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Papers Relating to the Improvement of the New Jersey Sea Coast

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From the Records of the
Board of Managers of
the Geological Survey

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Papers Relating to the Improvement of the New Jersey Seacoast.

Lewis M Haupt

From the Records of the Board of Managers of the Geological Survey.

At a meeting of the Board of Managers of the Geological Survey of New Jersey, on May 2d, 1905, it was voted to employ a competent hydraulic engineer "to examine and report upon some one or more of the important inlets, and submit in connection therewith a general discussion of the subject of the causes and effects governing the changes along the shore, with a view to a better understanding of the methods of protecting property and preserving the best interests of the State in these valuable islands and beaches."

In accordance with this action, Mr. Lewis M. Haupt prepared a report, which was printed in the Annual Report of the State Geologist for 1905.

At a special meeting of the Board of Managers, January 23d, 1906, called to consider this report, the following resolutions were passed, and Messrs. A. A. Woodhull, P. Kennedy Reeves and Joseph L. Munn were named the committee therein required.

WHEREAS, Engineering work of any description upon the coast of New Jersey, as a part of that of the United States, looking to its improvement for purposes of navigation, is now prohibited by law (act of Congress, March 3d, 1899, Sec. 10), "unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to the beginning of the same"; and

WHEREAS, Not only on said coast are there no great harbors suitable for extensive maritime commerce, but the estimates already made by the War Department are so far in excess of any available or prospective revenue that there is no likelihood that

the minor inlets and harbors of this coast can be acted on within a reasonable period, if at all; and

WHEREAS, The government has, after examination, condemned all the important inlets of the New Jersey coast as unworthy of improvement by national funds; and

WHEREAS, The coastwise commerce of the State is falling into decay, harbors of refuge for small but valuable sea-going craft are becoming unavailable, and bodies of salt water suitable and profitable for the commercial cultivation of shell-fish are liable to be destroyed; and

WHEREAS, Under existing conditions neither private citizens, public corporations, nor the State itself may undertake any work looking to the restoration or the improvement of such natural advantages as formerly existed;

Therefore be it Resolved, That the Board of Managers of the Geological Survey urgently recommends the Governor and the State Legislature to request Congress to confer upon the State the authority to undertake such work, and that the Board also carefully represents to the Senators and the Representatives of New Jersey the importance and desirability of such transfer of authority, this with the specific object of attempting to improve the entrance and waterway of Absecon Inlet, and, if successful there, of also improving other inlets on the seaboard of the State.

Resolved, That a committee of three be appointed to lay this subject personally before the Legislature and before the Governor, and by memorial before the Senators and the Representatives of New Jersey in Congress.

In accordance with the above resolutions the committee addressed the following letter to each of the Senators and Representatives in Congress from New Jersey:

COPY OF A LETTER SENT TO SENATORS AND REPRESENTATIVES IN CONGRESS FROM NEW JERSEY.

SIR—At a special meeting of this Board, convened to consider the subject, the inclosed resolutions, to which your careful attention is respectfully invited, were unanimously adopted and the undersigned were appointed the committee therein required.

The importance of saving the New Jersey littoral from the action of the ocean should require no formal argument. Beyond the security of the beaches, which are rapidly becoming health resorts and pleasure grounds along their whole length, and the condition of the cultivation-beds for crabs and oysters, of which

the Shark River estuary is a notable example, the state of the inlets is one of more than local concern. It is well recognized that the most, if not all, of these at some time or the other have changed in situation, that their bars are constantly shifting in position and in depth, that light-houses have been destroyed, and, worst of all, that existing harbors, where moderate coasters might find refuge in stress of weather, have in certain cases become unavailable from the action of the currents and the sand they carry and deposit.

