. 1973, c. 185 (C. 13:19-1 et seq.), the commission shall notify
7 the applicant in writing regarding its completeness. An
8 application shall be deemed complete upon the expiration of the
9 45 day period for purposes of commencing the applicable time
10 period for action by the commission, unless: a. the application
11 lacks information indicated on a checklist adopted pursuant to
12 section 21 of this act; and b. the commission has notified the
13 applicant, in writing, of the deficiencies in the application within
14 45 days of receipt of the application. The commission, within 15
15 days following receipt of additional information to correct the
16 deficiencies, shall notify the applicant of the completeness of the
17 amended application. The application shall not be considered to
18 be filed until it has been declared complete by the commission.

19 39. (New section) a. The commission, or a member of the
20 commission staff designated by the commission, may hold a
21 hearing as it deems necessary to afford interested parties the
22 opportunity to present, orally or in writing, their position
23 concerning the application and any data they may have developed
24 in reference to the environmental effects of the proposed
25 facility. The hearing, if required, shall be held within 60 days of
26 the filing of a completed application. The commission shall, by
27 rule or regulation, establish adequate notice procedures and
28 criteria for the holding of a public hearing.

29 b. The commission, within 15 days after the hearing, may
30 require, as hereinafter provided, an applicant to submit any
31 additional information necessary for the complete review of the
32 application.

33 c. The commission shall notify the applicant within 60 days
34 after the hearing as to the granting or denial of a permit. If no
35 hearing is held, the commission shall notify the applicant of its
36 decision within 90 days following the filing of a completed
37 application, except that the commission shall notify the applicant
38 of its decision within 45 days following the filing of a completed
39 application where the application is for a permit concerning

1 development pursuant to subparagraphs (d), (e), and (f) of
2 paragraph (1) of subsection c. of section 3 of P.L. 1973, c. 185 (C.
3 13:19-3). The reasons for granting or denying the permit shall be
4 stated. In the event the commission requires additional
5 information as provided for in subsection b. of this section, it
6 shall notify the applicant of its decision within 60 days following
7 the receipt of the information.

8 40. (New section) a. Notwithstanding the provisions of any
9 other law, rule, or regulation to the contrary, the commission
10 may delegate its permit review powers pursuant to P.L. 1973, c.
11 185 (C. 13:19-1 et seq.) and P.L. 1970, c. 272 (C. 13:9A-1 et seq.)
12 to issue permits in the manner prescribed in this act. Delegation
13 is permitted upon commission certification that the master plan,
14 development regulations and capital improvement program, as
15 applicable, of a municipality or county are in conformance with
16 the management plan as provided in section 11 of this act. The
17 commission shall establish, by regulation, standards and other
18 requirements, including staff qualifications, as conditions for
19 delegating permit review authority to a county or municipality,
20 and shall, at the expense of the commission, provide a training
21 course for county or municipal officials on local implementation
22 of the provisions of the management plan.

23 The commission shall revoke its delegation upon a finding that
24 the municipality or county has failed to perform its delegated
25 powers in accordance with the intent or purposes of P.L. 1973, c.
26 185 (C. 13:19-1 et seq.), P.L. 1970, c. 272 (C. 13:9A-1 et seq.), or
27 this act and the management plan.

28 b. A copy of any permit application filed for review by a
29 municipality or county under the authority delegated thereto
30 pursuant to this section shall be filed with the commission. Any
31 such permit application that has not been filed with the
32 commission may not be reviewed or approved by a municipality or
33 county. The commission shall not require prior review by the
34 commission of an informational filing of a permit application
35 pursuant to this subsection.

36 c. Any approval or denial of a permit application by any
37 municipality or county under the authority delegated thereto
38 pursuant to this section shall be filed with the commission not
39 later than 10 days thereafter, exclusive of weekends and holidays.

1 d. Notwithstanding the provisions of any law, rule, or
2 regulation to the contrary, the commission may require, on its
3 own initiative, review of any permit approval granted by a
4 municipality or county in accordance with the authority
5 delegated thereto under this section. Within 30 days of receipt of
6 notice of the decision and a copy of the resolution approving the
7 permit application, the commission shall determine whether to
8 review the permit approval. If the commission decides to review,
9 it shall render a final decision thereon within 30 days of the date
10 of its decision to review.

11 e. The governing body of any municipality or county or any
12 interested party that objects to an approval may petition the
13 commission, within 10 days of the publication of a final decision,
14 to review any decision made by a municipality or county under its
15 delegated authority. The commission shall notify the petitioning
16 party, in writing, within 10 days of receipt of a petition whether
17 or not it agrees to review the permit decision. A party of
18 interest shall include any person who can demonstrate to the
19 satisfaction of the commission that the decision objected to will
20 directly or substantially affect that person's right of access to,
21 or enjoyment of, a natural, historic or recreational resource in
22 the coastal area. The petition shall specify the grounds for the
23 appeal, and the commission shall grant the petition for review
24 only if available administrative remedies have been exhausted. A
25 copy of each petition approved for review shall be forwarded to
26 the appropriate regional advisory council. The council shall, if it
27 agrees to hear the dispute, notify the commission and the
28 affected parties of the place, time and date at which the dispute
29 will be heard within 15 days of receiving the petition. The
30 council also shall notify the parties and the commission of its
31 decision not to hear the dispute.

(1) All hearings held by a council shall be informal in nature.
33 Formal rules of evidence shall not be required, nor shall the
34 parties be required to be represented by legal counsel. The
35 council shall use its best faith efforts to resolve the dispute to
36 the satisfaction of the parties, and in conformance with the
37 policies, standards and guidelines of the management plan, P.L.
38 1970, c. 272 (C. 13:9A-1 et seq.), and P.L. 1973, c. 185 (C.
39 13:19-1 et seq.). If the council cannot resolve the dispute

1 within 60 days of the petition having been filed, it shall refer the
dispute to the commission for an adjudicatory hearing.

3 (2) All dispute resolutions shall be embodied in an agreement
which shall be signed by the parties and which shall be subject to
5 review by the commission. If the commission fails to object to an
agreement within 15 days of its receipt from the council, it shall
7 be considered approved and binding upon the parties. If the
commission disapproves an agreement it shall proceed within 15
9 days of disapproval to hold an adjudicatory hearing on the matter.

11 (3) If the council determines that a dispute is not amenable to
informal hearing and resolution, it shall, within 15 days of
receiving a petition, refer the matter to the commission for an
13 adjudicatory hearing.

15 (4) The commission shall hold an adjudicatory hearing within 90
days of having received a referral from a council pursuant to
paragraphs (1) and (3) above. The commission's decision shall be
17 rendered within 45 days after the close of any adjudicatory
hearing.

19 f. Where a municipality has been granted the power to issue a
permit pursuant to this section, any variance granted by a
21 municipality pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.)
shall be submitted to the commission for review, except that the
23 commission shall not review a variance on which an appeal is
pending before the governing body of the municipality until final
25 action is taken by the governing body on the appeal. Any
variance granted by a municipality concerning an activity for
27 which a permit is required pursuant to P.L. 1970, c. 272 (C.
13:9A-1 et seq.) or P.L. 1973, c. 185 (C. 13:19-1 et seq.), shall be
29 of no effect if the commission disapproves it within 45 days of
receipt of the record of the granting of the variance by the
31 municipality. The commission may offer comments on any aspect
of a variance that it receives for review.

33 g. Review by the commission of a permit approval pursuant to
subsections d., e., or f. of this section shall be in accordance with
35 the adjudicatory hearing provisions for contested cases of the
"Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1
37 et seq.).

39 The effect of a permit approval subject to review by, or appeal
to, the commission pursuant to subsections d., e., or f. of this

1 section shall be stayed, pending a final determination of the
review or appeal.

3 h. A commission decision denying a petition for review,
5 approving an agreement by the parties and the council, approving
7 a permit application following an adjudicatory hearing pursuant
9 to subsection g. of this section, or issuing a coastal commission
permit pursuant to section 37 of this act, shall be considered final
agency action subject to review in the Appellate Division of the
Superior Court.

11 i. Denial of an application for development by a municipal
13 agency pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.) or of a
subdivision or site plan by a county planning board, or the
15 governing body of the county, pursuant to P.L. 1968, c. 285 (C.
40:27-6.1 et seq.), or an appeal of any conditions placed on an
17 approval thereof, shall not be reviewable by the commission.
Appeals therefrom shall be in the manner provided under those
acts.

19 j. The commission shall prepare, and make available to the
public, weekly reports on the status of all permit applications or
21 copies of permit applications required to be filed with the
commission, pending final action by the municipality, county or
commission thereon, as the case may be.

23 41. (New section) Denial of an application for a permit under
this act shall in no way adversely affect the future submittal of a
25 new application.

27 42. (New section) Employees of the commission shall be
members of the Public Employees' Retirement System of New
29 Jersey pursuant to the provisions of P.L. 1954, c. 84 (C. 43:15A-1
et seq).

31 43. (New section) The functions of the Division of Coastal
Resources in the Department of Environmental Protection
exercised in the coastal area are hereby transferred to the
33 commission.

35 44. (New section) All transfers directed by this act shall be
made in accordance with the "State Agency Transfer Act," P.L.
1971, c. 375 (C. 52:14D-1 et seq.).

37 45. (New section) This act shall be liberally construed to
39 effectuate the purpose and intent thereof. Nothing in this act
may be construed in a manner that conflicts with the provisions

1 of the "State Uniform Construction Code Act," P.L. 1975, c. 217
(C. 52:27D-119 et seq.).

3 46. (New section) If any provision of this act or the application
5 thereof to any person or circumstances is held invalid, the
7 remainder of this act and the application of the provision to
persons or circumstances other than those to which it is held
invalid shall not be affected thereby.

47. R.S. 12:5-1 is amended to read as follows:

9 12:5-1. The [board of commerce and navigation] New Jersey
11 Coastal Commission, for the area of its jurisdiction, and the
13 Department of Environmental Protection, in the remainder of the
15 State, shall investigate and report annually to the legislature the
17 condition of water-front and harbor facilities and any other
19 matter incident to the movement of commerce upon all navigable
21 rivers and waters within this state or bounding thereon. The
[board] commission and the department shall also recommend to
the legislature and to the various municipalities interested
therein such measures as may, in the judgment of the [board]
commission or department, be necessary or advisable for the
preservation of proper navigation or its improvement or the
improvement of commerce upon such waters.

(cf: R.S. 12:5-1)

23 48. R.S. 12:5-2 is amended to read as follows:

25 12:5-2. The New Jersey Coastal Commission, for actions in
27 the area of its jurisdiction, and the Department of Environmental
29 Protection, for actions in the remainder of the State, may, by
31 appropriate action in any court, prevent the encroachment or
33 trespass upon the water front of any of the navigable waters of
this State or bounding thereon, or upon the riparian lands of this
State, and compel the removal of any such encroachment or
trespass, and restrain, prevent and remove any construction,
erection or accretion injurious to the flow of any such waters,
which may be detrimental to the proper navigation thereof and
the maintenance and improvement of commerce thereon.

35 (cf: P.L. 1975, c. 232, s. 7)

49. R.S. 12:5-3 is amended to read as follows:

37 12:5-3. a. All plans for the development of any waterfront
39 upon any navigable water or stream of this State or bounding
thereon, which is contemplated by any person or municipality, in

1 the nature of individual improvement or development or as a part
2 of a general plan which involves the construction or alteration of
3 a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or any other
4 similar or dissimilar waterfront development shall be first
5 submitted to the Department of Environmental Protection. No
6 such development or improvement shall be commenced or
7 executed without the approval of the Department of
8 Environmental Protection first had and received, or as
9 hereinafter in this chapter provided.

10 b. The following are exempt from the provisions of subsection
11 a. of this section:

12 (1) The repair, replacement or renovation of a permanent dock,
13 wharf, pier, bulkhead or building existing prior to January 1,
14 1981, provided the repair, replacement or renovation does not
15 increase the size of the structure and the structure is used solely
16 for residential purposes or the docking or servicing of pleasure
17 vessels;

18 (2) The repair, replacement or renovation of a floating dock,
19 mooring raft or similar temporary or seasonal improvement or
20 structure, provided the improvement or structure does not
21 exceed in length the waterfront frontage of the parcel of real
22 property to which it is attached and is used solely for the
23 docking or servicing of pleasure vessels;

24 (3) Development in the coastal area as defined in section 4 of
25 P.L. 1973, c. 185 (C. 13:19-4).

(cf: P.L. 1981, c. 315, s. 1)

26 50. R.S. 12:5-8 is amended to read as follows:

27 12:5-8. Upon the request of a county, municipality or other
28 political subdivision of this state, the [board] department shall
29 prepare and submit a proper plan for the development and
30 improvement of the water front of such political subdivision upon
31 any navigable stream or waters of this state or bounding thereon
32 that are outside the coastal area as defined in section 4 of P.L.
33 1973, c. 185 (C. 13:19-4), the navigation of the waters incident
34 thereto, and the regulation and improvement of the traffic of
35 commerce incident thereto.

36 For the preparation and submission of the plans the [board]
37 department may make such charge against the municipality
38 requesting the same as is equal to the actual cost thereof and the
39

1 political subdivision requesting them is hereby authorized to pay
the same from any funds in its treasury.

3 (cf: R.S. 12:5-8)

5 51. Section 1 of P.L. 1939, c. 30 (C. 12:5-9) is amended to read
as follows:

7 1. [In addition to the powers conferred by the provisions of the
act to which this act is a supplement, the Board of Commerce
and Navigation] The New Jersey Coastal Commission is hereby
9 authorized and empowered to co-operate with the Federal
government, the county of Monmouth, and the borough of
11 Atlantic Highlands in providing and maintaining a harbor of
refuge in Sandy Hook bay near the borough of Atlantic Highlands.

13 (cf: P.L. 1939, c. 374, s. 1)

15 52. Section 1 of P.L. 1940, c. 52 (C. 12:6A-1) is amended to
read as follows:

17 1. [In addition to the powers conferred by the provisions of the
act to which this act is a supplement.] The New Jersey Coastal
Commission, for the area of its jurisdiction, and the State
19 Department of [Conservation and Economic Development is]
Environmental Protection, for the remainder of the State, are
21 hereby authorized and empowered to repair, reconstruct, or
construct bulkheads, seawalls, breakwaters, groins, jetties,
23 beachfills, dunes and any or all appurtenant structures and work,
on any and every shore front along the Atlantic ocean, in the
25 State of New Jersey, or any shore front along the Delaware bay
and Delaware river, Raritan bay, Barnegat bay, Sandy Hook bay,
27 Shrewsbury river including Nevesink river, Shark river, and the
coastal inland waterways extending southerly from Manasquan
29 Inlet to Cape May Harbor, or at any inlet, estuary or tributary
waterway or any inland waterways adjacent to any inlet, estuary
31 or tributary waterway along the shores of the State of New
Jersey, to prevent or repair damage caused by erosion and storm,
33 or to prevent erosion of the shores and to stabilize the inlets or
estuaries and to undertake any and all actions and work essential
35 to the execution of this authorization and the powers granted
hereby.

37 (cf: P.L. 1966, c. 212, s. 1)

39 53. Section 2 of P.L. 1940, c. 52 (C. 12:6A-2) is amended to
read as follows:

1 2. The [Division of Navigation is] New Jersey Coastal
3 Commission, for the area of its jurisdiction, and the Department
4 of Environmental Protection, for the remainder of the State, are
5 further authorized [and empowered] to use the facilities and
6 services of any branch of the Federal Government or of the State
7 Government, or of any county or municipality within the State,
8 and any funds which may now be available or which may
9 hereafter be appropriated by the Federal Government, or any
10 division of the State Government, or of any county or
11 municipality within the State for the purpose of beach erosion,
12 and beach protection.

(cf: P.L. 1946, c. 258, s. 2)

13 54. Section 3 of P.L. 1940, c. 52 (C. 12:6A-3) is amended to
14 read as follows:

15 3. The [Division of Navigation is] New Jersey Coastal
16 Commission, for the area of its jurisdiction, and the Department
17 of Environmental Protection, for the remainder of the State, are
18 further authorized [and empowered] to dredge and remove [any
19 and] all obstructions in every waterway or stream in the State of
20 New Jersey to a depth and width to be determined by the [council
21 of the Division of Navigation] New Jersey Coastal Commission,
22 for the area of its jurisdiction, and the Department of
23 Environmental Protection, for the remainder of the State, and to
24 erect such bulkheads, breakwaters, groins or jetties as are
25 necessary to prevent erosion and stabilize the shore in the
26 vicinity of any inlet along the coast of the State of New Jersey.

27 (cf: P.L. 1946, c. 258, s. 3)

28 55. Section 4 of P.L. 1970, c. 33 (C. 13:1D-3) is amended to
29 read as follows:

30 4. a. The Division of Marine Services, together with all of its
31 functions, powers and duties, is continued as the New Jersey
32 Coastal Commission, for the area of its jurisdiction, and the
33 Division of Coastal Resources in the Department of
34 Environmental Protection for the remainder of the State.

35 b. The Natural Resource Council, together with all of its
36 functions, powers and duties, is continued as the Tidelands
37 Resource Council in the Department of Environmental
38 Protection. This act shall not affect the terms of office of the
39 present members of the council. The members of the council

1 shall continue to be appointed as provided by existing law.
(cf: P.L. 1979, c. 386, s. 1)

3 56. Section 3 of P.L. 1979, c. 386 (C. 13:1D-18.2) is amended
ot read as follows:

5 3. a. Whenever the term "Division of Resource Development",
"Division of Natural Resources", or "Division of Marine Services"
7 or the terms "Director of the Division of Resource
Development", "Director of the Division of Natural Resources",
9 or "Director of the Division of Marine Services" occurs or any
reference is made thereto in any law, contract or document, the
11 [same] term shall [be deemed to] mean or refer to the New Jersey
Coastal Commission, for the area of its jurisdiction, and the
13 Division of Coastal Resources and director thereof, respectively,
for the remainder of the State.

15 b. Whenever the term "Resource Development Council",
"Planning and Development Council" or "Natural Resource
17 Council" occurs or any reference is made thereto in any law,
contract or document, the [same] term shall [be deemed to] mean
19 or refer to the Tidelands Resource Council.

(cf: P.L. 1979, c. 386, s. 3)

21 57. Section 1 of P.L. 1975, c. 232 (C. 13:1D-29) is amended to
read as follows:

23 1. For the purposes of this act, unless the context clearly
requires a different meaning, the following terms shall have the
25 following meanings:

a. "Commissioner" means the State Commissioner of
27 Environmental Protection.

b. "Construction permit" means and shall include:

29 (1) Approval of plans for the development of any waterfront
upon any tidal waterway pursuant to R.S. 12:5-3.

31 (2) A permit for a regulated activity pursuant to "The Wetlands
Act of 1970," P.L.1970, c. 272 (C. 13:9A-1 et seq.).

33 [(3) A permit issued pursuant to the "Coastal Area Facility
Review Act," P.L. 1973, c. 185 (C. 13:19-1 et seq.).] (Deleted by
35 amendment)

(4) Approval of a structure or alteration within the area which
37 would be inundated by the 100 year design flood of any
nondelineated stream or of a change in land use within any
39 delineated floodway or any State administered and delineated

1 flood fringe area, all pursuant to the "Flood Hazard Area Control
Act," P.L. 1962, c. 19 (C. 58:16A-50 et seq.) as amended and
3 supplemented.

(5) Approval of plans and specifications for the construction
5 changes, improvements, extensions or alterations to any sewer
system pursuant to [R.S. 58:11-10] law.

7 "Construction permit" shall not, however, include any approval
of or permit for an electric generating facility or for a petroleum
9 processing or storage facility, including a liquefied natural gas
facility, with a storage capacity of over 50,000 barrels or any
11 permit issued by the New Jersey Coastal Commission.

c. "Department" means the Department of Environmental
13 Protection.

(cf: P.L. 1979, c. 359, s. 8)

15 58. Section 2 of P.L. 1975, c. 232 (C. 13:1D-30) is amended to
read as follows:

17 2. The department shall promptly review all applications for
construction permits. The department shall, within 20 working
19 days following the filing of an application for a construction
permit, [except a permit issued pursuant to the Coastal Area
21 Facility Review Act, P.L. 1973, c. 185 (C. 13:19-1 et seq.),]
request that the applicant submit additional information to assist
23 it in its review if it deems that such information is necessary. In
the event that such information is requested, the application will
25 be construed to be complete when the additional information is
received by the department.

27 (cf: P.L. 1975, c. 232, s. 2)

29 59. Section 4 of P.L. 1975, c. 232 (C. 13:1D-32) is amended to
read as follows:

31 4. In the event that the department fails to take action on an
application for a construction permit within the 90-day period
specified herein, then the application shall be deemed to have
33 been approved; provided, however, that the time periods
specified in section 12 of P.L. 1973, c. 185 (C. 13:19-12) shall
35 apply to applications for construction permits pursuant to the
Coastal Area Facility Review Act, P.L. 1973, c. 185 (C. 13:19-1
37 et seq.)).

(cf: P.L. 1975, c. 232, s. 4)

39 60. Section 4 of P.L. 1970, c. 272 (C. 13:9A-4) is amended to
read as follows:

1 4. a. For purposes of this section "regulated activity" includes
3 but is not limited to draining, dredging, excavation or removal of
5 soil, mud, sand, gravel, aggregate of any kind or depositing or
7 dumping therein any rubbish or similar material or discharging
9 therein liquid wastes, either directly or otherwise, and the
erection of structures, drivings of pilings, or placing of
obstructions, whether or not changing the tidal ebb and flow.
"Regulated activity" shall not include continuance of commercial
production of salt hay or other agricultural crops or activities
conducted under section 7 of this act.

11 b. No regulated activity shall be conducted upon any wetland
without a permit.

13 c. Any person proposing to conduct or cause to be conducted a
15 regulated activity upon any wetland shall file an application for a
17 permit with the New Jersey Coastal Commission, or a
19 municipality or county to which the commission has delegated
21 permit review authority pursuant to section 40 of P.L. .c.
23 (C.) (now before the Legislature as the bill), for any activity
25 within the area of the commission's jurisdiction, or the
27 commissioner, for an activity in the remaining areas of the State,
29 in such form and with such information as the New Jersey
31 Coastal Commission or the commissioner, as appropriate,
33 may prescribe and shall provide notice to each electric or gas public
35 utility in the State and to each owner of all real property as
shown on the current tax duplicate, located in the State and
within 200 feet in all directions of the property which is the
subject of such application in the manner prescribed by section
7.1 of P.L. 1975, c. 291 (C. 40:55D-12). Such application shall
include a detailed description of the proposed work and a map
showing the area of wetland directly affected, with the location
of the proposed work thereon, together with the names of the
owners of record of adjacent land and known claimants of rights
in or adjacent to the wetlands of whom the applicant has notice.
All applications, with any maps and documents relating thereto,
shall be open for inspection at the office of the [Department of
Environmental Protection] commission, or municipality or county,
37 or the department.

d. In granting, denying or limiting any permit the New Jersey

1 Coastal Commission, within the area of its jurisdiction, or
2 municipality or county to which the commission has delegated
3 permit review authority, and the commissioner in the remaining
4 areas of the State shall consider the effect of the proposed work
5 with reference to the public health and welfare, marine fisheries,
6 shell fisheries, wildlife, the protection of life and property from
7 flood, hurricane and other natural disasters, and the public policy
set forth in section 1a. of this act.

8 (cf: P.L. 1983, c. 133, s. 1)

9 61. Section 4 of P.L. 1956, c. 135 (C. 26:9-12.6) is amended to
10 read as follows:

11 4. It shall be the duty of the commission to carry on a
12 continuous study of mosquito control and extermination in the
13 State, to recommend to the Governor and the Legislature, from
14 time to time, changes in legislation which in its judgment may be
15 necessary or desirable to be enacted in order to enforce and carry
16 out mosquito extermination and control work throughout the
17 State, to recommend to the Legislature the amount of money
18 which in its judgment it shall deem necessary and desirable to be
19 appropriated each year by the State for mosquito control
20 purposes and to allocate funds appropriated for State aid to
21 counties in the performance of such work among the various
22 counties through the New Jersey State Agricultural Experiment
23 Station, to act in an advisory capacity in all matters pertaining to
24 mosquito extermination and control and to co-operate with the
25 agencies of other States and the Federal Government in the
26 elimination of mosquito breeding areas under their control. The
27 commission shall not recommend to the Legislature any mosquito
28 control project in the coastal area, as designated pursuant to
29 section 4 of P.L. 1973, c. 185 (C. 13:19-4), that is inconsistent
30 with the policies or goals of the New Jersey Coastal Area
31 Management Plan adopted in accordance with section 9 of P.L.
32 c. () (now pending in the Legislature as this bill). The
33 commission shall submit to the New Jersey Coastal Commission,
34 for review and certification as to consistency with the
35 management plan, any mosquito control project within the
36 coastal area prior to recommending the project for financing to
37 the Legislature.

38 (cf: P.L. 1956, c. 135, s. 4)

1 62. Section 3 of P.L. 1973, c. 185 (C. 13:19-3) is amended to
read as follows:

3 3. For the purposes of this act, unless the context clearly
requires a different meaning, the following words shall have the
5 following meanings:

7 a. ["Commissioner" means the State Commissioner of
Environmental Protection.] (~~Deleted by amendment~~)

9 b. "[Department"] Commission" means the [State Department
of Environmental Protection] New Jersey Coastal Commission.

11 c. "Facility" [includes any of the facilities designed or utilized
for the following purposes:

13 (1) Electric power generation--

Oil, gas, or coal fired or any combination thereof.
Nuclear facilities.

15 (2) Food and food byproducts--

Beer, whiskey and wine production.

17 Fish processing, including the production of fish meal and fish
oil.

19 Slaughtering, blanching, cooking, curing, and pickling of meats
and poultry.

21 Trimming, culling, juicing, and blanching of fruits and
vegetables.

23 Animal matter rendering plants.

Operations directly related to the production of leather or furs
25 such as, but not limited to, unhairing, soaking, delimiting, baiting,
and tanning.

27 Curing and pickling of fruits and vegetables.

Pasteurization, homogenization, condensation, and evaporation
29 of milk and cream to produce cheeses, sour milk, and related
products.

31 Coffee bean and cocoa bean roasting.

33 (3) Incineration wastes--

Municipal wastes (larger than or equal to 50 tons per day).

Automobile body (20 automobiles per hour or larger).

35 (4) Paper production--

Pulp mills.

37 Paper mills.

Paperboard mills.

39 Building paper mills.

- 1 Building board mills.
2 (5) Public facilities and housing--
3 Sanitary landfills.
4 Waste treatment plants (sanitary sewage).
5 Road, airport, or highway construction.
6 New housing developments of 25 or more dwelling units or
7 equivalent.
8 Expansion of existing developments by the addition of 25 or
9 more dwelling units or equivalent.
10 (6) Agri-chemical production--
11 Pesticides manufacture and formulation operations or either
12 thereof.
13 Superphosphate animal feed supplement manufacture.
14 Production of normal superphosphate.
15 Production of triple superphosphate.
16 Production of diammonium phosphate.
17 (7) Inorganic acids and salts manufacture--
18 Hydrofluoric acid and common salts.
19 Hydrochloric acid and common salts.
20 Nitric acid and common salts.
21 Sulfuric acid and common salts.
22 Phosphoric acid and common salts.
23 Chromic acid, including chromate and dichromate salts.
24 (8) Mineral products--
25 Asphalt batching and roofing operations including the
26 preparation of bituminous concrete and concrete.
27 Cement production, including Portland, natural, masonry, and
28 pozzolan cements.
29 Coal cleaning.
30 Clay, clay mining, and fly-ash sintering.
31 Calcium carbide production.
32 Stone, rock, gravel, and sand quarrying and processing.
33 Frit and glass production.
34 Fiberglass production.
35 Slag, rock and glass wool production (mineral wool).
36 Lime production, including quarrying.
37 Gypsum production, including quarrying.
38 Perlite manufacturing, including quarrying.
39 Asbestos fiber production.

- 1 (9) Chemical processes--
Ammonia manufacture.
- 3 Chlorine manufacture.
Caustic soda production.
- 5 Carbon black and charcoal production, including channel,
furnace, and thermal processes.
- 7 Varnish, paint, lacquer, enamel, organic solvent, and inorganic
or organic pigment manufacturing or formulating.
- 9 Synthetic resins or plastics manufacture including, but not
limited to, alkyd resins, polyethylene, fluorocarbons,
11 polypropylene, and polyvinylchloride.
Sodium carbonate manufacture.
- 13 Synthetic fibers production including, but not limited to,
semisynthetics such as viscose, rayon, and acetate, and true
15 synthetics such as, but not limited to, nylon, orlon, and dacron,
and the dyeing of these semi and true synthetics.
- 17 Synthetic rubber manufacture, including but not limited to,
butadiene and styrene copolymers, and the reclamation of
19 synthetic or natural rubbers.
The production of high and low explosives such as, but not
21 limited to, TNT and nitrocellulose.
Soap and detergent manufacturing, including but not limited to,
23 those synthetic detergents prepared from fatty alcohols or linear
alkylate.
- 25 Elemental sulfur recovery plants not on the premises where
petroleum refining occurs.
- 27 Used motor or other oil or related petroleum product
reclamation operations.
- 29 Petroleum refining, including but not limited to, distillation,
cracking, reforming, treating, blending, polymerization,
31 isomerization, alkylation, and elemental sulfur recovery
operations.
- 33 Organic dye and dye intermediate manufacturing.
Hydrogen cyanide or cyanide salts manufacture or use.
- 35 Glue manufacturing operations.
Manufacturing, fabricating, or processing medicinal and
37 pharmaceutical products including the grading, grinding, or
milling of botanicals.
- 39 (10) Storage--

1 Bulk storage, handling, and transfer facilities for crude oil, gas
and finished petroleum products not on the premises where
3 petroleum refining occurs.

