

Commission Meeting

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of

STATE BEACH EROSION COMMISSION

"Blue Acres"

(A proposed bond program to purchase from willing sellers storm-damaged or environmentally sensitive lands in the coastal area)

LOCATION: Manasquan Borough Hall
Manasquan, New Jersey

DATE: August 2, 1994
2:00 p.m.

MEMBERS OF COMMISSION PRESENT:

New Jersey State Library

Assemblyman David W. Wolfe, Chairman
Assemblyman John C. Gibson, Vice Chairman

SENATE MEMBER:

Senator Andrew R. Ciesla

ASSEMBLY MEMBER:

Assemblyman Steve Corodemus

ALSO PRESENT:

George J. LeBlanc
Office of Legislative Services
Aide, State Beach Erosion Commission



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

Chairman:
David W. Wolfe

Vice Chairman:
John C. Gibson

Assembly Members:
Steve Corodemus
Robert G. Smith

Senate Members:
John O. Bennett
Andrew R. Ciesla
William L. Gormley
Joseph M. Kyrillos



State of New Jersey
State Beach Erosion Commission
Legislative Office Building, CN-068
Trenton, New Jersey 08625-0068
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NOTICE OF COMMISSION MEETING

Public Members:

The State Beach Erosion Commission will hear testimony at a commission meeting on the following topic:

"Blue Acres"

(A proposed bond program to purchase from willing sellers storm-damaged or environmentally sensitive lands in the coastal area)

The meeting will be held on Tuesday, August 2, 1994 at 2:00 PM at the Manasquan Borough Hall, Manasquan, New Jersey.

The public may address comments and questions to George LeBlanc or Jeffrey T. Climpson, Commission Aides, at (609) 292-7676. Anyone wishing to testify should contact Elva Thomas, secretary, at (609) 292-7676. Those persons presenting written testimony should provide 15 copies to the commission on the day of the hearing.

DIRECTIONS:

FROM THE NORTH:

Take Garden State Parkway South to exit 98. Take Rt. 34 South around one circle, continue south. Take Manasquan sign exit around jughandle and continue to yield sign. Turn right at yield sign onto Atlantic Ave. Stay east and go halfway around circle, continue east on Atlantic Ave. At the T in the road (must go right or left), go right onto Broad St. Go 1/2 mile until stop sign. Go left onto Main St., continue until traffic light. Go left at light. Manasquan Borough Hall is on left side immediately after turn (across from Acme).

FROM THE SOUTH:

Take Garden State Parkway North to exit 90. Go right at stop sign onto Chambersbridge Road. Stay in left lane. Go past McDonald's on your right side. At the next light, go left onto Rt. 70 East. Stay on this road for at least 5 minutes. Go over bridge (Petersons Restaurant on left). Go to circle, go 1/2 way around taking Rt. 35 North. Take to next circle and take first turn off of the circle onto Rt. 524 (Atlantic Ave.). See above directions.

Issued 7/22/94

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above

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ASSEMBLYMAN DAVID W. WOLFE (Chairman): Good afternoon. As Chairman of the State Beach Erosion Commission, and as the Assemblyman who represents Manasquan, the 10th Legislative District, I would like to welcome all of you to our second year of business on the Beach Erosion Commission. We have purposely chosen a very beautiful oceanfront community, with a very small meeting room. It is going to be very hot in here. We have great fans, so just say very brief things, and we will get out of here, hopefully, very quickly -- not really.

At this time, I would like to introduce our host, Mayor John Winterstella, the Mayor of Manasquan. Mayor, would you like to say a few words?

MAYOR JOHN WINTERSTELLA: (speaking off mike) Yes. I, obviously, would like to welcome everyone to the Borough of Manasquan, particularly the members of the Commission. I have testified before your Commission in the past. We certainly appreciate the reactivation of interest on behalf of the Legislature in shore area problems.

Your visit is particularly timely. Today, I would ask all of you to get a sense of our situation by visiting our Pompano area beach. If I may, for just one second, it is this beach right here. As you can see, a year ago, that beach had about 110 or 115 feet of sand on it. Today, we are within 10 feet of our walkway. We have a very serious erosion problem. Some of our consultants here in the room are very familiar with it. We moved heavy equipment down there, but time is of the essence on coastal erosion problems.

We certainly applaud your efforts, and also encourage you to reach some speedy disposition of some of these problems, because we certainly are at our wit's end here in the Borough of Manasquan trying to solve these problems on our own. This particular problem of cutting back the groin is going to cost us in excess of \$60,000, money we had not planned on having to

spend at this point in time. After that, we are going to have to somehow find some money for sand.

So time is of the essence, gentlemen. We certainly applaud your mission, and encourage you to reach a good result.

ASSEMBLYMAN WOLFE: Thank you very much, Mayor.

Before we begin, I would like to read a very brief statement, and then I would like to introduce some of the people who are here. Then we will get underway, and this is really your meeting.

I would like to thank you all for coming. As you know, the State Beach Erosion Commission, in May, released its first annual report -- the 1993-1994 report. This was the first report that was issued by the Commission since its inception in 1949, and it contained 11 very specific recommendations for combating erosion along the Jersey Shore.

Many of you who are here today had input into the preparation of that report, and we certainly would like to thank you. Many of the recommendations that have been made in that report are currently working their way through the Legislature right now, as we speak.

We have asked for your input again today on a very important issue, a plan to create a State Blue Acres Fund. The concept is simple: to help the municipalities preserve fragile beachfront property, and to give the beach a little more breathing room. The idea is to buy storm-damaged property from willing sellers, restore it to its predevelopment condition, and preserve it as a natural buffer between ourselves and the ocean.

We are currently working to establish a \$50 million fund by tapping into the next Green Acres Bond Act. The bond referendum is expected to go before the voters in November of 1995, but before drafting this legislation, we want to come back to you, the experts, to get some better ideas on how this should be accomplished. Again, I want to emphasize that the

program involves buying land from willing sellers. We are not talking about condemning property, nor are we trying to deter anyone from developing their own property. We simply want to give people options. If a home is destroyed and an owner decides not to rebuild, the municipality should have the option of purchasing the property, not only to improve public access, but also to fortify its beachfront and protect other property owners.

During our preliminary discussions, we proposed limiting the program to four oceanfront counties: Monmouth, Ocean, Atlantic, and Cape May. Funding would be limited to two types of purchases: First would be the purchase of properties damaged by storms; and second would be the planned buying of open lots or environmentally sensitive lands.

Under the buyout plan, money would be available on a 50 percent loan/50 percent grant basis, after obtaining the consent of the property owner. The municipality would then apply for purchase of the property that has been destroyed under a certain threshold -- beyond a certain threshold.

We are currently working to determine a reasonable threshold. The money would be used not only to purchase the lot, but also to remove existing structures or debris, and to fortify the lot to the construction of dunes. The one restriction would be that the property would be located within 150 feet of the mean high water line, beach, or dune, whichever is the most landward.

Unlike Green Acres purchases, which require the approval of the Legislature, storm buyouts would be subject only to the approval by the Joint Budget Oversight Committee. This would expedite the beach review process, and provide for emergency relief.

The case of planned buying would be a little different. Funds would be allocated on the 75 percent grant/25 percent loan basis, and our hope would be that the increased

grant money would provide incentive to municipalities to preserve open spaces. Again, the purchases will be limited to four coastal counties, but we think we would like to see a more narrowly designated area of coastal areas than is set forth in our other State's existing CAFRA regulations.

The plan buying would require the designation of environmentally significant to the State DEP. It would also be extended to the purchase of nonsignificant open lots along the waterfront.

We are currently working to define "environmentally significant," and such a definition would have to be established before any legislation could be adopted. Upon the consent of the property owner, the municipality would apply to the State for the purchase of the land within the designated coastal areas. The land would then be ranked by DEP based on the size of the lot, its environmental significance, and its proximity to other significant-- Unlike storm buyouts, planned purchases would have to be approved by the Legislature.

Again, I feel compelled to state that the program right now is merely a proposal. We are not advocating a specific plan or design that we retreat from the beach, but that we are trying to look at a more comprehensive approach to protecting development along the coast, is very important.

Again, I would like to say thank you for coming. Thank you for your interest.

