
Commission Meeting

of

STATE BEACH EROSION COMMISSION

“Testimony on the update on the status of Federal shore protection projects in Monmouth and Ocean counties; mud dumping off Sandy Hook; offshore oil and natural gas drilling; Clean Beaches Council’s ‘Blue Wave Campaign’”

LOCATION: Manasquan Borough Hall
Manasquan, New Jersey

DATE: July 2, 2001
10:30 a.m.

MEMBERS OF COMMISSION PRESENT:

Senator James S. Cafiero, Chairman
Senator John O. Bennett
Senator Joseph A. Palaia
Assemblyman John C. Gibson
Assemblyman Reed Gusciora
Ronald E. Hoffman
Stephen Kempf Jr.
Martin L. Pagliughi II



ALSO PRESENT:

Carrie Anne Calvo-Hahn
Office of Legislative Services
Commission Aide

Thea M. Sheridan
Assembly Majority
Commission Aide

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

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SENATOR JAMES S. CAFIERO (Chairman): Okay, boys and girls. Everyone seems to be present and accounted for, so we can begin the meeting.

I'd just like to ask all of you-- This is being transcribed, so anyone who is going to be called upon to speak, or volunteers to speak, please come forward and speak to the mikes.

I just want to make one announcement before we start. At the last meeting we had several weeks ago, one of the big areas of concern was the plan of the Federal government to switch that funding source from 65-35 and reverse it. I guess most of you all know by now that we're pleased to announce that through the efforts of all the municipalities that took -- passed resolutions and what we did in the Legislature, and with the spearheading of our Congressman down in the 1st District -- 2nd District, rather -- we were able to switch that. And the vote was taken the other day -- overwhelmingly defeated any thoughts the government may have had to switch that burden of 65 percent and putting it on the municipalities in the state. So the formula is going to stay intact where it was: 65 from the Federal government and 35 percent to us.

So at least those plans that were in progress and on the drawing board will remain if they were predicated upon that funding. So that's a nice thing to announce.

We're grateful to everybody that participated in supporting that effort, in particular, our Congressman, Frank LoBiondo, who spearheaded it.

So, having said that, let the games begin.

We'll start first-- We have four topics, as you probably know from the agenda. We're going to have an update on the status of the Federal shore protection projects in Monmouth and Ocean County.

Bernie Moore and Anthony, do you want to come forward together?
(affirmative response)

Anthony is from the Army Corps, and Bernie is from the DEP.

My friends, you're on.

B E R N A R D J. M O O R E: (witness begins slide presentation) I'll just start off by saying my favorite overhead is the New Jersey and Shore Protection: Perfect Together, because it is.

SENATOR CAFIERO: You've got to say perfect. (indicating pronunciation)

MR. MOORE: I don't have the accent.

But the program that we have for the Jersey shoreline is the most effective that we have in the country. And I think the funding that we have received over the past seven or eight years can prove that out.

This morning I would like to just touch on the projects that we are looking at in Monmouth and Ocean County. As you can see, when we talk about the Raritan Bay area, we have everything from Middlesex County on over into Monmouth. A number of studies along the Raritan Bay area -- most of them include not only shore protection, but also include levies and sluice gates to provide protection during coastal storms from flooding, because many of the areas do not have a beach, per se, but they do have a lot of wetlands and meadow area, which does flood during the time of a coastal storm.

Those projects are moving right along. And the one that's the most advanced is the Port Monmouth project, which we should go to construction sometime during Fiscal 2002. We haven't gotten the project cooperation agreement from the Army Corps at this time, but we are anticipating that shortly.

One other project of note is the one for Keansburg 934. That is a project that we started back in the early '70s, which was authorized at that time. It was completed. And when the Corps got finished with the project, they turned it over to the State in its entirety for 100 percent maintenance. We are trying to go through the back door, so to speak, and trying to justify why the Corps should come back in again and help us with the maintenance of our project. So again, we're looking at starting construction somewhere in 2002.

As for the area from Sea Bright down to Manasquan, Anthony will cover a renourishment project that we are going to undertake right after Labor Day. One area that stands out is what we call Deal Contract No. 3. This goes from Lake Takanassee down to Deal Lake. There are a number of issues that have dogged this project. I think we have most of them under control -- and hopefully that next year -- springtime -- we should be able to get some work going here to provide beachfill and storm protection.

In Ocean County, we just have two major projects. One goes from Manasquan Inlet down to Barnegat Inlet. That is a very long project. It is in the end of the feasibility at this point, and hopefully, we'll go to construction in 2003.

The same thing is true with Long Beach Island -- approximately 25 miles long. We have offshore borrow sites for both of these particular projects. And they should be moving forward.

Let me just call your attention to some of the work we are doing offshore. All of the project sites that we have, of course, have their own individual borrow areas, which can last for 50 years. We are, of course, looking for other projects and sources of sand beyond the three-mile limit out in the Federal waters with the Bureau of Geology from the Department, Mineral Management Association from the Federal government, and ourselves. We are looking at the areas called H, F, and E. This is important to us, because inshore, in the upper parts between Manasquan and Barnegat, there is good sand. There's not a lot of it, though. And we're looking to go further offshore to get better quality sand. This is like the transition area between a Highlands area, where you have some like up in H, where there is good sources of sand. And as we go further south, there are barrier islands, and the quality of sand and the quantity of sand is a little bit different. So we are working at that.