Bulk storage, handling, transfer and manufacturing facilities of
5 gas manufactured from inorganic and organic materials including
coal gas, coke oven gas, water gas, producer, and oil gases.

7 (11) Metallurgical processes--

Production of aluminum oxide and aluminum metal and all
9 common alloys, such as those with copper, magnesium, and silicon.

Production of titanium metal, salts, and oxides.

11 Metallurgical coke, petroleum coke, and byproduct coke
manufacturing.

13 Copper, lead, zinc, and magnesium smelting and processing.

Ferroalloys manufacture such as, but not limited to, those
15 combined with silicon, calcium, manganese and chrome.

Integrated steel and iron mill operations including, but not
17 limited to, open hearth, basic oxygen, electric furnace, sinter
plant, and rolling, drawing, and extruding operations.

19 Melting, smelting, refining, and alloying of scrap or other
substances to produce brass and bronze ingots.

21 Gray iron foundry operations.

Steel foundry operations.

23 Beryllium metal or alloy production, including rolling, drawing
and extruding operations.

25 Operations involving silver, arsenic, cadmium, copper,
mercury, lead, nickel, chromium, and zinc including, but not
27 limited to, production, recovery from scrap or salvage, alloy
production, salt formation, electroplating, anodizing, and
29 metallo-organics compound products preparation.

Stripping of oxides from and the cleaning of metals prior to
31 plating, anodizing, or painting.

(12) Miscellaneous--

33 Operations involving the scouring, desizing, cleaning,
bleaching, and dyeing of wool.

35 Wood preserving processes which use coal or petroleum based
products such as, but not limited to, coal tars and/or creosotes.

37 Manufacture, use, or distillation of phenols, cresols, or coal tar
materials.

39 Manufacture of lead acid storage batteries and/or storage

1 batteries produced from other heavy metals, such as nickel or
cadmium.

3 Installation of above or underground pipelines designed to
transport petroleum, natural gas, and sanitary sewage.

5 Operations involving the dyeing, bleaching, coating,
impregnating, or glazing of paper.

7 Dyeing, bleaching, and printing of textiles other than wool.
Chemical finishing for water repelling, fire resistance, and
9 mildew proofing, including preshrinking, coating and impregnating.

Sawmill and planing mill operations.

11 Marine terminal and cargo handling facilities.] means:

13 (1) The division or redivision of a parcel of land into two or
more parcels, or the construction, relocation, reconstruction,
structural alteration, or enlargement of any building or other
structure, or of any mining excavation or landfill, but does not
include:

17 (a) A subdivision of a parcel of land, or a resubdivision
resulting, in the aggregate, in 24 or fewer lots, tracts, or parcels
for sale or development for 24 or fewer dwelling units, or a new
housing development, or the expansion, alteration, relocation, or
reconstruction of an existing housing development, resulting, in
the aggregate, in 24 or fewer dwelling units;

23 (b) A subdivision of a parcel of land, or a resubdivision thereof,
resulting, in the aggregate, in 74 or fewer lots, tracts, or parcels
for sale or development for 74 or fewer dwelling units, or a new
housing development, or the expansion, alteration, relocation, or
reconstruction of an existing housing development, resulting, in
the aggregate, in 74 or fewer dwelling units, in any area
designated by the commission as a growth area in a qualifying
municipality as defined pursuant to P.L. 1979, c. 118 (C.
52:27D-118.1 et seq.);

31 (c) Any commercial development or the alteration,
reconstruction, or expansion thereof which alone, or in
combination with an earlier development, requires a total of less
than 10 parking spaces, or an area less than two acres of paved
area.

37 Notwithstanding subparagraphs (a) through (c) above, facility
includes,

39 (d) the creation by subdivision of a parcel of land, or by a

1 resubdivision thereof, of three or more lots, tracts, or parcels for
2 sale or development, or the construction, alteration,
3 enlargement, relocation, or reconstruction of three or more
4 dwelling units, or commercial development requiring 10 or more
5 parking spaces, between the mean highwater line of any tidal
6 waters and the nearest parallel public street or road or 1,000
7 feet, whichever is greater;

8 (e) any commercial development or expansion thereof between
9 the mean high water line of any tidal waters and the nearest
10 parallel public street or road, or 1000 feet, whichever is greater,
11 which alone, or in combination with an earlier development, will
12 require a total of 10 or more parking spaces; and

13 (f) the construction, alteration, enlargement, relocation, or
14 reconstruction of one or more dwelling units or other structures
15 and any commercial development located, or to be located,
16 between the mean high water line of any tidal waters and the
17 nearest parallel public street or road, or 1,000 feet, whichever is
18 greater, if there is no intervening structure between the unit or
19 structure and the water, except that, in the case of the
20 reconstruction of a single family dwelling unit as a result of
21 damage to 50% or more of that unit, a presumption shall exist
22 that the owner is entitled to a permit to reconstruct. As used in
23 this subparagraph "intervening structure" does not include a
24 shore protection device, boardwalk, road, or beach facility
25 including bath house, lifeguard station, snack bar and other
26 similar facilities. The provisions of this subparagraph do not
27 apply to the structural alteration or reconstruction of less than
28 50%, or to the structural enlargement of less than 25%, as of the
29 time of enactment of P.L. , c. (C.) (now before the
30 Legislature as this bill), of a single family dwelling unit.

31 (2) Development of any waterfront upon any navigable water or
32 stream within the coastal area or bounding thereon, which is
33 contemplated by any person or municipality, in the nature of
34 individual improvement or development or as a part of a general
35 plan which involves the construction or alteration of a dock,
36 wharf, pier, bulkhead, bridge, pipeline, cable, or any other similar
37 or dissimilar waterfront development, but does not include:

38 (a) the repair, replacement or renovation of a permanent dock,
39 wharf, pier, bulkhead or building existing prior to January 1,

1 1981, provided the repair, replacement or renovation does not
2 increase the size of the structure and the structure is used solely
3 for residential purposes or the docking or servicing of pleasure
4 vessels;

5 (b) the repair, replacement or renovation of a floating dock,
6 mooring raft or similar temporary or seasonal improvement or
7 structure, provided the improvement or structure does not
8 exceed in length the waterfront frontage of the parcel of real
9 property to which it is attached and is used solely for the docking
10 or servicing of pleasure vessels.

11 d. "Person" means and shall include corporations, companies,
12 associations, societies, firms, partnerships and joint stock
13 companies as well as individuals and governmental agencies.

14 e. "Governmental agencies" means the Government of the
15 United States, the State of New Jersey, or any other states, their
16 political subdivisions, agencies, or instrumentalities thereof, and
17 interstate agencies.

18 f. "Commercial development" means any facility other than a
19 dwelling unit or a facility used in manufacturing or industrial
20 processing. As used in this subsection, manufacturing and
21 industrial processing include but are not limited to, electric
22 power production, food and food byproduct processing, solid
23 waste incinerators with capacity of at least 50 tons per day,
24 paper production, public facilities including sanitary landfills,
25 waste treatment plants, roads, and airports, agri-chemical
26 production, chemical processes, storage facilities, metallurgical
27 processes, and processes utilizing mineral products.

28 g. "Dwelling unit" includes houses, townhouses, apartments,
29 condominiums, cabanas, hotel or motel rooms, hospital rooms,
30 nursing home rooms, institutions, mobile homes, campsites for
31 tents or recreational vehicles, floating homes, or any habitable
32 structure of similar size and potential environmental impact.

33 h. "Management plan" means the New Jersey Coastal Area
34 Management Plan developed and adopted pursuant to section 9 of
35 P.L. , c. (C.) (now before the Legislature as this bill).

36 i. "Public road" means a road or street open to vehicular
37 traffic other than on an emergency basis as of the effective date
38 of P.L. ,c: (C.) (now before the Legislature as this bill).

39 j. "Regional advisory council" or "council" means the bodies

1 created to advise and assist the commission pursuant to section 8
2 of P.L. , c. (C.) (now before the Legislature as this bill).

3 (cf: P.L. 1973, c. 185, s. 3)

4 63. Section 4 of P.L. 1973, c. 185 (C. 13:19-4) is amended to
5 read as follows:

6 4. The "coastal area" shall consist of all that certain area
7 lying between the line as hereinafter described and the line
8 formed by the State's seaward (Raritan Bay and Atlantic ocean)
9 territorial jurisdiction on the east thereof, the State's bayward
10 (Delaware Bay) territorial jurisdiction on the south and southwest
11 thereof, and the State's riverward (Delaware River) territorial
12 jurisdiction on the west thereto. Beginning at the confluence of
13 Cheesequake Creek with the Raritan Bay; thence southwesterly
14 along the center line of Cheesequake Creek to its intersection
15 with the Garden State Parkway; thence southeasterly along the
16 Garden State Parkway to Exit 117 at State Highway 36; thence
17 northeasterly along State Highway 36 to the intersection of
18 Middle Road (County 516); thence easterly along Middle Road to
19 the intersection of Palmer Avenue (County 7); thence
20 northeasterly on Main Street to the intersection of State Highway
21 36; thence easterly on State Highway 36 to the intersection of
22 Navesink Avenue; thence southerly on Navesink Avenue to the
23 intersection of Monmouth Avenue at Navesink; thence westerly
24 on Monmouth Avenue to its intersection with Browns Dock Road;
25 thence southerly on Browns Dock Road to its intersection with
26 Cooper Road; thence southwesterly on Cooper Road to the
27 intersection of State Highway 35; thence southerly on State
28 Highway 35 to its intersection with State Highway 71; thence
29 southeasterly on State Highway 71 to its crossing of the Central
30 Railroad of New Jersey tracks; thence southerly along the
31 Central Railroad of New Jersey tracks to its intersection of 6th
32 Avenue (County 2); thence westerly on 6th Avenue (County 2) to
33 the intersection of State Highway 33; thence westerly along State
34 Highway 33 to the crossing of State Highway 18; thence southerly
35 on State Highway 18 to its intersection of Marconi Road; thence
36 southeasterly on Marconi Road to Adrienne Road, continuing
37 south on Adrienne Road to Belmar Boulevard; thence easterly on
38 Belmar Boulevard and 16th Avenue to the intersection of State
39 Highway 71; thence southerly on State Highway 71 to the

1 intersection of State Highway 35; thence northwesterly along
State Highway 35 to State Highway 34 at the Brielle Circle;
3 thence northwesterly along State Highway 34 to the Garden State
Parkway at Exit 96; thence southwesterly along the Garden State
5 Parkway to the intersection of the Monmouth, Ocean County
boundary; thence westerly along said boundary to the intersection
7 of the Central Railroad of New Jersey tracks; thence
southwesterly along the tracks of the Central Railroad of New
9 Jersey to its junction with the tracks of the Pennsylvania
Railroad near Whiting; thence easterly along the tracks of the
11 Pennsylvania Railroad to its intersection with the Garden State
Parkway near South Toms River; thence southerly along the
13 Garden State Parkway to its intersection with [County Road 539
at Garden State Parkway exit 58; thence northerly along County
15 Road 539 to its intersection with Martha-Stafford Forge Road;
thence westerly along Martha-Stafford Forge Road to its
17 intersection with Spur 563; thence northerly along Spur 563 to its
intersection with County Road 563; thence southerly along
19 County Road 563 to its intersection with County Road 542 at
Green Bank; thence northwesterly along County Road 542 to its
21 intersection with Weekstown-Pleasant Mills Road; thence
southeasterly along Weekstown-Pleasant Mills Road to its
23 intersection with County Road 563 at Weekstown; thence
southeasterly along County Road 563 to its intersection with
25 Clarks Landing Road leading to Port Republic; thence easterly
along Clarks Landing Road to its intersection with the Garden
27 State Parkway; thence southerly along the Garden State Parkway
to its intersection with] Alt. 559, and thence northwesterly along
29 Alt. 559 to its intersection with County Road 559 at Gravelly
Run; thence northwesterly along County Road 559 to its
31 intersection with U.S. 40 and S.R. 50 at Mays Landing; thence
westerly along combined U.S. 40 and S.R. 50 to its intersection
33 with S.R. 50; thence southerly on S.R. 50 to its intersection with
Buck Hill Road near Buck Hill; thence westerly along Buck Hill
35 (River Road) Road to its intersection with S.R. 49; thence
southeasterly along S.R. 49 to its intersection with S.R. 50;
37 thence southeasterly along S.R. 50 to its intersection with County
Road 585; thence southwesterly along County Road 585 to its
39 intersection with S.R. 47 at Dennisville; thence northwesterly

1 along S.R. 47 to its intersection with State Road 49 at Millville;
thence through Millville along State Road 49 to its intersection
3 with County Road 555; thence southerly along County Road 555
to its intersection with County Road 27; thence southerly along
5 County Road 27 to its intersection with County Road 70; thence
southerly on County Road 70 to the Center of Mauricetown;
7 thence through Mauricetown westerly on County Road 548 to its
intersection with the tracks of the Central Railroad of New
9 Jersey; thence northwesterly on the tracks of the Central
Railroad of New Jersey to its intersection with County Road 98;
11 thence easterly along County Road 98 to the intersection with
County Road 38; thence northerly along County Road 38 to its
13 intersection with S.R. 49 east of Bridgeton; thence westerly along
S.R. 49 through Bridgeton to its intersection with County Road 5
15 (Roadstown Road); thence westerly along County Road 5
(Roadstown Road) to Roadstown; thence northwesterly along the
17 Roadstown Road to County Road 47; thence southwesterly along
County Road 47 to its intersection with County Road 19; thence
19 along County Road 19 northwesterly to Gum Tree Corner; thence
northwesterly along County Road 19 from Gum Tree Corner
21 across Stowe Creek to its intersection with Salem County Road
59 (Hancock's Bridge Road); thence northwesterly along County
23 Road 59 to its intersection with County Road 51 at Coopers
Branch; thence northeasterly along County Road 51 to its
25 intersection with S.R. 49 at Quinton; thence northwesterly along
S.R. 49 to its intersection with County Road 50; thence
27 southwesterly along County Road 50 to its intersection with
County Road 58; thence southerly on County Road 58 to its
29 intersection with County Road 24; thence westerly along County
Road 24 to its intersection with County Road 65; thence
31 northerly along County Road 65 (Walnut Street) to its
intersection with County Road 4; thence westerly along County
33 Road 4 and northerly along County Road 4 and thence easterly
along County Road 4 to its intersection with State Road 49;
35 thence northerly along State Road 49 (Front Street) to its
intersection with County Road 57; thence easterly along County
37 Road 57 to its intersection with State Road 45; thence northerly
along State Road 45 to its intersection with County Road 540 at
39 Pointers; thence northerly and northwesterly along County Road

1 540 (Deepwater-Slapes Corner Road) to its intersection with the
New Jersey Turnpike: thence westerly along the New Jersey
3 Turnpike to its intersection with County Road 33; thence
southerly along County Road 33 to its intersection with State
5 Road 49; thence southeasterly along S.R. 49 to its intersection
with County Road 26; thence northwesterly along County Road 26
7 to the Killcohook National Wildlife Refuge; thence northwesterly
along this northeasterly boundary to the limits of the State's
9 territorial jurisdiction on the Delaware River; provided, however,
that the coastal area shall not include all that certain area in
11 Cape May county lying within a line beginning at the intersection
of S.R. 47 and County Road 54; thence westerly on County Road
13 54; to the intersection of County Road 3; thence southeasterly on
County Road 3 through the intersection of County Road 3 with
15 County Road 13 to the intersection with County Road 47; thence
easterly and northerly along County Road 47 to its intersection
17 with State Road 9; thence northerly along State Road 9 to its
intersection with State Road 47; thence westerly along State
19 Road 47 to its intersection with County Road 54.

(cf: P.L. 1973, c. 185, s. 4)

21 64. Section 5 of P.L. 1973, c. 185 (C. 13:19-5) is amended to
read as follows:

23 5. No person shall construct or cause to be constructed a
facility in the coastal area until he has applied for and received a
25 permit issued by the [commissioner] commission. or, in the case
of permit review authority delegated pursuant to section 40 of
27 P.L. c. (C.) (now pending before the Legislature as
this bill), by the municipality or county to which the delegation
29 has been made; however, the provisions of this act shall not
apply to facilities for which [on-site construction, including site
31 preparation, was in process] preliminary or final site plan or
subdivision approval has been received, or a building permit has
33 been issued, on or prior to the effective date of [this act] P.L. ,
c. (C.) (now before the Legislature as this act), but no
35 extension or renewal of the expiration date of any such
preliminary or final site plan or subdivision approval shall be
37 issued on or after that date.

(cf: P.L. 1973, c. 185, s. 5)

39 65. Section 6 of P.L. 1973, c. 185 (C. 13:19-6) is amended to
read as follows:

1 6. Any person proposing to construct or cause to be
constructed a facility in the coastal area shall file an application
3 for a permit with the [commissioner] commission, in such form
and with such information as the [commissioner] commission may
5 prescribe; except that if the commission has delegated permit
review for a facility as defined in section 3 of P.L. 1973, c. 185
7 (C. 13:19-3), the application and information, as prescribed by
the commission, shall be filed with the municipal or county
9 agency exercising the delegated authority. The application shall
include an environmental impact statement as described in this
11 act, unless the commission, or the county or municipal agency, by
resolution and in accordance with standards adopted therefor by
13 the commission, waives the requirement.

(cf: P.L. 1973, c. 185, s. 6)

15 66. Section 10 of P.L. 1973, c. 185 (C. 13:19-10) is amended to
read as follows:

17 10. The [commissioner] commission, or the municipal or county
agency, shall review filed applications, including [the] any
19 environmental impact statement and all information presented at
public hearings. [He shall issue a permit only if he finds] A
21 permit shall be issued only upon a finding that the proposed
facility:

23 a. Conforms with all applicable air, water and radiation
emission and effluent standards and all applicable water quality
25 criteria and air quality standards.

27 b. Prevents air emissions and water effluents in excess of the
existing dilution, assimilative, and recovery capacities of the air
and water environments at the site and within the surrounding
29 region.

31 c. Provides for the handling and disposal of litter, trash, and
refuse in such a manner as to minimize adverse environmental
effects and the threat to the public health, safety, and welfare.

33 d. Would result in minimal [feasible] impairment of the
regenerative capacity of water aquifers or other ground or
35 surface water supplies.

37 e. Would cause minimal [feasible] interference with the
natural functioning of plant, animal, fish, and human life
processes at the site and within the surrounding region.

39 f. Is located or constructed so as to neither endanger human

1 life or property nor otherwise impair the public health, safety,
and welfare.

3 g. Would result in minimal [practicable] degradation of unique
or irreplaceable land types, historical or archeological areas, and
5 existing scenic and aesthetic attributes at the site and within the
surrounding region.

7 h. Would not individually or, in conjunction with a previously
existing facility or facilities or other structure or structures,
9 cumulatively have an adverse impact on the natural resources or
environmental quality of the coastal area.

11 i. Upon adoption of the management plan, conforms with any
other applicable provisions of that plan.

13 (cf: P. L. 1973, c. 185, s 10.)

15 67. Section 11 of P.L. 1973, c. 185 (C. 13:19-11) is amended to
read as follows:

17 11. Notwithstanding the applicant's compliance with the
criteria listed in section 10 of this act, if the [commissioner]
commission, or the municipal or county agency, finds that the
19 proposed facility would violate or tend to violate the purpose and
intent of this act as specified in section 2, or the "New Jersey
21 Coastal Commission Act," P.L. ..., c. (C.) (now before the
Legislature as this bill), or the management plan adopted
23 pursuant thereto, or [if the commissioner finds] that the proposed
25 facility would materially contribute to an already serious and
unacceptable level of environmental degradation or resource
exhaustion, [he] it may deny the permit application, or [he] it
27 may issue a permit subject to such conditions as [he] it finds
reasonably necessary to promote the public health, safety and
29 welfare, to protect public and private property, wildlife and
marine fisheries, and to preserve, protect and enhance the
31 natural environment. In addition, the construction and operation
of a nuclear electricity generating facility shall not be approved
33 by the [commissioner] commission unless [he] it shall find that the
proposed method for disposal of radioactive waste material to be
35 produced or generated by such facility will be safe, conforms to
standards established by the [Atomic Energy] Nuclear Regulatory
37 Commission and will effectively remove danger to life and the
environment from such waste material.

39 (cf: P.L. 1973, c. 185, s 11)

1 68. Section 1 of P.L. 1986, c. 145 (C. 13:19-11.1) is amended
to read as follows:

3 1. Notwithstanding the provisions of any rule or regulation to
the contrary, the [department] commission shall not require the
5 provision for low and moderate income housing as a condition for
approval of an application to construct a facility in the coastal
7 area pursuant to the provisions of P.L. 1973, c. 185 (C. 13:19-1 et
seq.).

9 (cf: P.L. 1986, c. 145, s. 1).

11 69. Section 17 of P.L. 1973, c. 185 (C. 13:19-17) is amended to
read as follows:

13 17. The [department] commission is hereby authorized to
adopt, amend and repeal rules and regulations to effectuate the
purposes of this act.

15 (cf: P.L. 1973, c. 185, s. 17)

17 70. Section 18 of P.L. 1973, c. 185 (C. 13:19-18) is amended to
read as follows:

19 18. If any person violates any of the provisions of this act,
rule, regulation or order promulgated or issued pursuant to the
provisions of this act, the [department] commission may institute
21 a civil action in the Superior Court for injunctive relief to
prohibit and prevent such violation or violations and said court
23 may proceed in a summary manner. Any person who violates any
of the provisions of this act, rule, regulation or order
25 promulgated or issued pursuant to this act shall be liable to a
penalty of not more than [~~\$3,000.00~~] \$25,000 to be collected in a
27 summary proceeding or in any case before a court of competent
jurisdiction wherein injunctive relief has been requested. If the
29 violation is of a continuing nature, each day during which it
continues shall constitute an additional, separate and distinct
31 offense. The [department] commission is hereby authorized and
empowered to compromise and settle any claim for a penalty
33 under this section in such amount in the discretion of the
[department] commission as may appear appropriate and
35 equitable under the circumstances.

(cf: P.L. 1973, c. 185, s 18)

37 71. Section 11 of P.L. 1985, c. 398 (C. 52:18A-206) is amended
to read as follows:

39 11. Nothing in this act shall be construed to affect the plans

1 and regulations of the Pinelands Commission pursuant to the
"Pinelands Protection Act" (P.L. 1979, c. 111), the Hackensack
3 Meadowlands Development Commission pursuant to the
"Hackensack Meadowlands, Reclamation and Development Act"
5 (P.L. 1968, c. 404), or the [Department of Environmental
Protection] New Jersey Coastal Commission pursuant to the
7 "Coastal Area Facility Review Act" (P.L. 1973, c. 185). The
State Planning Commission shall rely on the adopted plans and
9 regulations of these entities in developing the State Development
and Redevelopment Plan.

11 (cf: P.L. 1985, c. 398, s. 11)

13 72. Section 3 of P.L. 1983, c. 356 is amended to read as
follows:

15 3. As used in this act unless the context indicates a different
meaning or intent:

17 a. "Bonds: means the bonds authorized to be issued, or issued,
under this act;

19 b. "Commission" means the New Jersey Commission on
Capital Budgeting and Planning;

21 c. ["Commissioner" means the Commissioner of Environmental
Protection;] (Deleted by amendment)

23 d. "Construct" and "construction" mean, in addition to the
usual meaning thereof, acts of construction, reconstruction,
replacement, extension, improvement and betterment;

25 e. "Cost" means the cost of acquisition or construction of all
or any part of a shore protection project and of all or any real or
27 personal property agreements and franchises deemed by the
[department] New Jersey Coastal Commission to be necessary or
29 useful and convenient therefor or in connection therewith,
including: interest or discount on bonds; cost of issuance of bonds;
31 cost of a bond registrar and authenticating agent; cost of
geological and hydrological surveys; up to \$500,000.00 per year in
33 administrative costs incurred by the [department] New Jersey
Coastal Commission in implementing this act; engineering and
35 inspection costs and legal expenses; costs of financial,
professional or other estimates and advice; organization,
37 operating and other expenses prior to and during this acquisition
or construction; and all such expenses as may be necessary or
39 incident to the financing, acquisition, construction and

1 completion of the project or part thereof and the placing of the
same in operation, and also the provisions for a reserve fund, or
3 reserves for working capital, operating, maintenance or
replacement expenses and for payment or security of principal or
5 interest on bonds during or after this acquisition or construction
as the State Comptroller may determine; and also
7 reimbursements to the General Fund or to any other fund from
which moneys may have been transferred to the General Fund, of
9 any moneys expended for or in connection with this project;

f. ["Department" means the Department of Environmental
11 Protection;] (Deleted by amendment)

g. "Project" means any work relating to shore protection,
13 whether undertaken singly or jointly by the State, a county a
municipality or agencies thereof.

15 (cf: P.L. 1983, c. 356, s. 3)

73. Section 4 of P.L. 1983, c. 356 is amended to read as
17 follows:

4. The [commissioner] New Jersey Coastal Commission shall
19 adopt, pursuant to law, rules and regulations necessary and
appropriate to carry out the provisions of this act. The
21 [commissioner] New Jersey Coastal Commission shall review and
consider the findings and recommendations of the commission in
23 the administration of the provisions of this act.

(cf: P.L. 1983, c. 356, s. 4)

25 74. Section 5 of P.L. 1983, c. 356 is amended to read as
follows:

27 5. a. Bonds of the State of New Jersey are hereby authorized
to be issued in the aggregate principal amount of \$50,000,000.00
29 for the purpose of State projects and the making of State grants
and loans to counties and municipalities for the cost of
31 researching, planning, acquiring, developing, constructing and
maintaining of county and municipal shore protection projects.

33 b. Of the total moneys available pursuant to this act,
\$40,000,000.00 is allocated for State shore protection projects
35 and for State grants to counties and municipalities, or agencies
thereof, for county and municipal shore protection projects, and
37 \$10,000,000.00 is allocated for State loans to counties and
municipalities. These loans shall be made to provide the local

1 share of a State grant until the portion allocated for State grants
is exhausted for county and municipal shore protection projects.

3 c. State grants to counties and municipalities, or agencies
thereof, made pursuant to this act shall provide no more than
5 75% of the total cost of a county or municipal shore protection
project, and the affected county or municipality, or agency
7 thereof, shall provide the remainder.

d. State loans to counties and municipalities, or agencies
9 thereof, made pursuant to this act shall be used to provide the
county or municipal share of State grants for county or municipal
11 shore protection projects, as the case may be, made from the
Shore Protection Fund or other State funds appropriated or
13 otherwise made available for similar purposes.

e. When a federal agency pays part of the cost of a project,
15 the State and local share shall be computed after deducting the
federal contribution.

17 f. Loan rates shall be established by the State Treasurer taking
into consideration rates available in the capital markets for
19 comparable maturities. Local governments will be able to secure
either interim financing, to enable a project to be undertaken
21 before permanent financing is secured, or permanent financing
with a final maturity related to the expected useful life of the
23 project.

g. In selecting and approving county or municipal shore
25 protection projects for funding with moneys made available
pursuant to the provisions of this act, the [commissioner] New
27 Jersey Coastal Commission shall give special consideration to the
county's or municipality's ability to finance the shore protection
29 project based on the county's or municipality's per capita
income, equalized property tax rate, to shore protection projects
31 which would be located in shore front areas heavily used by the
public, and to applications for shore protection projects which
33 include a financial plan for the maintenance of the project by the
applicant.

35 (cf: P.L. 1983, c. 356, s. 5)

37 75. Section 24 of P.L. 1983, c. 356 is amended to read as
follows:

39 24. The [commissioner] New Jersey Coastal Commission shall
submit to the State Treasurer and the commission with the

1 [department's] New Jersey Coastal Commission's annual budget
2 request a plan for the expenditure of funds from the Shore
3 Protection Fund for the upcoming fiscal year. This plan shall
4 include the following information: a performance evaluation of
5 the expenditures made from the fund to date; a description of
6 programs planned during the upcoming fiscal year; a copy of the
7 regulations in force governing the operation of programs that are
8 financed, in part or in whole, by funds from the Shore Protection
9 Fund; and an estimate of expenditures for the upcoming fiscal
10 year.

11 (cf: P.L. 1983, c. 56, s. 24)

12 76. Section 25 of P.L. 1983, c. 356 is amended to read as
13 follows:

14 25. Immediately following the submission to the Legislature of
15 the Governor's Annual Budget Message the [commissioner] New
16 Jersey Coastal Commission shall submit to the General Assembly
17 [Agriculture and Environment] Committee on Conservation,
18 Natural Resources and Energy, the Senate Energy and
19 Environment Committee, or their successors, and the [special
20 joint legislative committee created pursuant to Assembly
21 Concurrent Resolution No. 66 of the 1968 Legislature] Joint
22 Budget Oversight Committee, as reconstituted and continued by
23 the Legislature from time to time, a copy of the plan called for
24 under section 24 of this act, together with such changes therein
25 as may have been required by the Governor's budget message.

(cf: P.L. 1983, c. 356, s. 25)

26 77. Section 26 of P.L. 1983, c. 356 is amended to read as
27 follows:

28 26. No less than 30 days prior to the [commissioner] New
29 Jersey Coastal Commission entering into any contract, lease,
30 obligation, or agreement to effectuate the purposes of this act
31 the [commissioner] commission shall report to and consult with
32 the [special joint legislative committee created pursuant to
33 Assembly Concurrent Resolution No. 66 of the 1968 Legislature]
34 Joint Budget Oversight Committee, as reconstituted and
35 continued from time to time by the Legislature.

36 (cf: P.L. 1983, c. 356, s. 26)

37 78. Section 8 of P.L. 1973, c. 185 (C. 13:19-8), section 9 of
38 P.L. 1973, c. 185 (C. 13:19-9), section 12 of P.L. 1973, c. 185
39

1 (C. 13:19-12), section 13 of P.L. 1973, c. 185 (C. 13:19-13),
section 15 of P.L. 1973, c. 185 (C. 13:19-15), and section 16 of
3 P.L. 1973, c. 185 (C. 13:19-16) are repealed.