We are going to open our meeting in a couple of minutes, but before we do I would like to introduce three very important people, without whom we would not be here today. The first is George LeBlanc, on my right. George is a member of the Office of Legislative Services staff in Trenton. He is the one who has prepared most of the legislation that has involved itself with the Beach Erosion Commission.

The second is a representative from the Office of Legislative Services who specializes in the Green Acres

Program. He is with us today, and his name is Jeff Climpson. Jeff is out here in the second row, sitting on the end taking notes.

Last, I would also like to acknowledge Kevin Frechette, of the Assembly Majority Office, who has been very instrumental in helping us to plan these programs. Also, Glen Feldman, of our office. Glen is pondering what he is going to say next. He is scratching his chin over there. Again, I would like to thank you very much.

First of all, I would like to ask if perhaps my colleague from the 10th Legislative District, Senator Ciesla, would like to say a few words. Senator?

SENATOR CIESLA: Thank you, Mr. Chairman.

Very briefly, I want to compliment you for holding the meetings in such a timely fashion. I hear very loudly Mayor Winterstella when he proclaims that we have an imminent need to do something positive in a very, very quick fashion.

Just last week, it was my vacation and I happened to use my Manasquan beach bagde on Pompano beach, what is left of it. Truly, that is a significant problem for the Borough of Manasquan. Coming from Point Pleasant and having lost to you numerous years in football, I liken it to perhaps a natural reaction to get back at Manasquan. But nevertheless, the sand which is normally shifted along the coast from the south, is probably going to have to be fashioned in some way to replenish what is stocked by the groin of the Manasquan Inlet.

Honestly, Mayor, your pointing out this severe erosion that exists there today can only be appreciated when one actually visits the beach and sees the exposed jetty, which is so prominent. In my memory, it was never, ever visible before.

Hopefully, today we will be discussing perhaps something of a little bit different issue: the need to provide moneys for at least another component of this overall plan. But all of us who are in the room -- and there are many of us

now who are familiar faces with respect to the prevention of coastal erosion -- need to move quickly in some of the areas that are most severely eroded, and Manasquan certainly qualifies as one of them.

ASSEMBLYMAN WOLFE: Thank you, Senator.

Next I would like to introduce the Vice Chairman of the Commission, Assemblyman Jack Gibson, from Cape May County.

ASSEMBLYMAN GIBSON: Thank you, Chairman.

All of us on this panel are shore area legislators, and we certainly appreciate the great importance of the Jersey Shore. We appreciate everything you have to contribute today, and we are anxious to hear your testimony on what appears to be an exciting new tool in the overall policy of a beach protection policy for the State of New Jersey.

So we look forward to your testimony today. Hopefully, this can be added to those tools that are already at our disposal for protecting our Jersey Shore.

ASSEMBLYMAN WOLFE: Thank you, Assemblyman.

Next to Assemblyman Gibson is Assemblyman Steve Corodemus, our fellow Monmouth County legislator, who recently has become known as the "Dioxin King" of the Atlantic Coast. He has all kinds of solutions, so Assemblyman?

ASSEMBLYMAN CORODEMUS: Thank you, Mr. Chairman.

It is a pleasure to be here. Thank you for inviting me. It is a pleasure to be here in Manasquan and get to see your friend, Mayor Winterstella.

I think all of us were elected-- At the beginning of 1992, we took office. The legislators you see here really got a baptism by fire when it came to beach erosion, because we had, prior to the conclusion of the first year of our term, an amazing storm that caused millions of dollars of devastation up and down the coast. Right after that storm, we saw an amazing mobilization of all levels of government -- Federal, State,

county, municipal, volunteer -- and we were able to put things back quite efficiently in time for the summer of 1993 tourism season.

Nonetheless, that storm has caused severe financial and psychological hardship to many people. In my legislative district, which includes areas of Sea Bright and Monmouth Beach, a 10-foot beach over there is actually something more than they have had for decades.

People who were out of jobs at the time -- the storm hit in December of 1992 -- could not even qualify for the lowest, or even no-interest loans, because they had no income to support those loans. Some people lost homes. There was great hardship.

So the prospect of having this Blue Acres funding will provide relief to some people who are on the horns of a dilemma, whether they are going to rebuild, if they are able to rebuild, or prepared to be made whole of their lifetime investment, and take that money and move on to some other location.

I am looking at a very cohesive policy, trying to pull together some type of harmony between tourism, environmentalism, and job retention and creation. I just invite all of you to come a little further up the coast on Route 36 to Monmouth Beach. You can see the magic that is being done there with the beach replenishment. One week there was no beach in Monmouth Beach, and the next week they put the beach back in Monmouth Beach. It was just fantastic, and they are moving up the coast. It is quite an amazing process.

Thank you, Mr. Chairman.

ASSEMBLYMAN WOLFE: Thank you very much, Assemblyman.

At this time, we are going to begin your portion of the meeting. This is really for you. There are a number of people who have indicated they wish to speak. If someone says something and it kind of turns a light on in your head and you

want to say something perhaps even more important, we have a form right up here at the table. Just simply fill it out, put it up here, and we will call on you next.

I would like to call, first of all, on former Senator Thomas Gagliano, of The Jersey Shore Partnership.

S. T H O M A S G A G L I A N O, E S Q . : Thank you very much, Mr. Chairman and members. I have extra copies of my comments for the Commission.

My name is S. Thomas Gagliano, and I am an attorney with Giordano, Halleran & Ciesla, of Middletown, New Jersey.

I thank you for the invitation and opportunity to speak to you on the issue of creation of a New Jersey Blue Acres Bond Fund.

My comments are made from my personal observations as a lifelong resident, a former State Senator from Monmouth County, and as President of The Jersey Shore Partnership, Inc., a public/private organization of counties, corporations, municipalities, and individuals.

The first thing I would like to say is that the most important element -- and we have already heard this, I think, today -- in dealing with Blue Acres or any funding issue, is to see to it that New Jersey continues the stable funding program for shore protection. In addition, to examine ways that funding can be increased as the need arises to match the Federal funds being expended in projects like the Monmouth Beach/Sea Bright beach restoration -- which Assemblyman Corodemus talked about -- so that eventually the entire northern coast to Manasquan and even to Barnegat will be replenished. Money should also be available for the experimental reef programs now being installed and monitored, and other projects now under construction or planned for the future.

Second, a Blue Acres program must be 100 percent voluntary on the part of the property owner. I know the

Commission has looked at this, and that is essentially what you have talked about. I just want to back you up on that issue. I don't think there can be any coercion, no duress, no threats, no hints from any branch of government that would make such a program anything but voluntary on the part of the seller. This is a necessary element, because the issue of a purchase by government would most likely follow a storm event, leaving some property owners temporarily vulnerable and confused on whether or not to sell.

Next, a Blue Acres program such as is proposed could, possibly, engender an attitude on the part of insurers or regulators that as long as there is a fund to buy out certain properties, there is little need to provide insurance coverage, pay claims, or allow a property owner to rebuild. The point here is that everyone in New Jersey, no matter where located, has, or should have, the same right to coverage at fairly priced premiums, payment for losses, and ability to rebuild or repair as anyone else. A Blue Acres fund should not "replace" the need for coverage in coastal locations, nor should it limit a property owner's right to rebuild or repair damaged property.

A Blue Acres program should not sound "retreat." Those of us who know and understand the Jersey Shore recognize that we have many miles of fully developed stretches of beachfront where hundreds of millions of dollars have been invested, both private and public, including roads, bridges, utilities, and public facilities. The concept of retreat sometimes sounds good and sounds reasonable but, in fact, it will never work as a general rule in New Jersey. Instead of sounding retreat, we should annually invest much more in protecting and preserving what we have. Thus, with regard to a proposed Blue Acres program, it ought to be limited in scope and dollar amount so the program does not become a source of funding for the advocates of retreat.

New Jersey State Library

As most of you know, The Jersey Shore Partnership is opposed to retreat as a matter of policy. We do not agree with those who would rather run and hide than fight to preserve and protect the assets we have along our coastline. There is too much invested and too much at stake.

With regard to the other issues dealing with a Blue Acres program, I think, first of all, municipalities are having a difficult time financially, and it is suggested that a property purchase program, which we suggest be a limited one, be funded totally by the State of New Jersey, with title vested in the respective municipalities.