The National Government is no longer improving this coast, for two reasons: (1) Because there is no harbor upon it of national importance, which may be accepted in the sense that there is only one port of entry (Tuckerton) and there is no great shipping emporium. (2) That to restrain the sea at the various inlets is probably beyond the power of engineering science, and certainly could be attained only at an expense not commensurate with the presumed advantage. With this second objection we are not entirely in accord.

The report made January 4th, 1901, by the Committee on Rivers and Harbors sets forth that at that time the estimates of the War Department for such work approximated \$300,000,000, and that many of the results to be obtained are neither economical nor desirable, and further, that "it is evident that the prosecution of many of these improvements must be postponed for a long time or they must be rejected altogether." Practically the coast of New Jersey is a part of the territory thus indefinitely relinquished.

Under these circumstances the State now asks that she be allowed to co-operate with the general government and to conduct at her own cost and according to her own plans experimental work looking to the possible improvement of the situation.

This Board, much interested in developing the economic resources of the State, has caused to be made a careful survey of the Atlantic seaboard, and this has demonstrated the general facts set forth in the accompanying resolutions, and especially shows the state of Absecon Inlet, at the northern limit of Atlantic City. It appears that formerly local shipping conveyed there brick, lumber and other bulky material to an inner basin. But that trade has greatly fallen off, owing to the state of the water-way, notwithstanding the phenomenal growth of the town itself. In 1886 there were eleven (11) feet at high water; in 1898 there were but seven (7) feet and a very narrow channel. In the ten years before 1898 shipping had fallen off one-half on account of the shoaling of the bar, and in that year more than twenty-five (25) vessels had been sent away because of their draft. In 1897

300,000 tons of shipping were received, but in 1898 only 150,000 tons, due to difficulty of navigation. In the same year 12,000,000 brick received there gave much trouble because of arriving in vessels of six or seven feet draft. The latest map of this survey, the edition of 1902, although reporting data from earlier years, shows at points but two (2) feet at low water on the bar.

This Board is satisfied, from evidence before it of the action of jetties of a special type constructed under similar conditions, that it is highly probable that the scouring instead of the depositing effect of the tide may be utilized and an adequate channel may be opened and maintained near Atlantic City. All that it requests is authority for the State to make this effort. Should it fail, nothing worse than now exists will happen. If it succeeds, the way will be open for similar work elsewhere, treating each situation as an independent problem.

The Board, through its committee, respectfully urges that such authority may be given without unnecessary delay, and it confidently looks forward to the time when under this authority harbors of refuge may be re-established and the maritime interests of the New Jersey seaboard be fostered and advanced.

It is to be distinctly understood and provided that this in no respect touches or concerns the waters of the Delaware Bay or Delaware River, or the bays or water-ways connected with the harbors of New York.

Your active agency in obtaining favorable action in this matter is earnestly solicited.

Very respectfully,

Signed,

ALFRED A. WOODHULL,
P. KENNEDY REEVES,
JOSEPH L. MUNN.

The committee also prepared for presentation in the Legislature the following joint resolution (Assembly Joint Resolution No. 3), which was adopted without opposition, and filed by the Governor with the Secretary of State:

JOINT RESOLUTION requesting authority from Congress to improve the inlets of the New Jersey coast, and providing for the appointment of a special joint committee.

In view of the refusal and omission of the general government to undertake any harbor improvement upon the Atlantic coast of this State, on the grounds, first, that there is no harbor of sufficient importance to warrant the expenditure of national funds, and, secondly, that such inlets as do exist are quite irreclaimable from the action of the sea,

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey:

1. That this State requests authority from the Congress to undertake by its own agencies and at its own cost the improvement of its Atlantic inlets, with the object of preserving the shell-fish industry of certain land-locked bays, of rendering available one or more harbors as a refuge for minor coastwise shipping, and of fostering a local commerce which is now diminishing under the influence of controllable littoral changes.

2. That a special joint committee be appointed of two members from the Senate and three members from the General Assembly, by the presiding officers thereof, to press this subject upon the attention of the Congress.