79. There is appropriated from the General Fund to the New
5 Jersey Coastal Commission the sum of \$20,000,000.00 for the
purposes of this amendatory and supplementary act.

80. Sections 37 through 41, inclusive, sections 43 and 44,
7 sections 47 through 61, inclusive, section 65 and section 67
9 through 78, inclusive, of this act shall take effect 90 days
following the first meeting of the New Jersey Coastal
11 Commission and the remainder of this act shall take effect
immediately.

13

15

ENVIRONMENT

Beaches and Shores

17

Creates New Jersey Coastal Commission and appropriates \$20
19 million.

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ASSEMBLYMAN JOHN O. BENNETT (Chairman): I'd like to call the meeting to order. I'll try to set out some ground rules in what we're going to attempt to accomplish today.

There are two bills that are on the agenda for today; actually there are several bills because there are two separate topics. The topic of the Coastal Commission is on for a public hearing. If you are interested in testifying on that bill, there are sign-up sheets up here in front, and please give them to staff. That bill is a public hearing. We will be recording the testimony. If for any reason you do not get reached and you wish to leave written testimony, that will be acceptable. It will be distributed to all members of the Committee.

The Coastal Commission is also posted for next Thursday, a week from today, and it is hoped that the testimony that is given today, together with the written testimony that has been submitted from the different groups, will be able to be reviewed by the Committee, and that we will work towards incorporating many of those ideas into the bill. The sponsor, Assemblyman Villane, has agreed that he is open to listen to all of the testimony and all of the input that is given from the various groups. The Governor's office, who is going to testify, is also waiting to have input on this rather historical, precedent-setting type of commission that has been proposed for the purposes of adding to the protection of the New Jersey coastline, and to assure a betterment for a long-term future along the New Jersey shore.

With that as somewhat of a background, the other bills, A-1058 and A-2099, have now been joined in this Committee by Senator Russo's bill S-128. Those bills, although they are not titled that way, have commonly been referred to as the Ciba-Geigy bill. It is not my intention today to take additional testimony on those bills. This Committee has already heard over eight-and-a-half hours of testimony on those bills, and I believe that the Committee members are in a

position that they have reached a decision as to what they will be doing. That bill will be voted on during the course of, probably, this morning, sometime before noon if at all possible, and we will break from the Coastal Commission for the purposes of dealing with that issue, and then we will go back to the Coastal Commission.

I have no time frame problem. I myself will be here to listen to those comments as long as it takes -- hopefully it won't take much longer than six o'clock -- but I will listen to the comments on the Coastal Commission.

We're indeed privileged today in front of this Committee -- and it is always a privilege -- to have with us the Governor's Director of Policy and Planning in the State of New Jersey, an individual who has been spearheading the work for the New Jersey Coastal Commission for many months in this State, who has agreed and has been available to meet with any groups and individuals in an effort to bring about a better tomorrow through a Commission that will in fact be able to work on our coastal region, and work effectively for that. So it's with a great deal of pleasure that I want to introduce Brenda Davis, and turn over to her the opportunity of making her formal presentation. Then if the Committee members have questions, I'm sure she will be happy to answer them. And any members of your staff that you want to introduce, Brenda, will be fine.

B R E N D A S. D A V I S: I'd like to introduce Ralph Izzo, but he doesn't have a chair. Is this on? (referring to recording microphone)

ASSEMBLYMAN BENNETT: That's for the recording. It's not an amplifier.

MS. DAVIS: Thank you, Mr. Chairman, and thank you to the other Committee members who have come today. I am pleased that you are holding this hearing on Governor Kean's proposed Coastal Commission legislation which is being sponsored by Assemblyman Villane and Senator Pallone.

As you know, this is one of the Governor's four highest priorities currently before the Legislature, one that he recently has called upon the Legislature to enact before the summer recess.

This is an issue upon which, and a bill upon which we have spent countless hours with the members of this Committee, with other legislators, with mayors, county freeholders, planners, environmentalists, builders, business groups, and others. I'm fairly certain that by now you are all fairly familiar with the details of our Commission proposal. I've given you some written testimony that lays out again a number of the working details of this particular proposal.

Very very briefly, we are proposing a 15-member Commission that would be responsible for the regional management of the coastal region of our State. We've added a novel mechanism to guarantee accountability to the public and to the regional variation along the shore. We've established regional advisory councils for that purpose, that would work within this Commission.

The Commission would have four main functions, those being: Planning -- comprehensive planning for the coast -- regulation, advocacy for the coast, and financial capabilities.

And I think you're all pretty familiar by now with the reasons for the Coastal Commission. We're being confronted with the reasons on an almost daily basis. We have regional problems confronting the coast. These problems are out of control of any one governmental jurisdiction. They are multifaceted complicated problems. They are not problems that lend themselves to solutions through traditional environmental regulation, incremental permitting, end-of-the-pipe solutions. This problem deserves regional, comprehensive, growth management and planning.

Today I thought I would just talk briefly about some of the reasons why the Governor came up with this idea, and why he feels so strongly that we need a Coastal Commission in New Jersey.

These really are new times for our State. They are new times in fact for this whole country. And they demand new solutions. Traditional alliances are giving way to new ones in this country, and this is how it must be. The challenge for us in government is to recognize what is happening. As usual, all of us in government I think are simply trying to catch up with something I think the public already knows.

Just for example, I spent the last two days negotiating a national wetlands protection policy, with 25 traditional adversaries locked in a room for two long days. The National Homebuilders Association worked hand in hand with the National Audubon Society on detailed language on particular parts of a protection policy for one of our most important natural resources in this country. Arco, one of the largest oil companies actively involved in oil exploration in Alaska, worked closely with the National Wildlife Federation. EPA worked with the Corps of Engineers. New Jersey worked with Alaska. The largest shopping mall developer in this country worked with the Environmental Defense Fund. The Feds were working with the states. The states were working with local government. This was unheard of five years ago; this process of sitting down and working together. All of these sides would have been afraid to go into that room five years ago because they would have been accused of selling out by whomever they represented.

The same thing is happening here in New Jersey. Yes, we have talked to many local officials. We have talked to 126 shore mayors. But these people were ready to talk. In 1988, they're ready to talk. They freely admit that 10 years ago they would not have been open to regional planning, to growth

management. It would not have captured their interest. But all you have to do is look around you now in New Jersey. There are a lot of us in this State. And either we find new ways of working together, or we're all going to go down together. It is that simple.

Our Coastal Commission builds on the confidence Governor Kean has in the people in this State. You don't have to be a fortune teller to see that disaster is pending at our shore. In fact, you probably see it best through the eyes of someone like Jim Mancini, the Mayor of Long Beach Township, and a Freeholder in Ocean County. He has been a builder and a developer all of his life, as well as a very longtime public servant. He helped build up our shore to do the things that we're concerned about today. He contributed to the economic growth and the lifestyle that people demanded and paid for in this State. But now he is worried, and from a lifetime of experience he sees trouble ahead, and he wants to be part of the solution. He isn't quibbling about home rule. He wants regional management for the coast. I think that is a solid indicator of where we have come to at this time in this State.

We want the Coastal Commission to be in charge of our coast. No one is in charge of the coast now. We have four State agencies, as many Federal agencies, 126 municipalities, eight counties. They all think they're in charge of something; nobody is really in charge and this is not a small matter. It is a huge matter. Unless we put someone in charge, we'll never get control of what is going on at the coast. The fate of these 126 towns, and of one-fifth of our State, depends on our capability to look ahead and to take some dramatic action. The fate of these natural resources of our ocean and our beaches and the bays, such a precious natural resource, is in our hands.

We have hardly begun to realize the significance of what we're doing, putting garbage in the ocean, and sludge and plastic. I was at the beach all last weekend. I spend every

weekend there. You walk on the beach. You can walk from Barnegat Light to Loveladies, and so on south down the coast. You don't know when you've crossed a municipal boundary. But there's plastic all over the beach; there are plastic straws, cigarette butts, and it doesn't have to be that way.

The fate of our tourism industry depends on our ability to get hold of the situation. The image that we have all struggled so hard to build for New Jersey, for this beautiful State-- The individual actions that we all take are appalling -- that we would leave plastic straws, and put our cigarettes out in the sand on the beach, and throw Styrofoam containers out the windows along the roads of the coastal region.

But when we, the State, set no better example for individuals, what do we expect? We take up hit-and-run bills when we have crises, and we don't turn our attention to the long-term solution. We've got to find a new way of doing business together, the public, local government, environmentalists, developers, fishermen, and tourists. We are in this together.

This Coastal Commission will plan ahead. It will anticipate; a remarkably simple set of ideas, but the thing that we're worst at. Its responsibility will be to ensure an enhanced environment for the long-term for this State. It will streamline regulations. There is nothing gained by poor government. It's a waste of time and money for developers, and it creates problems rather than solves them for all of us. This Commission will advocate.

You sent us a bill to end the ocean dumping of sludge by 1991 by New Jersey. That's terrific. But who's going to keep after New York? Whose job is that right now? The Governor will do the best he can for another 19 months, but then what? How badly do we need someone with the knowledge and the power and the clout to keep after New York all the time, in

the Halls of Congress, in New York? "Constant vigilance" is what the Asbury Park Press called this yesterday.

Some of you others speak of the Coastal Commission as a long-term solution. But consider this: The day the Governor signs this bill, the CAFRA permitting process will be dramatically strengthened. And every day that goes by without this bill, 24-unit developments go under construction; new construction along the coast just under the CAFRA threshold.

Just this week, Commissioner Dewling's panel on the coast announced its findings, and they said that development is the problem, uncontrolled, unplanned growth. Not that you can't have growth, but you need to have a plan. This Coastal Commission gives us a mechanism to control that growth, and a mechanism that the local people have bought into.

The planning process cannot happen overnight. But the Governor proposed this Coastal Commission 17 months ago, and if we had begun planning for the coast even last summer, we'd be halfway there by now. Every single day we'd have a group of people watching out for us, reaching out, learning, trying to protect our coastal region.

Action on this bill is overdue. We need quick action. The Governor's 14-point plan for ocean and beach protection spelled out a number of immediate actions that we need. You've made a lot of progress in enacting those and related bills. But the Commission gets to the cause of the disease rather than treating the symptoms. We're really kidding ourselves if we think that engineering solutions -- very costly engineering solutions -- are going to keep pace with the complex, deeply rooted problems at our shore. We won't be in a position to begin solving these problems until we get this Commission. Fragmented, incremental actions hold little promise for the future, while this Commission does.

I'll stop with that, and be delighted to answer questions about all the parts of this bill.

ASSEMBLYMAN BENNETT: Do any members of the Committee, at this time, desire to ask any questions?

ASSEMBLYMAN DUCH: Yes. I would ask a question, if I might, Mr. Chairman?

ASSEMBLYMAN BENNETT: Certainly.

ASSEMBLYMAN DUCH: I would ask, the initial \$20 million appropriation-- How do you envision that appropriation being used?

MS. DAVIS: When we asked for the \$20 million appropriation, that was a year-and-a-half ago, before the events of last summer, before we proposed the 14-point plan, and the \$200 million that the Governor has promised to spend on that plan. The \$20 million was to be for all the purposes, a starting point; a starting amount of money for all the purposes that we've laid out in the plan -- beach litter programs, stormwater mappings, all the various kinds of things that we think are essential to cleaning up the coast. So that would contribute to the same purposes as the 14-point plan, or others that this Commission determines are necessary along the coast.

ASSEMBLYMAN DUCH: Okay. Another question that I would have is, this Commission would be authorized to issue revenue bonds for different types of environmental and recreational projects, all of which are fantastic, no question about it. But my question would be, what about communities in other parts of the State that have coastal frontage and the possibility of developing public marinas or public recreational areas there? This Commission does not address that.

MS. DAVIS: Well, that's correct, but let's be clear about what the Commission can do. From a financial standpoint, it's extremely limited. What this Commission can do is act basically as an issuer of convenience for a municipality or a group of municipalities that may be interested in working together to build one of only four kinds of projects that can be supported by user fees, locally -- raised user fees. The

Commission is not spending its own money or the State's money on these individual projects.

For example, one of the four kinds of projects would be park and rides. As we talk to local people all up and down the coast they say, "What we desperately need to control this traffic problem of getting on to barrier islands, is park and ride facilities. It's cleaner, smarter, and a better way to do business. We need somebody to help us work with our neighboring municipalities to put together a financial package to build a park and ride, sell the bonds supported by fees to park in that lot." So there is no reason that other municipalities in other parts of the State couldn't also work together, although they wouldn't be under the jurisdiction of this Commission.

ASSEMBLYMAN KRONICK: Mr. Chairman?

ASSEMBLYMAN BENNETT: Certainly.

ASSEMBLYMAN KRONICK: Yes, I'd like to know-- The bill does not define the grant program. Could you explain how this was intended to work?

MS. DAVIS: Which grant program?

ASSEMBLYMAN KRONICK: Well, the bill directs each county health department to develop and implement a storm drain monitoring program for its area, and to develop periodic reports to the Commission on the program. I'm referring to those areas.

R A L P H I Z Z O: Yeah, the bill was originally written prior to-- I forget the bill number that just was reported out by the Assembly, but part of the 14-point plan that related to stormwater mapping, monitoring, and inventorying correction. Clearly this section of the bill would have to be dovetailed with whatever the Assembly agrees to do as a result of that action. That bill is not on our desk as yet. We have discussed it with staff and there is every intention to make the two consistent with one another.

ASSEMBLYMAN KRONICK: Mr. Chairman, another question please? How can the Commission function as both a regulator and an advocate?

MR. IZZO: I think that question relates to one section of the bill -- I believe it's section 21 -- in which permits are issued by the Commission, and in fact the Commission can assist an applicant in obtaining any other permits that it may need from State government. We have once again discussed that with staff. The intention of that section is not to serve as an advocate for those permits, but to provide information, to assist business to make its way through the regulatory maze which sometimes occurs in Trenton, to help provide information on who to call, what applications to get, and how that data must be completed.

MS. DAVIS: I mean, the point is good government. It's not to advocate. It's to get a "no" faster, if that's what's coming.

ASSEMBLYMAN BENNETT: Question? Bill you want to? Okay.

ASSEMBLYMAN SCHLUTER: Yes, I missed something, Ms. Davis and Mr. Izzo. I thought that the Commission was going to be involved with the permitting and the processing?

MS. DAVIS: Oh, absolutely. There are three kinds of permits that would be issued by the Commission. Those are the CAFRA permit, waterfront development, and coastal wetlands, currently administered by the Division of Coastal Resources in the DEP. It will be a regulator for those three. But I think the confusion was that it also is to be a one stop shop for other kinds of permits issued within the DEP, DCA, or elsewhere in State government; where we would like to offer the service of helping a person, an individual, instead of trying to figure out all the different places they have to go, and all the calls they have to make to streamline that.

ASSEMBLYMAN SCHLUTER: A second question. Could you just review, for me and for the record, the geographical area that would be covered by the Coastal Commission?

MS. DAVIS: It is 126 municipalities, beginning with the one municipality in Middlesex County, Old Bridge, extending along the coast in a band that approximates the distance between the ocean and the Garden State Parkway. I cannot take credit for that original geographic decision; however, we've stuck with that particular decision. The band extends down the coast, all the way around Cape May, up Cumberland and Salem Counties, up the Delaware River for distance -- up the Delaware Bay -- 126 municipalities and eight counties. The primary counties are Monmouth, Ocean, Atlantic, Cape May, Cumberland, and Salem. Burlington and Middlesex each have one municipality in the CAFRA region, as I recall.

We did amend the CAFRA borders in order to eliminate the overlap between the Pinelands Commission and the Coastal Commission, which occurred in Burlington County, which has been very problematic for individuals that happen to live in that overlap zone.

ASSEMBLYMAN SCHLUTER: Are all of the 126 municipalities in the zone in toto?

MS. DAVIS: No, not in toto.

MR. IZZO: Some of the counties that border on the boundary are half in and half out.

ASSEMBLYMAN SCHLUTER: Some of the municipalities you mean?

MR. IZZO: I don't know the exact number of that.

ASSEMBLYMAN SCHLUTER: You said counties, but some--

MR. IZZO: Some of the municipalities, I meant to say.

MS. DAVIS: Well, counties also.

MR. IZZO: And true of counties as well.

ASSEMBLYMAN SCHLUTER: Well, counties have to be because they're in the-- But there are some municipalities which are not totally in because they might be on both sides of the Parkway or whatever?

MR. IZZO: That's correct.

MS. DAVIS: That's right.

ASSEMBLYMAN SCHLUTER: Was any thought given to extending the area of jurisdiction of the Coastal Commission further north, covering more of the bay shore area?

MS. DAVIS: No, it does include the bay shore. The whole bay shore is in.

ASSEMBLYMAN SCHLUTER: The entire--

MS. DAVIS: Bay Shore, up to Old Bridge.

ASSEMBLYMAN SCHLUTER: Monmouth and Old Bridge?

MS. DAVIS: Right up to Old Bridge. That's a map I'm pointing out.

ASSEMBLYMAN SCHLUTER: But it does not include any more area than was in CAFRA. Is that correct?

MS. DAVIS: That is correct.

ASSEMBLYMAN SCHLUTER: Was any thought given-- I know at the time CAFRA was passed there was discussion and there were compromises. Now there are comments that maybe more areas should be included.

MS. DAVIS: What area in particular?

ASSEMBLYMAN SCHLUTER: Well, farther north into some of the--

MS. DAVIS: Hudson County?

ASSEMBLYMAN SCHLUTER: --into the tributaries, or the areas that drain into the coastal area.

MS. DAVIS: Some have suggested things like that to us. We have tried very hard to target this Coastal Commission on the coastal resource that is really the tourism and recreational base that CAFRA was originally designed to cover. Now, in addition to that though, the Governor's 14-point plan

very much recognizes the impact of other behavior and other things going on in northern counties, for example, on the coastal region of the State. That's why we suggested spending a great deal of money on the combined sewer overflow in the Hudson County area and so forth. So, it's not that there aren't impacts from all over this State that affect the coast. It's that the regional area that should be planning together should have a commonality of purpose. The Hudson River waterfront, for example, has a very different sort of development problem than we would face in Ocean County coastal regions, or Cape May for example.

ASSEMBLYMAN SCHLUTER: If I may continue, Mr. Chairman?

ASSEMBLYMAN BENNETT: Absolutely.

ASSEMBLYMAN SCHLUTER: Through hearings and other information which this Committee has been exposed to on the reasons and the manifestations of ocean pollution, I seem to get the clear impression that most of it is from runoff and those kinds of sources, rather than point specific sources. And I see the Coastal Commission-- This is not really a question. It's sort of making a statement and then asking, "Do you agree?" (laughter) I see the Coastal Commission as an agency whose greatest benefit can be in the regulation of development, and therefore to control runoff and non-point source solutions, more so than a specific pipe or a specific garbage or solid waste-- Is this a reasonable assumption or position? Maybe you can comment on that general concept?

MS. DAVIS: Yes. I keep expecting this to make my voice louder. (referring to recording microphone) Yes, that is a reasonable statement and expectation. And in fact, we've done a pretty good job in this State, believe it or not, of controlling point sources, as we have in the country. We've spent a lot of money in this country controlling point sources, only to find out now, you turn around and measure the quality of the water and it hasn't improved all that much. Come to

find out, non-point source pollution is every bit as great a problem as point sources of pollution. And in fact, has become a much greater problem over this period of time in which we tried so hard to clean up point sources while growth has continued, and stormwater runoff, and all other sources of non-point source pollution have continued to grow.

ASSEMBLYMAN SCHLUTER: Switching to another subject, you indicated that the Coastal Commission would be a strong advocate for different programs, would go after other agencies of State government, would go after DEP, to implement certain initiatives. You also said that the Coastal Commission is important in all of the many clean ocean programs, some of which were passed by the Assembly three days ago. In this role you would still have to be dealing with the DEP, because most of these programs are a product of DEP as far as initiation and as far as-- Is that correct?

MS. DAVIS: Oh absolutely.

ASSEMBLYMAN SCHLUTER: Now, do you feel that the fact that the supervision of coastal development is being removed from DEP is going to make your advocacy stronger than it would be if it were in DEP?

MS. DAVIS: Absolutely. And it has nothing to do with whether DEP cares or not, or is doing the best they can or not. It's a division within a gigantic bureaucracy, in one of our 20 departments in the State right now. That's the way we treat our coast. And they've been doing the best they can with the law that has some dramatic limits. What we're saying is, make it a very, very high priority.

DEP and Commissioner Dewling are extremely supportive of this. Commissioner Dewling has, for years, been talking to people here, and before he came to New Jersey when he was with the EPA in the region, about what's happening to our ocean and how much we need to focus resources and energy on protecting the ocean, and that it needs to be done in a new manner. The

DEP Commissioner would be a member of this Commission, and we expect that it would work very well.

ASSEMBLYMAN SCHLUTER: I happen to agree with you, and as proof of that -- as I think I mentioned in our private conversation -- I believe the same kind of thinking can be applied to having solid waste utilization kicked upstairs to a commission kind of approach, rather than leaving it at the division level. But that's another subject.

MS. DAVIS: You're right.

ASSEMBLYMAN SCHLUTER: Now, let me ask you one final question. Will the Coastal Commission be as strong, or maybe I should ask, be as effective in finding alternative disposal methods for sludge in New Jersey, assuming that the termination of ocean dumping does take place in 1991? This can be as serious a crisis as the garbage crisis is this year, if steps aren't taken now on either incineration or composting or land application. I'm sure you're aware of the absolute stalemate that land application of sludge has faced in this State. Can you comment on that?

MS. DAVIS: Sure. I had thought Commissioner Dewling was going to be here. I can't see if he's here or not. We are already taking steps as a result of the Governor's thoughts last fall about the 14-point plan to prepare the six authorities in the northern part of the State to get the sludge out of the ocean. Probably the most critical step is pretreatment, which you just sent us legislation to enhance, our pretreatment capabilities. It will remain the responsibility of the DEP, working with those six authorities, to find the land-based alternatives. That is where the technical expertise and the responsibility remains. The DEP will still administer the whole NJPDS program -- the Water Pollution Discharge Program -- and it is under that program that we have to find this solution.

The Commission certainly though will be pushing harder than ever from the other end; as in, get out of the ocean. And the DEP, as I said, has begun already forcing the authorities to revise their plans. Now we will begin hard on the pretreatment end to move quickly towards land-based alternatives. Commissioner Dewling tells me that we already have the sites for incinerators for land based disposal of sludge, which is not a situation that we had when we went into the garbage incineration business.

ASSEMBLYMAN SCHLUTER: Let me just report to you that from what I heard last Monday from one side of the aisle in the Assembly, there is great skepticism that the March 17, 1991 date for getting out of the ocean for dumping sludge is going to be met, because there are not going to be alternatives. This doesn't require an answer, but there is a lack of confidence that that is going to be met.

MS. DAVIS: Well, we think there are alternatives. We know there are alternatives. The technology is advancing all the time. The deadline wasn't our deadline. We said five years, and that's a little shorter than five years. But I think what's important is that we're starting already to set in motion the mechanism that will have us well on the way to having achieved that goal at that time. Things will be under construction. There will be consent orders. People will be getting out of the ocean.

That is an entirely different matter than New York. So what we're talking about here today is, what are we going to do to get New York out of the ocean? I mean, if you look at the map, the site is off the coast of New Jersey. New York is dumping all of its sludge off the coast of New Jersey. We're suffering from something that they're going to continue to get away with unless we pay a lot of attention. They have no intention of getting out right now. And they're going to be the only state in the country left putting sludge in the ocean. Right now there are only two, New Jersey and New York.

ASSEMBLYMAN SCHLUTER: Thank you.

ASSEMBLYMAN BENNETT: Brenda, maybe the next Vice President of the United States will have some ties to New Jersey and we'll be able to deal with it that way. (laughter)

I'm only going to ask a couple of questions because there are so many people that want to testify, and after the questions from the Committee are concluded, if Ralph or someone from your staff would be able to remain, that might be helpful to us, because there are several different groups that may, by their own testimony, raise some questions also. But, I'd like to just touch on a couple of general ones, if I could.

From my understanding of the make-up of the Commission and the eight public members, I have a concern that I want to raise, and ask you if-- Although there are, it says in the bill, "that to the greatest extent practicable, the members will have an expertise and an interest in certain following areas:" And then it says that no more than three members could be from any one group. What assurance is there that because amongst the groups you have sport fishermen -- which could basically be anybody in any type of philosophy -- that you wouldn't have a Commission that conceivably could be well weighted one way or the other? Conceivably, all the public members could be very strong pro-development.

MS. DAVIS: What if they are developers and sport fishermen, I'm wondering?

ASSEMBLYMAN BENNETT: Right.

MS. DAVIS: They're not allowed to fish--

ASSEMBLYMAN BENNETT: Or they could conceivably be the opposite, very strong-based environmental people that would maybe perhaps be at no growth. What assurances about the make-up, as it presently is, would we have that we wouldn't end up with it totally one-sided in either way, or are there any?

MS. DAVIS: Well, we don't want to end up with a skewed representation or weighted one way. And if the language is drafted there -- which has been redrafted a number of times as a result of close work with the legislative staff -- in trying to achieve a goal of balance and full representation of all the groups, if that language doesn't do that, we ought to make sure that it does, and look together for some improvements to it. But that's certainly our intention. We don't want to have all sport fishermen and no environmentalists, or something. You're right.

ASSEMBLYMAN BENNETT: Well, they could be the same.

MS. DAVIS: That's what I was just wondering about the sport fishermen. I mean, most people have fished once in their life. I don't know if that qualifies you.

ASSEMBLYMAN BENNETT: But that's-- So, okay.

MS. DAVIS: What we were trying to achieve there is -- by saying no more than three from one group -- a way to achieve balance and allow a little bit of flexibility, depending on who was available and interested in serving on the Commission. But we should look at it together to be sure.

ASSEMBLYMAN BENNETT: With respect to the jurisdictional area which has been raised by Assemblyman Schluter, I'd like to pursue that very slightly if I could. I understand as far as the land use and the planning why we have the 126 municipalities. However, when it comes to certain abilities to pursue enforcement, or to pursue an advocacy as to what would be improvement for the coast, I'm troubled perhaps that we're stopping the boundary at Old Bridge. Obviously what we've had, for instance, occur this past weekend to a very small degree, didn't come from problems that started south of Old Bridge. I would like to make sure that the Commission would be able to have some authority, if not necessarily planning authority, north of Old Bridge. Is that built in?

MS. DAVIS: Yes.

ASSEMBLYMAN BENNETT: Okay.

MS. DAVIS: Well that's, I think, what we're about with this major advocacy role, an office of ocean advocacy in the Commission who works on problems originating anywhere -- in the State, out of the State, works with Congress, and so on -- and brings to the attention of the Legislature problems like the ones that we're all hypothesizing about, things that may happen elsewhere. The other thing is that we fully recognize that to practically every resident of this State, the coast is important; the shore is important. Most people have spent some time at the shore. What we're trying to do is bring closest to home the management of that resource to the people most knowledgeable, most involved with that resource, to protect it for us all. That's why we're saying it's deserving of State appropriations. It's important to all of us. The coastal region is the only region in the State which has no planning mechanism right now. The State Planning Commission covers the rest of the State, except for the HMDC and the Pinelands, and not CAFRA. So, we're trying to bring regional planning controls home to that region, but not ignoring by any means outside impacts.

ASSEMBLYMAN BENNETT: So the enforcement authority would be able to extend beyond those geographic boundaries?

MS. DAVIS: John, the enforcement -- I mean, Assemblyman -- the enforcement authority that you're talking about rests with the DEP primarily.

ASSEMBLYMAN BENNETT: Okay. That stays there.

MS. DAVIS: Water pollution enforcement authority stays right where it is, with the DEP, for point discharges, or non-point source for that matter.

ASSEMBLYMAN BENNETT: Okay. Bob, do you want to ask a few questions?

ASSEMBLYMAN SINGER: Yeah, I have some questions. My concern about the Commission is circumventing local rule. I

don't see concurrence when you're talking about planning for local municipalities to concur with the plan.

MS. DAVIS: You missed my speech about Mayor Mancini.

ASSEMBLYMAN SINGER: Well, that may be Mayor Mancini, and I respect him very much, but there are other municipalities besides that.

MS. DAVIS: Right. Well, that's why, as you know, we did spend so much time talking to local officials, to try to understand where they would be willing to give something in order to get some greater degree of control over their destiny. What we have structured here, we think, is something that strikes that balance. You have regional planning, regional growth management through a Commission, but we have these regional advisory councils, appointed by county government not by the Governor, that elect a Chairman. The Chairman serves on the Commission as a voting member, guaranteeing constant local input. The regional advisory councils have real roles as dispute resolution bodies and so on.

We've also said that local governments will be required to conform with the regional plan once it's done. And if there is a lack of conformance, all the financings-- The money that will flow to this Commission for things such as the 14-point plan would not be available to that individual municipality until they came into conformance with the plan. That was designed with the mayors; long meetings with mayors and county officials to design that trade-off. Money and potential capabilities to get a control of the problem, trading-off with having to conform somewhat with a plan in which they have a lot of input.

We also make it possible through this to delegate certain authorities to the local level, which cannot have that control right now. Again, once you're in conformance with the plan, you can receive the ability to issue certain permits, for instance.

ASSEMBLYMAN SINGER: I still have a problem when we're talking about no concurrence locally.

MS. DAVIS: I'm sorry?

ASSEMBLYMAN SINGER: I still have a problem with no concurrence from local municipalities. The municipality that I live in is also affected by this.

MS. DAVIS: Yeah.