Determination of environmentally significant lands should be made by the DEP, but it would also be appropriate for this Commission to retain oversight on environmental, as well as other major issues, before any regulations are promulgated or commitments made.

This Commission should establish an ongoing relationship with the newly established committee responsible for updating the Jersey Shore Master Plan. I am a member of the Steering Committee for that study, and I have already expressed my concerns that shore protection and preservation do not appear to be top priorities in this new planning process -- and I am concerned. A knowledgeable group of coastal legislators like yourselves is an important part of any planning process dealing with the future of the Jersey Shore, and now is the time to become directly involved as the studies get underway. Any Blue Acres program needs to be considered in this overall planning process.

In conclusion, The Jersey Shore Partnership is pleased with the outstanding attention being given to coastal issues in New Jersey. The members of this Commission have been the driving force in this effort, and each of you and your respective contributions are very much appreciated.

I thank you for the opportunity to make these comments, and I will be happy to go into any of them, if you wish.

ASSEMBLYMAN CORODEMUS: Just one question, Senator, about vesting the title in municipalities, as opposed to retaining it in the State. What is your reasoning in that?

MR. GAGLIANO: My feeling is that most likely any properties that are required will end up in a municipality which already has an organization devoted to taking care of the beaches, taking care of Ocean Drive, or whatever that area might be along the coast. Since the materials I have read would indicate that the Commission is thinking of having this program within a very short distance from the dune, or from the beach, it would seem to me that the municipality would be the best honer of that property in terms of caring for it and keeping it clean, making it part of the beach, if that is what it is to be, or making it an open space lot, access to the beach, or whatever it might be.

I truly believe the municipality can do it better. I will give you an example. In Sea Bright, there is a beach that is apparently owned by the State. It was a beach club, and it was acquired after a fire, I believe. I am not even sure about the history of it. But it is a problem. It is a problem because people are not taking care of it. It is not well-groomed at all. It has materials all over it, and the local people are unset about it. I think if it were owned by the municipality and under the jurisdiction of the municipality, it would be a much better situation for all.

ASSEMBLYMAN WOLFE: Thank you very much.

MR. GAGLIANO: Thank you.

ASSEMBLYMAN WOLFE: Next, I would like to call on Dr. Michael Bruno, Stevens Institute of Technology in Hoboken, and head of the Davidson Laboratory.

Dr. Bruno, thank you for coming.

M I C H A E L S. B R U N O, Sc.D.: Thank you, Mr. Chairman.

I would like to echo Senator Gagliano's thanks to this Commission for spearheading a lot of what is going on along the Jersey Shore, and bringing a lot of public attention to the problems that continue, notably -- unfortunately, at this time -- in the Borough of Manasquan.

With regard to the Blue Acres program, I have already submitted my written comments. I will summarize those here.

I think the key here is the word "preservation," and I draw a distinction between that word and the "r" word, which has already been mentioned -- "retreat." If properly implemented, this program can be very effective in providing good quality public access to beaches -- unimpeded access -- as well as reduce costs to State, Federal, and local taxpayers.

The December 1992 storm brought home a very important lesson in this State, particularly with regard to Ocean City; that was, the value of a wide, stable beach for shore protection. The beaches, in fact, are our best method of shore protection. So any program such as the Blue Acres which will move us towards wider, more stable oceanfront areas is, I think, a benefit.

I have some concerns and recommendations -- a total of four -- and I would just like to read those here before you.

I think a careful analysis should be undertaken of the potential for overlap or a conflict with the existing and soon-to-be-updated Federal programs related particularly to post-storm relocation and acquisition. Perhaps, in that vein, the Blue Acres program can be reconfigured to focus on storm-threatened properties, as opposed to post-storm-damaged properties.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Dr. Bruno, can you turn up the volume, please?

DR. BRUNO: I'm sorry, I am losing my voice here, but I will do the best I can.

If the program is to function effectively, both to mitigate against future storm damage and to enhance public use and access, it should be implemented uniformly in high risk or environmentally sensitive areas. That is a critical point of concern. If the program is applied piecemeal, particularly within one reach, that is, in a, perhaps, high hazard area, then we could have a detrimental impact on long-term shoreline processes -- long-term shoreline evolution.

So in that light, perhaps the Advisory Committee that would be set up to implement the program could draw on the expertise within State government and local State officials and experts as far as prioritizing projects for implementation.

The Commission should give careful attention to establishing the landward boundary of "environmentally sensitive" lands. Wetland, river, estuary, and barrier bay regions are important ecosystems in their own right, but also play a major role in the aquatic life, water quality, and sediment transport characteristics in our open ocean shorefronts. As such, these areas should be considered for inclusion in Blue Acres.

Attention should be given to the potential long-term costs associated with public purchase of oceanfront lands. The mere absence of a structure does not guard against future erosion. A home on a dune or an improperly located home, does not, in itself, cause beach erosion. It only makes it an urgent problem. The problem of beach erosion will not go away with the relocation or removal of the home. If the property then becomes public property, it seems to me, then, that there are going to be costs -- presumably public costs -- associated with maintaining that shorefront, such as, for example, beach nourishment projects.

That's all for now. If there are any questions, I will answer them until my voice runs out.

ASSEMBLYMAN WOLFE: Jack?

ASSEMBLYMAN GIBSON: Dr. Bruno -- through the Chairman -- the soon-to-be-updated Federal programs related to post-storm, can you give us a brief understanding of what the changes are there on the Federal program?

DR. BRUNO: Well, Assemblyman, I think I am going to leave that to my learned colleague, Ken Smith, who probably is more up-to-date than I on it.

ASSEMBLYMAN GIBSON: Fine. We will hear from Ken on that.

Thank you.

ASSEMBLYMAN WOLFE: Andy, any questions?

SENATOR CIESLA: No, thank you.

ASSEMBLYMAN WOLFE: Steve?

ASSEMBLYMAN CORODEMUS: Not at this time.

ASSEMBLYMAN WOLFE: Okay. Thank you very much, Doctor.

Next, I would like to ask-- I have two names here, Tim Dillingham and Michael Verange (phonetic spelling), of the Sierra Club. Is this the Sierra Club of Princeton, New Jersey, or the Sierra Club-- (response from Mr. Dillingham indiscernible; made before he reached microphone)

TIMOTHY DILLINGHAM: Thank you, Mr. Chairman, for the opportunity to address the Commission today.

My name is Tim Dillingham. I am the Executive Director for the Sierra Club's New Jersey Chapter. We are the State branch of a national environmental organization. We have about 17,000 members in the State.

With me is Mike Verange, who is the Chair of our Shore Group, which encompasses many of the counties which you all represent. He represents about 2000 members in the shore area.

We wanted to, I think, add for the Commission's purposes some more technical comments in terms of how the

program might be applied. I think we are supportive of the general intent of identifying opportunities for increasing public access to the shoreline, and linking those with efforts to reduce the vulnerability of structures to storm hazards, as well as the opportunity to piggyback those programs in protecting more environmentally sensitive areas.

I think there are some broader, what I would call -- to use a bureaucratic term -- programmatic contexts that need to be considered by the Commission in terms of how they develop this program.

Just to echo Dr. Bruno's comments, I would also urge the Commission to look at this comprehensively. Clearly, if we are talking about \$50 million, that is not a lot of money to go around to the area you have set out as being subject to the program on a pilot basis. We would like to see the Commission try to design it so that it ensures that we are looking at appropriate access sites; that these are areas which are clearly going to support public use of the beaches which are appropriate in terms of their siting within residential areas to the extent that the program is tied into acquiring properties where houses were destroyed. Clearly, there is often a lot of conflict and concern on the part of residents in neighborhoods and municipalities about sanitation, security, parking issues, and access. Those types of programs-- I am not sure to what extent those occur in all of the municipalities that you might be thinking about bringing in and conducting such an acquisition program.

So there is another element here which needs to be thought of, at least in the parallel sense, to simply bonding money to make available to acquire the sites.

In that sense, I would also urge that you think about how these programs might be tied together in a cooperative manner with DEP in terms of their expertise in access design and access management, which tend to be part science and part

art, I think. In developing those programs, there are many models throughout the country that are successful in terms of public access programs, but also in terms of coordinating it with the regulatory requirements of CAFRA, so that we do not create conflicts between where we site accessways and where we may be regulating development for different purposes.