The resolutions of the Board of Managers were also forwarded to the chairman of the Committee on Rivers and Harbors, with a letter, of which the following is a copy:

TRENTON, N. J.,, 190...

To the Chairman,

The Committee on Rivers and Harbors,

U. S. House of Representatives, Washington, D. C.:

SIR—The Board of Managers of the Geological Survey of the State of New Jersey, mindful of the condition of the seaboard of the State, caused an examination of its Atlantic coast to be made by a competent hydraulic engineer during the last summer. The substance of that survey, as an extract from the Annual Report of the State Geologist for 1905, is transmitted herewith. The Board considered the engineer's report at a special meeting held for the purpose, and its conclusions were embodied in resolutions, unanimously adopted, of which a copy is inclosed. The committee of the Board of Managers thereby constituted invites the attention of the Committee on Rivers and Harbors, first, to what it believes is the state of the case, and, secondly, to a proposal for the alleviation of the situation.

First. The United States, for reasons satisfactory to the Congress, has practically ceased all engineering work on the seaboard between Sandy Hook and Cape May, and there is no prospect of resumption at all soon, if ever. Nevertheless, the coast is undergoing constant deterioration, to the loss of local owners and the derangement of private and public boundaries; shoals continue to form off-shore, so that the nominally fair sea-way grows more dangerous and the risks to life and property constantly increase; openings in the sandy barriers that protect the salt-water bays, channels to harbors of refuge and exits for local shipping are

diminishing in capacity, and the coasting trade of the State is losing its volume, notwithstanding a steady growth in population. A part of these evils may be irremediable, but a part we believe may be cured or avoided.

The low barricade of sand that lies before the true shore for nearly its whole distance is pierced in various places by the outlets of fresh-water streams making their way to the sea. These outlets, inappropriately, but universally, known as inlets, when of sufficient depth afford access from the ocean to the still water of the bays, and through them, when they are properly conserved, coasters may reach harbors of refuge from storms, and local trade is fostered. From geographical necessity there must always be some way for the streams of the mainland to reach the sea, but neglected, these channels grow shoal, sometimes they choke up and fresh passages are torn out, now destroying landmarks and creating new and uncertain routes, and now changing the single way into a delta which allows the water to escape but yields no adequate passage for shipping. Without going into further details, we may urge that nearly all the evils which the Rivers and Harbors Committee must have studied are found on the New Jersey coast, and, if not grave enough to be of national importance, they very seriously affect the welfare of our State and the prosperity of a considerable body of our citizens, as well as incidentally interfering with the safety of passing commerce on the high seas.

Secondly.—We realize that the general government, weighing our needs against those which press upon other marine communities, is unable to give us relief within a reasonable period. We therefore ask permission to help ourselves and in our own way, within the marine league that always falls under the jurisdiction of the State, but over which the Federal Government has assumed a scientific supervision. We respectfully but explicitly maintain that it is inequitable for the government to insist that the conditions are of such minor importance as not to allow the application of federal funds, to say that in their very nature they cannot affect general commerce, and therefore are not of serious consequence, and at the same time to deny to the State the privilege, to say nothing of the right, to deal in its own way with what has already been designated its own concerns. At the very beginning we disclaim any desire to operate in the waters of Delaware Bay or the Delaware River, or to influence in the least the harbor of New York or the currents that enter it. We only ask such remission of supervision as will allow us to mend our seacoast out of range of those thoroughfares.