ASSEMBLYMAN SINGER: And I have a problem on the governing body there which I serve of not having concurrence; that I agree with the plan that you decided for this municipality. I think it's a problem.

MS. DAVIS: First of all, your representatives -- I mean, the regional advisory council -- works on the plan; tremendous public process for input. It isn't that somebody is going to make up a plan and plop it out there.

ASSEMBLYMAN SINGER: But we're seeing that at the State Planning Council, though. I mean the things that the State Planning Council are coming out with are frightening.

MS. DAVIS: Well again, I think this is very different. I think this is more local, tuned into what's going on in that area, with guaranteed input, people actually sitting on the Commission who are representative--

ASSEMBLYMAN SINGER: What is the fear of the concurrence of the local municipality? Why is there a fear? We're talking about the local governing body.

MS. DAVIS: But concurrence occurs through this very process I just described to you. It's a give and take.

ASSEMBLYMAN SINGER: No, it doesn't. If the municipality is against that one particular plan for their municipality, and the regional authority says, "Sorry that's what we're doing," that's what is going to happen.

MS. DAVIS: Well, that's correct. If one municipality--

ASSEMBLYMAN SINGER: And I don't want to personally give up that authority of the local municipalities which I represent -- there are 11 of them that are based in this area -- because we've seen other things happen in the State where other areas of the State give jurisdiction to us. I don't think that's fair. I think there's nothing wrong with concurrence. You're talking about locally elected officials, concurring with the plan you're talking about. And if there's nothing wrong with the plan, why wouldn't they concur? So that's my opinion, John.

ASSEMBLYMAN BENNETT: They might not concur because of economic reasons locally. That may be--

ASSEMBLYMAN SINGER: But doesn't that affect everything, John? I mean, isn't that part of this, too? You know, we're in a county where they've taken half our county for the Pinelands. We've been dealing with CAFRA for how long? I mean, this has a tremendous affect on our county.

ASSEMBLYMAN BENNETT: Right, and mine also. But the issue as to--

ASSEMBLYMAN SINGER: You don't have Pinelands in your county, though.

ASSEMBLYMAN BENNETT: No, I don't have Pinelands, but I have CAFRA in my county. But I also think, as a State legislator, what we are attempting to do is to preclude the development of municipalities, where we have presently under our CAFRA the opportunity to build a development along development, and have an impact on not only that municipality, but a long-term development along a coastal area that could be a negative on the environment to the coast and the beach, which is utilized by everyone. So I think that there comes a time where you have local input and local acceptance through this process that is attempting to be derived, that certain decisions can't stop at a municipal boundary, and I think clearly on the coast that that is such an effort. I think

perhaps we can deal with the issues that you're raising, but I have to say that we can't necessarily say that it stops at a municipal boundary. And I think that's the only important thing.

ASSEMBLYMAN SINGER: Well John, it's just amazing to me. It always seems that we're always putting on the hard brake when it comes to South Jersey. We're always concerned about preserving things there that were already done the way we didn't like them done in the other areas of the State. I don't have a problem with local concurrence. I think if a hearing was set up locally, that local people had a voice or an opinion concerning that, and the local governing body that's elected by the local people that live there had to concur with the plan, I see nothing wrong with that. I have faith in local government. It's the closest to the people.

MS. DAVIS: We have a hearing process in there, and we thought tremendous opportunities for local input as the plan is developed. You're required to have public hearings and to take input and to respond to input. The other thing is that-- I think you were there the day the Ocean County Mayors Association, after a long discussion with me, and after many of their members worked in gory detail on this bill, voted to endorse the Coastal Commission. And so I have to take it, when the mayors themselves, the local officials, say they are willing to step up to this, that they are.

ASSEMBLYMAN BENNETT: Okay. Are there any other questions?

ASSEMBLYMAN KRONICK: Yes, Mr. Chairman. It says that the Commission would have the ability to withhold funds until they saw a substantial regional benefit. I was wondering what constitutes a substantial regional benefit? What is that intended to mean, and how would you measure it?

MS. DAVIS: It's just getting back to the idea that you need to be in conformance with the plan to get the funds, grant funds for litter cleanup, and so on. Although you don't want to cut off your nose to spite your face, if there is a regional project under way, something that is very much of benefit to the region, you don't want a disadvantage surrounding municipalities because of the behavior of one individual municipality.

ASSEMBLYMAN KRONICK: So you would hold back all funding until--

MS. DAVIS: No, we wouldn't. We're saying, you wouldn't hold hostage a regional project because of the behavior of one municipality, the lack of conformance by one municipality.

ASSEMBLYMAN KRONICK: Could you explain a little bit what you mean by discretionary funds relating to standards? More specifically, you say here, "Additionally, the Commission would notify the Governor and both houses of the Legislature of such findings, and recommend that all discretionary funding relating to standards and guidelines included in the management plan, be withheld until that entity conforms to the management plan." Exactly what discretionary funds are contemplated here?

MS. DAVIS: Well, the shore-related funding. But again, the point is if a municipality will not come into conformance with the master plan, then the hammer is that funding is not available to them. We would notify the Legislature that shore protection -- for example, that sort of funding -- litter grants, would not be available.

ASSEMBLYMAN KRONICK: I just would like to get back to what you had mentioned before, and that was that you interpreted this ocean package to really relate to the -- or the Coastal Commission -- to have jurisdiction where we think of tourism primarily, bathing and so forth. Coming from Hudson County, I would certainly find it to be a big help in our area,

because we have Liberty State Park, if your purview was a little more expansive, that you could incorporate, because there is a great need up there. There is a lot of tourism. Not the kind of tourism you're talking about with bathing, but there is a lot going on.

MS. DAVIS: Well, let me suggest something to you though. I am also the person who runs the Governor's Hudson River Waterfront effort. In my experience with that, I think some of the problems in the nature of what's going on in that part of the State are so different, in many instances, than what we're trying to accomplish in other parts of the State. Maybe we need to look at doing something similar there, rather than lumping all of this together.

ASSEMBLYMAN KRONICK: But if you look at the problems of litter, you look at the problems of dumping in the waterway, that goes on up there, too. So those problems are common.

MS. DAVIS: Well, you're absolutely right.

ASSEMBLYMAN KRONICK: But I mean, I know the area is different and it has a unique set of problems; I grant you that.

MS. DAVIS: It sure does.

ASSEMBLYMAN KRONICK: But I wish you could consider that, and perhaps maybe the approach is what you just suggested.

MS. DAVIS: Yeah, I think it may be.

ASSEMBLYMAN KRONICK: Thank you.

ASSEMBLYMAN BENNETT: Assemblyman Duch?

ASSEMBLYMAN DUCH: Yes, in your written testimony that you submitted to us, you say on page five that, "Stable funding for shore protection, to be funneled through the Commission--"

ASSEMBLYMAN BENNETT: Wait. Let's all get it in front of us so we know what we're talking about.

ASSEMBLYMAN DUCH: Okay. Page five of the testimony, second paragraph, right in the middle: "Stable funding for shore protection, to be funneled through the Commission will result from legislative approval of the Natural Resources Trust." My question is--

MS. DAVIS: Ever hopeful.

ASSEMBLYMAN DUCH: Is the Natural Resources Trust another part of this plan, or do we--

MS. DAVIS: No.

ASSEMBLYMAN DUCH: It says "of a Natural Resources Trust." Is there an existing trust that we're going to draw on? How is that going to work?

MS. DAVIS: One of the other of the Governor's four highest priorities that he's called for the Legislature to enact before the July recess, is the Natural Resources Trust. And it is to that, that we are referring to here. A portion of that was to be available upon appropriation for shore protection purposes. We're saying shore protection, as other shore-related money, should be funneled through the Commission for some rational distribution, and used in a planned set of priorities for the coast. It's only money that will be raised if you all enact the trust and send it to us, and then appropriate money.

ASSEMBLYMAN DUCH: Okay. Now, the Natural Resources Trust-- Will that apply just to the Coastal Communities, or will that apply statewide?

MS. DAVIS: No. That's the statewide trust, but it has a shore protection component to it.

ASSEMBLYMAN DUCH: Okay, but that's the idea, statewide application?

* MS. DAVIS: Absolutely.

ASSEMBLYMAN DUCH: Okay. That's fine. The second question I have is also on page five, near the bottom. "We will reduce the State bureaucracy needed to accomplish a particular job through a delegation of permit issuance to municipalities." Exactly what permits are we issuing to municipalities? In other words, what permits will municipalities be able to issue? I don't really follow that.

MS. DAVIS: Right. The potential exists, under this legislation, for a municipality to seek delegation for three kinds of permits, CAFRA, waterfront development, and coastal wetlands. Those are the only three permits that will be issued by the Commission. The DEP has, for a long time, been recommending that they delegate that issuance authority to the local level, to get around some real severe problems that we've got with double veto and so on, where a municipality seeks delegation and can demonstrate that they're capable of administering that program with oversight by the Commission.

ASSEMBLYMAN DUCH: That's all I had, thank you.

MS. DAVIS: Sure.

ASSEMBLYMAN SCHLUTER: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes?

ASSEMBLYMAN SCHLUTER: Excuse me. Mr. Duch raised a good point about the Natural Resources Trust Fund, and I just would like to point out to him, and for everybody here, that that particular bill, also sponsored by Assemblyman Villane, has been released from Committee, and it's been requested to be posted. So, I don't think it's unusual that they anticipate that in this legislation. I think it's a very natural kind of thing.

ASSEMBLYMAN BENNETT: Ms. Davis, thank you very much for appearing today and answering the questions of the Committee. As the day progresses, we may develop additional ones, I'm quite certain. Between now and next Thursday I expect that we will be spending some time together and reviewing some of those things that are proposed.

MS. DAVIS: Exchanging phone calls?

ASSEMBLYMAN BENNETT: Yes. Thank you very much. I'd like to call on Senator Gerald Stockman to speak next.

SENATOR GERALD R. STOCKMAN: Thank you very much, Mr. Chairman, members of the Committee. I appreciate your giving me an opportunity to appear before you

in a very important hearing, the beginning of what I suspect is more than one hearing on an exceptionally important issue involving our shore and coast.

I don't come to speak for this bill, and I don't come to speak against it. I come to speak about an issue that is important, I think, to all of us, and that I think must be considered in the course of fashioning any major commitment of resources or policy direction by the State involving the coast, and that's the subject of access to our Jersey beaches for all of the citizens of the State of New Jersey. I suggest that any legislation of the sort that you are attempting to deal with must carefully and sensibly contain provisions to guarantee access to that tremendous asset and resource of our coast.

While I have great respect for local municipalities as Assemblyman Singer has, I think the evidence is overwhelming that historically some communities in the State have been less than sensitive and appreciative of the importance of that question of access, and have imposed beach fees that have been extraordinary.

So, I just ask the Committee -- and I know every member of the Committee shares my concern about the question of access -- that anything you do in this area, guarantee that access. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much, Senator. Assemblyman Frank LoBiondo? Assemblyman?

A S S E M B L Y M A N F R A N K A . L O B I O N D O: Good morning, Mr. Chairman, Committee members. Thank you for the opportunity to testify here today.

A lot of concerns and questions are being raised about this bill, which I think are legitimate. The overriding need to protect our ocean and our coast, I think, certainly requires us to overcome whatever issues there may be to enact this legislation.

I come to you today to ask you to consider an amendment that I am proposing that has a very specific focus. When the regional concept was put together, I think the basis was well-founded. However, the regional advisory councils, I believe, fail to consider that which is extremely important in the case of Cape May County. And that is, that it is lumped in with other counties that do not share the same concerns or the same level of concern that Cape May has.

Ocean County, which has its own separate district, has a little bit in excess of 50 miles of coastline I believe, if my information is correct. Cape May County has in excess of 50 miles, approximately 53 miles, which not only fronts the Atlantic Ocean, but also the Delaware Bay. So the issues that Cape May will be forced to respond to are not just ocean issues, but bay issues as well. The way the structure is presently set up, it is possible that Cape May County, with roughly the largest number of miles along the ocean, could wind up with no representation at all out of the members who will be voting. I think that, in itself, is an atrocity that cannot be allowed to happen.

I know this Committee is dealing with environmental concerns, and I don't feel like I'm a legislator crying wolf about a regional issue that does not have impact. But the foresight and the planning that is going into this proposal requires us to consider the effects, probably way beyond the year 2000. And with that kind of importance attached to this issue, if a county with as much coastal area to represent as Cape May, does not have a voting voice, I think we're making a drastic mistake.

I've passed out copies of the amendment, which I hope you will consider. Basically everything remains the same with the amendment, except the advisory councils. I think that if we are to recognize the true concerns of a county such as Cape May, that regardless of population has so many miles of coast

to be concerned with, that you will favorably consider this amendment.

I've had a number of resolutions. I didn't make copies to pass them all out. I've had phone calls. Virtually every municipality and township within Cape May County has responded in the way of resolution letter and phone calls. Individual citizens, who have the fresh taste in their mouth that Cape May County does not have representation on the Parkway Commission and what that has meant to us, are begging and pleading that we in the Legislature consider their plight of having a voice in what's going to be such a very important issue to them.

I'd be glad to answer any questions, if there are any.

ASSEMBLYMAN BENNETT: Are there any questions? (no response) Assemblyman, we're not going to take any votes with respect to the Coastal Commission today, but now that you have presented your amendments to us also, we will consider that amendment and have discussion with the sponsors with respect to any of the amendments that are being proposed today and then take up those amendments at the time when we will be voting on the legislation. I thank you very much for coming today.

ASSEMBLYMAN LoBIONDO: I'd just like to emphasize one more point for your consideration, or refocus on it. As I understand it, every other county that's involved with this, either is by virtue on the bay or the ocean, but the representation that Cape May has between the two is one of the most important reasons why I feel it should be considered in a unique position. I think you'll find that no other county shares that same concern. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you, Assemblyman. There is a question from Assemblyman Schluter.

ASSEMBLYMAN SCHLUTER: Assemblyman, are you aware that the amendment and the present law would allow the regional council chairperson to be a member of the Commission, ex officio?

ASSEMBLYMAN LOBIONDO: I understand that, but my concern is that if everything doesn't fall into place, that Cape May being lumped in with two other counties would allow a chair from another county.

ASSEMBLYMAN SCHLUTER: I appreciate that, but you are aware that this is not a voting member of the Commission. It's an ex officio, and that would be--

ASSEMBLYMAN LOBIONDO: It's an ex officio voting member, the way I understand it.

ASSEMBLYMAN SCHLUTER: Is it a voting member? Oh, excuse me.

ASSEMBLYMAN LOBIONDO: It's a voting member.

ASSEMBLYMAN SCHLUTER: I'm sorry. Okay. I stand corrected.

ASSEMBLYMAN BENNETT: Thank you very much, Assemblyman.

ASSEMBLYMAN LOBIONDO: Okay. Thank you.

ASSEMBLYMAN BENNETT: We've heard about him, now we're going to hear from him, Freeholder and Mayor James Mancini, from Long Beach Township. (no response) We're not going to see him? (Chairman is informed that Mayor Mancini is not in the room) Okay. Thank you. Mayor Lenny Arms from Point Pleasant Borough?

ASSEMBLYMAN SINGER: The Honorable Lenny Arms.

ASSEMBLYMAN BENNETT: The Honorable.

ASSEMBLYMAN SINGER: Because he comes from my district.

M A Y O R L E N N Y A R M S: First, I'd like to thank the Committee for the opportunity to express my views in representing the residents of my town.

To recommend the establishment of another Commission at first rankles the fibers of my being. The agencies already involved in coastal development include: 1) the Federal Environmental Protection Agency; the boards of health, including municipal, county and State; the Army Corps of Engineers; planning boards, municipal, county and State; the

marine police; and the Department of Environmental Protection. With this many agencies involved, and millions of dollars being spent, one would think that we are already well-regulated. The fact of the matter is that the sum total of all these agencies, with their overlapping jurisdictions, has created a legal quagmire that has compounded problems rather than solved them.

My criticism is certainly not directed at any of these agencies, but is directed at the situation that having all of these agencies with overlapping jurisdictions has created. The creation of another agency must be done in conjunction with limiting, and more importantly, defining the sphere of influences of existing agencies.

To increase the budgets and broaden the scope of the power of the existing agencies, has had a detrimental impact on shore development. I concur with the Governor's concern that the development along the Jersey shore must be addressed now.

We are all experiencing tremendous growth pains, and little, if any, plans are now planned for the future. Our existing infrastructure is hard-pressed to serve the needs of our residents. Our aquifers are not only experiencing pollution problems which are causing the closing down of many wells, but we are also being forced to reduce our usage of our wells by 50%. To compound the problem, aquifers abutting the ocean are experiencing salt water intrusion, which is further restricting water supplies.

Trying to resolve problems like this is totally out of the realm of possibility for any municipality. These problems, and problems such as stormwater runoff, the lack of uniform density building patterns, ocean pollution, and related problems, cannot and should not be handled at the local level. In my opinion, a regional approach is the only sensible answer.

The establishment of the Coastal Commission, in my opinion, is essential and long overdue.

The scope of the Coastal Commission will have an immediate and far-reaching effect on residents throughout the State. No longer will the closing of water sources and other restrictions be the sum total of the State's involvement. Now, alternate sources will be studied, along with conservation and cleanup measures.

Moratoriums on coastal development is not the answer. The stifling of growth causes an economic impact on our residents. Moratoriums on growth have an eroding effect, and eventually cause a deterioration in the economy. Controlled growth, coupled with an adequate infrastructure, adequate transportation needs, a long-range waste removal system, and a plentiful clean water supply, is a goal worth striving for.

The years of the Jersey shore's reputation of being known as a great tourist attraction are fast coming to an end. Our town of Point Pleasant has a year-around density of over 95%, and this is becoming the norm, not the exception.

Adequate funding of the Commission is essential. It should not be done with the use of surplus funds, since this is not a stable plan and is subject to yearly fluctuations. Most of the funding, I feel, should come from cutbacks in existing agencies. Limiting and redefining their influence should, and will, result in budgetary savings, as well as increasing the effectiveness of their organizations. It also may be used to dedicate funding for the Commission on a long-term basis rather than a yearly procedure. This would give stability to the Commission.

It is also imperative that the formation of the Commission be done in a positive, nonpartisan manner. Local municipalities are going to have to understand that they are part of a big picture, and remedies for the problems which affect them must be addressed in this context. All municipalities have individual characters. They share the same burdens, and this Commission has the potential for going a long way in easing these burdens.

I have deliberately avoided discussing the finite details of this program. Other individuals with far more expertise than I, could supply you with this information. All I'm doing today is sharing with you the concerns that I have.

In conclusion, I would just reiterate the fact that the existing agencies, particularly the EPA, have spread themselves too thin. Their areas of concern are too vast for them to be effective. The establishment of the Coastal Commission and the redefining of the jurisdiction of existing agencies, just may be the long awaited light at the end of the tunnel. I would ask the Committee, "Please, don't let this opportunity get away from us. Establish the Coastal Commission. And in doing so, don't water down its effectiveness. Give it the powers of enforcement and the means of being effective."

That briefly is my opinion on the Coastal Commission. I have been involved with Ms. Davis on its formation. At first, when they came around and asked us for our opinions-- We in Point Pleasant are not on the coast. We are actually about a mile from it, but we have more waterways than any town per square foot in New Jersey. We do have the same concerns. We do have aquifer problems. We do have marina problems. We do have pollution problems, and we all share on that.

I think one of the biggest concerns that I have -- and I think Mr. Singer brought this out -- is that you don't want to lose control of your local municipality, because you are the elected official, and to the best of your ability, you have to represent your people. I just feel that unless we have a Coastal Commission in place that we can work through, our representation of our people will be negated by the fact that we will not have the wherewithal to make effective changes, and effective changes must be made. I think that possibly this Coastal Commission just may be the start of making effective change. I think we're at the 11th hour. If we don't make

changes now, we're going to be talking about what we should have done rather than what we can do.

Basically, that's my comments for today. I'd like to thank you.

ASSEMBLYMAN BENNETT: Thank you very much, Mayor. Are there any questions?

ASSEMBLYMAN DUCH: Yes. Mr. Mayor, my question is, you've been involved, you've been at the hearings, and you've heard the comments from your fellow mayors. Do you feel that the consensus is in support of the Coastal Commission? I want to hear that from a mayor, not just from the Governor's office, with all due respect.

MAYOR ARMS: Yes, definitely. I think when the thought of the Coastal Commission first came out, there were concerns; there were vast concerns. But I think the amount of legwork that the representatives did in allaying our concerns, and it is not going to be big brother with a hammer, making decisions for us that we're all going to follow along-- That was our concern. But when it came out that we're all going to be part of this Commission, and we're all going to be an integral part of the Commission, and we are actually going to set the direction for it-- But the difference is--

Recognizing the problem is one thing. I think every mayor throughout the State knows that there are problems. That is not a problem. We don't need a study to tell us what the problems are. But we do need a solution to the problems. I think that this Commission may very well be a solution.

ASSEMBLYMAN SINGER: Just one thing. Mayor, do you conceive of any major problem if you had to concur with the plan with your local governing body?

MAYOR ARMS: No. What I feel is that, the governing body, of course, is made up of individuals. They all have their own particular individual voting, and very rarely does everybody concur with any plan. This should certainly be no

different. However, I think that each member of our governing body was put there to represent the good of the people, and I feel that this Commission is going to do that. So, I think everything should just blend together. It should be like pieces of a puzzle.

ASSEMBLYMAN BENNETT: Thank you very much, Mayor.

MAYOR ARMS: Thank you.

ASSEMBLYMAN BENNETT: Former Councilman Robert J. Furlong, representing presently the Friends of the Jersey Shore?

R O B E R T J. F U R L O N G: Thank you, John. I was prepared to speak about four o'clock this afternoon, which is usually the case. (laughter)

ASSEMBLYMAN BENNETT: I've done that to you several times, so I thought maybe--

MR. FURLONG: I'm very happy to have the opportunity to speak now.

ASSEMBLYMAN BENNETT: Please don't keep us until four, though.

MR. FURLONG: I promise not to. I have attended pretty much every meeting involving the shore for the past six to eight years. I've seen the constituency grow and grow to the point it's at today, and it's a very very exciting and thrilling prospect. The Coastal Commission is the outgrowth of a lot of thinking over a lot of years by many many people. It's to bring together all the problems into one area so that we can deal with them.

The other day the Assembly passed -- or is at the point of passing, I believe -- 10 different bills. Each one of those bills is part of the puzzle, but obviously they all have to be taken care of by one organization. Fragmentation of legislation is big problem in this State. There is no enforcement centralized that can see that everything is being done. The Coastal Commission will accomplish that, I feel personally and strongly.

There is one area that deeply concerns me, that has not been mentioned, and seems to be glossed over. It's a problem that's parallel to ocean pollution, and that's shore protection. Somewhere along the line I don't see the emphasis on an area that's terribly, terribly important, because without proper shore protection, a lot of these things won't be necessary because there won't be the shore left for the people. If this Commission can work toward implementing, putting together the financing and the expertise necessary to see that all these projects are taken care of, then it would be to my mind, not complete. So I want to emphasize the necessity for strengthening any shore protection areas in this particular commission.

Now, they mention something about revenue bonds being somewhat limited. I feel that the shore commission should have the ability to implement shore protection opportunities. In 1958, the Federal government authorized projects totaling at that time \$200 million for the State of New Jersey. This is approximately 30 years later, and only perhaps two of those projects are in the process of being completed or handled; one is the Barnegat project and the other is the Sea Bright project. Now, the Sea Bright project, 30 years later it's not necessarily completed as far as a strong possibility-- It's a \$200 million project. The shore commission would have tremendous leverage working with the Federal government.

But unfortunately the source of funds, Federally, is slowly drying up. I think that this State has got to look ahead to when it will do these projects pretty much on their own. The question is, where will they get the money? Where will they get the expertise? This Commission, by being able to channel all available funds into projects such as shore protection projects, would be able to, in the long run, handle most of the problems facing the shore, other than the major ones like the Sea Bright project.

I attended a meeting yesterday at the CAFRA, Coastal Resources. I'm a member of the advisory board. They spelled out projects down the road involving \$15 million to \$20 million this next year alone. That money has got to come from somewhere, and obviously it can't come from an unstable source.

So, I think when the Assembly did their job the other day and passed these ten bills, I think they have to complete the circle. I think there are three things more the Assembly has to do:

One is, I think the Coastal Commission is a given. I don't think it's a question of whether; I think it's a question of how at this stage. I think it's something that has to happen in order to crystallise all the things that have to be done along the shore.

The other area where the Assembly has dropped the ball is the getting together with the Senate and passing a stable source of funding. It's all there. The writing is all in bill form. It's sensible. It's necessary. The public will go along with it. A penny on a dollar on a hotel, most of which are visited by out-of-towners, a small portion for real estate transactions; we'll all benefit from it. We had no trouble with two-and-a-half cents per gallon to help retain the roads. That was a major tax increase, a major tax increase. Everyone in this room is paying over \$100 to \$150 a year towards that tax, and they did it willingly. And I'm sure they'll just as willingly pay a penny on a dollar at a hotel, or a small amount for a real estate transaction.

There are three states in the Union that are deeply involved with shore work: one is California, one is Florida, one is New Jersey. California and Florida are light-years ahead of us. They have the coastal commissions in place. They are very deeply involved with the tourist business as being a major source of revenue for the state. New Jersey's number one industry is tourism. We have to protect it, besides the other reasons for protecting the shore. That's the economic reason.

The other obviously, why do people move to New Jersey? Why is Monmouth County booming? Why is Atlantic County booming? Why is Ocean County booming? Cape May? The most important counties in the State in terms of growth is because of the ocean. A major reason why they come to New Jersey. If you allow that ocean to become degraded, to lose the beaches, you'll be doing a terrible disservice to this State. It's like Texas losing the oil business, Detroit getting out of the automobile business. It's an integral part of the State.

You have a responsibility that goes beyond party affiliation. You owe it to the people in this State to pass this Coastal Commission, to pass a stable source of funding, to get into the 20th -- let alone the 21st -- century of shore protection.

The other thing is minor, but it has not been mentioned. New Jersey does not have a coastal engineering department in any one of its universities. If you want help you have to go to Pennsylvania to Lehigh and Drexel. You should establish a coastal engineering department at Rutgers University, and have qualified people there that we can turn to, and not have to go out of our State to get help. That's what Rutgers is for.

If you can put this Commission on-line, I guarantee you there are enough people in this State who are interested in serving, who will do this thing in such a manner that you will be proud of it. The counties can't wait to do it, and the municipalities deeply need this help.

This business about home rule is overdone. There will be no home to rule if you don't pass this type of legislation to help these municipalities. Sea Bright has 1800 people, 1800 people. They control almost three percent of the entire coastline of New Jersey. They do not have the expertise. They do not have the background. There are things that happen in

this town and in other towns, you would be shocked if you knew, and the effect that they have on the beaches, which are used by everybody in this State. They need your help. They need this Commission. They need the stable source of funding, and they need all the things which you're doing now.

Don't stop now. You've got the momentum. It took 10 years to build this momentum, don't stop. There is something wrong with every bill you pass, no question about it. Nothing is ever right. But this one has so many--

ASSEMBLYMAN BENNETT: A couple of mine have been okay. (laughter)

MR. FURLONG: This bill has so many right things about it, that it has to be passed. And all the problems that have been brought up by the various people here, will be addressed. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much, Bob. What a build-up. I don't know how you're going to live up to this, Jim. Former Assemblyman, presently Freeholder, presently Mayor of Long Beach Township, Jim Mancini.

MAYOR JAMES J. MANCINI: Thank you. Thank you very much. Assemblyman, it's a pleasure to be here. I think it's always a very interesting experience.

I start off by saying, can you imagine running your Assembly if every member -- the entire 80 members -- were all environmental scientists; or maybe just as bad, if everyone of the 80 were lawyers; or perhaps if the entire 80 were--

ASSEMBLYMAN BENNETT: Or all mayors. (laughter)

MAYOR MANCINI: --or builders? I think you can appreciate my point. The DEP today is run 100% by environmental scientists, and we have a real problem. I consider it critical. I will talk in generalities. The bill, as the prior speaker just stated, does have some problems. I think they can be addressed, but the concept is something that we really need -- and I'll repeat -- in my opinion, critically.

I have been in charge of the largest beach in the State of New Jersey -- 12 miles of beach in Long Beach Township -- for 28 years. I've been in the Assembly, and I was on the Committee that processed the famous CAFRA bill back in '72. I've been experienced in this area. I'm head of beach erosion for the County of Ocean, the Board of Freeholders, that supports this concept 100%, and will be passing another resolution supporting it at our next Wednesday meeting. Why are we doing this?

The problems along the shore are a great concern to all of us. Our coastal areas are in immediate danger. We have all type of instances: garbage, pollution, sludge. We hear it every day: growth, density, non-point pollution. It's critical. This cannot be handled by a handful of individuals that are totally trained in environmental sciences. We need them. We need their expertise. But they can no more cope with this problem, than this Assembly could cope with the State of New Jersey if the 80 members were of one category. We need a broad input -- a broad input -- from all categories to address this severe and very important problem.

I can go into particular incidences that, if I had hair, would make it stand on end. Like one individual going along the shore and saying, "This town gets \$60,000. That town does not," and the State going along with it. I have to put up with this type of thing. This is intolerable. I can't conceive of someone being in the position of that type, playing with governmental monies, letting our towns go down the drain, losing Federal funds, supporting the Federal government against the towns of New Jersey that they are employed by. And I consider them what they are, employees not elected officials. We have a critical problem, and if we do not do something quickly-- And the only thing we can do quickly is to come up with concept of a Coastal Commission.

We must all consider that the Governor supports this, and many of us support this. It's not something that has just been pulled from a hat. This is something we need critically, less our coastal areas will be gone forever.