The purpose of the offshore sites, also, is to provide us with a source of material in the event we have a major hurricane or a coastal storm where we need to go out and repair the beaches immediately. We are in the process of trying to get the necessary permits.

And that's all I really have, Commission, for my report. I will now turn it over to Anthony, and he can follow on through, unless there is a question.

SENATOR CAFIERO: Any members of the Commission have questions for Bernie?

MR. HOFFMAN: Can I ask a question, Senator?

SENATOR CAFIERO: Certainly.

MR. HOFFMAN: Bernie, my name is Ron Hoffman. I live in Island Heights, in Ocean County. I'm a Councilman in Island Heights. And we border on the Barnegat Bay, and we border on the Toms River. And within the last five years or so, we had three very significant -- of guarded beaches. And over the last five years, two of the beaches have disappeared, and one is struggling to stay in existence. And I'm just wondering, with the programs -- the funding-- Is there any funding available for bayfront or riverfront municipalities, or is it exclusively oceanfront?

MR. MOORE: Up to this point, we have been exclusively using a stable funding to match the Federal dollars, which is basically the oceanfront. When we got the \$25 million stable funding, we began to fund some -- what we call state-municipal type projects. These were smaller projects, maybe on the bayside. Some of them are in the Delaware River side, where there were small municipalities. We are starting to spread out a little bit more.

With the funding from the Federal government, sometimes it's a little iffy. We don't approve some projects. We kind of hold off until after the first of October so then I know what kind of funds we're getting from the Federal government -- what we can match. And with the ban on new construction starting with the Federal government, we have not-- If we have requested \$7 or \$8 million and only get 2 or 3, I do have some flexibility to move at that point. And that's what we've been doing.

But we will keep you in mind. In fact, if the town can just send me a letter, I will have one of my people go down and take a look at it and do a

little report internally. And we'll take a look at that and put it on our list of projects to get done.

MR. HOFFMAN: Thank you very much.

SENATOR CAFIERO: Senator Bennett.

SENATOR BENNETT: Bernie, with respect to the erosion project that we've done, certainly in the northern part of the county-- We've been very pleased in Monmouth and Sea Bright -- how it's actually held up over the last three winters, I guess, since Sea Bright's come in -- had very little fallback.

But drawing attention specifically to the -- what's referred to as the Deal project-- Obviously, I know a lot of the local problems that have been raised. I guess the question that I just want to ask is they have asked for that sand that comes from -- that's going to be put up on the beaches to come from south of the Shark River, as opposed to the northern part of the Shark River. And from the map, it doesn't look like it's a great distance. And I guess the contract or the availability of funds is about \$5 million. Would it be a substantial difference just to -- without saying anything about where the sand is -- for us to actually take it from where the local people really want it to come from?

MR. MOORE: Well, really, the borrow sites that we used from Asbury Park, south, were-- There was about six borrow sites that we had. Not everything out there is sand. It may look like sand, but it is not. They were very poor quality clam sites. They were-- The sites were used commercially for the clamming industry -- mainly bait clams. So we went in there with the understanding that we would dig them out, almost. We were back in there

doing some studying -- some monitoring to see how the clams come back. But there's really no sites below Asbury Park anymore that are available.

The site for the Deal project was sited as the Sea Bright borrow site. And once we've cleaned out the sites down in Asbury, all renourishment will come from the Sea Bright site. Yes, we are looking at Site H. We've started to take some vibracore borings out there to get a handle as to the type of sand that we have. But we're a long way from actually getting in there to borrow sand. We have, at least, I'll say six years -- at least -- of work to get done before we're going to be in that position to be out there. So, right now, the only site that we have for the Deal area and for the renourishment of everything from Asbury Park down to Manasquan in the future will come from what we call the Sea Bright offshore site.

SENATOR BENNETT: I was very concerned as to the intensity of some of the opposition. I'm concerned that it may undercut the project in other areas of the county. And I just wish we could do an accommodation there. Geographically, I can understand you saying there's not sand there, but it's a big ocean, and it's a lot of space. We ought to be able to find the sand that we need for that tiny little piece of the puzzle.

MR. MOORE: I agree with you, Senator. It is a big ocean. And you have the perception that when you look out, there's nothing but sand from here to England. It's not the real world that I live in. There are pockets of sand up in this northern area. The rest of it is marl, a very hard, hard material, and it's not suitable for putting it on a beach.

SENATOR BENNETT: There's no pockets that are off there south of the Shark River?

MR. MOORE: No, not really. I mean, once we go down-- That's one of our problems. When we do the--

SENATOR BENNETT: Well, that would be too far. I'm talking -- somewhere it would be -- it would have to be in that H.

MR. MOORE: That's correct. And that's the site we are looking at. I mean, we did not discover it. It was discovered by somebody else. And we have kind of jumped in and been out there doing our thing. But prior to that discovery, the sites down in the Belmar area and Asbury Park area -- they were just small pockets. They were small pockets of sand that were available to us and that met our criteria.

I mean, most times when we find good quality sand, you normally find good quality clams. In this particular case, the clams were not very good quality. They were acceptable to be used as bait, but not acceptable to be consumed.