I would say simply that the same types of concepts apply to the identification and acquisition of environmentally sensitive areas; that in order to really, I think, effectuate the purposes of restoring ecosystems or critical habitats, they need to be looked at on a macroscale, something about the size of Barnegat Bay. This needs to be looked at comprehensively in terms of where we put money and time to restore habitats and environmental qualities.

Secondly, I would hope that the Commission would take great caution in not using the program to mitigate against the requirements of regulatory programs. Clearly, what occurs to me in that sense is that there are often buffer requirements under CAFRA and under the wetlands laws, which set development back from those environmentally sensitive areas. To the extent that this program is used to add an extra buffer on top of that one where it is appropriate in addition to the regulatory programs, I think that is appropriate, but it should not be used to offset the impact of private development on public resources and environmentally sensitive areas.

I think that both of these issues, in terms of trying to maximize the public benefits that come out of the program and trying to do it in a comprehensive manner, become more important when we look at the role the bonds are going to play. The Governor has said that she is reluctant to put too much emphasis on bonding for these types of purposes, whether it is Green Acres, Blue Acres, or otherwise, so we clearly want to get the biggest bang for our buck.

One other caution: The light bulb that you mentioned earlier went off when I was listening to Senator Gagliano's comments; that is, if you transfer this land, or you consider transferring the land to municipal ownership, there needs to be some consideration given to what activities by the municipalities are exempt from CAFRA, so that we do not have a situation where a structure which may be at threat, or at risk in a high hazard area is built by the municipality, and funded, in essence, by a program which was meant to reduce those hazards, so we get into that cycle again.

Those are my comments. Are there any questions?

ASSEMBLYMAN WOLFE: Anything? (no response)

Thank you very much for your suggestions. We appreciate it.

Dr. Stewart Farrell, Coastal Research Center at Richard Stockton State College. Dr. Farrell is an internationally recognized expert on coastal issues. We are glad he is here with us today.

S T E W A R T F A R R E L L, Ph.D.: Thank you very much for that introduction. I will try to live up to it.

ASSEMBLYMAN WOLFE: Okay. Thank you for coming, Doctor.

DR. FARRELL: I am exceedingly pleased that this initiative is being looked at seriously. A number of years back, it was proposed by some other folks in State government. One of the key things that happened that is an example I might point to, is the Seven Presidents' Park in Monmouth County. This was acquired through a variety of funding mechanisms, converted into a public use area, and included structural development in terms of public rest rooms and a place to change and take a shower after you had concluded your recreation for the day. In the data that I have been exposed to, its success is that if you don't appear on the weekend before 10:00, you

don't get a parking place. This is a very, very highly used and deeply appreciated day-use facility.

The reason for bringing this up is to kind of look at the coastal reaches and see if the focus of the Blue Acres program, if it is enacted, is on these kinds of facilities in areas where acquisition is possible. I am not aware of the original reason that this location was picked north of the promenade in Long Branch, but I do remember, having grown up in the area, that there was a great deal of storm damage to very large cottages built in the 19th century in this particular stretch.

Up and down the Jersey coast, there are a number of places where a sizable area might be acquired over time, which then could be converted into this kind of day-use area, taking some of the pressure off beaches which do not have, or cannot carry, a large day-use crowd because there is insufficient parking or unavailable rest room facilities. I am thinking in terms of Mantoloking and Bay Head. No matter what you did there, it would be very difficult to provide extensive day use of the recreational beach.

This particular program, I think, has a great deal of merit. I would like to see it enacted and brought to bear as preservation, but also as a public domain, so that the New Jersey public could actually find more than the two large areas, one Federal and one State, and a couple of small county places to actually go for day-use work.

Another example to point to, perhaps, is Whale Beach in the Strathmere section of Upper Township, where currently development is, for New Jersey, fairly limited by virtue of the absence of sanitary sewer lines, meaning that the folks there are on septic systems. So this particular stretch of the coastline is highly vulnerable, has a mean elevation of about six feet above sea level, and has flooded four times in the last decade or less.

So this is my consideration in terms of reading the documentation for the proposal: that instead of buying, you know, one lot here, one lot there, that in the next town you look reach by reach for an acquisition program not dealing with the storm issue -- storm damage acquisition -- but dealing with your second stated goal of focusing this on a really serious countywide planned approach to municipal and county use areas.

Thank you very much.

ASSEMBLYMAN WOLFE: Thank you very much, Doctor.

Mr. Dery Bennett, American Littoral Society.

D E R Y W. B E N N E T T: Good day, good idea, a good time to hear this. We have had a lot of storms. CAFRA has been amended, and the Shore Protection Master Plan is being revised. Some of what you are covering is going to be talked about over the next couple of years, so this is a good time to work in.

I think I would second what some other people have said. Make sure you coordinate that very closely with that Master Plan revision. I have a statement which I will turn in, but the person who is running that is Norbert Psuty, at Rutgers. I even listed his phone number, so you can get a hold of him.

There is a raft of information they can send you out about, just at the start, what they are talking about. They are not really talking about rewriting the Shore Protection Master Plan, but looking into post storm and a lot of other things. So this will mesh very closely.

I am here mostly to listen. Let me make a couple of comments: First of all, on the boundary, along the lines of what Stewart Farrell just said, we would like to see the emphasis shifted somewhat away from the oceanfronts, so that it includes environmentally sensitive coastal lands beyond 150 feet of mean high tide. For example, another Fishermen's Cove

would be a candidate, or should be a candidate for purchase, even if some of the land is upland and is more than 150 feet from high tide.

Another example, tidal wetlands often need to be buffered, as Tim Dillingham said, from upland development. There may be swatches of wooded upland where preservation will help water quality in Barnegat Bay.

Timing: We agree that some Blue Acres money should be active. Instead of waiting for storm damage to occur, some aggressive purchase of shoreline before the storm may make sense. The question of where on the oceanfront, I think we need to assure that the Blue Acres money is not spent for land that will be underwater soon. I don't know how you would figure this out, but you don't want to pay a lot of money for land that falls into the public domain because it is being eroded anyway.

I don't think you want to buy million-dollar oceanfront lots if there are similarly priced lots just to the north and south. It does not make sense to pick up those single units. In other words, cheek by jowl ocean development does not appear to be a prime candidate for Blue Acres purchase. Isolated development, whose presence demands Herculean public expenditure to protect, deserves serious consideration, and certainly Whale Beach is an example. You have a situation where by relocating a road and buying out a few houses, you can save the State a lot of money over the long haul.

Post storm: We agree that a large share of Blue Acres money should be ready for selected strategic purchase of damaged or environmentally sensitive lands. We have a further suggestion for a method of augmenting such funds. Establish a set-aside of a certain percentage of all Shore Protection Beach Replenishment money for land acquisition. For example, if the Monmouth County beach project now underway to the tune of some \$3 billion were to have a 20 percent set-aside, that would be

\$600 million for open ocean space purchase. Ocean City's three recent beach pumps would have spun off about \$10 million additionally for acquisition. We continue to urge that Shore Protection Beach Replenishment money include a selected pot that goes for acquisition.

Lastly, as I have mentioned before, you obviously know what Rutgers is doing with DEP about the Shore Protection Master Plan.

One other comment that Stewart made was the idea of maybe trying to get other beaches like Seven Presidents' Park. I think an opportunity popped up in Ocean County a couple of years ago, and that was the bankrupt condominium at the south end of Point Pleasant Beach. I think if at the time there had been Blue Acres bond issue money available, it would have been an opportunity to pick up that land as a county park. On the other hand, talking to people from Point Pleasant Beach today, they tell me that that area is eroding badly because of what is going on with the Bermuda high, the southeast winds, the Coriolis effect, and heaven knows what else, which goes back to the question of making sure that we do not buy land that we are going to get sooner or later when the tide comes in anyway.

In closing, I think the Commission has introduced -- let me read it -- an extremely worthwhile Blue Acres proposal. We support its principles and look forward to working on the details.

ASSEMBLYMAN WOLFE: Thank you very much.