I just finished as a member of the Blue Ribbon Panel on Ocean Incidents. I'm on the Barnegat Bay Study Group. I've been into these programs constantly. I've lived through the 1962 storm that was the worst in our history. On Long Beach Island alone we lost 600 houses. We lost our entire 18 miles of dunes, entirely. We rebuilt them from nothing, to today we have 18 miles of the best dunes, not only in New Jersey but along the coast, Yet we have individuals, employees of the DEP who come along and totally disregard this experience, as though you were a dummy in their presence.

Gentlemen, we have a great Commissioner. Commissioner Dewling, in my opinion, is the best Commissioner we've had in this State since the inception of the DEP, and I have worked with all of them, starting with Commissioner Sullivan. Dewling is the most dedicated-- He has a practical sense. And I make no pretense about mentioning names. He's not a Bardin, who was a scientific genius and almost ruined our coast. He is a practical individual. A man you can talk to; a man that's sensitive; a man that called me up, for instance, two times last Sunday.

We had the Coast Guard, by the way, report a huge garbage slick off our coast coming onto Long Beach Island. I alerted our crews to be on alert Sunday morning. Sunday morning no garbage came in. So I called the Coast Guard, and they had not been out since Sunday morning because it was foggy. I called the DEP hot line, and they didn't know what I was talking about. They hadn't heard about the incident. I asked them to have Commissioner Dewling call me. He did. They found him in a shopping center. That's the type of man he is. He called me. He didn't know about it. The State troopers and

the Commissioner looked into it with their helicopters. They found no slick. They found a normal amount of plastic bags and floatibles floating around that come off boats passing by, from the excessive rains that washed down our sewer drains. They found that. However, there is no incident. To read the newspapers, you'd think we had something that was extremely profound.

I'm just making points to plead with you and the Assembly to support and pass this legislation. The DEP does a good job with what they have, but they need input. They need broad knowledge from all categories of life, because everything we do affects everything. It affects the economy, it affects the laws, it affects our health, and it affects the environment. This cannot be done by a few employees. I emphatically state that the job cannot be done the way it's set up, and the Coastal Commission is what we must have so we can get input from the local areas where they know what's going on.

No local area will have too much input. The way the Commission is set up, of course, there are many checks and balances, and we will be using the DEP and their scientific knowledge.

I think I've talked enough. I want you to know that we along the shore want this desperately. The County of Ocean wants it desperately. The reason for wanting it desperately is because we are truly concerned and frightened with what we have today. Thank you very much.

ASSEMBLYMAN SCHLUTER: Mr. Mancini, if you could-- I'm taking over now in Assemblyman Bennett's absence. He will be out of the room for a few minutes. But if you can be available for a few questions?

MAYOR MANCINI: Sure. Certainly.

ASSEMBLYMAN SCHLUTER: Do any of the members have questions of the Mayor, former Assemblyman, Freeholder Mancini?

ASSEMBLYMAN SINGER: I never question my freeholder.
(laughter)

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ASSEMBLYMAN SCHLUTER: Mr. Kronick? (no response)
Mr. Duch? (no response) I have none. We thank you very
much. It's nice to see you back here in Trenton.

MAYOR MANCINI: Thank you very much. Thank you.

ASSEMBLYMAN SCHLUTER: I'd like to call on a Mr. Nils
Stolpe -- is that the correct way to pronounce it?

N I L S S T O L P E: Yes.

ASSEMBLYMAN SCHLUTER: --representing the Commercial
Fishermans Association. Could you come forward and identify
your Association and let us hear from you please?

MR. STOLPE: Yes, thank you, Assemblyman. I'm Nils
Stolpe. I'm the Executive Director of the New Jersey
Commercial Fishermens Association. Our Association has as
members, fishermen, vessel owners, commercial docks--

ASSEMBLYMAN SCHLUTER: Excuse me, Mr. Stolpe. Is that
microphone turned on?

ASSEMBLYMAN SINGER: They're not microphones. They're
just recording.

ASSEMBLYMAN SCHLUTER: It's only for that purpose.
Could you speak a little louder, because that microphone is for
the transcription. We up here have it easier because we're
addressing the people, but if you can speak a little louder I
think there are a number of people here that would like to hear
your testimony.

MR. STOLPE: The New Jersey Commercial Fishermens
Association, of which I am the Executive Director, represents
commercial fishermen, vessel owners, processors, dock owners,
retailers, and seafood restaurant owners in New Jersey.

At this point, the New Jersey commercial fishing
industry is sorely in need of a Coastal Commission or something
similar. It's vital to the continuation and expansion of a
vigorous commercial fishing industry in New Jersey.

The three major problems that are confronting New
Jersey's fishermen today are:

- deteriorating water quality and its relation to the natural productivity of our water;

- the perception that causes consumers to avoid New Jersey fish and shellfish because of their inaccurate and unfounded beliefs that the quality is affected by the hospital wastes in the surf and dying dolphins offshore; and

- development pressures which make dock space and sites for seafood processing and vessel support prohibitively expensive.

The Coastal Commission should provide a great deal of relief, either directly or indirectly, to our industry in these three areas.

New Jersey has one of the largest and most progressive fishing industries on the East Coast. If it's provided with a proper climate, it could make a significant non seasonal and environmentally compatible boost to the coastal economy, while at the same time spurring development of the related businesses off the coastline. The Coastal Commission would be a significant first step in providing this climate.

One of the strengths of the Coastal Commission would be its authority to direct appropriate further development of the coastal region. We don't need -- and I don't think anyone wants -- stagnation at the shore. We do need wise, measure, and coordinated growth, preserving those unique coastal values that should be preserved, and allowing and encouraging compatible development which will guarantee that the character of the entire coast is protected into the future.

The Commission can't, on the other hand, become another bureaucratic entity with a self-perceived and self-perpetuating role that has little to do with the conditions that created it. Our coastal areas are too important to New Jersey's future to allow this. We need adequate oversight, reporting, and accountability measures to prevent this from happening, and to keep the Coastal Commission

as an effective mechanism for preserving the New Jersey coastline.

ASSEMBLYMAN SCHLUTER: Thank you. Your testimony is concluded?

MR. STOLPE: That's it.

ASSEMBLYMAN SCHLUTER: Thank you, Mr. Stolpe. Are there questions from members of the Committee? (no response) Mr. Singer?

ASSEMBLYMAN SINGER: No.

ASSEMBLYMAN SCHLUTER: Mr. Kronick?

ASSEMBLYMAN KRONICK: No.

ASSEMBLYMAN SCHLUTER: I have one question. You talk about the fact that it is desirable not to have a self-serving bureaucracy, or another layer of government which is ineffective. Do you perceive this Coastal Commission as being effective and being able to implement the policies that you're talking about?

MR. STOLPE: Yeah. To echo the comments of some of the previous speakers, if it does do the function it was formed to do -- which is to coordinate what aren't local problems, which in actuality aren't even statewide problems but are regional, at least including New York and New Jersey -- it's a necessary and a good first step at doing that. Counties can't really deal effectively with the problems that arise outside the county's boundaries, nor can municipalities. It has to be attacked at this level, and I think the Federal level, or even the EPA regional level is probably too large.

ASSEMBLYMAN SCHLUTER: Thank you, Mr. Stolpe.

MR. STOLPE: Thank you.

ASSEMBLYMAN SCHLUTER: The next person who's scheduled to testify is Harold Bickings, Assistant Director of New Jersey Fisheries.

H A R O L D B I C K I N G S: Thank you, Mr. Chairman. I appear before you today wearing three hats. I see a lot of

ats in here, but I've got three, with every position I hold or have held strongly supporting the Coastal Commission.

Firstly, in 1985, myself and my family, after four generations and over 100 years of fishing clams and oysters in the bays of New Jersey, were forced, as many of our peers, from our chosen profession of fishing. The reason we sold out were many; such as high cost of materials, lack of product, poor communication with regulatory agencies, decreasing areas for fishing because of closure due to pollution, and lastly, a poor image of products caught from New Jersey waters resulting from press coverage of such things as brown tide, dead dolphins, and garbage on our beaches. It has been well-documented, the loss in tourist trade in New Jersey last summer, but the direct decrease in sales and price of fish is not as well documented as the loss to the fishermen.

As the Assistant Director of the Fisheries Development Commission, I have had the opportunity to see firsthand the condition of the fishing industry in New Jersey. These people are not complainers. And, if they were to be as vocal as other groups, they couldn't find the time to come here and voice their frustrations because they are busy trying to eke out a living. The once great oyster industry, last year was virtually non existent. Many of the prime hard clam bottom is closed due to pollution. And the surf clam industry-- Although the ocean has many clams, it is virtually impossible to open new factories due to new regulation and the slowness of the permit process. The local district office within the Coastal Commission would be close to these kinds of problems, and thus be able to expedite the process in a timely fashion.

Just last week I was notified by a clam hatchery operator that he would be unable to expand his operation in enough time. Thus he will lose a year's production because timely approved expansion would not be final until August, which is too late for him. This is a waste to the industry, to

the fishermen, and ultimately to the State in loss of business and dollars.

In discussing with a State Senator several months ago, I said that waterfront property was worth somewhere between \$2000 and \$3000 a foot. His reply to me was, "Well that's cheap." Well that's not cheap to a fisherman who is making \$20,000 to \$30,000 a year at the most, in a lot of cases. The district councils would be composed of people who live, work, and see the needs of these people in this area.

Finally, my third hat, I'm a township committeeman in Hopewell Township, Cumberland County, which is in the Coastal Commission area. We have sent many letters to the Governor, our representatives, other townships, and also to the now absent Chairman, Mr. Bennett, asking for action in favor of the Commission. We have suggested that Art Brown be made a Commissioner, due to the fact that much of the area within the Commission is agriculture, plus non-point source pollution is a major issue. Non-point source pollution is not only runoff from streets, but also includes runoff from farmland. It is our conviction that if non-point source pollution is to be addressed, then Secretary Brown, with his knowledge and experience, should be one of the Commissioners on the Commission.

We are also concerned about representation on each district council. We request that only persons from the municipalities which are in the Commission area should be on the district council. The bill addresses the political and the interest groups, but it is possible all or most of those who do not live or work in the coastal district, could serve on the district council. Require that the local municipalities, such as Hopewell Township, have a share in the selection of their district representatives.

Lastly, Hopewell Township is a small township in this state. We only have 22 square miles, 4500 people, and a local budget of only \$550,000. Last year a developer wished to put approximately 250 trailers and 125 cesspools on less than 50 acres of land. In this area we have no public water, and the sewer line was about a mile away. We required that before granting him permits, it should be necessary to hook the park up to the sewer system. We were fearful that due to the high concentration of the septic system, the groundwater would become polluted. In essence, we were concerned about the health of the people to move in the area, and those that were living in the surrounding areas, and the definite effect on the environment.

This developer took us to court at considerable cost to an already strained budget of the township. Believe me, I know because I'm the finance chairman of our township. I think it came to almost 10% -- the legal costs of defending what the planning board, what the zoning board, and what the township committee had decided on this issue. It cost us close to \$50,000 to defend this case, which we ultimately won. If the Coastal Commission had been in existence, under the heading of finance we might have been able to receive help, or the district council -- those people that are familiar with the area -- could have saved us much aggravation and ultimately, maybe we would not have to put the 10 cent local purpose tax in this year and require a reevaluation.

Those are all the comments that I have. I would thank you for your attention. Please consider these changes, and our total support for this bill.

ASSEMBLYMAN SCHLUTER: Thank you very much, Mr. Bickings. If you can make yourself available for questions from the members? Mr. Kronick?

ASSEMBLYMAN KRONICK: Mr. Chairman, the only question that I have is, did you approach the DEP to try to help you with this problem you had?

MR. BICKINGS: The issue had not gone-- It hadn't gone to CAFRA yet. He took it right to the courts, and the courts brought it right to us. It was a matter of him suing the township. It was our feeling that if it had gone on to CAFRA, CAFRA would have turned him down on this issue because it was in the CAFRA zone, but it did not go in it. And I'm not a lawyer and I don't understand why it had to go any further, but we were not able to go to the DEP with this problem.

ASSEMBLYMAN KRONICK: I see, thank you.

MR. BICKINGS: Thank you very much.

ASSEMBLYMAN SCHLUTER: Just a minute, sir, if you will. Mr. Duch or Mr. Singer?

ASSEMBLYMAN SINGER: No.

ASSEMBLYMAN SCHLUTER: Mr. Bickings, I have one question.

MR. BICKINGS: Yes, sir.

ASSEMBLYMAN SCHLUTER: You are Assistant Director of the New Jersey Fisheries?

MR. BICKINGS: The New Jersey Fisheries Development Commission.

ASSEMBLYMAN SCHLUTER: New Jersey Fisheries Development Commission. Okay.

MR. BICKINGS: It's a Commission created by Governor Kean under Executive Order No. 75.

ASSEMBLYMAN SCHLUTER: What Department is that in?

MR. BICKINGS: That's within the Department of Treasury. It's a Commission made up of Commissioners on the cabinet level and people from the private sector associated with the fishing industry.

ASSEMBLYMAN SCHLUTER: I see. And these comments that you've given us today in support of a Coastal Commission, do they represent the Division's position as well as your own?

MR. BICKINGS: As far as the Fisheries Development Commission, yes. The Fisheries Development Commission has been supportive of the Coastal Commission, as well as the other two hats that I'm wearing as well. They've all been supportive.

ASSEMBLYMAN SCHLUTER: That's very complete. Thank you very much, Mr. Bickings.

MR. BICKINGS: Thank you, sir.

ASSEMBLYMAN SCHLUTER: Is Mr. Robert Karen here, who has asked to testify?

R O B E R T H. K A R E N: Good morning. My name is Robert Karen. I'm Vice President of the New Jersey Builders Association. We are a trade group consisting of more than 3000 firms involved primarily in residential construction. We appreciate the opportunity to comment on the proposed New Jersey Coastal Commission Act.

We support the intent of this legislation to create an advocate for the coastal areas. We are concerned with several areas of the proposed legislation, and would like to comment on them today.

We would ask that the Commission proposal be looked at carefully inasmuch as 20% of the State's land area would be potentially imposed with an additional layer of bureaucracy. Commissions, as we have seen, tend to take on a life of their own, and the Legislature must clearly define the entity's objectives and authority, and attempt to ensure regulatory efficiency and accountability.

Today we call your attention to four major areas of concern:

- 1) the ensuring of an environmental focus,
- 2) streamlining the permit process,
- 3) clarifying the area of jurisdiction,
- 4) and grandfathering projects on which substantial expenditures have already been made.

First, we recognize the need to protect the coastal area. This objective must be balanced with the need to provide people with places to live and work. The legislation must ensure that a balance is reached between these objectives to assure that the Commission achieves its environmental objectives while promoting the region's economy. We request that the legislation be amended to do the following:

- Remove references to scenic, historic, and cultural preservation.

- Define the scope of the management plan to protect the natural resources and environmental qualities that are readily identified.

- Delete provisions on land use designations and land use tools such as transfer of development rights.

- Clarify the environmental parameters that the Commission can use in reviewing applications to ones that are readily quantified such as water quality and air quality, endangered species habitat. We should avoid abstract parameters such as "natural functioning of human life processes."

- Retain conformance with the State construction standards such as the Uniform Construction Code.

Without these amendments, the Commission would be free to subject a builder to irrelevant requirements such as the structure or color of a building, and things of that nature.

To achieve a more rational process for protecting the tidal waters while we provide our fellow citizens with critically needed places to live, we recommend that the bill also be amended to provide for a graduated permit threshold that increases as the project is located further inland, and for projects located within designated growth regions such as urban, development, or extension regions. Outside of the one unit on the coast, we propose that the threshold be adjusted as follows: Three units within 150 feet of the mean high water

line of tidal waters, or the first public road; 15 units within 300 feet or the first public road, whichever is less; 150 units within special urban areas and development regions; 75 units within the extension regions; and 25 units within the remaining area.

We believe that these changes will provide increased protection in the sensitive areas, and encourage the development of needed housing away from the sensitive areas.

We urge the Committee to ensure a balance by providing representation on the Commission, with a representative from the shelter industry so as to ensure that the region's housing needs are considered. We would also recommend that the Committee composition be increased to 16, and that the Department of Community Affairs be represented on the Commission inasmuch as they represent local finance needs and much of the regulatory areas in the building industry.

Our second recommendation is to provide for a streamlined permit review process. This proposal creates a new regulatory program to which an applicant must comply when proposing a project in the coastal area. It does not address how this new program is to be coordinated with other regulatory agencies. Furthermore, it presents the potential for undue confusion and uncertainty for applicants. We, therefore, request that the legislation be amended to:

- Provide for a pre-application conference at the applicant's option for the purpose of identifying and reviewing those items that must be addressed prior to the Commission's review.

- Develop a permit application checklist that contains all items and concerns to be examined by the Commission and all other State, regional, county and municipal agencies and authorities. This list will be used to determine the completeness of an application.

- Limit the environmental impact statement to include those items that are necessary to evaluate the effects of the proposed project on the coastal area environment.

We believe that these provisions will go a long way in assisting the private sector in working with the proposed Commission.

Our third recommendation is to clarify that the Commission's jurisdiction applies only to the coastal area. As presently drafted, the legislation allows the Commission to exercise its powers beyond the coastal area. We, therefore, request that the legislation be amended to place clear limits on the Commission's jurisdiction to the coastal area, and any expansion outside of the coastal area should be conditioned on the Legislature's approval.

Our final recommendation is to provide protection for projects on which substantial expenditures have already been made. This Legislature would not honor applications which have already been approved at the local level and for which substantial expenditures have already been incurred by the applicant. We, therefore, request that the legislation be revised to exempt projects for which an application for development has been filed with the planning board or board of adjustment.

We urge the Committee to give serious thought to the broad impact that this Commission would have on life in the coastal area. I trust that our comments provide the Committee with constructive and sound reasons to amend this legislation, as I suggested. As a spokesman for the home building industry in New Jersey, I hope that you can appreciate our comments.

We thank you for this opportunity to voice our opinions. We will continue to work with the Committee, with the Governor's office, and with staff as necessary to help assure that an advocacy is created for the coast in the State of New Jersey. Thank you for this opportunity.

ASSEMBLYMAN BENNETT: Thank you very much, Bob. Are there any questions?

ASSEMBLYMAN KRONICK: Mr. Chairman?

ASSEMBLYMAN BENNETT: Yes.

ASSEMBLYMAN KRONICK: Why would you want to remove reference to scenic, historic, and cultural preservation? To me that's rather significant.

MR. KAREN: Well, we feel that the significant parts of the Coastal Commission are there to address the environmental issues. We have in other regulatory programs as applicants, been subject to rather strange requirements in those broad areas. We feel that there are other opportunities to protect historic structures. There are other methods for that protection. We want to ensure that this Commission is an environmentally based Commission, and performs its function in that fashion.

ASSEMBLYMAN KRONICK: All right. Thank you.

ASSEMBLYMAN BENNETT: Any other questions? (no response) Bob, I also thank you for giving us the bill with the suggestions as they've been marked up, so that as the Committee will proceed to work on this next week, we have a working model to be able to deal with it. It's a lot easier than always dealing with the narrative, once we have a bill with the suggestions in a particular area. I appreciate that attempt. I know it was a great deal of work on your staff's part, but we do appreciate that opportunity to zero right in where there are some concerns raised, to attempt to address them. Thank you for coming.

MR. KAREN: Thank you, Mr. Chairman. While I am a part-time sport fisherman, if I do opt to throw my hat into the ring for the Commission, it will be as a developer. (laughter)

ASSEMBLYMAN BENNETT: Okay. Thank you very much. Fred Coldren, City Manager from the City of Cape May?

F R E D C O L D R E N: Mr. Chairman, members of the Committee, it took me two-and-a-half hours to get here from two miles south of Exit 0 on the Parkway. So I'll try to take less than two-and-a-half minutes so that I can get back there by three.

Briefly stated, I'm here to support the Coastal Commission as proposed. I feel it's essential that you move on that now; next week when you vote.

I want to point your attention to a prepared statement that I've provided. I will not read it. I can't do that in two-and-a-half minutes. But I want to point your attention to two points in it.

As far as we're concerned in Cape May City, summer 1988 starts tomorrow. We've been advocating action on this bill for over a year, and we're pleased that there's finally some action taking place. We're hopeful that you will report this out favorably, and encourage your colleagues in the Assembly to endorse it, support it, and adopt it next week.

We need strong medicine at the Jersey shore, and we know it. We need the help of this Coastal Commission, and we know it. It's going to take strong courage from this body to give us the tools that we need to control development, to have long-term planning, and to streamline the permitting process. We encourage you along those ways.

I want to draw your attention to one of the points in the statement, which is that many of the communities in New Jersey have already fixed the local problems that caused the big part of the pollution problem. Cape May City for example has spent millions of its own dollars without any grants from the State, without any emergency funding, to fix sewer problems in our community, and to fix pollution problems in our community. We've gone into debt up until the year 2020 to do it.

Now we understand that there's money that is being proposed in this package of bills to give to communities that failed to do their job to fix their problems. So we would ask you to deal with that inequity. And if New Jersey has the money to solve the problem, let's not only reward the people who failed to do their job. Let's reward the people who did theirs, in some way, in terms of the debt that we're facing.

Finally, I realize that there was a delay in these chambers because of what I consider to be an authority type hysteria because of some of the problems that we saw in some of the highway authorities. Those really exist, and I share some of the concerns that many of the members have expressed. I, however, have a lot of faith in you as a Committee, and the Assembly, that you will find ways to control this new Coastal Commission, and make it accountable, because we all want an accountable Commission.

So with those two key points, I'd like to, as a local manager -- a city manager -- a person who has been working in this area for many years, to endorse the concept of strong medicine for the shore to help us save our towns, to help us have the tools that we need to control development on the Jersey shore, and would urge you to proceed with the work at hand. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much. Are there any questions? (no response) Thank you very much. As one who has been vacationing in your city for many years, I'm glad that you have the chance to get up here, but get back and keep the city running as it has.

MR. COLDREN: Thanks very much.

ASSEMBLYMAN BENNETT: A very nice and fine city. The next witness I'm going to call will be the last witness that we'll take prior to taking up the Ciba-Geigy bills. We will then vote on the Ciba-Geigy bills, and then we will continue the hearing. Ray Kalainikas?

R A Y K A L A I N I K A S: That's close.

ASSEMBLYMAN BENNETT: I had everybody correcting me as I said it, too.

MR. KALAINIKAS: My name is Ray Kalainikas, and I live in Dover Township, commonly referred to as Toms River. I speak as a resident and as a citizen.

I suppose, after hearing all the testimony so far, I suspect I might be the only one opposing a Coastal Commission. Everyone else has more or less said yes to the idea of a Coastal Commission. I would like to say no to the concept of a Coastal Commission.

I view the idea of a Coastal Commission as simply a stronger arm of the State in controlling citizens, something which it cannot do within its own DEP, so it gives the idea of creating a Coastal Commission under the umbrella of the DEP as a stronger arm of control over the citizens in this particular area. The growth of Orwellian government in our society keeps on. And I see this as simply an addition to the growth of Orwellian government.

I would simply like to say that when you expand the boundary lines of government, the individual has less and less control over his and her life, less and less freedom. This is why this State is constantly pushing to regionalize -- to expand the boundary lines of government, recognizing the State has more and more control, and the individual has less and less control and less and less freedom. So obviously the idea of a Coastal Commission fits into the idea of regionalization. It takes away more control from the municipalities. It takes away more control from the individual.

In place of a Coastal Commission, I would like to see legislation put forth to regulate or to control the regulatory power of the DEP by way of a municipal binding referendum. Somewhat of an explanation would be: By way of a municipal binding referendum, if 5% of registered voters in a

municipality -- not the governing body -- if 5% of registered voters within a municipality signed a petition to object to a DEP decision, it would go on the ballot within a municipality. If the municipality, in terms of its registered voters, passed that, I would in effect say then the DEP decision would be null and void. The only thing that could check a municipal referendum of this nature would be if municipalities covering 50% of the registered voters in the county took on the same question and basically defeated that one municipality in terms of its decision. That would be the check on any municipal binding referendum. But this would give ultimate control of the locale, to the individual. Instead of taking it away from the individual, the State would be giving it back to the individual.

In the case of the Ciba-Geigy pipe line as an example, it seems to me that if Dover Township or if Lavallette went into a municipal binding referendum, they would say, "No" to the permit. But as you know, the State says, "That's too bad. We have control." But if you have this kind of check on the regulatory power of the DEP, the Borough of Lavallette or the Township of Dover could go into a municipal binding referendum saying, "No" to the permit, and if, let us say, the municipalities in that county do not object, the "no" would stand. There would be no permit. This is the way I would like to see the environment dealt with, on the local level. And the only time there would be a check on that would be if other municipalities felt that a decision of a particular municipality was out of line. They could check that by way of a municipal binding referendum. This is what I'm calling for you to do. I'm calling for you to create legislation to check the regulatory power of the DEP.

In my opinion, Commissioner Dewling I view as Commissar Dewling; he has that kind of power. I heard Commissioner Dewling praised. I do not praise Commissioner

Dewling. In my opinion he acts like a king, not as a servant. I see him as a ruler, not as a servant.

So, I'm calling upon you to give back to the individual, back to the municipality, greater control of its own existence, and somewhat more freedom; freedom that it's constantly losing day after day. Home rule has become a myth in our society. We haven't had it for 30 years and it's time we started giving the people back home rule.

That's all I have to say. I don't know if you have any questions?

ASSEMBLYMAN BENNETT: Are there any questions from any members of the Committee? (no response) Ray, thank you very much. We have your written testimony as well. Thank you.

MR. KALAINIKAS: Thank you.

ASSEMBLYMAN BENNETT: I'm going to depart from A-122 for a moment. We'll do the Assembly bill and then we also have the Senate bill.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN BENNETT: Okay. I'd like to reconvene with respect to the public hearing on A-122, sponsored by Assemblyman Villane, which creates the New Jersey Coastal Commission.

I would like to call on -- and I understand they're testifying collectively, and to bring up another chair -- Phyllis Elston from the New Jersey Environmental Lobby, William Neil from the American Littoral Society, and Joan Denzer from the New Jersey Chapter of the Sierra Club.

I just think it's interesting to note that after those other bills with a full house, that so many of the truly environmentally concerned people have remained to deal with

probably one of the foremost environmental concerns -- vehicles -- that there would be an opportunity-- And it's rather disappointing, I think, that we end up with that type of a situation.

But nevertheless, let us proceed. We have three leading environmental voices right in front of me. I have had the opportunity personally to review the American Littoral Society stationery paper that includes the package that was distributed to the members. It, in my opinion, represents a yeoman's effort of work that has been put in, in an effort to have input on the Coastal Commission. I know that the environmental voices that are here have been working with the administration since early last year shortly after the Governor's proposal, and have been attempting to deal with this original concept; which was the Clean Ocean Authority, which then had the son of the first Coastal Commission, which had the grandson of the Coastal Commission, and as of several weeks ago in receiving the latest Coastal Commission bill, this effort came from that. So I applaud you on the effort so far.

And now, with that flourish, we'll have you testify. I don't know who goes first.

PHYLLIS R. ELSTON: Well I don't have to. You just said it all. (laughter) No, it is my job to introduce our little package here. I want to do that by just making three points.

The first of which is very very important. We want to express our appreciation to Brenda Davis and Ralph Izzo and the others in the Governor's Office of Policy and Planning, for the time they have devoted to a series of meetings with our groups and others on the matter of the proposed New Jersey Coastal Commission. Through that series of meetings -- speaking for my own organization alone -- the New Jersey Environmental Lobby has moved from a position of opposition, to a position of support of the concept. We would like, however, to see the current legislative initiative environmentally strengthened.

Point number two that we wish to make is that we are all concerned in the State about the environment. We are also all concerned about our State's economy. We feel that these two things are inseparable. You take the environmental protection down the tubes in the State and the economy goes right after it, and visa versa. So, these things cannot be separated. And when we give to you the extremely strong and stringent environmentally protective document that we give you, it is not without serious thought to the economy as well. So, we want that point to be internalized.

A third one grew here, which I didn't plan, and I would not be the Phyllis Elston that you've all come to know and recognize--

ASSEMBLYMAN BENNETT: No, we've come to know and love, Phyllis. (laughter)

MS. ELSTON: --if I didn't seize the golden opportunity given me here today by Assemblyman Schluter, by Ms. Davis, and by that very articulate gentleman from Monmouth County, and say that this bill should be inextricably tied to a permanent source of funding; a stable source of funding for our natural resources. I must point out to you that we have Assembly Bill A-93 out of committee since April 20. We have great fears for that stable source of funding if we do not see that bill posted in the very immediate future.

With that, I'd like to defer to Mr. Neil from the Littoral Society, who will get into the substantive part of the document we gave you. Thank you.

W I L L I A M R. N E I L: Okay. Thank you for giving us the opportunity to appear today. I would like to second Phyllis' comments about working with the Governor's staff. They've been very patient with us as we've struggled hard to deal with some very difficult concepts.

I'll take a few minutes now to try to lay out the 19 major points and clarify some of the concepts. I'll be brief enough so that there should be time for questions. I'll be happy to answer what you have.

The American Littoral Society has been working with the Natural Resources Defense Council, the New Jersey Environmental Lobby, and the New Jersey Chapter of the Sierra Club, since January of 1988 on the Governor's proposed Coastal Commission bill. We want to support the concept of a Coastal Commission, but we find that we have had to make major changes in the content of this bill in order to have it carry out its mandate to protect the State's coastal zone.

As we carefully analyzed the bill's specific make-up, we decided to provide for legislative changes that paid more attention to what we felt was required to protect the environment, than what some would say a strict reading of the politically possible would allow. And we think that opinion as to what is politically possible has shifted and will continue to shift as the adverse impacts of over-development impinge on more and more people, and the waters themselves produce evidence of abuse. We note with interest Eagleton Institute polling results published this March which showed that by a ratio of five to one, an overwhelming number of New Jerseyans say they would prefer less growth, along with less congestion, rather than more of each. We believe that the past ten years have seen more than enough of both in the shore regions.