SENATOR BENNETT: So you don't think there's anything in H that would be south of the Shark River that we'd be able to use for that last piece of the puzzle on the county shoreline?

MR. MOORE: Senator, there may be, but I'm a long way from getting all of the research done, the sand analysis, the environmental impact statements that have to be done, the agreements that have to be reached with the Federal agencies. I mean, one of the things that we're going to run into with the Federal agencies, and this all revolves a little bit, but we'd like to have an agreement that will last, let's say, 10 years, 15 years. Right now, they don't give out agreements like that, even in cases where they're working in Florida. It's been for one year or two years at the most.

But when we first started this program, Florida had sites that the Federal agency was charging them a royalty for. That has been changed, and that has revolved. It's loosened up a little bit. And I feel that going down the road again a couple more years, this will also revolve itself. But today, I don't have an answer for you on that.

SENATOR BENNETT: But you said that you think you'll be doing it next spring. Is that when--

MR. MOORE: That's correct.

SENATOR BENNETT: So you're telling me as of now, the only place that will come from is the Sea Bright boring site?

MR. MOORE: That's correct, Senator.

SENATOR BENNETT: Okay. I just, again, will tell you that while we've been very happy in the northern part of the county, I have a tremendous fear that that will potentially undermine our entire program and cause a great deal of concern all over the place if we have to go that route.

MR. MOORE: We have agreed, in principle, to test the sand with the locals. Mayor Franco, from Deal, has written me a letter asking us to participate with him in that testing of sand. That letter's been about two months old.

But in the interim, I have been working with some other agencies to try and find an independent agency, not the Army Corps of Engineers, not the State of New Jersey, but an independent agency that is respected, that can work with the municipalities that they have trusted and at the same time we have trusted to move forward. I think the sand is good. I don't have any problems with--

SENATOR BENNETT: I'm not saying it's not, by the way. I mean, it's the sand that we have, and we're happy with it, but--

MR. MOORE: It's the same sand that we put on the beaches in Long Branch and Monmouth Beach and Sea Bright.

SENATOR BENNETT: Right. That's why I'm concerned.

MR. MOORE: Okay.

SENATOR BENNETT: Okay.

SENATOR CAFIERO: Further questions of Bernie? (no response)
Bernie, thank you kindly, my friend.

MR. MOORE: Thank you, Senator.

SENATOR CAFIERO: Mr. Ciorra.

ANTHONY CIORRA: First off, I'd like to thank the Commission for affording me the opportunity to speak on behalf of the Corps of Engineers here today.

I am the project manager with the Corps of Engineers for the Sea Bright to Manasquan portion of the Sandy Hook to Barnegat Inlet Beach Erosion Control Project. That is 21 miles of shoreline between Sea Bright and Manasquan. Of those 21 miles, 18 miles have received beach replenishment since 1994.

This project is the most ambitious of its kind that the Corps has undertaken. It is the largest in the nation in terms of volume. We consider this project a huge success. This is the first summer since 1994 that there is not an active dredge somewhere along Monmouth County pumping sand on our beaches.

However, I can tell you that this fall, we will be mobilizing and renourishing the beaches in Sea Bright and Monmouth Beach, as well as a small area in Spring Lake that has experienced some accelerated erosion.

I'm happy to report that today, hopefully as we speak, we are formally advertising the construction documents -- the plans and specifications for contract and review. We expect to award the contract in August. And again, sometime after Labor Day -- mid-September time frame -- we expect some action to be on the beach.

The project provides storm damage protection, for those of you who are not familiar with it, for those 21 miles by constructing a 100-foot wide berm, flat portion of beach, at an elevation of approximately 12 feet above mean low water. Many of the areas that have received replenishment on this project had little or no beach in the past. I think many of you are familiar with Monmouth Beach and Sea Bright and the conditions that they were subjected to before the project. Since the project has been completed, there's been no reports of flooding up on Ocean Avenue, Route 35, up there in Sea Bright and Monmouth Beach. And I do know that the locals feel that this project is a huge success, obviously.

The project is a 50-year project -- 50 years from the start of initial construction. And over those 50 years, we are scheduled to return, on average, every sixth year to renourish the beaches. This is actually year seven, but the project has performed so well up to date that we did not require nourishment last year, so we put it off to year seven.

In future cycles, that could change depending on the amount of storm activities that we have. It could be in year five. But again, the project is

not a one-time-only placement of sand. It is designed so that it is replenished over that 50-year time frame, which will run to the year 2044 for the area between Sea Bright and Ocean Township or Loch Arbour, and it will run to the year 2047 from the area between Asbury Park and Manasquan, because that's -- we started construction three years later on the south end.

Our non-Federal sponsor, of course, is the New Jersey Department of Environmental Protection, who is responsible for contributing 35 percent of the project costs and providing all required land easements and rights-of-way -- very supportive partner of ours. And we work very well together with the DEP, as represented by Mr. Moore.

It's also important to note that the project has come in under budget. We initially estimated that the cost of pumping sand on the beaches would be much higher than the actual cost over the last seven years. And of course, that's very pleasing to us, because now it's even a better buy for the American taxpayer.