Next, I would like to call Dr. George Klein, Executive Director, New Jersey Marine Sciences Consortium.

I would like to make an amendment to a comment I made a few moments ago, before Dr. Klein speaks.

We are very fortunate in New Jersey. Dr. Klein, have a seat. Dr. Klein has come to us within the past year from the Midwest, and he, along with Dr. Farrell, Dr. Bruno, and Dr.

Psuty at Rutgers, give New Jersey the expertise that many states, regions, actually countries lack. So we are very fortunate to have people of his caliber to help us. So, Doctor, thank you very much.

G E O R G E D. K L E I N, Ph.D.: Thank you for your very kind remarks, Mr. Chairman.

Mr. Chairman and gentlemen of the New Jersey State Beach Erosion Commission: As you already know, my name is George Klein. Currently, I serve as President of the New Jersey Marine Sciences Consortium. It is a distinct pleasure to appear before you a second time to discuss issues of concern to the New Jersey State Beach Erosion Commission.

With respect to the Blue Acres Bond Fund issue that you have outlined this afternoon, I wish to confine my testimony to a very few remarks. First, the concept of such a program is an excellent one and, if approved, is likely to be successful. I even predict it will become a model for other coastal states to follow, if it is adopted.

Secondly, I would like to address a specific item in the materials that were forwarded to me by your office regarding restoring purchased property to its predevelopment condition. I do so because the likelihood that undamaged property that may adjoin any property that is so purchased through these bond funds may become more vulnerable, or may cause increased vulnerability to erosion of the property that is purchased through these funds.

In my written testimony, I provide a few more details of a case with which I am familiar in Oregon, where after a particular storm hit on a certain beach on the Oregon coast, one property was completely destroyed, but the adjacent property was left standing. The property owner, in a panic, arranged for riprap to be imported -- he purchased it himself -- to protect his property. The consequence was that when the next storm came in, it caused extra and additional damage,

far more than would have happened if that riprap wall had not been installed. So this is, I think, a very critical issue, particularly in view of the remarks Dr. Bruno made about the necessity of beach preservation being coupled with the Blue Acres fund.

The last thing I want to comment on in connection with this is that the so-called nonsignificant open-lot provision that has been mentioned in the written documents that have been circulated, I think, is equally critical for almost identical reasons.

If there are any questions, I would be happy to answer them now, or if you need to reach me, I will be happy to speak to members of the Commission at any time.

ASSEMBLYMAN WOLFE: Thank you.

Are there any questions?

ASSEMBLYMAN CORODEMUS: Just one question, Doctor.

DR. KLEIN: sure.

ASSEMBLYMAN CORODEMUS: It is good to see you again.

What are we learning from that Oregon example? Is it to restrict the development rights of adjoining property purchased by the Blue Acres program?

DR. KLEIN: The lesson to be learned from that experience is, don't look at the individual pieces of property that you are likely to purchase through Blue Acres funds in isolation. Give some thought to the consequences of what the effect will be of that acquisition to the adjoining properties, and develop a strategy that preserves that property, as well as the property that you acquire, with a minimum of damage to the property that would be obtained through the Blue Acres purchase.

ASSEMBLYMAN WOLFE: Thank you very much, Dr. Klein.

Next, I would like to call on Lewis Fromkin, New Jersey Shore Builders Association.

L E W I S F R O M K I N: Good afternoon. See, Andy and Steve, you will get to know what these cheaters are all about

New Jersey State Library

in a couple of years. Either that, or somebody is wearing contact lenses up on that Commission.

My name is Lewis Fromkin, and I am the President of the New Jersey Shore Builders Association. It is an organization of over 400 member companies consisting of builders, subcontractors, material suppliers, banks, public utilities, and other building-related companies. We appreciate the opportunity to testify before this Commission on the proposed bond program to purchase certain property within the coastal area.

We question why the State Beach Erosion Commission is even considering this Blue Acres program. Since beach erosion is inevitable and healthy beaches are essential to the tourism industry in the State of New Jersey, a comprehensive program must be developed to maintain these healthy beaches. Acquiring storm-damaged properties or environmentally sensitive lands will not have any impact on beach erosion whatsoever. We fear that this approach is merely a way of discouraging people from living at the coast, as opposed to pursuing long-term solutions for erosion.

For instance, the current beach replenishment effort by the Army Corps of Engineers should be encouraged and should be planned for on a recurring, regular basis. Instead of contracting out this beach replenishment work at the cost of millions of dollars every year, the State of New Jersey should consider purchasing its own equipment for replenishment of beaches. If beach replenishment is not necessary for the coast of New Jersey in certain years, perhaps the beach replenishment equipment could be leased to other states to help defray the cost of this equipment and the beach replenishment program. Certainly, beach replenishment and shore protection should be the primary focus of the State Beach Erosion Commission, and the the purchase of storm-damaged and environmentally sensitive lands.

We believe that those property owners who are deprived of the effective use of their property because of environmental regulations should be fairly compensated for that property. Therefore, it is only those truly "willing" sellers who should be included in this proposed purchase program. If regulations make it too difficult to rebuild storm-damaged property or make it impossible to develop environmentally sensitive lands, this does not result in truly "willing" sellers, but rather results in sellers who are coerced into selling at often reduced prices, because the value of their land has been reduced through governmental regulation.

For instance, if DEP will not allow rebuilding of storm-damaged structures except in the same footprint as the original structure, this may make "willing" sellers out of property owners who otherwise would never even think of selling their property to the State. All too often, we have seen programs of the State of New Jersey, which result in a virtual confiscation of property, lead to purchase of that property at deflated prices. A primary example of this is within the Pinelands. It is almost impossible to develop any property within the Pinelands Preservation Area and much of the agricultural production areas within the Pinelands.

Yet, the only relief for these property owners is through the sale of Pinelands Development Credits. The market value for these credits is anywhere from \$10,000 to \$20,000 per 39 upland acres, or from \$250 to \$500 per acre. This can hardly be considered just compensation for their land. The same holds true for the proposed Blue Acres program. Unless this program involves truly willing sellers who are not forced to sell because of government regulations, the program will not be viewed as equitable by the general population.

In addition, whatever program is devised must be adequately funded. The proposed \$50 million bond issue is woefully inadequate and does not evidence a willingness to

seriously address this issue. The State of Florida has a similar program which has funding of \$300 million per year for a 10-year period. If New Jersey's citizens do not want to make a similar commitment, then such a program will be underfunded and meaningless.

The New Jersey Shore Builders Association appreciates this opportunity to testify before the State Beach Erosion Commission. You should be aware that we have not had the same opportunity to participate in the current study by the Rutgers Institute of Marine and Coastal Sciences in updating the Jersey Shore Protection Master Plan. We have grave concerns about the thrust and direction of that study, since it does not appear to focus on maintenance and restoration of beaches, but rather the concept of "retreat," a concept that we do not believe will be accepted by the majority of citizens of the State of New Jersey who want to live at the New Jersey shore or at other waterfront areas.

I would be happy to address any questions you may have.

ASSEMBLYMAN GIBSON: Mr. Chairman, I have just an idea. The State of Florida-- That's interesting. They may have five times as much beachfront as we do, so we may not be too far off the mark. But I would ask the Office of Legislative Services to get us that Florida legislation, so we can consider it.

Thank you for bringing that up.

MR. FROMKIN: Okay.

ASSEMBLYMAN WOLFE: Andy?

SENATOR CIESLA: A couple of quick questions. Can't let Lew get away without asking a few.

I glean from the comments that the Builders Association -- the Shore Builders Association -- as a group is indicating that we should proceed with caution. But yet, I also read, at least inferably, that the Builders Association

may see a place for at least some compensation for land that is voluntarily sold where there is not a diminishment by regulation of its value.

MR. FROMKIN: Yes.

SENATOR CIESLA: I think, at least for your purposes, it is important to point that out, because at least as we discuss this particular proposal among ourselves, we recognize that there is a need, at least a partial need in the State of New Jersey to look at those specialized lands that may qualify, at least now, as the most important lands to be acquired, and perhaps a voluntary program may be just another tool in the overall coastal protection plan program that eventually will be developed in this State.

From the thrust of your comments, it is hard to glean that there is any level of support, but from general conversations there may be a need, I believe, for at least a fund of some sort to acquire land that has not been artificially created -- still should be acquired publicly, such as perhaps the Presidents' Park in Long Branch.