In order to help achieve the goal of cleaner coastal waters -- and by that we mean waters where people can swim, fish, and eat what they catch -- we have introduced changes which clearly call for more definite limits to how much growth can occur in the coastal zone. Specifically, in what we feel are the most crucial land and water areas, we have introduced the concept of no net growth to protect the area called the "Critical Zone." We see the changes we have made in this bill

as being the equivalent of the long called for amendments to CAFRA regulations. We believe the framework for the new ground rules we have developed can function as well within the existing or a restructured Department of Environmental Protection as they can within the proposed Coastal Commission.

And if the major changes we have put forth seem to imply to some observers a drastic critique of the Department of Environmental Protection, we would like to call attention to the limited mandate that DEP has been previously given to act within the coastal zone, a mandate that might have, at nearly any time over the past ten years, been strengthened by new policy initiatives and closer oversight from the highest levels.

We hope that our work can begin to point to new directions to benefit all the citizens of our State who enjoy our coastal areas.

We will be happy to go into as much detail on this bill and our changes to it as your time will allow. To serve as an introduction to our proposals, we have summarized our changes in the 19 points that follow. If you'll bear with me, they're brief, and I can cover them in just a few minutes, as I've timed it out.

1) More public, statewide representation on the Commission itself; no development or Realtor interest on the Commission.

ASSEMBLYMAN BENNETT: Would you like us to--

MR. NEIL: I'd prefer to hold off, because I can do it two or three minutes and then we can have questions. Okay?

ASSEMBLYMAN BENNETT: Okay. Fine.

MR. NEIL: Okay?

2) Financial compensation for Commission members.
3) Removal of bonding provisions from the bill.
4) Greater provisions for public participation in hearings, rights of third party appeals, and the introduction of intervener funding.

5) A Trenton location, with regional offices as needed.

6) Advisory role only for regional councils.

7) Strengthened language as to goals and objectives of management plan.

8) Stronger sanctions for municipality noncompliance with the management plan.

9) A more aggressive Office of Coastal Advocacy with its own legal staff for investigations and compliance determinations.

10) Creation of a user fee system for stormwater drain utilizers.

11) Permit processing funds and user fees to help fund acquisition of open space.

12) Stronger powers to enforce bathing water standards.

13) Reduced and carefully defined scope of permitting powers delegated to local entities.

14) Creation of a three member, Commission appointed, marine geologist panel to review beach protection and restoration proposals.

15) Coastal Commission oversight over Mosquito Control Commission proposals in the coastal zone.

16) Creation of the "Critical Zone" to protect the most sensitive land and water areas; introduction of the concept of no net growth in the "Critical Zone"; creation of special areas, developments of regional impact with the same standards as called for in the "Critical Zone"; thresholds of one unit in these zones for permits.

17) Reduction of permit thresholds in the area outside the "Critical Zone" to 10, from 24 in the proposed bill.

18) Requirement for environmental impact statements and environmental assessments kept.

19) Stiffer fines and penalties for violations.

ASSEMBLYMAN BENNETT: Okay. Maybe if we could just hit on a couple--

MR. NEIL: Certainly.

ASSEMBLYMAN BENNETT: --because there are quite a number of other people who want to testify too. I have a few questions, and then perhaps the other Committee members.

On number one -- and I asked this question to Mrs. Davis when she was here -- a question, why would-- My understanding is you're proposing going to 11 members, of which a majority of them would not be from the coastal area. How practical do you think that would be, and why would you want a majority of the Coastal Commission not to be from that area?

MR. NEIL: I will say that if you polled the people who are using the shore, that you'll have an awful large number of people from the center and the northern parts of the State, and from the cities, who are there as daytrippers. And if you studied who rented there, it's by no means clear that those people are coming from within the CAFRA zone -- or as the bill has defined, from the four regional areas. So we thought it was very important to look at not only who lived near the shore, but who used the resource, and of course that applies to people out-of-state also. We felt that statewide representation was important to protect--

And I might add that the chairmen of the RACs -- the regional advisory councils -- sit as voting members on the Commission. They are specifically called for from the regions that the bill set out. So there is a voting voice right on the Commission representing those areas.

ASSEMBLYMAN BENNETT: But a minority, based on the way you're proposing it.

MR. NEIL: Yes, it would be.

MS. ELSTON: May I add to that? There are 567 municipalities in the State, 126 in the CAFRA zone. I think that leaves a difference of, like, 341 (sic), or something like that. I cannot say to you that tourism is our number one or number two industry now. I'm sure somebody up there knows the

answer to that, but it's right up there. So once again, in matters of the economy, you're talking about management of one of our top economies by a rather small fraction of the people. That was at least where the Lobby's thinking was when they said this has to be statewide participation because it's our industry.

ASSEMBLYMAN BENNETT: I'm not saying that necessarily the concept of having statewide representation may be wrong. My concern is that you have gone not just into saying statewide representation. You have specifically said that daytrippers are a majority of the Commission. I'm not sure why? You're right, there should be perhaps representation for them.

MR. NEIL: John, some clarification-- I think there should be statewide representation. I'm not sure that as we listed the categories on my first page of comments -- detailed, first of 11 pages of comments -- that there might not be people that are from the shore region that fall into one of these other groups.

ASSEMBLYMAN BENNETT: Six of the 11 public members have to live outside the coastal zone. At least for the public members, six is more than half of 11.

MR. NEIL: Yes, that's right.

MS. ELSTON: Because, Mr. Chairman, when you consider that the minority-- I mean, the way this bill was a year ago we were talking about spending \$20 million of taxpayers' money to create a new entity to do a job where an existing entity had failed. I know that it was my particular thought at the time, and that of my board, that in spending these amounts of money -- \$20 million as opposed to several less million -- maybe to try to make what was there work-- And you were omitting 80% of the State from the process -- i.e. 567 as opposed to 126. So that's where, as far as the Lobby is concerned, the thinking came that it needed-- You know, 80% is 80%. It is a majority.

ASSEMBLYMAN BENNETT: I think that I have a real concern with that. In the Hackensack Meadowlands Development agency, the majority of the people there, if not all of them, have to come from that area. In the Pinelands Commission, a majority, if not all of them come from the Pinelands area. And there we're talking even larger areas. I'm real concerned, if you really want to be able to effectuate that type of planning, that we-- You've heard several mayors today say that they were supportive, but I think that one of the reasons that they argued to be supportive is because they feel that they will be playing a role, participation wise, and at least have an opportunity. I'm not opposed, per se, to statewide representation. I just had a concern when it was that high of a number outside of the coastal area. I just raised that as an issue, rather than debating it.

MS. ELSTON: But that was the thinking behind it.

ASSEMBLYMAN BENNETT: Okay. Fair enough. Paying the Commission members: I'm trying to think of what commission members do get paid.

MS. ELSTON: For instance, on the Casino Control Board.

ASSEMBLYMAN BENNETT: Yeah, they do, but--

MR. NEIL: That's full-time salaried, yes.

MS. ELSTON: The thinking there was, I think, the quality of performance and the people to do the job.

ASSEMBLYMAN BENNETT: Well, our Pinelands Commissioners don't get paid.

MS. ELSTON: Paid only for reimbursed expenses.

ASSEMBLYMAN BENNETT: I mean, was your thought to go full-time? I mean, the Casino Control Commissioners are full-time, I think, in the 70s.

J O A N D E N Z E R: I think the feeling of the group is that this Commission is so important that if you don't make them full-time paid Commissioners, then all we're doing is giving them a nod in their direction. If you want to give them

the respect and the responsibility that this Commission should deserve, then perhaps you also should give them financial compensation.

ASSEMBLYMAN BENNETT: Well, my only concern -- and I won't do it on every point -- is that you may be precluding a large element from being able to be involved, because it would mean if your concept is to go to a full-time commission membership, then you won't be taking people from a cross section -- that stay in a cross section.

MR. NEIL: Yes.

ASSEMBLYMAN BENNETT: They'll be full-time bureaucrats, ultimately, and may not have then that input which is the very thing we're trying to encourage. So, I mean that's the down side.

MR. NEIL: We did not mean to make this an absolute position for full-time Casino Commission people. There's some flexibility in the position as exactly what the compensation will be.

ASSEMBLYMAN BENNETT: Okay.

MR. NEIL: But the point we wanted to make was that the compensation calls attention to -- the manner in which it's done -- the importance of the Commission, and it not be construed as a very part-time and casual thing to sit in judgment on such crucial areas, with flexibility.

ASSEMBLYMAN BENNETT: Why take out the bonding? It's only revenue bonds at this point, right Ralph?

MR. IZZO: (from audience) Yes, it is.

ASSEMBLYMAN BENNETT: Okay. Why take that out, and what funding mechanism would you replace it with?

MR. NEIL: We looked carefully at the number of pages that the bonding took up in the bill. We thought a good portion of a very important bill was devoted to bonding. We looked at the purposes of the bonding. There was some debate among our members as to whether we should have limited bonding

or no bonding at all. We have presented that in the detailed comments. I believe there is a sub comment indicating that there is a flexibility on that.

Our public position is no bonding at this point, with a minority position, if you will, of limited bonding for specified purposes, and they would be different than listed in the Governor's bill. Primarily we were thinking of funding for open space. We felt that the direction of the wording of the bonding was leading primarily to beach restoration and protection projects. Our thinking was remedial water pollution, and as a mechanism -- if there was going to be bonding -- for projects that would help cleanup projects, but not lead to an increased pace of development. There is flexibility on that position, but it is as stated in my opening point. So there was an internal debate on that, and it's not an absolutely final position. We're open-minded. I think we would certainly tighten the purposes of the bonding as presented by the Governor's proposal.

MS. ELSTON: I think also the original thinking of the Lobby on that point was the immense power it gave the proposed body at the time, in accountability. As to where would the other money come from, it would come through the budget process in the same way that everybody else gets it.

ASSEMBLYMAN BENNETT: Not everybody else gets it that way.

MS. ELSTON: Not everybody else gets it like--

ASSEMBLYMAN BENNETT: Most of them have the right to do revenue bonds.

MS. ELSTON: That was where they were originally coming from, my organization.

MR. NEIL: Sure. There were comments within our group that indicated that if the purposes of the Commission are so important -- which everyone seems to feel that they are -- that perhaps it is time to just go to general revenue. One element

of risk in going to the bonding-- What guarantees are there that the bonds are approved and marketed and so forth? It seemed if the public purpose was so clear that it go through general revenues.

ASSEMBLYMAN BENNETT: See, the only problem is that one of our fears and problems is -- Phyllis can relate clearly -- is that we have been dependent for our natural resources protection for the most part on either the appropriations that are done annually, which quite frankly are totally insignificant, or the occasional bonding that we then go through, and whip the money out, and it's gone. While I strongly support the stabilized funding source -- and I think every member of this Committee supports a funding source -- that the ability to have certain bonding mechanisms may be something to be utilized. I see that we also have the user fees. While today the mood is focused towards doing monies for ocean and doing monies for the shore, it wasn't that way as recently as maybe a year-and-a-half ago. And I fear what may happen again a year-and-a-half from now.

My thoughts are that what we want to be able to do is make the most out of a situation that we have when people are joining together, and move the Natural Resources Trust Fund, for instance, now, if we ever can. Why not have it? You can quote me. I want to move it now. There's no question about that.

MS. ELSTON: You know, another thing that perhaps is being lost here too is, in the original bill-- The makeup of the Commission itself has evolved in what we consider a beneficial way. So in the beginning when there was this real tryst between regulatory and between the environment and the economic factors-- And is that an environmental protective document, or is it a document to induce tourism and trade? Which is which? What do we want? At that point, too, my

organization said, "My God, you're going to give bonding power to this body which contains one environmental person." So there was some thought on that.

ASSEMBLYMAN BENNETT: I see. Okay. I understand. I'm not going to prolong going through it because we can meet. I just wanted to touch on a couple of those. Do you have some questions specifically?

ASSEMBLYMAN KRONICK: No, I haven't.

ASSEMBLYMAN BENNETT: Was there any thought that if you have a no growth area designated-- I'm going to raise it because it probably would become, while perhaps one of the most important, perhaps one of the most controversial aspects specifically. What are we going to do with compensation, if anything, or nothing? If we zone something no growth--

MR. NEIL: No net growth.

ASSEMBLYMAN BENNETT: Okay, no net growth, correct, in the "Critical Zone."

MR. NEIL: Yes.

ASSEMBLYMAN BENNETT: Do you believe that we have to address ourself to compensation?

MR. NEIL: I think that the analogy would be probably closer to the struggle going on now with the Federal mandates on air quality, which envision an emission offset program. In other words, the issue of taking an amount of growth that can occur in that type of an area, you have to meet certain environmental air quality goals. I don't want the no net growth to be interpreted to mean no growth.

ASSEMBLYMAN BENNETT: Okay. Good point.

MR. NEIL: We want more flexibility in there, and we don't mean it that way. We see greatly reduced growth. It doesn't mean that every permit approval that comes up will be turned down. What it may mean is a reduced percentage of permits from the figures that go under CAFRA now, that in order for a certain project to go through, something else may happen

somewhere else, so that the net impact -- as in the air quality -- has no adverse effect on the environment. If that eases concerns on the taking issue, that's as it stands. I'm not sure how the air quality situation, with emission offset, is going to get around that issue. It's there certainly, but we did not mean it to be as absolute as no growth.

MS. ELSTON: Another possibility there -- and I know I've mentioned this to Assemblyman Kronick in the past -- is when you have critical lands, then perhaps the option of tax incentives or breaks can be examined. In a survey just in my local little corner of the world, I know we polled the community on that. Everybody said, "Oh, what a joke that is. People are not going to pay their tax dollars so that they can stay empty." But indeed people were. And when they are critical lands, perhaps the owner of that critical land-- You've heard that thing, "Gee, they allow me to pay taxes on it and I can't do anything with it." Well, reduce their taxes. Gives you something to think about.

ASSEMBLYMAN BENNETT: All right. I don't have any additional questions at this point in time. But I certainly intend in the next week to be in contact with you.

MS. ELSTON: Happy reading on the beach. (laughter)

ASSEMBLYMAN BENNETT: Oh yes. I don't get to the beach any more. I was up until two o'clock at the kitchen table with all these papers last night. But I do thank you very much. It's an extremely comprehensive review.

MR. NEIL: Thank you.

ASSEMBLYMAN BENNETT: Robert Kiss, from the Alliance for a Living Ocean?

KAREN KISS: My husband had to leave, so I'm going to be filling in the best I can. He could answer a lot of the more specific questions about zoning, but unfortunately he had to go.

ASSEMBLYMAN BENNETT: Well, lawyers do have to make a living.

MS. KISS: Yes. Hey, it's a closing. You should be happy. I'm a representative of the President of the Alliance for a Living Ocean.

I find ourselves in an awkward situation because we live in this critical area that everybody is referring to. We are keenly aware of what happened last year, and how we have to address all aspects of the problem that contribute to ocean degradation.

We support the concept of the Coastal Commission and have, save for the provision of rebuild. Although Jim Mancini's history with dealing with building on the Island-- I think there's a lot of progress being made, and a lot of consciousness being shown as to that we cannot continue at the rate that will the goose that laid the golden egg, so to speak. We have done things in Long Beach Township that have limited growth and the size of structures that can be built on a certain piece of property, and I think a lot of that needs to be done, and some of these ideas be incorporated into the Commission, if it should be passed.

We cannot support it if they are not allowed to rebuild our properties. The tourism industry and where we live is here because, if you look at it, the whole Jersey coast has little residences. People come not to pitch a tent on a barrier island, but they come to bring their families and stay in a cottage and enjoy the shore. That's the reality of the tourism industry, save for Atlantic City. And although we feel that this type of regulation is needed and should be seriously address the whole problem of non-point pollution, we have to reserve our support of it until the rebuild provisions are clearly delineated.

I just want to make this point too. Your testimony before-- This whole issue almost comes down to the north/south New Jersey type of problem, that's been going on ad infinitum for years and years. And your point about the Ciba-Geigy bill and this, if you're going to ask the people to really buck up and change their ways and have to get really tough with the way we're doing things, then you've got to look at the whole issue; everybody out of the pool, everybody being concerned with how they're contributing to ocean degradation, in fairness. That's my point. I don't think the people where I live would mind doing everything that they have to, in terms of paying for higher stormwater management, stricter building codes, or whatever, but let's look at the whole problem, and everybody out of it. Okay? Thank you.

ASSEMBLYMAN BENNETT: I think the people on the barrier islands have demonstrated repeatedly their willingness to do what is necessary for the preservation of their-- They took their island back actually. And now I've been fighting to keep the water. Their dedication hasn't been--

But how about the concept that we were kicking around before, of having the public members of this Commission first of all, with statewide representation; and two, a majority of the public members not living in the coastal area? How would that fly, for instance, around?

MS. KISS: I think that the point of including more statewide representation is well taken.

ASSEMBLYMAN BENNETT: Yeah, that I agree.

MS. KISS: However, I think your point about who is actually the majority on it-- I don't know whether you would just try to even it out in some way. I haven't really looked at the breakdown, etc., but I think you have to include a lot of people from the area because we have the biggest stake at making sure that the place flies and that the environment is preserved. I don't necessarily agree with that idea before,

where it should be the majority from the northern part of the State.

ASSEMBLYMAN BENNETT: Okay. Karen, thank you very much.

ASSEMBLYMAN KRONICK: Thank you.

ASSEMBLYMAN BENNETT: From the League of Women Voters, Sandy Batty?

M A R I E C U R T I S: It's pronounced Batty, (correcting Chairman's pronunciation) and she isn't here.

ASSEMBLYMAN BENNETT: I just looked up and saw that she wasn't. Sorry.

MS. CURTIS: I'm sorry too, because Sandy is our State Natural Resources Director, and she is much more qualified than I to speak in this area. But I will try to fill in for her.

ASSEMBLYMAN BENNETT: I try to get to everybody, and I just can't get to all, at the same time.

MS. CURTIS: We understand. We understand, but of course the League of Women Voters is a volunteer organization, and so we have other duties as well.

ASSEMBLYMAN BENNETT: Right.

MS. CURTIS: And we have children and things of that nature. So I am here instead of Sandy. I am Marie Curtis, Vice President of the League of Women Voters.

The League is here to support the Coastal Commission as a regional planning agency for the coastal area. The League believes the State should have final authority over environmentally critical areas such as the coast. At present, the New Jersey coastal region does not have a land use planning agency, because it is not included in the area of the State Development and Redevelopment Plan, and yet CAFRA does not have the authority to develop a regional plan.

We have been pleased to see that participation of local government and citizens has been encouraged in the writing of A-122. One is having the State department

executives as ex officio Commission members; another check giving the Governor power to veto portions of the minutes of the Commission's meetings. These are sort of standard operating procedures in many areas, and we believe that they are to be encouraged.

The proposed Coastal Commission's powers to issue bonds for capital projects, however, may be in conflict with its land use planning function. When projects such as sewers are built, the Commission could be tempted to raise its return by increasing the number of users. Safeguards should be included in the legislation so that the Commission will not encourage unwise development in order to get a return on its bonds.

We encourage the preservation of open space in the coastal region. Among its benefits, open space can help in flood control more effectively than structural solutions such as sea walls and groins, as we have now. And we'd like to direct you to a brand new report by the Blue Ribbon Panel on Ocean Incidents, "The State of the Ocean," for its recommendations on protecting environmentally sensitive areas such as flood plains, wetlands, and river banks.

We'd like to thank you for this opportunity to come before you this afternoon. And this is the copy of the new report on "The State of the Ocean." I don't know if you're familiar with it yet, but it is highly recommended.

On the one question you raised before in the compensation in the critical areas, it just occurs to me that this might be another area. It would be a hassle to tackle perhaps, but TDRs?

ASSEMBLYMAN BENNETT: Well, I'm strongly in favor of TDRs, but we haven't quite been too successful in them yet.

MS. CURTIS: I know. I know. That's why I said it would be another hassle perhaps to get through, but I think that might be a possibility because it seems to fall into the same nature of land use limitation and property rights.

ASSEMBLYMAN BENNETT: I understand specifically the League's concern about the powers and the checks and balances. But while you say that you support the checks and balances presently contained, it would appear that the real checks and balances is the executive office itself over the Commission.

MS. CURTIS: That's what we are finding with our independent authorities study; that the only real check that there is now on some of these is the Governor's veto power.

ASSEMBLYMAN BENNETT: Right, and I'm asking you, do you think it might be appropriate that there be more legislative control over it? I've got to ask the question.

MS. CURTIS: Yes. I think we might well come to that, but if you take note, we're treading a fine line. We in the League cannot make a recommendation or take a position without member consensus. Our members are in the process of coming to that consensus now. We should have a position late in the fall on the criteria, safeguards, etc., on appointees to commissions, the kinds of checks and balances, etc. In fact, I think I spoke to Spiros (referring to Committee Aide) when we first started this whole study way back when. We've come a long way since then, but we haven't got it nailed down yet. I wish I could say, "Yes, we've got A, B, C, D, we think would be wonderful recommendations." I have my own personal ideas, but not from the League.

ASSEMBLYMAN BENNETT: Fair enough. Thank you very much. Questions?

ASSEMBLYMAN KRONICK: No, Mr. Chairman. You will be a committee of one now.

ASSEMBLYMAN BENNETT: Okay.

ASSEMBLYMAN KRONICK: I have to leave. Thank you.

ASSEMBLYMAN BENNETT: Fine. Thank you. Phil Beachen from Alliance for Action?

Let me just make sure, is Ken Smith still here?
(affirmative response) Yes, there. Diane Quiten is not here. I saw her and Nancy Becker around. Ken, you'll be next. That's who I have that have submitted requests to testify. Okay.

P H I L I P K. B E A C H E N: Good afternoon, Mr. Chairman, members of the Committee. My name is Phil Beachen, Vice President of the New Jersey Alliance for Action. The Alliance for Action is a statewide coalition for some 500 members representing the business, labor, educational and professional communities in New Jersey. Our goal is to improve the quality of life through the elimination of red tape and bureaucratic roadblocks.

Central to the quality of life for residents of New Jersey is the protection and management of our shore and ocean resources. For that reason we have followed with great interest the development of the proposal to create a Coastal Commission. In fact, last October the Alliance sponsored an all day hearing on the Governor's proposal for creation of a Coastal Commission. That hearing, which drew an audience of some 150 individuals, enabled us to focus on the coastal problems facing our State, and in particular, the problems facing New Jersey's coastal counties and municipalities. The October hearing also produced a dozen recommendations for improving the Coastal Commission concept, many of which I'm pleased to say, have been incorporated into this bill.

The Coastal Commission legislation introduced by Assemblyman Villane and Senator Pallone, which is before the Committee today, has many positive features. The Alliance believes that with some minor changes the legislation can be made more effective. However, on the whole, the concept is sound, and the proposal is a good one.

Without belittling the importance of the more spectacular events of last summer -- for example, large amounts of litter on the beach -- we must direct our attention to the less visible, but more important environmental stresses resulting from stormwater runoff. Crankcase oil, metals, salt from snow removal operations, pesticides, animal wastes, and other pollutants consistently enter the coastal waters through storm drains and runoff. These silent pollutants, or non-point source contaminants, are a major source of today's ocean pollution problem. In fact, the Alliance for Action has been encouraging local boards of freeholders to undertake coordinated educational campaigns focusing on ways to reduce non-point source pollution.

We believe that the Coastal Commission proposal addressed these problems in two important ways. First, by requiring the inventory, mapping, and improvement of storm drains; second, by developing a water pollution control project priority list.

Moreover, within the context of environmental protection, the bill does improve regulatory efficiency. The conformance process in the bill will improve the present confusion over separate State and local rules. The permit issuance timetables reduce the time for decisions. Delegation will help reduce the burden of permit processing on the Commission.

As a result of our hearing, and discussions amongst our membership, we do recommend several steps which we hope will improve the process. As part of the master plan, we would like to require the Commission to develop a procedural component. It should include:

- a checklist for completing an application,
- standards for requiring environmental impact statements or environmental assessments,
- standards for a community to be eligible for delegation,

- allowing local certification of variances for matters not pertaining to the master plan,

- and lastly, ongoing training and education for people who process permits.

As I stated earlier, I am here on behalf of the Alliance for Action. Perhaps this is what is most appealing about his bill. The Commission represents an alliance of State and local governments as well as environmental and business interests, and its plan is a blueprint for action; action which we believe is not a moment too soon.

We urge you to support the legislation. Thank you very much.

ASSEMBLYMAN BENNETT: Thank you very much. I know that you have been putting a great deal of work into this. The steps that you're proposing for the improvement of the process, do you have specifics with that, or is that in general terms which we should try to incorporate generically?

MR. BEACHEN: These are just in general terms, Assemblyman, but we think that the legislation as currently drafted could probably use a little honing up in certain areas.

ASSEMBLYMAN BENNETT: Okay. Thank you very much.

MR. BEACHEN: Thank you.

ASSEMBLYMAN BENNETT: Ken?

K E N N E T H J. S M I T H: Thank you, Mr. Chairman. It's good to see you again.

ASSEMBLYMAN BENNETT: I don't have a T-shirt on underneath this that--

MR. SMITH: You have to work once in awhile between these hearings.

ASSEMBLYMAN BENNETT: Not too often.

MR. SMITH: I'm Ken Smith, from the New Jersey Shore and Beach Preservation Association. I'm also a member of the National Board of Directors of American Shore and Beach Preservation Association, which is an association of

approximately 2000 members. We seek to promote good coastal management, and technical solutions to beach erosion.

Needless to say, we are a strong supporter of the Coastal Commission. It's something that we've called for, along with many others, for a long time.

We're a major sponsor of the coastal zone symposiums, which are held every two years and are the largest international conferences on coastal issues that are now held. We very much see a need for New Jersey to join the national and international coastal community, and interact with coastal commissions in California and Florida to see some of the innovative things that they are doing along their coastlines.

The advocacy is needed desperately at the coast. I'm also a member of the Coastal Advisory Group to the DEP. Bob Furlong, who spoke earlier, was with me yesterday when we met with them. The Division of Central Resources does not get very much into an advocacy role vis-a-vis the coast.

Within the bill, I strongly support the Office of Clean Ocean Advocacy. And not to put her on the spot, but I think that someone like Karen Kiss or Cindy Zipf would be the perfect person to head up that department of agency; at least someone who had worked in that arena for a long time.

ASSEMBLYMAN BENNETT: No, she's dying back there.
(laughter)

MR. SMITH: She's laughing. As if she doesn't have enough to do already.

ASSEMBLYMAN BENNETT: She would only do it if it was volunteer.

MR. SMITH: Earlier it was mentioned that the Commission's activities should extend beyond Old Bridge. I'm also a member of the Hudson River Estuary Management Conference on the New York Bight, which is just getting under way. It's going to be a five-year conference and study group put together by the EPA. I really think that the Commission would dovetail

nicely with that group. It would avoid a duplication of efforts, and it's something that we could stay in touch with, because I think to go beyond the Old Bridge area could be biting off more than the Commission can chew.

The problems at the coast are technical. They're also perceptual. And very often the perceptual problems are greater than the technical problems. I think that beach maintenance is a perfect area for the Commission purview. The long-term problems of sludge and acid waste dumping I feel are going to be solved, but direct focus and money are needed on the floatibles problem and response to wash-ups.

You know, what kicked this all into high gear were the events of last summer, and there were caused by a wash-up on the Jersey shore. They are the things that people can see. You can make all the excuses you want that the syringes are not full of disease; it doesn't matter. People don't want to swim around that stuff, and they don't want to sit on a beach full of cigarette butts.

I think that, just as an aside, there is a bill by Senator Connors for beach cleaning machines, which was introduced in response to the Governor's 14-point program, to one of the points of that. I strongly hope that that bill will be passed very soon.

If you couple beach cleaning machines with ALO and adopt a beach program, these are the kinds of things that can show people in a very perceptual way that we are trying at the Jersey shore to deal with the problem of floatibles and wash-ups; which, as I say, perceptually is the most visible problem, and eventually if it's not dealt with, it's going to put a big kink in the tourist industry.

While regional management is fine and it's necessary, individual protection is a must. I'm referring to the three-unit and one-unit rules under the proposed Commission. The Dune Act, or anything of its ilk, scares us at the coast.

John, I don't have to tell you -- you've sat on that Committee, and saw the outpouring of sentiment and emotion when that bill was tabled -- but I've seen attempts to sneak it back in different ways. There was a Coastal Hazard Mitigation report a few years ago, that recommended a building moratorium after a storm. So, that scares us.

Let me just give you something. (presents document to the Chairman) Years ago, when the Dune and Shorefront Act was proposed, it was based on a study at Rutgers that formed a dune management district. Out of that, you can see the dune management district starts there. Here's 10 years, 20 years, 30 years, that could be Long Beach Island. Now, they're at the Boulevard. Within that dune management district, properties were rendered virtually valueless because if the property was destroyed more than 50% by a storm, you weren't allowed to rebuild it. A picture is worth 1000 words. We look at that and we're very scared of getting anything even similar to that coming in.

I'm not going to read a lot, but I want to read a small clause from a-- This is from an article written by Steve Leatherman, who is an eminent coastal geologist, in talking about a flexible barrier island management strategy. He said, "This solution will be unpopular to affected residents, as an underlying assumption of this strategy is the erosional transformation of the environment with the landward retreating barrier system. In the process, buildings adjacent to the shoreline would be destroyed by storm activity based on their distance from the advancing water edge and the severity of each individual storm. Redevelopment in storm-damaged areas would be disallowed, and new development on accreting bayside areas would be a subject of much debate and probably prohibited due to wetlands restrictions. In essence, all development would be removed with complete barrier rollover," which is a landward migration of an island equal to its own width.