In addition, the project includes a precedent setting biological monitoring program that's worthy of a project as ambitious as this one. I'm pleased to report that that monitoring program has recently been completed. It was a seven-year study of the impacts of the project on organisms that fish feed on, suspended sediments, finfish, the feeding habits of fish, water quality, grain size, endangered species, and recreational fishing. That was a seven-year program, and we expect -- or we will -- we are scheduled to present the results at a July 19 conference up at the Long Branch Hilton. And I would ask that if anyone is interested in attending, that they contact our project biologist, who has taken the lead on that. And if anyone wants some additional information,

they can come and see me after the meeting. I'd be happy to provide them with details and an invitation.

I can report that before the meeting -- that the results indicate that there are short-term impacts to beach replenishment, with full recovery rates for the small organisms that the fish feed on within three months at the placement site and eight months at offshore borrow areas.

In addition, our new beaches that have been constructed provide suitable nesting habitat for endangered species, specifically piping plover and least terns, which, obviously, in areas such as Monmouth Beach and Sea Bright, where previously there was no beach, now we have a significant beach, and there are reports of numerous nests over the last three or four years since the project has been completed. And we will continue with endangered species monitoring, along with the U.S. Fish and Wildlife Service. We are partnering with them as part of the project throughout the 50-year life.

That concludes my testimony.

SENATOR CAFIERO: Thank you, sir.

Members of the Commission, any questions for Mr. Ciorra?

Assemblyman Gibson.

ASSEMBLYMAN GIBSON: I guess we don't need this. (referring to PA microphone)

Thank you, Chairman.

You came in under budget. Is that because the bids were just lower, or is that because you used less volume for this renourishment cycle?

MR. CIORRA: Actually, both. Most of the projects-- Most of the contracts required less volume than we initially estimated. And a more

contributing fact was that the bids have been significantly lower over the last seven years.

ASSEMBLYMAN GIBSON: Going in the direction of less volume and an extended cycle, seven years instead of six -- less volume -- what do you contribute that to, less ocean currents, or is the quality of sand that you used a higher quality than the minimum specified?

MR. CIORRA: Actually, the sand that's coming up from the Sea Bright borrow area we found being of very high-quality sand for beachfill purposes and that it does stay on the beach longer. And now that we're going to return to Spring Lake using sand from that borrow area, we expect that area that I mentioned to perform much better this time around, because though the sand met the requirements in the south, we found, through our monitoring program -- our engineering monitoring program, that the sand from the north is more ideal -- even more ideal for beach replenishment.

ASSEMBLYMAN GIBSON: And the monitoring takes place, initially, when you decide what borrow pits to use. Do you also monitor the sand -- discharge -- when it's placed on the beach?

MR. CIORRA: Yeah, we have a monitoring program that will go through the life of the project. We take sediment samples, aerial photography. We do beach profiles to see how the beach is performing, measurements on the beach, how wide the beach is -- just offshore -- what the topography is. So, yeah, it's an extensive program where we're tracking the performance.

ASSEMBLYMAN GIBSON: Thank you, Mr. Chairman.

MAYOR PAGLIUGH: I've got a question.

SENATOR CAFIERO: Mayor Pagliughi.

MAYOR PAGLIUGHI: I'm going to step back one step. It can be directed to either Bernie or yourself.

Wasn't there some-- If, in fact, we had to go to offshore borrow zones in Federal waters, wasn't there some controversy about the Bureau of Mineral Management coming back and charging exorbitant fees to go into Federal waters to draw that sand recently -- within the last year?

MR. MOORE: There was some talk about charging fees. However, that was changed by legislation in the Federal government. If the sand was going to be used for public works type projects, such as beach restoration, there would be no charge at all.

MAYOR PAGLIUGHI: Okay. But possibly, if it was some type of private enterprise mining sand offshore, there would be--

MR. MOORE: That may be a different story.

MAYOR PAGLIUGHI: Right. Okay.

MR. CIORRA: We are working closely with the Minerals Management Service. Bernie mentioned the offshore investigations for additional borrow areas. We will sign a memorandum of agreement with the Minerals Management Service. And a lot of the work that they're doing now, we will use when we move on to the next step, which is preparing a Federal environmental impact statement, which, I understand, we may be joined by lead Federal agencies on that effort.

MAYOR PAGLIUGHI: Thank you.

MR. KEMPF: Mr. Chairman.

SENATOR CAFIERO: Yes, sir.

MR. KEMPF: I have probably the obvious question. Since you've been able to save some money in these projects, does that extend projects? Can that money be used for other projects further on down, or -- what do we do with that money?

MR. CIORRA: Well, the Federal government doesn't earmark funds ahead of time. We budget fiscal year to fiscal year. So basically, if we change our cost estimate, which we have, we are officially going to lower the overall cost of this project.

MR. KEMPF: But you're not going to expand the project in any way, is what I'm trying--

MR. CIORRA: Right now, we only have authority up to 50 years.

MR. KEMPF: One other quick comment on Bernie's comment about the offshore mining is that while the exploration of oil, gas, and sulfur is more or less a dead issue, this Commission, back in 1997, I think-- We had a hearing on offshore leases for mineral mining for various materials. The mineral and mining services still has the ability to lease sites off of our coastlines.

And, Mr. Chairman, respectfully, I'll recommend that perhaps a further hearing at a future time -- we may want to explore that issue a little bit further so we can get a better handle as to where it is some four years later.

Thank you.

SENATOR CAFIERO: Anything further? (no response)

Bernie, Anthony, thank you very kindly.