MR. FROMKIN: Where I live.

SENATOR CIESLA: Where you live.

ASSEMBLYMAN WOLFE: Thank you, Lewis. Thanks very much.

SENATOR CIESLA: Wait, one last question.

MR. FROMKIN: Sure.

SENATOR CIESLA: Do you really think we should buy this equipment with the State of New Jersey and start pumping sand onto the beaches; that that would be more cost-effective?

MR. FROMKIN: Probably more efficient, if you take a look at the numbers.

SENATOR CIESLA: We are going to make you the next Director of Beach Replenishment, Lew.

MR. FROMKIN: Please, no.

ASSEMBLYMAN GIBSON: We could rent it to Florida. They have all that money.

ASSEMBLYMAN WOLFE: Thank you very much.

Mr. Kenneth Smith, President, Coastal Advocate, Inc.

K E N N E T H S M I T H: Gentlemen, it is nice to see you all again. I really commend this Commission for staying with this issue of beach replenishment and coastal erosion, and moving it along.

I must say to locate in Manasquan-- Manasquan is a wonderful town, which I have just recently discovered. I spent Memorial Day weekend here with my family on the oceanfront. The use of the coast by people here is really at its zenith.

Well, this is exploratory, so my remarks are all over the lot. But let's go through some of them.

I agree with Dr. Bruno that relocation does not stop erosion. If we had the situation that we had 100 years ago, where we could put in 100-foot, 200-foot setbacks, that would be fine. We are not in that situation, obviously. But even if we were, sooner or later, with erosion, you end up in a fight or flee situation, or basically a fight or manage situation. That is where the New Jersey shore is today.

The recent erosion at the coast has been very serious. What we have had this year is somewhat of an anomaly. Generally, in May and June you get some east winds and you get a beach-building period. Then, when the southeast winds come in strong in August, you've got something up there anyway. That did not happen this year. The people on the south sides of most of the groins on the coast are all saying, "No problem." The people on the north side are looking straight down into the surf zone in some areas.

I think it is very important that we stay on track with the Corps program. We have been through that at different hearings, and I will just give you a very brief update on that in a minute. One suggestion was that perhaps for Section 2,

that we start at Manasquan, at the southern end of the project, instead of the northern end. That needs to be weighed against the integrity of the project as a whole, which owns the square law relationship that the longer the length of fill, the better chance it has of sticking around for awhile. The fact that we have a number of groins up here and pocket beaches may allow us to start from the southern end, but I am sure the Corps will take a look at that.

The "r" word: Yes, it is an anathema to my ears, but I will say that I have talked to people in Florida. Florida has put up considerable funding to buy up pristine coastal areas. George, I can help you with that, give you some names to call down there. I am not sure exactly how much it is, but it is a significant amount of money. Obviously, they have a longer coastline.

The key to this, of course, is "willing seller." That has to be in there. That is extremely important. Dr. Klein's comments on the increased vulnerability of properties that may be adjacent to a buyout-- That is very important, because you have to look at, "What are you going to gain?" Suppose you have a storm, the big one hits and you have four properties in a row that may be damaged; let's say on Long Beach Island, and let's pick Surf City, an area with a gridiron pattern of streets, plenty of public access, and a decent dune field right now. It takes severe damage. These people decided that they wanted to sell, so we have a vacant area there. Does that mean that we are going to have a good beach there? Does it mean that we are going to have increased protection? I don't think so.

So in that context, I think we need to look at spending the money on the big picture; on protecting the beach as a whole, rather than just sections of it.

Another question that has come up over the years is the amount of compensation for post-storm acquisition of

damaged properties. Is it full fair market value pre-storm, or is it some number that is arrived at looking at the lot and saying, "Well, we are just not going to put any more sand here"? We are going to be -- as Dery says -- underwater, forever I guess, so what do we pay the owner then? I think that is a narrow view. Again, I do not think that kind of policy should be applied to most of the coast of New Jersey.

Many of the repetitive losses along the coast are in back bay areas still. The flood insurance program in the '92 storm-- A majority of the claims and the repetitive claims were paid in the back tidal areas. So the frequency of oceanfront claims should be looked at. Perhaps \$50 million is a bit much. There are safeguards that are certainly going to be needed on this. Prior speakers have addressed this quite adequately.

I can tell you that the Federal government is about to fund a little over \$25 million in Federal funding for shore protection this year. I belong to the Maritime Advisory Council, which goes down every year to Washington and steps up to the plate for shore protection, channel dredging, civil works projects. I am quite confident that we are going to get every dollar we have asked for, and we always have before. There has always been a strong Federal commitment to the State of New Jersey for shore protection.

I am also -- and I forgot to mention this -- speaking today as the Vice President of the American Shore and Beach Preservation Association, which is a national organization of over 1000 coastal professionals -- engineers, geologists, planners. We are holding a conference in Virginia Beach this year, and I will leave these for the Commission. It is called, "Beaches, Tourism, Jobs." Our conferences-- We go back to 1926, and we were started in New Jersey. We are headquartered in California now. I am President of the New Jersey Section.

We believe in promoting the use of the coast by people, and the application of technology to solve erosion problems. Most of our conferences have been somewhat technical in the past. Our Board felt that economics are at the heart of the issue now, so we will be focusing on that in October.

Regarding DEP's delineation of the areas that may be eligible for purchase, I have been involved in the workshops and the meetings last week on the revision of the Shore Protection Master Plan. I am very concerned about the direction that is heading in. I will stay closely involved with that. I think we need to take the holistic view here at the coast. Within 10 years, the Corps' purview will extend to every county on the coast and almost every reach of shoreline. We have two add-ons this year in the President's budget for reconnaissance: one for Manasquan Inlet to Barnegat Inlet and another one south of here. If we get them, and I think we will, then the whole shore is either going to come under reconnaissance -- some areas are further in feasibility -- construction, renourishment--

That is really the direction to go, and I would hope that the State of New Jersey would give the Master Plan revision the attention it deserves, and basically stay focused on the Federal plan.

We need to look at shore protection as an investment in the tourism economy, and not just as a subsidy for property owners.

I will just conclude with one remark that I think is apropos: The President of the American Shore and Beach Preservation Association, Orville McGoon, made this statement often regarding shore protection and some of the apathy that is out there. He said, "You know, you ought to consider it this way: When you have your breakfast in the morning, realize that the hen was involved, but the hog was committed." We need a lot more hogs here in New Jersey for shore protection.

Thank you very much.

ASSEMBLYMAN WOLFE: Thank you.

Before we call on the next speakers, I would like to apologize for not introducing a very important member who helped to prepare this meeting today, and that is Jen Kochie, right over here at this first table. Jen works with us very closely, and we appreciate her being here.

I would like next to introduce a very involved individual on a number of shore issues, Mr. Tom Fote of the Jersey Coast Anglers Association.

Tom, thanks for coming. We appreciate your comments.

T H O M A S F O T E: My name is Tom Fote. I would like to thank the Commission for having this meeting.

I am not going to repeat a lot of Dery Bennett's comments, because we agree with him; the same with the Sierra Club. So I really only have one point.

There are 700,000 anglers in this State who participate in marine recreational sport. They also pay taxes. They are looking at the fact that their tax money is going to be spent on projects for the shore, and they want access to the shore. So one of our prime concerns is that the areas that are going to be purchased be public access areas.

I know the good Senator -- Senator Gagliano -- was talking about giving the whole authority back to the municipality, except that we have seen that municipalities basically circumvent the law and basically shut off access.

The fishermen are going to be giving up a lot. I look at those beach replenishment projects going on, and I think of all the jetties I fished up in Long Branch and Sea Girt that no longer will be in existence, because they will be covered up. We will be losing some of that habitat, also.

It is a needed process. We understand the reasons for it. But we just do not want to lose any more access. So one of our real concerns is to keep that money spent on areas that can promote public access.

I disagree with one of the statements that someone made that if you buy a piece of oceanfront property and you just leave it, it won't protect the shore. If you remember, you can build those dunes back up. You can plant that dune grass back. That is one of the best buffers we have against storm damage. A simple example is Island Beach State Park. With the volunteer work of the New Jersey Beach Buggy Association, by snowfencing down there, they basically created dunes. If we did not create those dunes, and if we did not plant that dune grass to hold back, we would have lost a lot more of Island Beach State Park than we did.