I back up what Jim Mancini had to say about the problems that we've had with the Division of Coastal Resources.

I also take issue with the Blue Ribbon Panel conclusion. I thought it was a fine report until I got to the sentence that concluded that development per se is the principal cause of coastal pollution and physical degradation. I mean, a simplistic statement and a simplistic answer would be if we got read of all the people at the coast there would be no pollution.

We do have non-point problems. Most of it comes, though, from New York with the floatibles. Ocean County doesn't dump their sludge in the ocean. We don't dump acid waste in the ocean.

This report called for the elimination of flood insurance, and other direct and indirect subsidies. What scared me was that it was quoted today in the initial testimony. They recommend 1000 foot buffers. Again, I'm a strong supporter of this Commission, but when I hear things like this, it scares me.

One of the things about the Dune Act is that, what bank would give a mortgage on a property which is marginal, which you don't know, maybe in two weeks they may not be able to rebuild, and there goes their investment and yours?

I drew up a clause, along with a couple of other people, just as a suggestion as an amendment to this bill that might address this. It would be a new section 70, and it would say: -- it would be an amendment to it, and I'll give you a copy of this -- "Nothing in this section or this bill in its entirety shall be interpreted to prohibit the owner of any structure or facility from rebuilding or replacing the existing structure or facility in whole or in part in the event it is destroyed or damaged. And an environmental impact statement shall not be required for residential facilities of four units or less. If the damage to the structure is more than 50% of

the value of such structure, then the new structure or facility shall conform to all current construction regulations applicable to the particular location of the structure, including construction guidelines as set forth in the Federal Emergency Management Agency's Coastal Construction Manual," which is a very good manual. It provides for pilings, bracing of pilings. We're all for that.

"Wherever regulations prohibit construction to such an extent that an existing parcel of land not contiguous to any developed land and common ownership--" That means if you have a lot there, that's it. If you want to develop the one next to you, and it's in an environmentally critical area, we're not talking about compensation for that. Anyway, "cannot be utilized for at least one residential dwelling unit. Fair market compensation must be provided to the owner of the land by the State of New Jersey, in return for which title should be conveyed to the State of New Jersey." I'll give you a copy of that.

I support perhaps an amendment that would give the Commission control over density; that if a town wanted to increase its density that it would have to go to the Commission for a permit, and I would hope that in 99% of the cases it would be turned down. I see no reason to increase the density at all at the coast. We're 99% built.

I think, though, looking back on the development -- and I grew up in Surf City, and I remember what it used to look like -- I think that for the most part we've done fairly well, given the fact that we are adjacent to the New York and Philadelphia areas, with 20 million people living next to the New York Bight. We mainly have held out for single-family zoning, possibly duplex zoning, and some condominium areas. But take Long beach Island for example. Beach Haven is a condominium area. Most of the Island is single-family zoning. It's kind of curious that many people call for increased public

access, but they call for the removal or the lowering of the facilities that ensure good public access to the shore.

I also strongly support -- once we get the system set up -- a delegation of the permitting to the individual towns. What if the big one hits, and have this one-unit rule for oceanfront properties, bayfront properties, and all the lagoonfront properties? Will they all have to go to the Commission for a permit? I think it would be much better handled -- once we have the system set up -- in the local municipalities. That's assuming, of course, that they go along with this.

I just briefly want to talk about funding. Of course the Commission is not going to have any teeth unless it has funding. I think it's just completely unconscionable that the Legislature in the last 10 years has done one annual appropriation for shore protection. That was last year, a \$12 million appropriation that was called a stopgap measure. They're looking for a stable funding source. I understand that. We've had to go to creative funding because the Legislature has not lived up to its responsibility to protect an \$8 billion source of revenue. They'll repave roads, they'll rebuild urban areas, but here is a situation where you have an entity that gives so much back to the State, and we can't even get a paltry, say, \$20 million a year.

So we have to go to creative financing. We have the Natural Resources Fund, which is good because it's statewide and politically palatable. But, correct me if I'm wrong; I believe that 5% is dedicated to shore protection. If you raise that \$50 million, that's 2.5 million. That's not going to do it. Shore protection was the impetus in the creation of that bill.

ASSEMBLYMAN BENNETT: It's the minimum amount.

MR. SMITH: It's a minimum, I know, but that's what we could get -- the minimum for one year, depending on whatever political winds happen to be blowing at the time.

I think we need some type of a dedicated revenue source. I had proposed a resort tax, which Frank Pallone picked up, and in my opinion, dropped. I borrowed a resort tax concept from North Carolina, where it works very well, a 2% accommodations tax on all accommodations. Frank Pallone's bill is just on hotels and motels. Long Beach Island has 30 motels and 9000 rental units. It would be ludicrous to have-- First of all, the revenue would be insignificant and you would completely destroy any equitable collection ratio with that type of a bill.

There are all kinds of things we can do. There are towns in Florida that have private beaches. They fund their beach nourishment through municipal service taxing units, which we could use in New Jersey for a local share. I mean, if we have to get creative, there are many things that we can do. But we really need to get on with it, and make sure that this Commission has a good stable funding source.

I'll close now. Some people lament the over density at the shore. They remember what the past used to be with the lower densities. My only admonition would be to be careful of what you pray for, because you might get it.

You know, if you put a bill in-- God help us if the American Littoral Society prevails with the proposals that they've made, because I don't really think that's what we want at the shore. I think that we need local staffing at the shore. I think that the people at the shore by and large know what they're doing.

We're purveyors of tourism, and those facilities have to be protected. It may be stating the obvious, but I say again, people that come down to the shore-- The net worth does not all go to the property owner; it's an even trade. If they

want those amenities, they pay for them. That's what makes the world go around.

We do need to look at non-point pollution. When we have this many people, there's a balance which as to be struck. I'm Vice President of Alliance for a Living Ocean. I'm as concerned with clean water and clean beaches as anyone else, and I think we're getting there. The catharsis we had last summer launched everything. I think that we're going to solve those problems, not tomorrow, but--

I must say, what is the critical erosion? I heard that before. If a place is getting wiped out every 25 years, given the recreational and developmental pressures at the Jersey shore, to me that dictates that we build it back up again.

The head of the Blue Ribbon Panel, the other night -- he's from Cape Cod, he's done a lot of work in New Jersey -- he kept talking about Cape Cod and Klamath Falls, Oregon. I finally had to say, "Wait a minute. We're talking about the New Jersey shore. You don't have 20 million people living next to Cape Cod. And you have a fat cape. You have a skinny barrier island here." You know, every coastline is different, and New Jersey's coast is unique.

One things we'll be doing in the coastal zone symposiums in the future is to take certain stretches of coast like the Netherlands or like the New York Bight, and take good spotlight looks at them. I hope that one of the reports that we can do would be on the passage of the Coastal Commission.

ASSEMBLYMAN BENNETT: Thank you very much. I saw Diane Quinten come in and out. She is not there now? (no response) I have no further witnesses that have said that they wanted to testify. Is that correct? (no response)

I will keep the record open until Tuesday. So if there is any additional testimony that they'd like to submit in writing, it can be submitted by Tuesday, but then the record will close, at that time.

I'd like to thank all of you that came down today for this bill or the other bills that were done. This meeting is now adjourned.

(HEARING CONCLUDED)

TESTIMONY OF BRENDA S. DAVIS
CHIEF, POLICY AND PLANNING
OFFICE OF THE GOVERNOR

before

ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY
HON. JOHN BENNETT, CHAIRMAN

MAY 26, 1988

INTRODUCTION

Thank you for holding this hearing on Governor Kean's proposed New Jersey Coastal Commission and the enabling legislation introduced by Assemblyman Villane and Senator Pallone. This is one of the Governor's 4 highest priorities currently before the legislature. I know each of you share Governor Kean's view of the importance of successfully managing our coastal resources.

The substitute bill clarifies a bill released in July 1987 but retains the original intent. The substitute has been available since March 22, and represents countless hours of discussions with you, mayors, freeholders, professional planners, environmentalists, builders and numerous others.

All of you have expressed the view that New Jersey's priceless coastal environment must be protected. We are responsible for what happens at the coast, and it is irresponsible for us to continue to stand on the sidelines as the unchecked, uncontrolled deterioration of our coast continues. Resisting change, settling for the quick fix, failing to seek long-term solutions, is inexcusable. We need quick action -- it was detailed in Governor Kean's 14-point plan to deal with ocean pollution and you've been working on that and passed some parts of it. Important parts remain, however, so we must do more. The effectiveness of all other actions will be significantly compromised without comprehensive coastal management.

The protection, improvement and overall management of our coastal environment is critical to our quality-of-life and the viability of a \$7-8 billion tourism industry. It is critical to our quiet seaside towns, to our coastal cities in their early renaissance, to our residents and to our visitors. And we have been neglectful -- we have abused and ignored this precious resource for too long.

Governor Kean recognized the threat to our shore long ago - before the events of last summer spurred others to action. These threats are subtle, cumulative and to a very large extent are products of our own success - and more simply - of geography.

Our beautiful coast is sandwiched between two of the nation's largest urban centers - New York and Philadelphia - and is part of

the most densely populated State in the nation. Nowhere in this country is there a comparably stressed stretch of shoreline.

Eighteen months ago the Governor proposed the New Jersey Coastal Commission - a bold, solution to a complex, regional problem. It was designed to see the big picture. To leave behind crisis management and incremental decision-making. It is, at long last, a recognition of the importance of foresight and planning today to avoid problems tomorrow.

The Coastal Commission is designed to be consistent with New Jersey's strong tradition of home rule, and is constructed to be accountable to the Governor, Legislature and the public it serves. It does not create additional burdensome bureaucracies, but serves a new function which existing State agencies cannot.

Our New Jersey coast urgently needs regional problem-solving, proactive resource management, and an advocate with the clout to be heard in the halls of Congress or in disputes with New York City.

As you know, this is a complicated, far reaching proposal - difficult to do justice to in a short statement. Let me first provide an overview of the Commission and its functions and perhaps anticipate a few of your questions.

Outline of NJCC

- o The Commission will consist of 15 members, selected as follows:
 - The Commissioners of Departments of Environmental Protection and Commerce, Energy and Economic Development and the State Treasurer will serve ex-officio.
 - 4 chairpersons of regional advisory councils which are made up of municipal or county officials or members of the general public representing different coastal regions will also serve ex-officio.
 - 8 members will be appointed by the Governor with the advice and consent of the Senate from various interests such as environmentalists, fishermen, developers and those involved in tourism. No more than 3 members can be selected from any one interest group.
- o Four permanent regional advisory councils will be created to provide input to the Commission by citizens and local officials. Members will be selected by county governments on a proportional basis. Each council will elect a chairperson who will automatically qualify to be a member of the Commission. These councils will perform numerous important functions. They will advise the Commission on development of the Coastal Area Management Plan, on guidelines for local implementation of the Plan, on setting priorities for financing, and on the adoption of all regulations.

Balanced geographic distribution is paramount in the establishment of councils. Region 1 will consist of Middlesex and Monmouth Counties. Region 2 will consist of Ocean County. Region 3 will consist of Atlantic, Cape May and Burlington Counties. Region 4 will consist of Salem and Cumberland Counties. Communities represented on the councils should reflect the diverse set of conditions along the shore. For example, coastal, back-bay and inland; developing and developed; and urban, suburban, and rural towns should be represented within the councils.

- o The primary responsibilities of the Commission are:
 - **Advocacy:** Provide strong central leadership and a powerful voice for the protection, preservation and improvement of the shore. In order to accomplish this the Commission will investigate activities resulting in environmental degradation; lobby Congress, interstate agencies, or others on behalf of coastal protection; seek funding from all available sources; and, join in actions outside of CAFRA to protect water quality. For the first time we will have a focus on our coast, and the coordination and clout to make a difference for the future.
 - **Planning:** Develop a comprehensive Coastal Area Management Plan. Only by providing a regional framework for all local and state decisions, can we hope for success in our many actions. This plan must be coordinated with existing county, local and state plans and will include a natural resources inventory; shore protection; growth management; beach and water quality; and financing. Municipalities will be required to conform to all parts of the Plan if they want to be eligible for State funding for shore protection, stormwater pollution control, etc. I cannot overemphasize the importance of growth management. We see this time and time gain throughout New Jersey. I'm sure you are all aware of the findings of Commissioner Dewling's Blue Ribbon Panel on Ocean Incidents released earlier this week. Development was singled-out as a major cause of pollution of the marine environment.
 - **Implementation:** Ensure that the Plan achieves its goals. The Comprehensive Plan will provide a blueprint for action -- establishing the Commission finally will place responsibility for ensuring that blueprint gets carried out in one, identifiable, accountable place. The Commission will oversee municipal conformance to the Management Plan; issue or delegate to counties/municipalities the issuance of CAFRA, Waterfront Development, and Coastal Wetlands permits; develop and/or certify municipal beach cleanup and maintenance programs; develop and/or certify municipal stormwater pollution control programs; and perform a research needs assessment.
 - **Regulation:** Develop recommendations for streamlining the host of regulations applicable along the shore, so that while we achieve the many purposes for which rules are designed, we do not include unnecessary duplication and delay. Through local

conformance with the plan we will have state and local rules which no longer conflict thereby eliminating confusion. Timetables for permit decision are substantially shortened.

- Financing: Act as conduit for all shore funding, including shore protection funding from the Natural Resources Trust, funding for stormwater planning and project funds, beach cleanup assistance, Clean Communities funding, etc. The Commission will receive State appropriations; levy administrative fees; seek private and Federal grants; and issue revenue bonds for specific projects. It will not levy beach fees.

Within the context of these broadly described responsibilities are many very specific mandates and restrictions.

Now let's turn our attention to some very important considerations which entered into the crafting of this proposal.

o Homerule. The Coastal Commission is meant to be responsive to those communities it is designed to serve. The Governor takes this purpose very seriously. You all know that my staff and I met with over 120 shore mayors. On two separate occasions last winter I conducted working meetings to discuss, in great detail, how the Commission should be organized and what it should do. These officials were directly responsible for some of the novel mechanisms (e.g., an annual public workshop, explicit public participation guidelines, reviews of impact of regulation on business) incorporated in the proposal aimed at public accountability. This outreach effort itself is indicative of the extensive public responsiveness we believe must be built into the legislation.

The four Regional Advisory Councils will be the most direct avenue for public input. These are not do-nothing Councils. They have fifteen members consisting of county and municipal officials and the public-at-large. The Councils will review and comment on Commission actions. They will resolve disputes resulting from municipal actions. They will review and help develop the Coastal Area Management Plan. Most importantly, they will elect chairmen who will automatically serve on the Coastal Commission as a full voting member bringing local and regional perspectives with them.

Shore mayors need and deserve real input to regional decisions and actions. For them, homerule is threatened more by neighboring municipalities, operating outside a regional context, than by a regional commission. Mayors told me time and time again that they need help. They cannot solve today's problems alone. They need the regional coordination and clout the Commission will give them.

o Independent authorities. Local input is a critical part of the Commission, but legislative, gubernatorial and public accountability are also absolutely necessary.

The Commission's accountability to the Governor is simple and direct; he will retain full veto authority over the minutes of the Commission. Other requirements will also ensure responsiveness. Of the fifteen Commission members, three will be from the Governor's Cabinet -- the State Treasurer, the Commissioner of DEP, and the Commissioner of Commerce and Economic Development. In addition, eight public members will be appointed by the Governor. Each of these must be approved by the Senate. Finally, the Governor will also appoint the Executive Director thereby exercising oversight of the staff.

The Commission's ability to act is directly related to the availability of funds, this is controlled by the Legislature. The Commission will not be able to tax or levy beach fees. The only projects the commission could finance through revenue bonds will be those which can be supported by user fees. These are listed in the bill and are public marinas, parking lots, wastewater treatment and potable water supplies. Bonds issued by the Commission require prior approval by the Governor and State Treasurer. Further, stable funding for shore protection, to be funneled through the Commission, will result from legislative approval of a Natural Resources Trust. Lastly, the most significant component of Commission funding is annual appropriations -- obviously, completely within your control. Therefore, ALL Commission funding is directly or indirectly controlled by the Legislature.

We are adamant that the Commission must be accountable to the public as well. The Commission is required to conduct public hearings on its major activities, such as adoption of the Comprehensive Management Plan and any amendments, it will hold an annual conference to receive comments on its performance, and it will have regular public meetings in the normal discharge of its duties.

We are dedicated to a Commission that will be accountable to elected officials and to the public.

- o Bureaucracy. No existing DEP functions will be duplicated by the Commission. Some functions of DEP will be replaced altogether by the new comprehensive land use management staff for the coastal area. Our original \$20 million appropriation request was NOT to build a monstrous staff but to fund the needed planning, ordinance modifications, beach cleanup, stormwater pollution control and other programs or projects to improve beach and water quality. We will REDUCE the State bureaucracy needed to accomplish a particular job through delegation of permit issuance to municipalities, financial and technical assistance offered to municipalities, and, by providing a Commission which is locally based at the shore, sensitive, responsive and knowledgeable regarding local needs. The Commission will also review on an ongoing basis the existing tangle of regulations to ensure the maximum streamlining consistent with their purposes.

However, make no mistake -- we are proposing to do things which have not been done before along the coast, from regional land use planning to the development and maintenance of a natural resources inventory -- this takes money and people.

- o **Strengthen existing government programs.** It is important to recall who has responsibility for what happens along the New Jersey coast. We looked at habitat protection, nonpoint source pollution control, sewage treatment, ocean disposal activities, beach cleanup and maintenance, water quality, beach erosion, inlet maintenance, public marina space, and land use guidelines. It is immediately obvious that many different governmental entities each have a role to play but no one single entity is responsible for overall coordination or assuring that each piece is implemented. For example, DEP regulates water discharge permits but nonpoint source pollution is affected by municipal land use practices. Municipal shore protection projects such as jetties have helped some towns while hurting adjacent towns. Mapping and inventory of stormwater drains is insufficient with only some towns and counties involved.

Coordination is critical. As I said earlier, someone must be charged with the task of providing the big picture for the coast. No one existing government entity is capable of that. Rather, existing players must become partners with the public and coordinate their actions through this new entity.

Saying that existing programs must be strengthened is very different from saying that they can do the job on their own. What is needed for New Jersey's coast is a comprehensive planning framework, which can be used to coordinate both land-use and environmental decision-making. The elements of such a plan cannot be mandated from Trenton, in a top-down fashion. Planning must involve those who live at the shore, and who depend upon the protection of the shore environment for their livelihood. A participatory process, holds the key to the future for us. Together we can solve problems - compromise - give a little - to gain a lot.

DEP has a major role to play in managing New Jersey's coast. However, DEP's role should remain and be concentrated in those areas where it is strongest, that is, in the areas of technical analysis, environmental permitting and regulatory action, responding to health based threats, and the like.

This approach will not dilute DEP's mission in any way. By establishing the Commission, you will provide a partner for DEP -- one which will complement the Department's role by ensuring implementation of a crucial component of any environmental agenda -- sound land use management. This partnership will take many forms, from providing a source of funds for stormwater and wastewater projects, to providing a single voice and vehicle

for implementing non-point source pollution control efforts, and by augmenting local resources for managing land use.

Conclusion

Action on this bill is overdue. We have a poor track record on coastal issues. Short-term piecemeal costly initiatives absent any comprehensive context or planning are certain to be less than fully effective and may even waste the taxpayers money.

Throughout the State, regional planning, which is the essence of New Jersey's future, is beginning - except for the CAFRA region. Examples of our failure to plan regionally are numerous. In Cape May we have problems of beach erosion while just north the Wildwoods are experiencing beach growth. Windward Beach in Brick Township, Ocean County, was built with Green Acres funds, but it is never open because of water quality problems resulting from local land use practices.

If we settle for quick fixes - we surely set the stage for more avoidable catastrophes. It is time we move beyond incremental actions. How long can we react one way to hospital waste on our beaches, another to hurricanes and property damage and another to the end of oyster fisheries in our polluted bays. When all these things are related. When the sum suddenly is revealed as so much worse than the parts.

Some speak of the Coastal Commission as a long-term solution. Consider this. The day the Governor signs it, we will have dramatic amendments to CAFRA. Every day that goes by 24 unit developments go under construction. Dick Dewling's Blue Ribbon Panel told us uncontrolled development is the problem at the coast. This gives us the tools to control growth. If we had acted to establish a Commission last summer, we would be half way through completion of a comprehensive management plan. Think of what that means. It means that each and every coastal municipality could have been given the mandate and financial assistance to regularly sweep their streets, clean their catch basins, chlorinate their storm drains, and so on. Think of how beneficial that would have been for water quality today.

We are three days away from the start of another beach season. Our awareness and that of the media remains heightened. I've made available to you a set of editorials from every major New Jersey newspaper plus the Philadelphia Inquirer -- each of them calls for the creation of a Coastal Commission.

You have heard and know the stories. Governor Kean awaits your action. We must establish the New Jersey Coastal Commission, the steps we take together, today, for the long term, is the only way to assure ourselves of a better tomorrow.

TESTIMONY OF

THE NEW JERSEY BUILDERS ASSOCIATION

ON A-122

TO CREATE THE NEW JERSEY COASTAL COMMISSION

SUBMITTED TO THE ASSEMBLY COMMITTEE ON ENVIRONMENTAL QUALITY

MAY 26, 1988

Presented by:

Robert H. Karen
Vice President, NJBA and
Chairman, Environmental
Affairs Committee

8x

Good morning, my name is Robert Karen and I am Vice President of the New Jersey Builders Association. We are a trade group consisting of more than 3100 firms involved primarily in residential construction. We appreciate this opportunity to comment on the proposed New Jersey Coastal Commission Act.

While we support the intent of this legislation to create an advocate for the coastal area, we have identified several concerns that we request this committee to address prior to moving this legislation.

We urge you to move cautiously on this proposal as it would affect nearly 20% of the state's land area and could potentially impose an additional layer of unnecessary bureaucracy. As you well know, "commissions" take on a life of their own, unless the legislature clearly defines the entity's objectives, and authority, thereby ensuring regulatory efficiency and accountability.

Today, we call your attention to four major areas of concern:

1. Ensuring an environmental focus;
2. Streamlining the permit process;
3. Clarifying the area of jurisdiction;
4. "Grandfathering" projects on which substantial expenditures have already been made.

ENVIRONMENTAL FOCUS

First, while we recognize the need to protect the coastal area, this objective must be balanced with the need to provide people with places to live and work. The legislation must ensure that a balance

is reached between these objectives to assure that the Commission achieves its environmental objectives while promoting the region's economy, we request that the legislation be amended to do the following:

- * Remove references to scenic, historic and cultural preservation.
- * Define the scope of the management plan to protect the natural resources and environmental qualities that are readily identified.
- * Delete provisions on land use designations and land use tools such as transfer of development rights.
- * Clarify the environmental parameters that the Commission can use in reviewing applications to ones that are readily quantified such as water and air quality, endangered species habitats and to avoid abstract parameters such as "natural functioning of human life processes".
- * Retain conformance with state construction standards such as the Uniform Construction Code.

Without these amendments, the Commission would be free to subject a builder to irrelevant requirements such as the structure or color of a building, etc. and require compliance with standards that are not identifiable, much less attainable.

To achieve a more rational process for protecting the tidal waters while we provide our fellow citizens with critically needed places to live, we recommend that the bill also be amended to provide for a graduated permit threshold that increases as the project is located further inland and for projects located within designated growth

regions such as an urban, development or extension region. Outside of the one unit on the coast, we propose that the thresholds be adjusted as follows: 3 units within 150 feet of the mean highwater line of tidal waters, or the first public road whichever is less; 15 units within 300 feet or the first public road whichever is less; 150 units within urban areas and development regions; 75 units within extension regions and 25 units within the remaining areas.

We believe that these changes will provide increased protection in the sensitive areas and encourage the development of needed housing away from the sensitive areas.

Additionally, we urge the Committee to ensure a balance by providing representation on the Commission with a representative from the shelter industry so as to ensure that the region's housing needs are considered.

THE PERMIT REVIEW PROCESS

Our second recommendation is to provide for a streamlined permit review process. This proposal creates a new regulatory program to which an applicant must comply when proposing a project in the coastal area. It does not address how this new program is to be coordinated with other regulatory agencies. Furthermore, it presents the potential for undue confusion and uncertainty for applicants. We, therefore, request that the legislation be amended to:

- * Provide for a pre-application conference at the applicant's option for the purpose of identifying and reviewing those items that must be addressed prior to the Commission's review.
- * Develop a permit application checklist that contains

all items and concerns to be examined by the Commission and all other state, regional, county and municipal agencies and authorities. This list will be used to determine the completeness of an application.

- * Limit the environmental impact statement to include those items that are truly necessary to evaluate the effects of the proposed projects on the coastal area environment.

We believe that these provisions will go a long way in assisting the private sector in working with the proposed Commission.

JURISDICTION

Our third recommendation is to clarify that the Commission's jurisdiction applies only to the coastal area. As presently drafted, the legislation allows the Commission to exercise its powers beyond the coastal area. We, therefore, request that the legislation be amended to place clear limits on the Commission's jurisdiction to the coastal area only; any expansion of this jurisdiction outside the coastal area should be conditioned on the Legislature's approval.

GRANDFATHER PROVISION

Our final recommendation is to provide protection for projects on which substantial expenditures have already been made. This legislation would not honor applications which have already been approved at the local level and for which substantial expenses have already been incurred by the applicant. We, therefore, request that the legislation be revised to:

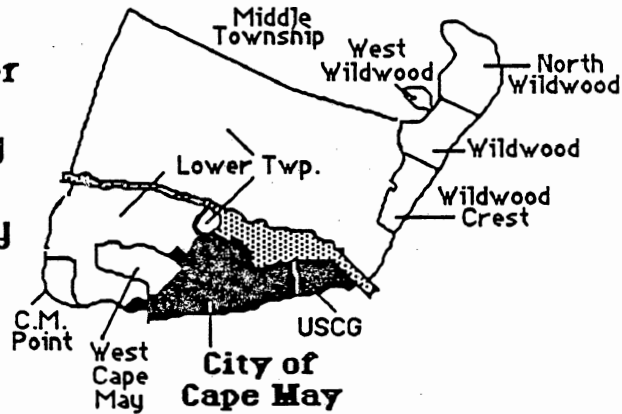
- * Exempt projects for which an application for development has been filed with the planning board or board of

adjustment.

I urge the Committee to give serious thought to the broad impact that this Commission would have on life in the coastal area. I trust that our comments provide the Committee with constructive and sound reasons to amend this legislation as suggested. As a spokesman for the home building industry in New Jersey, I hope that you can appreciate the foregoing comments.

Thank you for this opportunity to voice our concerns and I or our staff will be happy to answer any of your questions and comments.

**Testimony of
Fred Coldren
Cape May City Manager
before the
New Jersey Assembly
Committee on
Environmental Quality
May 26, 1988**



Thank you, Mr. Chairman, and members of the Assembly Committee on Environmental Quality for inviting and considering this testimony in support of New Jersey's efforts to preserve the best qualities of the New Jersey shore.

From more than a dozen years of direct coastal management experience¹, I am convinced New Jersey and its coastal municipalities and counties urgently need a strong new regional mechanism to effectively deal with the many problems of and threats to our multi-billion dollar seashore economy and environment.

PRESENT STRUCTURES ARE NOT ADEQUATE.

With all due respect to everyone's best efforts and good intentions, our present laws, regulations, and public structures have not been adequate to stop pollution, control density, minimize overcrowding and traffic congestion, maintain our valuable beaches, waterways, and healthy environment, and serve as an advocate for

¹ City Manager since 1980; Director, Cape May County Dept. of State and Federal Relations (1974-1980); City Councilman (1976-1980); Member, Cape May County Beach, Inlet and Bay Stabilization Committee since 1975; and Member, Cape May Planning Board since 1980.

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the seashore region of our state with sufficient strength and unity to get swift results.

County and municipal planning boards and enforcement officials need stronger regulatory authority for our own use PLUS the proposed regional Coastal Commission to save the Jersey Shore from overdevelopment, permanent gridlock, and the environmental and economic catastrophe that we will face if this Legislature fails to come to grips with our needs.

CONCERNS ABOUT 'HOME RULE'.

Let us understand the concerns that some municipal and county officials have expressed about an infringement of so-called 'home rule', but we must realize that the benefits of strong regional planning, comprehensive coastal policies, and a coordinated action plan to solve our mutual problems are far more important.

I am convinced that in its review of the various legislative proposals, the Legislature will incorporate adequate safeguards to preserve legitimate local prerogatives. One that I do want to endorse is that **Cape May County should have its own member on the Coastal Commission**, rather than having the county with the most shoreline in the state lumped into representation with other counties.

ENVIRONMENTAL THREATS NEED STRONG ACTION, NOW !

We need to remember the problems of last summer to motivate strong action now. Remember the nationwide headlines of beaches closing due to waves of illegally dumped garbage, hospital wastes, and sludge; the dolphin deaths; the barge of contaminated wastes shuttling along our coast; and the excuses by polluters and regulators on why sludge and toxic waste dumping into the Ocean hasn't ended yet.

We in Cape May remember, though we were more fortunate than many coastal communities in north and central New Jersey. Next summer could be worse. The time for action is **LONG OVERDUE!** Further delays by this Legislature could cause severe long term, perhaps permanent, damage to the economy of our coastal region.

SUPPORT FOR GOVERNOR'S KEAN'S COASTAL INITIATIVE:

Testimony of Cape May City Manager - April 13, 1988 - Page 2

15X

As one among the dozens of local officials who Governor Kean involved in the early stages of planning for what has now evolved into the proposal for a Coastal Commission, I know the municipal and county office holders appreciated the opportunity to participate, and that our views and concerns have been given full consideration. We found Policy and Planning Director Brenda Davis and her staff to be candid and sincerely eager to develop a fair concensus and workable plan.