John Winterstella, the Mayor of Manasquan, we want to thank you kindly, sir, for making these facilities available to us, particularly on this nice, clear, cool day.

MAYOR JOHN L. WINTERSTELLA: (Speaks from audience)
Thank you, Senator, and members of the Commission.

Welcome to Manasquan. The weather's like this every day in Manasquan. (laughter) The Chamber of Commerce always likes me to mention that it never rains here.

SENATOR CAFIERO: Was it this way yesterday? When we had 90 down in Cape May County, did you have 50?

MAYOR WINTERSTELLA: A little different, but almost the same.

I did want to welcome the Commission and thank you. You were here -- the Commission members were here about five years ago. And at that time I purposely stood at the back of the room, because I wanted to show you some of your success.

When you were here five years ago, after the meeting you went down and saw where the ocean was right up to this walkway. It had come through with a fairly calm -- June I think you were here.

This is as a result of beach replenishment in Manasquan. Much of the sand is still in place.

SENATOR CAFIERO: Mayor, excuse me a second, sir. You're not being picked up on the tape.

MAYOR WINTERSTELLA: My name is John Winterstella. I'm the Mayor of Manasquan. I'd like to welcome you all. (laughter)

I did want to point out to you I think too often you hear the criticisms and the shortcomings of our efforts in shore protection and so forth.

I think the Manasquan project was an excellent example of something that has worked. As you leave the room-- I had a great deal of

concern from the surfers before that project started, because the Manasquan Inlet -- the north jetty of the Manasquan Inlet is a very popular surfing area in Monmouth County. And I was told we'd be ruining the surfing, and that surfing would probably take several years to come back. As you can see, that is exactly as the project ended. The dredge is still in the top of the picture. And as you leave the room, you'll notice there's about 40 surfers out there at the Manasquan Inlet.

So, in the case of Manasquan-- I can't speak for every beach in Monmouth County and every situation, but certainly in Manasquan, everybody was happy. The fish came back very shortly after. And the surfers came back as soon as the project-- While the project was going on, I might say, there were people out there surfing.

Certainly, it's done an awful lot to protect and enhance the Manasquan shores, so we thank you for your effort.

And, of course, Bernie-- I've thanked him and the Corps of Engineers.

And Senator Gagliano, I know you were the spearhead in this.

And Ken Smith--

The whole front line here was very instrumental in getting us to where we are today. But it's a project that's worked. And I think it's worthy of note.

Thank you, gentlemen.

SENATOR CAFIERO: Thank you, Mayor.

SENATOR PALAIA: How come you didn't thank your sixth-grade teacher? (laughter) You thanked everybody else there, and you didn't thank your sixth-grade teacher.

MAYOR WINTERSTELLA: The guy gave me Cs when I was in school, and I'm supposed to thank him?

SENATOR PALAIA: I learned him pretty good. (laughter)

MAYOR WINTERSTELLA: The only thing you tried to-- You kept talking to me about political parties, and I guess I failed that course.

SENATOR PALAIA: Good job, John.

SENATOR CAFIERO: You did a good job teaching him.

SENATOR PALAIA: He's the best. John's a good man.

SENATOR CAFIERO: Our next topic is mud dumping off Sandy Hook. I understand Cindy has to leave at 11:30, so do you want to come forward, Cindy?

CINDY ZIPF: Hi, everybody.

SENATOR CAFIERO: We want to keep you on schedule.

MS. ZIPF: Oh, thank you very much. I appreciate that. I appreciate the accommodation, and I appreciate being here. I want to thank you for inviting me to come and speak before the Commission.

The issue of mud dumping off Sandy Hook is one of some history. It started at the turn of the century, the early 1900s. And of course, it's been an issue of great concern to the Jersey Shore up until very recently, and continues today.

In 1997, our region became the first in the nation to determine that ocean dumping activities of material had caused adverse biological impacts and

resulted in the designation of the historic area of remediation site. That's that big, gigantic box that's located off our coast. It comes within three and a half miles off our shoreline from Sandy Hook down to just about the border of Sea Bright and Monmouth Beach. It's about nine square miles, which is a very large area. And it's basically the damage that was caused by nearly a century of ocean dumping of the mud from the harbor.

Now, there's no question we need to dredge. There's no question we need to maintain our channels for safe, navigable waters for ships and for boats. But unfortunately, the dumping of this material caused a significant contamination of the ocean off our coast. And so we have, for the sake of discussion purposes, the nation's first ocean Superfund site. And one of the things that we're trying to do is to remediate or fix the damage done by basically putting a gigantic Band-Aid, if you will, on top of this toxic area -- putting clean materials over it so that we can, number one, protect the animals that utilize that area, which are vast, because, as you know, this area is also at the doorway to the Hudson and Raritan Estuary, one of the most productive estuaries on the Atlantic Coast. So lots of fish come in- and offshore.

So this area really does need to be protected. And while it was tempting to say, "Let's let mother nature take its course," and perhaps over a long period of time remediate this -- are because of the contamination out there and because of the highly toxic levels of materials -- it was decided to support this idea of putting this gigantic Band-Aid out there. But of course, that was understood that it would be good, clean cap material.