Those are all the points I wanted to make. Some of the other speakers made some of my points, so I will not waste your time and repeat those other statements.

Thank you very much for this opportunity.

ASSEMBLYMAN WOLFE: Thank you very much, Tom.

Mr. Frank Diana, please, President, Manasquan Beach Improvement Association.

F R A N K D I A N A: I don't have a degree in marine science; I don't have a doctorate; I don't even have a necktie. But I have been swimming on the Manasquan beach since 1927.

We didn't have a problem until about four years ago. We were required by the State to do some beach engineering, so we moved a lot of sand from the drop -- from the borderline up to the walk to build dunes. Well, needless to say, in 1992, that did not work.

As the Mayor told you, we are presently paying \$60,000 to shorten some groins which, by the way, the State put in and paid 90 percent of. But the State is not paying anything to take them out.

We have hired experts. We have engineered the beach. We had Dr. Farrell for three years -- four years. We now have Dr. Bruno. When the '92 storm hit, we had dunes. We had moved

sand prior to that. We had a beach expert, but we got no money for sand replacement, the story being that we did not go out and buy sand and put it on our beach. That supposedly, I guess, is one of the measurements for an engineered beach.

We provide access. We have complete access to our beach. We provide three different sets of rest rooms -- public rest rooms. We provide lifeguards. We clean the beach. We have six good-size parking lots. We allow parking on the street. You do not need a permit, as you do in some towns to park on the street.

But when it came right to push and shove, the only money we got was to replace the walk that was damaged. Now, we are paying to have the groin shortened. That, supposedly, is the answer to part of our problem.

You know, we have taken the short end of the stick. While the DEP and the Corps of Engineers were up at Sea Bright arguing with the people on the beach about access for two years, we were down here having our beaches go. We had beaches; they had no beach. I still do not understand why we went up to Sea Bright and pumped sand against the rocks, for people who held us up for two years. Why didn't they come down south and save the beaches that existed, instead of going up and creating beaches that didn't exist? I am sure there is more than one dredge in this world. Why can't they start down here and work north, and up there and work south?

Our beaches are in bad shape right now. If something isn't done soon, we are going to lose them, and you are going to have a tremendous problem. During the '92 storm, we had seven or eight houses damaged, but we had some beach then. We have no beach, in spots, now. If we have another storm like that, it is going to be a disaster.

Thank you. Any questions? (no response) Okay.

ASSEMBLYMAN WOLFE: Thank you.

Is Dr. Carl Nordstrom here today? (no response) Is there anyone else who has not indicated that they would like to speak, who would like to speak? (no response)

Do you have any comments, Andy?

SENATOR CIESLA: No.

ASSEMBLYMAN WOLFE: At this time, I would just like to say a few things.

First of all, the plan that was presented before the speakers came up here was just a concept. I believe the positions you have taken will certainly enable us to craft some legislation that is not necessarily what was originally intended, but what may best suit the concerns that have been expressed here today.

I would like to thank you for your participation. I can assure you that the State Beach Erosion Commission will be having other hearings in the future. I will certainly, not only invite your participation, but also encourage you to have your friends get involved also. This is not a Manasquan issue; it is not an Ocean County issue. It is an issue that involves our entire State -- our coastline -- and we take it very seriously. Some of the issues that were brought out today specifically regarding Manasquan, Senator Ciesla and I, Mayor Winterstella, and Dr. Bruno are well aware of. We have been working with DEPE and various groups to try to come up with a solution.

I would like to thank you very much for coming, and I hope to see you at our next meeting. Thank you very much.

(MEETING CONCLUDED)

APPENDIX

Comments Regarding the Proposed "Blue Acres" Bond Program

**Testimony Delivered to the
New Jersey Beach Erosion Commission**

by

**Michael S. Bruno
Director, Davidson Laboratory
Stevens Institute of Technology
Hoboken, New Jersey**

August 2, 1994

The concept of providing funds for the voluntary purchase of oceanfront property in a manner similar to the highly successful Green Acres program is a significant and long-overdue step toward preserving New Jersey's shoreline. As the December 1992 northeaster demonstrated at Ocean City and elsewhere, the most effective defense against storm damage is a beach characterized by a naturally-sloping foreshore, adequate berm height and width, and vegetated dune. The storm also demonstrated that oceanfront property owners will consider re-locating homes if necessary and if provided fair compensation. In many instances, the complexity of existing federal and state programs for such relocation inhibited such action. The proposed Blue Acres program would go far toward promoting a more orderly, systematic reduction of threat of loss by empowering local communities to work directly with affected property owners. It is here hoped that the proposed program will thereby eliminate the "knee-jerk" reaction to storms that has characterized much of our shore protection policy for too long.

The key to the proposed Blue Acres program is its focus on preservation. The purchase of environmentally-sensitive and storm-threatened lands will offer relief to concerned oceanfront property owners, enhanced access and use of shoreline areas, and reduced cost to local, state and federal taxpayers. In order to insure that the program becomes an essential, integral part of the state's coastal management process, the following recommendations are made:

1. A careful analysis should be undertaken of the potential for overlap and/or conflict with soon-to-be-updated federal programs related to post-storm relocation and buy-out. Perhaps the Blue Acres program should focus on storm threatened as opposed to storm damaged properties.
2. If the program is to function effectively both to mitigate against future storm damage and to enhance public use and access, it should be implemented uniformly in high risk or environmentally-sensitive areas. Perhaps the JBOC or other review committee could be requested to confer with state experts/officials in order to prioritize projects and insure against a piecemeal implementation of the program along the state's coastline.
3. The commission should give careful attention to establishing the landward boundary of "environmentally-sensitive" lands. Wetland, river, estuary, and barrier bay regions are important ecosystems in their own right, but also play a major role in the aquatic life, water quality, and sediment transport characteristics of adjacent coastal areas, and as such should be included under the Blue Acres program.
4. Attention should be given to the potential long-term costs associated with public purchase of oceanfront lands. The mere absence of a structure does not guard against future storm-induced erosion. If we are to follow through on the notion of shoreline preservation embodied in this program, we should recognize the need for continued maintenance (through, e.g., beach nourishment) of our public beaches.



AMERICAN LITTORAL SOCIETY

SANDY HOOK • HIGHLANDS, NEW JERSEY 07732 • 908-291-0055

Statement of D. W. Bennett, Executive Director,
American Littoral Society, before the NJ State
Beach Erosion Commission, on a state Blue Acres
bond fund, August 2, 1994, Manasquan, NJ.

The timing of this hearing is good. The state has suffered through a number of serious coastal storms, underlining the need to rethink coastal land use. CAFRA has been amended to work closer to tidewater single unit development. And NJ is starting a two-year project to reevaluate the 1982 Shore Protection Master Plan, bringing in elements of mitigation, including the purchase of tidal edge property; rethinking beaches, dunes and setbacks; applying sounder planning procedures in the CAFRA region; and preparing a post-storm plan.

Thus, consideration of the establishment of a Blue Acres Bond Fund makes a great deal of sense. We are at the beginning of the process of thinking through the wording of such a fund, so I have come more to listen than to talk. Here are some items that we think the Commission should address:

(1) First, boundaries: We would like to see the emphasis shifted somewhat away from the oceanfront so it includes environmentally sensitive coastal lands beyond 150 feet of mean high tide. For example, another "Fisherman's Cove" should be a candidate for purchase even if some of the land is upland

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more than 150 feet away from high tide. Another example: tidal wetlands often need to be buffered from upland development, and there may be swatches of wooded upland whose preservation will help water quality in Barnegat Bay.

(2) timing: Some Blue Acres money should be "active." Instead of waiting for storm damage to occur, some aggressive purchase of shoreline before the storm may make sense. (I do not understand the law well enough to address the question whether it is better to buy land before it is storm threatened or wait until a storm lowers its value.)

(3) where on the oceanfront?: We need to assure that Blue Acres money is not spent for land that will soon be underwater or for a million-dollar oceanfront lot with similarly priced lots just north and south. In other words, cheek-by-jowl oceanfront development does not appear to be a prime candidate for Blue Acres purchase. Isolated development whose presence demands herculean public expenditure to protect deserves serious consideration.