FAIRNESS IN ANY AID PROGRAMS

As one community that HAS ALREADY taken steps to clean up water quality with millions of local dollars which has put us into debt until the year 2020, I ask the Assembly to be certain not to punish us for having done what all communities should have done. **If you are going to give grants to those communities that have continued to pollute our environment long after they should have stopped, you should provide equal help to communities like Cape May who acted responsibly by helping us to pay off our debts.** Think about it. *Does it make sense to reward those who ignored their responsibilities at the expense of those who went into debt to meet their responsibilities for environmental quality?*

OVERCOME THE ANTI-AUTHORITY HYSTERIA

Due to recent criticism of some of the highway authorities, I am aware that there is an anti-authority feeling in the state and in this legislature. I share some of these concerns, agree that the new Coastal Commission should be accountable to the people through their elected representatives, but I am convinced that this essential accountability CAN be written into the enabling legislation.

Now, we welcome the Legislature's deliberations and appeal to you to proceed without delay to hammer out the policy decisions, safeguards, and language needed to create this new Coastal Commission without further delay. **Before summer 1988 !**



ALL MEMBERS OF
NEW JERSEY ASSEMBLY:

169 Edgewood Dr.
Toms River, N.J. 08753
Phone 201-244-8170

request that you put aside the
formation of a Coastal Commission in
favor of legislation checking the
regulatory power of the DEP.

3-4-88

- R.K. 5-26-88

A Check On The Regulatory Power Of The DEP

In November of 1987, the results of municipal referenda in Ocean County demonstrated that the people want the ocean discharge pipeline of Ciba-Geigy closed down and that they do not want a county mass-burn incinerator built for the disposal of garbage. On both counts the state DEP stands in opposition to the expressed wishes of the people in Ocean County.

As a state agency it is the proper role of the DEP to serve and not to rule the people. And when the people find they are being ruled instead of being served, it is time for corrective legislative action.

The call is for state legislators to create a state statute that will check and control the regulatory power of the DEP by way of municipal binding referendum.

In the case of the Ciba-Geigy pipeline, if the host municipality or any of the shore municipalities touched by Ciba's ocean discharge are able to say no to the DEP permit for Ciba-Geigy's ocean discharge by way of municipal binding referendum initiated only by the people and not the governing body of the municipality, then the DEP permit becomes null and void. And the only check on such a municipal referendum will be municipal referendums within the county ^{COVERING} ~~comprising~~ no less than 50 percent of all registered voters in the county. The number of signatures required to put a question on the municipal ballot will be 5 percent of the registered voters of the municipality.

In the case of the county mass-burn incinerator, ~~if 50 percent of the registered voters of the county by way of municipal referendum decide by a majority that there is to be no county mass-burn incinerator, then the DEP must abide by the people's decision, unless at least 50 percent of the registered voters in the state go into municipal referendum and over~~ turn the decision of the people of Ocean County.

IF MUNICIPAL REFERENDUMS
COVERING AT LEAST 50 PERCENT
OF THE REGISTERED VOTERS IN
THE COUNTY

Sincerely,

Ray Kalainikas

UNLESS MUNICIPAL REFERENDUMS
COVERING AT LEAST 50 PERCENT OF THE
REGISTERED VOTERS IN THE STATE

17x

AMERICAN LITTORAL SOCIETY

For The Study and Conservation of Aquatic Life

SANDY HOOK • HIGHLANDS, NEW JERSEY 07732 • 201-291-0055

May 26, 1988

TESTIMONY ON THE PROPOSED COASTAL COMMISSION BILL

The American Littoral Society has been working with the Natural Resources Defense Council, the _____, the New Jersey Environmental Lobby, and the New Jersey Chapter of the Sierra Club since January of 1988 on the Governor's proposed Coastal Commission bill. We want to support the concept of a Coastal Commission, but we find that we have had to make major changes in the content of this bill in order to have it carry out its mandate to protect the state's coastal zone.

As we carefully analyzed the bill's specific make up, we decided to provide for legislative changes that paid more attention to what we felt was required to protect the environment than what some say a strict reading of the politically possible would allow. And we think opinion as to what is politically possible has shifted and will continue to shift as the adverse impacts of over-development impinge on more and more people, and the waters themselves produce evidence of abuse. We note with interest Eagleton Institute polling results published this March which showed that "by a ratio of 5 to 1, an overwhelming number of New Jerseyans say they would prefer less growth, along with less congestion, rather than more of each." We believe that the past ten years have seen more than enough of both in the shore regions.

In order to help achieve the goal of cleaner coastal waters - and by that we mean waters where people can swim, fish and eat what they catch -

we have introduced changes which clearly call for more definite limits to how much growth can occur in the coastal zone. Specifically, in what we feel are the most crucial land and water areas, we have introduced the concept of "no net growth" to protect the area called "The Critical Zone." We see the changes we have made in this bill as being the equivalent of the long called for amendments to CAFRA regulations. We believe the framework for the new groundrules we have developed can function as well within the existing or a restructured Department of Environmental Protection as they can within the proposed Coastal Commission. And if the major changes we have put forth seem to imply to some observers a drastic critique of the Department of Environmental Protection, we would like to call attention to the limited mandate that DEP has been previously given to act with in the coastal zone, a mandate that might have, at nearly any time over the past ten years, been strengthened by new policy initiatives and closer oversight from the highest levels.

We hope that our work can begin to point to new directions to benefit all the citizens of our state who want to enjoy our coastal areas.

We will be happy to go into as much detail on this bill and our changes to it as your time will allow. To serve as an introduction to our proposals, we have summarized our changes in the nineteen points that follow.

SUMMARY OF PROPOSED CHANGES

1. More public, statewide representation on the commission itself; no development or realtor interest on the commission.
2. Financial compensation for commission members.
3. Removal of Bonding provisions from bill.
4. Greater provisions for public participation in hearings, rights of third party appeals and the introduction of "Intervenor Funding."
5. A Trenton location, with regional offices as needed.
6. Advisory role only for Regional Councils.
7. Strengthened language as to goals and objectives of Management Plan.
8. Stronger sanctions for municipality non-compliance with Management Plan.
9. A more aggressive Office of Coastal Advocacy with its own legal staff for investigations, compliance determinations.
10. Creation of a "User Fee" system for storm water drain utilizers.
11. Permit processing fees and user fees to help fund acquisition of open space.

20x

12. Stronger powers to enforce bathing water standards.
13. Reduced and carefully defined scope of permitting powers delegated to local entities.
14. Creation of three member, commission appointed "Marine Geologist Panel" to review beach protection and restoration proposals.
15. Coastal Commission oversight over Mosquito Control Commission proposals in coastal zone.
16. Creation of the "Critical Zone" to protect the most sensitive land and water areas. Introduction of the concept of "no net growth" in the Critical Zone. Creation of Special Areas, Developments of Regional Impact (DRI's) with same standards as called for in Critical Zone. (See our pages 10-11). Thresholds of one unit in these zones for permits.
17. Reduction of permit thresholds in area outside Critical Zone to 10.
18. Requirement for Environmental Impact Statements and Environmental Assessments kept.
19. Stiffer fines and penalties for violations.

Respectfully submitted,

William R. Neil

William R. Neil

N.J. Coordinator
American Littoral Society

21x

COMMENTS ON AND REVISIONS OF THE COASTAL COMMISSION BILL

<u>C</u>	<u>SECTION</u>	<u>PAGE</u>
ission - up	4b1 delete 4b1 entirely Comment: No cabinet officials on Commission.	3
	4b2 change 8 to <u>11</u> public members; delete members from "Coastal area land development or financing" Add: " <u>Who shall be residents of this state and at least six of whom shall be residents of the state who live outside the Coastal Zone.</u> " "...these members shall have demonstrated... or have had experience in <u>groups concerned with</u> <u>a. working to prevent coastal pollution</u> <u>b. proper land use planning</u> <u>c. preservation of open space</u> <u>d. wildlife preservation and enhancement</u> <u>e. commercial fishing</u> <u>f. sport fishing</u> <u>g. tourism</u> Comment: the element of state wide representation on the Commission must be strengthened; the development interest should not be sitting in judgement of their own financial future.	3
person	4b3 change to : four Regional Advisory Council Chairpersons elected by the Regional Council of which each is a member. Comment: they will be full commission members who vote.	3
Gov. ints	4b3 change to: The Governor shall appoint the <u>11 public members to the commission within six months of the enactment of this act.</u>	4
ensation	4e change: <u>The members of the commission shall serve with compensation and/or be reimbursed for their expenses if they serve part time.</u> Comments: we see duties and responsibilities with a similar gravity, as in the Casino Contrbl Commission.	4
ling	4g Delete entirely. Comment: We felt commission should not have bonding power, especially for many of the purposes listed. For different purposes perhaps.	5

22x

<u>IC</u>	<u>SECTION</u>	<u>PAGE</u>
governor's minutes	4g Comment: if not required by state constitution, delete power of veto.	5
frequency of meeting	4i change to : "... and <u>quarterly</u> thereafter..."	6
number of delegation staff	4l change to : The commission may delegate <u>some</u> of its powers duties or functions to the commission staff if that delegation is identified in the minutes of the commission, <u>but it may not</u> <u>delegate the power of final approval of any permits to the staff.</u> Comment: strengthens accountability for permit approvals and denials.	6
number of regulations	5f delete: "predictable." add: "... <u>understandable and provide for the widest possible</u> <u>public participation, including the right of third party appeals,</u> <u>provided that such appeals are signed by at least 2 persons or</u> <u>organizations.</u> " Comments: 3rd party appeal is necessary with some very minor limitations. Annoying for bureaucrats, but essential for democracy. Worth the pain of meetings.	7
location of commission	6c change to: " <u>The commission's primary office shall be in Trenton</u> <u>with provision made for such regional offices that are deemed</u> <u>prudent and necessary.</u> " Comment: Trenton is the hub of the state bureaucracy and geographically near the center of the state, the center for public access to government; this is where a state-wide in purpose Coastal Commission should be primarily based.	7
water quality standards	6g change second sentence to read: <u>"These recommendations shall be adopted by the Commissioner of DEP.</u> <u>Failure to act upon the recommendations (or rejection of them)</u> <u>within 90 days would mean they would be adopted."</u> Add: " <u>These water quality standards shall serve as one of the basic</u> <u>guidelines in determining the amount of growth to be allowed and</u> <u>specified in the Management Plan."</u>	7

23x

IC SECTION PAGE
 s and 6k 8
 ts add: "including the award of grants to intervenors who demonstrate an interest in the application and the capability for offering constructive assistance in the decision-making process, but who are otherwise financially incapable of participating adequately in proceedings and reviews before the commission."

Comment: this is intervenor funding.

venue bonds 6(1-r) 8-9
 l user fees delete entirely
 Comment: no bonding power.

Inert Domain 7a 10
 Change: second sentence to read: "...it is reasonably necessary for the purchase of open space and to provide for greater public access to beaches and shores and to provide for remedial treatment of water pollution problems."

ur Sec. 8 11
 gional Advisory delete the following: "... and for providing a forum
 uncils for the resolution of landuse disputes that may arise pursuant..."
 Change: 8a shall consist of 9 members
 8a2... 2 elected and appointed
 8b - change all 5's to 3's

New: add 8h 11
"Within the Coastal Commission, there shall be created a Coastal Region Liaison Staff whose sole purpose shall be to facilitate communication between elected shore officials and the relevant sections of the Coastal Commission. This staff would not be involved in the actual permitting decision process."
 Comment: "RAC's would be advisory only."

astal Sec. 9 13
 ne Management addition to 9b: "The public's opportunity to enjoy the physical, aesthetic, cultural and recreational qualities of the natural shorelines of the State shall be preserved to the greatest extent possible; water resources shall be managed to preserve and protect water quality; land resources shall be managed in order to guide growth and development and minimize damage to the natural environment."
 an Subsections c & d, no change.

24x

TOPIC

SECTION

PAGE

Management Plan
cont.

Section 10

14-15

Revise language in Governor's bill as follows: The management plan shall include, but need not be limited to:

a. A resource assessment which:

(1) Determines the amount and type of human development and activity which the ecosystems of the coast can sustain while maintaining and enhancing their natural productivity and their biological, economic and aesthetic values, with special reference to water quality, vitality of wetlands, natural hazards, and unique, endangered or unusual species or habitat. In making the assessment, consideration shall be given to rising sea level and the cumulative impacts of development, including the adverse effects of air pollution upon air and water quality.

(2) Includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area, together with a determination of the overall policies required to maintain and enhance such resources. A natural resources inventory will be completed as part of this assessment.

b. A comprehensive statement of policies for protecting coastal resources and managing development in the coastal area, based on the resource assessment, which policies shall:

(1) Preserve, maintain and, where possible, restore the natural productivity and the biological, economic and aesthetic values of the ecological systems of the coast;

(2) Insure that development of the land or water resources of the coastal area proceeds in a manner consistent with the capability of land and water for development, use or preservation based on ecological considerations;

(3) Maintain and enhance the quality of estuarine and coastal waters.

(4) Discourage piecemeal and scattered development;

(5) Channel or direct limited patterns of compatible residential, commercial and industrial development in or adjacent to areas already utilized for such purposes, while protecting the coastal environment from the individual and cumulative adverse impacts thereof;

(6) Manage development and redevelopment in order to further the protection of human life and property from natural hazards, including coastal storms, hurricanes, erosion and rising sea level.

c. Identification of the mechanisms by which the management plan will be implemented including land and water protection and management techniques.. (here pick up with language of Governor's bill on page 14, section 10(c)(1), line two).

d. Same as section 10(a) of Governor's bill.

e. Same as section 10(f) of Governor's bill.

f. Same as section 10(g)(1) and (2) of Governor's bill.

Delete "bond revenue" in section 10(g)(2) of bill (now our 10(f)(2).

Compliance
with Management
Plan

11a

15

delete word "minimum" from 1st paragraph

25x

<u>PIC</u>	<u>SECTION</u>	<u>PAGE</u>
compliance Management an	11c2 substitute term "Office of Coastal Advocacy" for the "commission."	16

Comment: it is the Office of Coastal Advocacy that will work with the auditor to achieve compliance.

non-conformance actions	11(c)3(e)1	17
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change(1) to read " withhold all grants or loans to that county or municipality." (We deleted "except upon a finding of substantial, regional benefit.")

Change: (2).. instead of word recommend substitute require.

Addition: add (4) which shall read:

"Impose a construction ban or moratorium until compliance with Management Plan is certified by Office of Coastal Advocacy."

Preparation Management an	Section 12 Add: subsection (c) <u>The commission shall conduct a recreation needs assessment.</u>	18
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enforcement Storm Drain Monitoring	Section 16 Change "County Health Department" to <u>Office of Coastal Advocacy</u> .	19
--	--	----

Monitoring for Storm Drain Monitoring System	Sec. 17 Comment: rewrite this section to incorporate the following concept:	19-20
--	--	-------

To establish a user fee system for storm water drain users (and polluters) and also for sources of non-point pollution/runoff, with the proceeds to underwrite effective monitoring, enforcement and construction of separate storm drain and non-point pollution controls. Higher fees would be charged to those directly hooked up to storm sewers, and a lower fee to those people within the watershed whose property or facility only indirectly drains into a storm sewer. The fees would go into a fund for water quality treatment, purchase of open space and enforcement.

Bathing/water Quality standards	Sec. 18	20
------------------------------------	---------	----

re-write this section to read as follows:
"The commission shall require the State department of Health to adopt more stringent standards for water below which bathing in that water may adversely affect the health of humans. The commission may order that bathing in any coastal waters be prohibited whenever it finds that bathing is unsafe."

<u>TOPIC</u>	<u>SECTION</u>	<u>PAGE</u>
Priority list of beach/shore protection projects	20a	20
	<p>add after "... within its area of jurisdiction." <u>Such projects must be reviewed by the Coastal Commission Marine Geology Panel, which shall consist of three members to be selected by the Coastal Commission. The panel's purpose shall be to ensure that beach protection and restoration measures take adequate account of the transitory nature of all shore construction activity and the inevitability of the adverse effects of coastal storms and sea level rise.</u></p>	
AS above	sec. 20a	20
	<p>change word primary to "<u>due</u> consideration in the commission's determination of the projects to which it shall..."</p>	
Permit Assistance	Sec. 21	21
	<p>Delete entirely.</p> <p>Comment: We understand the purpose of the Coastal Commission to be the enforcement of the management plan (specifically helped by the Office of Coastal Advocacy) and the careful scrutiny of all permit applications. This section as submitted would detract from the goals of the commission as we think they should stand and be carried out.</p>	
OFFICE of Coastal Advocacy	Sec. 22	22
	<p>Comment: Many changes needed to fulfill the promise of "representing the public's interest in maintaining the resources of the coastal area."</p> <p>Changes: (1) Provide for a separate legal staff, independent of of the Attorney General's Office, similar to the Public Advocate; (2) Protect the coastal advocate from any supervision, control or interference from the NJCC and any single commissioner or employee; (3) provide office with subpoena power to pursue any potential violator of any law, rule or regulation regarding the coastal environment; (4) direct the advocate to hold hearings, conduct investigations and issue reports on the state of the coastal environment and the quality of regulation provided by all agencies operating in the coastal zone; (5) finance the coastal advocate through a combination of fees on coastal permit applications - perhaps the fees should be based on the size of the proposed project - number of units or total square feet? Another source of revenue might be a bounty system on fines levied for violations of environmental laws; (6) allow advocate to distribute "intervenor funding" to groups which seek to participate in agency proceedings; (7) assure all third pary groups of right to intervene, participate fully as interested parties, and appeal adverse decisions in the same manner and with rights equal to that of any disappointed permit</p>	

27x

<u>PIC</u>	<u>SECTION</u>	<u>PAGE</u>
Office of Coastal Advocacy, et.	applicant; (8) provide that head of the advocate's office will serve for a specific term of years, removable only for cause.	
Operation of Office of Coastal Advocacy	Sec. 23 Delete entirely.	23
lands & zoning	Sections 24-35, inclusive. Delete entirely.	pp. 23-34.
fees- not paid	Sec. 28 Delete entirely.	29
Single Permitting process	Sec. 37 We add: Comments: 1) Require that all permit decisions and other actions of NJCC be consistent with the coastal Management Plan (2) require an Environmental Impact Statement (EIS) for each major project and an Environmental Assessment (EA) for lesser projects with the EIS or EA to be prepared by the applicant, <u>publicly reviewed</u> and judged adequate and complete before project review can formally commence. With these provisions, together with others to follow, we can accept the call for "single permitting process," subject to the same underlying statutory criteria for decision-making and improvements recommended herein.	34
Application process	Sec. 38(a) After word completeness add <u>or deficiencies</u> of the amended application.	35
hearings	Sec. 39a Change "may hold" to " <u>shall hold a hearing</u> to afford all interested parties... Last sentence should read: <u>"...whenever an applicant, a municipal or county governing body, or a petition is received, signed by at least 2 persons or organizations, requests a hearing."</u>	35
fees	Sec. 39b Change 15 day to <u>30</u> days	35
	Sec 39c Change first sentence to read: "The commission shall notify the	

28x

PIC
ne frames,
it.

SECTION

PAGE

39c, cont.

35

cont. from p.7... "shall notify the applicant within 60 days after the receipt of transcripts from the hearing...."

Comments: makes it humanly possible.

39c

35

Change, line five "except that" to read "and"
Change, on line six, 45 days to 90 days.

39c

35

Insert this sentence after the end of second sentence:
"Should more time be required for review, the commission shall advise the applicant of such time as may be reasonably needed, by mail and prior to the expiration of the 90 days following the filing of the completed application."

Comments: Permits at Section 3 of public law 1973, c185 d, e, & f are the heart of the permit process. Why give these key permits less time for processing?

legation to
operly certify
cal entities

40 a

36

Add this sentence at the end of Sec. 40(a):
Delegation to municipalities or counties deemed to be in conformance with the Management Plan shall be limited to those applications for permits that fall outside The Critical Zone, Developments of Regional Impact and those areas to be designated "Special Areas" by the Management Plan. (see Section 62).

Comment: It was the unanimous feeling among the environmental representatives that worked on the Coastal Commission bill that local authorities be given only limited permitting power.

C review
disputes

40 d

37

Delete entire last sentence beginning with "The council shall, if it agrees..."

40(d) 1-5

Delete 1-5.

Comment: Regional Advisory Councils will have only advisory capacity, except for four chairpersons, who will be full voting members of the State Coastal Commission.

ommission Review
Local Variances

40e

38

Delete phrase : " within 45 days of having received the record of the granting of the variance by the municipality."

oins and
tties

Sec. 52 (1)

41

Add at end of para.: "provided that such projects have been reviewed and approved by the three member Marine Geology Panel specified at Section 20. "

29x

<u>C</u>	<u>SECTION</u>	<u>PAGE</u>
NS and ies	Sec. 54(3) Add after last sentence <u>"subject to the review of the Commission's Marine Geologist Panel specified at Section 20."</u>	42
tric/ oleum ilities	Sec. 57(5) Delete entire first paragraph at top of page 44. Comment: Electric/pertroleum facilities will be covered by our concept of Developments of Regional Impact (DRI's) and will be subject to strict permitting process of <u>State</u> commission.	44
frames applications construction mits.	Sec. 58(2) Change 20 working days to <u>30</u> working days; Revise last sentence to read: "In the event that such information is requested, the application will not be construed to be complete <u>until the commission so notifies the applicant in writing."</u>	44
quito trol mission	Sec. 61(7) Change sentence by deleting, after Natural Resource Council, the reference to "the State Mosquito Control Commission in said Department" and adding the following sentence at the end of the altered paragraph: <u>"The N.J. Coastal Commission will have ^{oversight} over any plan or action of the State Mosquito Control Commission within the Coastal Zone where the proposed plan or action would conflict with the goals of the Coastal Commission or its Management Plan."</u>	46
	Comment: because so much of the activity of the Mosquito Commission takes place in sensitive saltwater marsh areas, it makes sense to extend power of Coastal Commission over it.	
inition <u>FACILITY</u>	Section 62(3)c(1)a Change 24 to " <u>10</u> or fewer dwelling units p. 50 Add, after units; <u>"outside the Critical Zone, Special Areas or projects/devlopments considered Developments of Regional Impact (DRI) defined at Sec 62(3)c, d, e & f."</u>	starts p.46, goes to p.50.
	Sec.62(3)c(1)b Add to Special Urban Areas, after Old Bridge <u>"and for the purposes of this act, Atlantic City."</u>	50
<u>ILITY</u> ins...	Sec. 62(3)c(1)c Change 100 parking spaces to <u>25</u> parking spaces and less than two acres to " <u>less than one</u> acre of paved area."	50

30x

<u>TOPIC</u>	<u>SECTION</u>	<u>PAGE</u>
FACILITY means... cont.	62(3)c(1) d	51
	Change three or more lots to <u>one</u> or more lots and three or more dwelling units to <u>one</u> or more dwelling units; Change "the oceans, tidal rivers and tidal bays" to " <u>all tidal waters in the coastal zone.</u> "	

62(3)c (1) e	51
Change "of the ocean, tidal rivers and tidal bays" to " <u>all tidal waters in the coastal zone.</u> "	

DEFINITION OF CRITICAL ZONE	62(3)c(1)f	51
	Delete first paragraph of f subsection entirely and substitute the following:	

"The definition of facility shall apply in the areas described above (in subsection d & e) called the Critical Zone, which Critical Zone shall include all areas between the mean highwater line of all tidal water in the Coastal Zone and the nearest parallel public street or road or 1,000', whichever is greater, except that this definition shall also apply to all upland areas extending 1,000' from all wetland areas described and defined at NJSA 13:9A-2 (Wetlands Act of 1970). The Critical Zone and the definition of facility above will also apply to all those ocean and bayshore areas classified as Category I (Critical Erosion Areas) and Category II (Significant Erosion Area) as mapped by the New Jersey Shore Protection Master Plan (VOL. I, Oct., 1981), except that for Category I and Category II on ocean barrier islands the Critical Zone will include all land and water areas between the oceanside mean highwater line and extending up to and including the mean highwater line on the bay shore side.

This definition of facility and Critical Zone will also apply to all those areas described and covered at NJAC 7:7E-3.24(a), Island Corridor definition (excepting the last sentence of the first paragraph, which is deleted . The second paragraph of this definition will also have its last sentence deleted.) (This Island Corridor definition is on page 61 of the NJDEP's DCR's Rules on Coastal Resources and Development, February 3, 1986.)

These definitions of Facility and Critical Zone will also apply to Developments of Regional Impact (DRI's). A DRI is a development that, because of its character, magnitude, or location, may have a substantial effect on the health, safety or welfare of citizens of more than one municipality.

These definitions of Facility and Critical Zone shall also apply to all those areas set aside as "Special Areas" by the Coastal Zone Management Plan.

In all these areas considered to be in the Critical Zone, decisions on applications for permits for developments shall be governed by the

IC

SECTION

PAGE

Definition
Critical
Zone, cont.

62(3)c(1)f

51

"concept of "no net growth," designed to buffer the most sensitive land and water areas from the effects of development and to insure the safety of persons and property from the threats of damage due to storms, hurricanes and the effects of sea level rise."

Comment: Permit review in the substantial area we have defined as our Critical Zone remains in the hands of the state Coastal Commission. It shall not be delegated to local entities in these most sensitive areas. The concept of "no net growth" is designed to introduce a set of limits on how much development could take place in those shore areas closest to the most sensitive waters, and recognizes the linkage between the total amount of development and the inevitable negative effects of non-point pollution from run-off, even where previous developments have followed existing regulations at NJAC 7:7E-8.7. By reducing the threshold for permit review in the Critical Zone to one and by introducing the concept of "no net growth" we feel we are finally bringing into the open the difficult and understandably sensitive issue of limits to growth.

checks,
drafts,
orders.

Sec. 62(3) f (2)a

p.51

Change last sentence on page 51 to read "and the structure is used solely for marine dependent uses."

Comment: The Hudson River Waterfront is about to see its piers covered by expensive condominiums, thus rejecting the advice of a DEP commissioned study of waterfront use priorities. We would like to prevent a similar thing from happening in the Coastal Zone, believing that waterfront condos are a major obstacle to public access.

Environmental
Impact Statements

Sec. 65(6)

57

leave the statement, bracketed in the Governor's version, so that it reads "The application shall include an environmental impact statement as described in this act."

Fines and
Penalties

Sec 70(18)

59

Change penalty from 3,000 to 30,000 dollars.

Comment. The Freshwater Wetland Act specifies penalties of 25,000 dollars; since shore area real estate is generally valued by the marketplace to be worth more than most upland pieces of real estate, violations of the coastal zone procedures and rules should carry stiffer penalties.

Respectfully submitted,

William R. Neil
N.J. Coordinator
American Littoral Society

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NEW JERSEY
SHORE AND BEACH
PRESERVATION ASSOCIATION

A SECTION OF THE AMERICAN SHORE AND BEACH PRESERVATION ASSOCIATION

August 29, 1988

Mr. Spyros Caramalis
Office of Legislative Services
Room 350, State House Annex
CN 068
Trenton, NJ 08625

Dear Mr. Caramalis:

As per our telephone conversation, I am enclosing an excerpt from the paper on Barrier Island Management by Stephen Leatherman, which was presented at Coastal Zone '80.

If you have any questions, please feel free to give me a call.

Sincerely,

Kenneth J. Smith

KJS/ck
Enclosure

33x



NEW JERSEY ASSOCIATION OF REALTORS®

EXECUTIVE OFFICE: 295 PIERSON AVENUE (201) 494-5616
MAILING ADDRESS: P.O. BOX 2098, EDISON, N.J. 08818

MEMO TO: Members of Assembly Environmental Quality Committee
FROM: Susan Covais, Director of Government Affairs
DATE: May 26, 1988
SUBJECT: Assembly Bill 122: Creates the New Jersey Coastal Commission.

On behalf of the 45,000 member New Jersey Association of REALTORS, I would like to thank the Chairman, Assemblyman John Bennett, and the members of the Committee for the opportunity to present our comments on Assembly Bill 122 which creates the New Jersey Coastal Commission.

NJAR supports the concept embodied in this bill which would recognize the uniqueness of our shore regions and permit us to focus state and local resources to address the shore's problems. We feel, however, that changes need to be made to the bill to insure that the Commissions' goals to streamline the permit process in the shore area and to create a comprehensive management plan are met. NJAR supports the amendments proposed by the New Jersey Builders Association. We believe, along with NJBA, that the Commission should:

- o Balance environmental and housing needs.
- o Streamline the permit review process and provide for pre-application conferences.
- o Have jurisdiction only in the coastal area.
- o Grandfather those projects which have already filed for permits prior to the adoption of A-122.
- o Maintain focus on environmental effects of development.

In addition to the changes proposed by NJBA, NJAR would like to make the following recommendation:

- o Allow for reconstruction of one dwelling unit if there is no intervening structure between the unit and the water without requiring a permit.

We believe that property owners have a right to rebuild their home after a hurricane or other natural disaster to existing code without having to go through the permit approval process.

In closing, NJAR would like to commend Assemblyman Villane on all the work he has done on this bill and his dedication to enhancing our most valuable resource - the New Jersey shore.

Thank you.

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE
PUBLIC HEARING
May 26, 1988

To testify:

*Mayor Lenny Arms
Pt. Pleasant Boro

*Mayor James Mancini
Long Beach Township

*Nils Stolpe
Commercial Fishermans Assoc.

*Harold Bickings
Assis. Dir. of N.J. Fisheries

William Neil
American Littoral Society
Highlands, NJ

Phil Beachen, Vice President
N.J. Alliance for Action

~~Sandy Batty~~
League of Women Voters

Jim Sinclair
New Jersey Business & Industries

Dennis Healy
N.J. Dredging Assoc.

Ray Kalainikas
Toms River (representing self)

Susan Covais
N.J. Realtor

Robert Kiss
Alliance for a Living Ocean

*REQUESTED EARLY TESTIMONY