In 1999, as many of you know, because many of you were active participants in our effort to try to address this issue, the Environmental

Protection Agency and the Army Corps of Engineers, who jointly oversee the management of that site, designated materials for placement out there that were worse or as bad as the material in the toxic stain -- in this area to be remediated. So, in effect, they were remediating it with material that was worse. And we felt that, and many others felt, in a commonsense sort of way, that was highly objectionable, and that we were promised a cleaner and healthy ocean and that these standards -- the levels that EPA and the Corps were applying were completely unacceptable.

And we responded, as we have over the last 10 years jointly with elected officials and citizens and organizations, to fight back with the Ocean Defense Campaign, which also included about 200,000 signatures on petitions collected in one year, which I found unprecedented. To collect 25,000 signatures over a year is pretty impressive. Two hundred thousand signatures is extraordinary. And they came from bagel shops out in Salem County and from over in Pennsylvania. I mean, people were very, very concerned that we were going down the road towards ocean dumping again. And we were so proud to be the first nation to stop this activity and to be on the road to recovery. So we felt this was a real backsliding.

And so, because of that pressure and because of the science behind -- the rational science behind a clean cap material and having material that, in fact, would be better-- I mean, if you're going to remediate something, you should be putting material that would be better on top.

The EPA and the Army Corps of Engineers had done some extensive science, and in a memorandum of agreement that was announced, improved the

quality of the mud to be used as the cap material. And we were very heartened by that.

They focused on one contaminant in particular -- really bad actor -- PCBs. And they lowered the level of contamination in animals exposed to the dredge material from 400 to 113, which is a dramatic decrease. It's still not as low as our science -- the science based on EPA data and on food consumption and fish advisories. We still believe the number should be lower. But clearly, from 400 to 113 was an improvement, and we're very encouraged by that. But that was just one contaminant, and there are about 60 contaminants of biological concern that are in this mud from our harbor area.

The other piece to this memorandum of agreement was the establishment of a remediation material work group to look at this issue from a scientific standpoint.

And I'm here to tell you and sort of give you that background and lead you up to the point that though this memorandum of agreement was a step in the right direction, there are two problems. One is that, of course, there are some grandfather permits that failed this new PCB standard that can still go to the ocean. And one in particular may go this year, and that's Refined Sugars from New York. And the other problem-- The second problem has to do with this new -- this group -- the remediation material work group that was given the task of evaluating the science and moving forward with these other 59 chemicals and kind of going final with this PCB level.

That remediation material work group is very far behind schedule. It's months behind -- almost a -- over a half a year behind schedule already. And of great concern is the fact that this group is largely made up of port interest

and government agencies. And they still maintain this idea, and it's vexing to say the least. They still maintain the idea that you can clean up the ocean Superfund site by putting material that's as bad or worse on top of the site. So there's not a lot of expectation of good values coming out of this remediation material work group or that we'll see a direction towards really having clean material put out there in our ocean just offshore.

And, of course, that has everything to do with beach replenishment, because, as you've just talked about, this material comes a lot from off the coast of Sea Bright, where it may be affected by the dumping of this material, the resuspension of this material, and the blanketing of the area of contaminants and the likelihood that there may be contaminants in this mud.

And because we don't have strong beach quality standards for the sand that's placed on our beaches, we run the risk. And we run the risk of questions that Senator Bennett was raising. We don't have standards. So the citizens can fear the worst, because there are no standards for how clean beach replenishment sand needs to be. And the citizens have been calling for it for years. And there hasn't been a lot of leadership from the Federal agencies. So I think it's imperative that the State Legislature responds to that need and that the State Department of Environmental Protection respond by establishing good, strong, clean standards for beach replenishment sand.

And finally, I'll just also add to the earlier discussion about the sand mining issue. Permanent extraction of our beach sand must be prohibited. This beach sand is a treasured resource that we all need. The putting of it on the beaches and having it wash is one issue. It's kind of a closed system. It's coming on; it's going off; it's coming on. But to permanently extract it and

allow it to be used and sold as a commerce material so that we would permanently lose -- that sand would be lost to the ocean and to future generations is unacceptable, never mind the biological consequences of stripping out those vast areas of sand.

So, with that, I will--

SENATOR CAFIERO: Cindy, excuse me. You mentioned, also, about -- you had some comments on the shore drilling, which is the next topic.

MS. ZIPF: Yeah, I do have a few comments.

SENATOR CAFIERO: To meet your time schedule, do you want to jump ahead?

MS. ZIPF: I would, and I'd appreciate that. I didn't mean to interrupt the schedule of discussion.

But I did just want to say that the recent scare that we've had with the serious consideration of offshore oil and gas drilling -- and specifically the coast of New Jersey was specifically mentioned -- heightens all the more that we need to take our waters off the list, take it out of the consideration for Minerals Management Service to further consider offshore oil and gas drilling.

There was some study done years ago in the '80s that found little pockets of potential gas sources. And while that may be true, there may be little pockets of gas, the risk to the Jersey Shore, after all we've worked so hard for so long and achieved so much together -- to put that at risk for little amounts of oil and gas is just unacceptable and unthinkable.

We've come a long way. And this proposed study was not taken completely off the table. It was canceled for now, pending further review on the scope of the project. So it isn't off the table completely. They could still come

back and say because of our reevaluation, we still would like to support the exploration and potential drilling off the coast of New Jersey.