(4) access: We would like to see some Blue Acres money spent to purchase access from public roads to tidal water for beachers, swimmers, hikers, and anglers. In Monmouth County, for example, anglers find it more and more difficult to get to beaches to surf fish. Blue Acres beach paths would help.

(5) post-storm; We agree that a large share of the Blue Acres money should be ready for selective, strategic purchase of damaged or environmenatally sensitive lands. We have a further suggestion of a method of augmenting

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such funds: establish a set aside -- a certain percentage -- of all shore protection/beach replenishment money for land aquisition. For example, if the Mommouth County beach project, now underway to the tune of some \$3 billion, were to have had a 20% set aside, there would be \$600 million for ocean open space purchase; Ocean City's three recent beach pumps would have spun off about \$10 million.

(6) coordination: We urge you to make sure that your work is coordinated with NJ's new shore strategies planning. Rutgers is doing the work for NJDEP, and Norbert Psuty heads up the study. His phone number is: (908) 932-6555, extension 506. Or you can call Susane Pata at extension 501, and she'll mail you a raft of stuff.

The Commission has introduced an extremely worthwhile Blue Acres proposal. We support its principles and look forward to working on the details.

end



NEW JERSEY MARINE SCIENCES CONSORTIUM

Reply to SANDY HOOK

TESTIMONY PRESENTED TO THE NEW JERSEY STATE BEACH EROSION COMMISSION.

August 2, 1994

by George D. Klein,
President, New Jersey Marine Sciences Consortium.

Mr. Chairman, and Gentlemen of the New Jersey State Beach Erosion Commission. My name is George D. Klein and currently I serve as President of the New Jersey Marine Sciences Consortium. It is a distinct pleasure to appear before you a second time to discuss issues of concern to the New Jersey State Beach Erosion Commission.

With respect to the BLUE ACRES BOND FUND issue, I wish to confine my testimony to very few remarks. FIRST, the concept of such a program is an excellent one and if approved, is likely to be successful. It will solve many of the contentious issues that have surrounded beach erosion.

SECOND, I strongly endorse the proposal that the Blue Acres Bond Fund be used to restore property to its pre-development condition. I do so because of the likelihood that undamaged property which is located adjacent to damaged property may become more vulnerable in subsequent storms if land purchased with Blue Acres Funds is left unattended. In one case known to me at Gleneden Beach, Oregon, storm damage destroyed a house along that beach, but spared the neighboring house. The owner of the undamaged house immediately purchased and installed a riprap retaining wall to protect his property from the next storm. When that storm came, the owner's wishes were fulfilled, but the property next to his was eroded severely because the retaining wall focused wave energy onto it, increasing its erodability! Thus my recommendation to you as a commission is to provide funds for ways and means to preserve any property acquired from a Blue Acres fund with minimum risk to adjacent property owners and avoid the type of cascading erosion that was observed at Gleneden Beach, Oregon.

THIRD, it is this crucial to the success of this program, as part of the strategy given in the paragraph above that so-called "non-significant" open lots be purchased as a natural buffer where pertinent.

Thank you for the opportunity to appear before this commission. I'd be pleased to answer questions now, or if you wish, later via telephone contact (908/872-1300, Intercom #21).

MEMORANDUM

TO: Honorable David W. Wolfe
District 10

FROM: George J. LeBlanc
Associate Fiscal Analyst

DATE: July 13, 1994

SUBJECT: BLUE ACRES: A CONCEPTUAL OUTLINE

On June 7, 1994, I and my colleague Mr. Jeffrey Climpson met with Kevin Frechette and Thea Sheridan of the Assembly Majority staff to discuss a possible conceptual framework for a "Blue Acres" program. The following is a brief outline of certain major elements that you may wish to consider for inclusion in such a program.

First, as set forth in the May press conference at which the State Beach Erosion Commission report was unveiled, a Blue Acres program could be part of an overall Green Acres Bond Act to be voted on in the November election in 1995. I believe that the initial statement to the press at that time suggested a \$50 million bond authorization for the program. I urge you to contact Thea Sheridan in the Assembly Majority Office for further details on the legislative strategy (i.e., whether and at what funding level Blue Acres will be incorporated in a Green Acres Bond referendum).

Applying the broad goals of the Blue Acres concept, which calls for the purchase of environmentally significant and storm damaged lands in the coastal area, we arrived at the following suggested program elements:

Key Details

- Bond monies could be used for up to 50% grant/50% loan or 75% grant/25% loan funding of purchases of lands meeting program criteria. The higher grant ratio would only be provided for the purchase of environmentally significant lands and buffer areas around such areas. The 50/50 grant/loan ratio is identical to Urban Aid municipalities' eligibility under the current Green Acres

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program. For other than Urban Aid purchases, Green Acres presently provides a 25% grant/75% loan ratio for the purchase of environmentally significant lands, and a 100% loan for all other acquisition and development projects.

- The State would provide the grant/loan monies to eligible municipalities, which would in turn make the actual land purchase and assume ownership of the land. Monies in the Blue Acres fund could only be used for acquisition of lands (not development), and would only be disbursed upon application submission by a municipality and approval by the DEP. The municipality would remain eligible to compete for regular Green Acres monies (e.g., for recreational development at a later date).

Blue Acres funds could be used for two types of purchases:

- Buyouts of property damaged as a result of a storm;
- Planned buying of open lots (to preserve open space or avoid future flooding of developed land) or environmentally significant lands or buffer areas;

Each category of purchase would receive half (or \$25 million) of the \$50 million designated for Blue Acres.

Buyouts

Upon application by the municipality, after obtaining consent of the property owner, the State could provide funds for the purchase of lands upon which property has been damaged beyond a certain threshold level. Funds could also be provided for the purpose of restoring property to its pre-development condition (i.e., remove debris, remaining structure and foundation, etc.). *Some determination of what "storm damaged" means will need to be made before any legislation is introduced.*

Lands eligible for purchase would be limited to the four coastal counties (Monmouth, Ocean, Atlantic and Cape May), and would have to be located within 150 feet of the mean high water line, beach or dune, whichever is most landward. The 150 foot zone is consistent with the recent CAFRA amendments (P.L. 1993, c.190) which imposed greater restrictions on developments close to the oceanfront. In addition, only lands, whether or not located within the 150 foot zone, located on a barrier island in those counties would also be eligible for purchase as a result of storm damage.

Unlike Green Acres purchases, which require approval by law, storm buyouts would receive a special expedited review process and be subject only to the approval of the Joint Budget Oversight Committee (JBOC). This would ensure rapid State response to accommodate the public need for fast financial assistance from the State following a major storm event.

Planned Buying

This element of the Blue Acres program would involve the designation of environmentally significant areas by the DEP. Also, planned buying could be employed for the purchase of non-significant open lots to be preserved as open space. *For the purposes of drafting legislation, a definition of environmentally significant land would need to be developed, as well as a process by which the DEP can rank these lands for purchase desirability.*

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Lands eligible for purchase would include the same four counties as listed in the buyout plan, above. For the purposes of consistency, you may wish to consider designating the "coastal area," as defined pursuant to section 4 of P.L. 1973, c.185 (C.13:19-4), as the area within which planned buying could take place.

Upon consent of the property owner, municipalities would apply to the DEP for funding to purchase lands falling within the designated areas. These lands would then be ranked for funding eligibility according to a priority ranking system developed by the DEP. Current criteria for such purchases under the Green Acres program include size of land area, contiguity to other environmentally sensitive land or open space, and environmental significance (e.g., wetland buffer area, endangered species' habitat). Such criteria could be included in a Blue Acres program as well. Any funding provided pursuant to this component of the program would have to be approved by law (same as Green Acres).

You may wish to consider authorizing the State to provide funds to locals on a 75% grant/25% loan basis where environmentally significant lands or buffer areas are involved. This would create a greater incentive for municipalities to purchase lands that might otherwise be developed, thus encouraging the preservation of open space.

I hope that this outline of the features of a Blue Acres program has been helpful. If you have any questions or require additional information, please contact me.

GJL

c. K. Frechette
T. Sheridan