Our studies, both negative and positive, lead us to believe that this can be done. We have no universal plan by which to treat all the serious evils that affect our coast, nor do we wish to treat any two places in precisely the same way. Every locality presents its own problem, but we believe the underlying principle involved in detached reaction jetties to be generally applicable where the bars are becoming shoaler. It is, however, not so much what to do as authority to do something that engages us. As the government has relinquished work, we now beg that it may yield supervision. As nothing has been accomplished on our coast and nothing seems likely to be done, our own operations certainly can make matters no worse than they are now; whereas, if we deepen and make permanent but one channel, and make accessible but one harbor of refuge, in place of none, we shall be justified. We therefore respectfully ask that the law referring to rivers and harbors may be amended substantially as follows:

Provided, That, until otherwise enacted, the authorities of the State of New Jersey are authorized to carry on, at their own expense and according to their own plans, such necessary work looking to the care of the Atlantic coast as lies between the latitudes $38^{\circ} 56'$ and $40^{\circ} 20' N.$, and to relief of its harbors and the improvement of its inlets within the same limits, as they may be willing to undertake.

Should the Congressional committee desire further explanation or discussion on this subject, this committee of the Board would be pleased to present additional information or argument.

Very respectfully,

ALFRED A. WOODHULL,

P. KENNEDY REEVES,

JOSEPH L. MUNN,

Committee, Board of Managers.

A hearing before the Rivers and Harbors Committee of the House of Representatives having been arranged by Senator Dryden, the Board of Managers, through its committee, on April 30th submitted the following brief:

BRIEF IN THE MATTER OF THE CARE AND IMPROVEMENT OF THE NEW JERSEY COAST.

Existing statutes.

The general government maintains paramount jurisdiction over all waters upon which, or in connection with other waters, commerce may be carried on with other States. It permits navigable rivers to be improved by individuals or municipalities only when the plan conforms with the general plan of the government improvements, when the plan and specifications are approved by the Secretary of War and the Chief of Engineers, and under the proviso that such improvement shall at all times be under the control and supervision of the authorities just named.

Further, it is unlawful (Act 3, Mar., 1899, Sec. 10) to attempt to build any bulkhead, jetty or other structure in any haven, roadstead, harbor "or other water of the United States," or to excavate or fill, or in any way alter or modify the condition or capacity of any haven, roadstead, or the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

There are no "rivers" in the commercial sense on the New Jersey coast, but your memorialists waive all technical points and are willing to construe the law as though it read "navigable waters," again extending "navigable" to its widest terms.

Request.

The request is to modify the general law sufficiently to allow the State, directly or through a commission, to be responsible for the improvement of its seacoast without requiring previous recommendation or approval by the federal authorities, provided that whenever the general government may have made appropriation for similar work it shall take precedence.

General situation.

It has been estimated that more wrecks occur between Sandy Hook and Cape May than along any equal length of American coast. These shoal waters are particularly dangerous to vessels driven in shore, because there is no accessible harbor of refuge their entire length. The sandy beaches that lie from one to seven miles in front of the main shore, are pierced at irregular intervals with

openings from the bays of mingled fresh and salt water lying behind them. When recognized as inlets, they give small craft admission to those safe waters and afford channels for local trade, especially in shell fish. Besides the outer bars and shoals that lie at a distance, all of these passages are obstructed by local bars and, due to the bars and the currents, the channels are constantly changing both in position and in depth. Because no great harbor nor deep river is involved, the government for many years has passed by this coast in favor of situations where the direct calls of general commerce are more pressing.

Special situations.

As a consequence of these conditions the beaches make and waste, natural and artificial boundaries are destroyed, light-houses (Barnegat, Absecon, Hereford) are ruined or endangered, and even in comparatively stable inlets the channels become more and more tortuous and the local bars less and less navigable.

Shark River.