And so I think if the Legislature and this Commission could act to ensure that State rules dealing with coastal management issues prohibit offshore oil and gas drilling, that that would, at least, set one hurdle -- a big hurdle for the oil and gas drilling -- oil and gas diggers that want to come off our coast and destroy something that we've all worked very, very hard to create here.

SENATOR CAFIERO: Questions for Cindy?

MAYOR PAGLIUGHI: I'd just like to make a point.

SENATOR CAFIERO: Marty.

MAYOR PAGLIUGHI: Back in 1981 and 1982, my company-- I work for an engineering company. We were involved in monitoring some of that offshore drilling work. We were monitoring it, primarily, to look for saltwater intrusion into the municipal water supplies.

MS. ZIPF: Oh, really.

MAYOR PAGLIUGHI: And reading all the reports back then, there was just minimal deposits of oil and natural gas. And it was totally uneconomical to even think about trying to transport it. And I think that's what had more to do to kill it back in the early '80s than anything. And I don't see why opening up a book all over again-- Just go get the reports from back then.

There's your study, Mr. Federal Government.

MS. ZIPF: Exactly. So why not take New Jersey off the table? Let's not even have it as a potential.

SENATOR PALAIA: Cindy, basically-- I know you're not ecstatic with the way the beaches are -- the water. But are we improving? Are we getting there? Are we doing better?

MS. ZIPF: You know what, Senator? We've worked so long together to ensure the improvement.

SENATOR PALAIA: I know. Obviously.

MS. ZIPF: And I did have some comments on the -- on that, as well. We have come such an extraordinarily long way since the '80s. And we had-- We were the nation's joke in terms of water quality. Now we're the nation's leader in terms of a national program for monitoring our beaches. We don't need somebody else to give us a flag. We know we have the flag. We have the flag of having established -- and coming through some very, very tough times. And it was painful. It was a very painful process when we established these--

SENATOR PALAIA: And costly.

MS. ZIPF: Very costly, yes.

An ounce of prevention-- Because we went through the pain of having established these programs, had the pain of beaches being closed and municipalities being so economically affected by that. But coming through all that, we're on the other side of this hill now. We have something that no other state has, and that's a water quality monitoring program. When you come to New Jersey, the beaches have been tested. The tests can always be improved. But for now, they're the best in the nation. And we have a program where if it's not good, the beaches are shut down. So that's our flag. I think we can be very proud of that.

We still have work to do. We have more good water days than bad water days. But the fact that we do have bad water days at all means that we still have some work to do, and we have contaminants in some of our fish. And there are fish advisories on some of our fish. And we need to focus on toxics reduction.

But overall, Senator, I'd say we've done a heck of a job in 10 years.

SENATOR PALAIA: I think you have, too. I agree with you.

MS. ZIPF: Thank you for your help, and all of your help on that. It took a lot of people.

SENATOR PALAIA: Thanks, Cindy.

SENATOR CAFIERO: Assemblyman Gibson.

Cindy, just one second.

MS. ZIPF: Yes.

ASSEMBLYMAN GIBSON: You indicated that there were no standards for the beach nourishment. There certainly are engineering standards, grain size standards. We talked about that this morning.

MS. ZIPF: That's correct.

ASSEMBLYMAN GIBSON: What standards -- environmental standards and what other tests would you have on those borrow pits, other than what we have? What are you recommending?

MS. ZIPF: Well, I think that, as Mr. Moore suggested earlier, there is going to be some actual chemical and biological testing of the material that's been agreed to in principle, I think was the quote.

That's something that many municipalities have wanted for years. And just to be able to test for the chemical and biological contamination in that

sand is one important step. The other step is to know what those levels are going to mean. Right now, up to-- I understand, up to a third of-- Up to 70 percent of the material needs to be sand, and 30 percent can be something else. What that something else is--

ASSEMBLYMAN GIBSON: Just a finer material.

MS. ZIPF: --is fine, organic material.

Now, because we don't have standards and because there's no testing, there's a real sense -- a real concern for what's in that and whether or not it's safe for water quality and for beachgoers. So we need to have more than just a grain size standard for our beaches. We need to have chemical and biological monitoring of those materials and standards that protect public health in the marine environment to go with it.

ASSEMBLYMAN GIBSON: Thank you.

Thank you, Mr. Chairman.

SENATOR CAFIERO: Thank you.

Thank you, Cindy.

ASSEMBLYMAN GUSCIORA: Mr. Chairman.

SENATOR CAFIERO: Yes, I'm sorry.

MS. ZIPF: Oh, I'm sorry.

ASSEMBLYMAN GUSCIORA: Cindy, I don't know if you have time or whether you can submit a written response, but I don't know if you saw the statement from the Army Corps of Engineers -- and specifically-- It actually says that everything you just told us is a myth. And one of the myths is entitled that material proposed for the HARS is more contaminated than what's already there. So it seems to run contrary to what you just told us.

MS. ZIPF: Right.

ASSEMBLYMAN GUSCIORA: Do you have a response to that, or could you provide us with a written response?

MS. ZIPF: I can definitely provide a detailed, scientific response from our staff scientists for the Commission. But I think there's-- The fact of the matter is, when you look at what is in the dump site and what has bioaccumulated in the animals, what standards the EPA and the Corps have, exceed -- for ocean placement of material -- exceed what's out there for a variety of contaminants, for example, petroleum aromatic hydrocarbons, PAHs, which are oil-related pollutants.