As illustrations: (1) Shark River, between Avon and Belmar, in Monmouth County. This small inland stream forms a broad shallow bay, famed for its crabs, clams and oysters, whose value has been practically destroyed several times by the inlet becoming blocked. (2) Little Egg Harbor, in Ocean County. In 1803 vessels drawing fifteen to eighteen feet could enter and lie here. Brigantine and New Inlets, leading to it, have both opened and closed at different times, the bordering beaches have changed in outline, the depth of water has varied, and for the last thirty years this route to the custom house at Tuckerton lying upon it has been shoaling. (3) Absecon Inlet, Atlantic County. The water of this Inlet, that on the offshore bar, the depth on the inner bar, the course of the channel, the amount of the erosion and of new land made, are all incessantly changing. Absecon Inlet is the water-way to the popular and populous Atlantic City, and as such is of actual and potential value as a port for local commerce. These are individual illustrations from many that might be cited. Manifestly, if Shark River estuary can always be maintained at a normal stage for shell-fish, if New Inlet can be kept open for coasters and some deep sea craft running before storms, if the bulky freight of Atlantic City may safely be brought to it by water—these are instances, not the sum total—the State is certainly justified in seeking such improvement.

Little Egg Harbor.

Absecon Inlet.

Desirability improvements.

Causes of change.

These continuous, although varying, changes of beach and channel depend upon the currents and the tides, the force and direction of the winds and the waves, the composition and contour of the shore, the size and shape of the inner bays, the volume of drainage from the land, and especially the rate and direction of the shore currents, which themselves may be modified by permanent headlands or by accidental obstacles, as wrecks or bulkheads. Each situation presents its particular problem, under comparatively stable general rules. Speaking generally, the channel is formed by the scour of the ebb; the shoaling of the basin is due to the sand that is borne in by the flood, and to the silt, brought down from the main land, being insufficiently removed by the ebb; the bar is the deposit of this suspended matter at the mouth of the channel, and all these factors are materially modified by the currents that flow approximately parallel to the coast. As a matter of fact, at a point not far from Bay Head, in the northern part of Ocean County, the shore currents alter the direction of their drift, those north of it tending north and those south of it south. Beaches waste mainly under the action of breakers at the flood. The waves that have an angular progress drive the sand diagonally until it is carried through an inlet and falls in the still water of the bay, where it makes a deposit that creates islands and subdivides the channel. The outflow is thus checked and the outer bar determined. Now, it is more important to control the movement of this drift than by double jetties to concentrate the ebb on the outer bar. This is because the sand, deposited through its greater specific gravity, crowds the water against the lee shore of the existing passage until the channel becomes insufficient for its escape, so that it breaches anew the barrier beach.

Channel.

Shoals.

Bar.

Currents.

Sand drift.

Flow to and from inner bays.

Not to go into technical details, it is important for the unbroken flood to reach the inner bays, and for the ebb to retain sufficient volume to maintain a channel of the largest capacity in the best position. Ordinarily this would result in a trumpet-shaped mouth. Hence the channel should be protected across the bar from the encroaching sand, it should admit the full volume of the flood, and should require the ebb to cut through a limited section of the bar, eroding the most where there would be the least material to be displaced.

It would be inappropriate to open here a discussion of hydraulic engineering, even did your memorialists feel prepared therefor. We merely represent that, for the preservation of these minor channels, for the creation of an occasional harbor of refuge, and incidentally for the protection of eroding beaches, there are comparatively simple methods which are acceptable in theory and have approved themselves in practice.

The fundamental principle governing the whole, but differentiated in each instance according to circumstances, is a single, detached, curved, reaction jetty. It is of common observation that the deeper channel in a stream is under the concave bank. The change in direction leads to a downward cross-current which scours the bottom and carries the solids farther down on the opposite side. Now the angle at which the artificial obstacle meets the reflux tide materially influences the work accomplished. The dike should be detached from the shore, so as not to interfere with the contour of the beaches, and to admit freely the ingress of the tide in order to maintain the full volume of the ebb.

We are constrained to add that we cannot learn that the Engineer Bureau or its Boards have ever employed or suggested this method of dealing with the New Jersey problem, but have practically confined themselves to plans for parallel or gradually converging jetties or piers, which are costly in construction and whose effect is simply to transport seaward so much of the bar as is rolled forward by the ebb. But the relative value of the respective types is for determination by the responsible engineers. We are not concerned with the technical argument as to the best form of relief in all cases, or indeed in any case. We merely represent that there are other methods than those which the military engineers have employed within our waters, and we ask as a matter of common right that the State be authorized to reclaim its coast in its own way, should it be so disposed. It may be urged that the general rule of Federal control requires all engineering schemes which affect navigation to be subject to its supervision. We reply that no general rule is superior to the object to be attained, which in this instance is the public welfare; and that so-called exceptions are expressly made to furnish a rule for individual cases. It is no true argument to say that a particular proposition violates the rule, unless it can be

Reaction jetty.

Double jetties.

Force or value of rules.

shown that it is also detrimental to the underlying principle for which the rule was established. If the needs of commerce would be better subserved by closing rather than opening all the inlets, then it would be logical to close them. But no one maintains such a scheme. Nevertheless, the forces of nature, in the absence of artificial restraint, are causing that very condition. We lay stress upon the fact that federal help has been denied to the New Jersey coast for so long a time as to mean virtual abandonment. The implied, and indeed sometimes the expressed, reason is that, as the absence of great harbors and navigable rivers deprives that part of the State of foreign commerce, it is not equitable to expend upon it Federal resources urgently required elsewhere. But with this omission has been coupled the injunction, in fact the requirement, that the State shall not help itself unless its mode of procedure is approved by a central extrinsic authority.

Abandonment of work, but retention of control.

If nothing for the Government to do, then the State should be free to act.

We respectfully maintain (1) that when the United States implies that there is nothing to improve, that is that the situation is negligible so far as the general government is concerned, then the government is in equity estopped from controlling such operations as the State may undertake, so long as these do not interfere with other channels through which commerce may be conducted; and (2) if by the exercise of its superior force it may thus interfere, it would be the better policy in this particular case to waive that power. We place the argument for the two points together.

There being no commerce, the State's action would affect only its own citizens.

No antagonism.

Admitting that the State has no foreign commerce, and that it is physically impossible for such to be created, any operations that it may undertake will affect only its own citizens and their resources. But merely because the scene of such operations happens to lie upon the sea-coast (as long as they do not interfere with commerce) is no reason why they should concern the general government any more than would the opening of a mine, the preservation of a forest, or the control of an interior water-shed. The State has undisputed jurisdiction over the marine league lying beyond its coast line, the matter of commerce alone excepted. But by confession there neither is nor can be commerce. The United States logically abdicates control when it repudiates the only foundation upon which it could rest. There is, however, no antagonism on the part of the State. The moment

the government makes its own plans and appropriates funds to carry them out, the State yields place. It only asks that its own jurisdiction may be respected, quite willing to admit a concurrent jurisdiction whenever the superior partner is prepared to co-operate. It is further specifically provided, by drawing distinct geographical lines, that the great water-ways which touch the boundaries of our State are completely excluded from this proposition. But even should the Congress be unwilling to admit this contention, which is made in absolute good faith, and is believed to be logically sound, it is further contended that it would be good policy to transfer to the commonwealth complete supervision of the specified coast-line with the proviso of resuming it later when willing to assume such work itself.

Control resumed when Government willing to act.

Great water-ways excluded.

The approval of the War Department now required is based upon the recommendations of the Chief of the Corps of Engineers. But the Corps of Engineers is primarily and essentially a military body, trained at the Military Academy, designed for military work. Fortifications, reconnaissance, exploration are its proper provinces. The care of rivers and harbors has been added to it as a purely extraneous matter, and the officers assigned to that duty are at any time liable to be transferred to a more appropriate and perhaps a more congenial sphere. Now, without in any respect detracting from the high professional merit of these officers, it is suggested that it is impolitic to require such hydraulic engineers in civil life as may be called into the service of the State of New Jersey to submit their projects and perhaps their specifications to oversight, and if to oversight then by implication to amendment or modification, by a bureau to which they do not owe allegiance. Any competent legal commission charged with the revision of a State code would certainly feel aggrieved, and would probably decline to act, if its work before being accepted were required to be approved by the Federal judiciary. Is it unreasonable that, as a matter of dignity and self-respect a first-class hydraulic engineer should decline to submit his plans to a military bureau? This would be no question of conformity to a general plan, for in the nature of this case there can be no common or general plan. If, on the other hand, such approval is a mere matter of form, then it is a childish fiction unworthy to be required by the Congress or to be followed by the War Department through its Secretary or its military chiefs.

Functions of the Corps of Engineers.

Impolitic to require supervision of hydraulic by military engineers.

It is proper, in conclusion, to explain that in presenting this matter the Board of Managers of the Geological Survey of New Jersey is acting for itself and not for the State. The Geological Survey is charged with the exploitation of the natural possessions of the State, especially with the development of its mineral resources and the demonstration of its topography. Growing out of this came operations in forestry which have resulted in a Forestry Commission and in the creation of a Forest Reserve. It was required to consider the water-shed and drainage basin of the important Passaic Valley, of vital concern to the great towns near Newark Bay. It had common knowledge of the unfortunate state of its seaboard, and it arranged for a general reconnaissance by a competent hydraulic engineer. It is after a study of this engineer's report that the resolutions which accompany this representation were adopted, and from it the facts and conclusions herein embodied are in great part drawn. It is known to this committee that the Legislature by joint resolution expressed itself in similar terms, but it is no part of our duty to present its plea. Neither the Board nor the State, by what has been done, is committed to any action. This is not a pledge of activity, but a request for emancipation. There is no desire to oust the general government from any legitimate function it may hold, nor, especially, to supersede it in any work that it may be willing to undertake. But this committee, as representing the Board, does earnestly beg the passage of such a measure as will open the way for the State, through a commission or otherwise, to preserve from further damage, and if possible to revive and renew the maritime advantages that New Jersey naturally possesses.

ALFRED A. WOODHULL,
P. KENNEDY REEVES,
JOSEPH L. MUNN,
Committee of the Board of Managers.

The following draft of a bill, embodying the views of the committee, was submitted to Senator Dryden for introduction, if it met his approval:

A BILL to improve the channels along the New Jersey seacoast.

That authority be given to the State of New Jersey, or, through it, to any commission, individual, corporation or municipality, singly or collectively, designated by the Legislature of said State, or by a commission appointed or authorized by said Legislature, to improve the channels on the New Jersey seacoast, or any portion of said coast, or the waters adjacent thereto, lying between $38^{\circ} 56'$ and $40^{\circ} 20'$ N. Lat., by dredging or by the construction of piers, jetties, or breakwaters, or other river and harbor work of any description or nature adapted to attain the ends now pursued by the United States Government for the advantage of said coast or the relief of commerce;

Provided, That such operations shall not encroach upon those portions of said coast, or the channels adjacent thereto, for which the United States Government shall have made appropriations to carry on similar work according to its own plans;

Provided further, That no tolls or other charges upon commerce shall be imposed by those making such improvements.

Later, at a conference between the Legislative Committee, of which Senator Cresse, of Cape May county, was chairman, and Chairman Burton, of the River and Harbor Committee, this draft was modified by the insertion of the following proviso:

“And provided, That the plans for said work shall be placed on file with the Chief of Engineers of the War Department for thirty days, during which time he is authorized to disapprove said plans and forbid such work if, in his judgment, the improvements, when completed, will interfere with navigation or with any works of the United States Government commenced or proposed to be made.”

In its amended form the bill (Senate 6167) was introduced by Senator Dryden on May 15th, and is now before Congress.

On May 31st it was reported back from the Committee on Commerce with the following amendments:

“And provided further, That this act shall not be construed as affecting in any way the jurisdiction and control of the Federal

Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.”

“Sec. 2. That the right to alter, amend or repeal this act is hereby expressly reserved.”