We can have very high levels of those contaminants allowed in the mud that's going to cap the site well above what's out there right now. And I understand that there's a lot of splitting of hairs in that document, and there's a lot of representation of the facts to present a glowing view of what the Army Corps of Engineers are doing. But the reality is, is that there is scientific concern. And the result will be that we will have a remediation site offshore that will not necessarily be any lower in contamination than what it is today. And that's the whole point of improving -- to remediating the site, is so that we have a better site offshore, not a site that continues the status quo.

The fact of the matter is that we have a lot of alternatives, thanks to the leadership of Governor Whitman and many of the members of this Commission. We have a lot of alternatives for dredge material -- for contaminated dredge material. We don't need to dump it in the ocean. And certainly, that *Clearing the Record* piece needs a lot of clearing up. And we'd be happy to submit, for the record and for the Commission, a written response.

ASSEMBLYMAN GUSCIORA: We would appreciate a written response.

And secondly, if you could also include-- You talked about us taking further action. Could you be specific in that what legislative action you'd like us to take or what the Beach Erosion Commission should be doing? If you could just provide it in the written response--

MS. ZIPF: Sure. For the mud dump site specifically?

ASSEMBLYMAN GUSCIORA: You said that-- Before in your testimony you said that we should--

MS. ZIPF: There are a number of things that you can do.

ASSEMBLYMAN GUSCIORA: There's a number of things that we could take. And I'd be interested in what, exactly, we should be doing.

MS. ZIPF: Okay. I'd be happy to submit that, as well.

SENATOR CAFIERO: Thank you, Cindy.

MS. ZIPF: Thank you all very much for all of your efforts in improving our Jersey Shore.

SENATOR CAFIERO: Thank you. You're on time.

MS. ZIPF: I am on time.

Thank you very much.

SENATOR CAFIERO: Monte Greges.

M O N T E P . G R E G E S: Good morning.

My name is Monte Greges, G-R-E-G-E-S. I'm Chief of the Dredged Material Management Section for the New York District Corps of Engineers.

I guess my purpose in coming here has changed a bit after hearing Cindy's testimony. I'm sorry she has to leave. We've known each other for

quite some time; since my hair was its original color. (laughter) And she is probably responsible for several of these gray hairs.

MS. ZIPF: This is really difficult. (laughter)

ASSEMBLYMAN GIBSON: She's having a hard time pulling herself away.

MR. GREGES: Stick around, Cindy.

MS. ZIPF: For the fireworks? The fireworks are coming early this Fourth of July.

MR. GREGES: No, there won't be any fireworks.

I guess I'm kind of here to put the glow back onto this *Clearing the Record* that Cindy had referred to and to answer any questions that you may have about our testing evaluation program for dredge material and for placing material -- dredge material into the Atlantic Ocean at the Historic Area Remediation Site.

Before I answer your questions, I would just like to put this news statement on your record. We originally put this out about a year ago, and I updated it a bit last week.

The reason we put this together was to demystify or demythologize some of the myths that we had been hearing for several years about our dredging evaluation program and the type of material that goes out to the HARS.

For those of you who don't know, the New York District Corps of Engineers kind of has a twofold task in dredging in the Port of New York and New Jersey. We issue permits for dredging to private entities, such as the Port Authority and private marina owners, to dredge their shipping berths and boating facilities. And we also do our own navigational dredging. We maintain

240 miles of Federal navigation channels within the Port of New York and New Jersey, and we also do new work dredging: that is, we deepen existing channels to accommodate larger, deep-draft vessels.

Any time material is proposed for placement in the ocean--

Well, let me go back a bit.

Historically, most of the sediment that has been dredged has been placed in what is called the mud dump site, which is a two and a half square mile area about six miles off the coast of New Jersey. That site was dedesignated -- closed by EPA in September of 1997, as Cindy had mentioned. And EPA designated an area -- a 15 square mile area that included the original mud dump site and renamed it the HARS, Historic Area Remediation Site.

The only material that gets placed in the HARS is what we call clean material or Category 1 material. Whenever material is proposed for placement, it undergoes a strict series of biological tests to make sure that it will not cause any unacceptable impacts once it's placed in the ocean.

In addition to the biological tests, we do bulk sediment chemistry to find out what levels of chemicals are actually in the sediment. We test the water that is contained within the sediment that gets disposed there, but the Cadillac of the testing is really the toxicity and bioaccumulation tests that are performed for every project.

That said, those are the basic facts.

That said, I'll just go briefly through some of the myths that we've been answering over the past several years, particularly the ones that I think are of interest to this Commission.

We've heard of comments in the past that sediment that's placed at the HARS will impact the New Jersey shore. It's not true. The material that gets placed in the ocean, essentially, stays there in mounds of sediment that you can still find there from material that's been placed close to 100 years ago. That's why EPA was able to go out and test that material to find out that it does not meet our current ocean disposal standards and needs to be covered with cleaner sediment; that is, sediment that does meet our existing standards.

EPA has done plume tracking tests of material that is placed at the site, plume meaning whenever you dispose or dump material, a certain percentage of it -- very small -- 1 to 3 percent, maybe, will actually leave the main box of material that falls to the bottom and creates a plume. That plume, EPA has found, will return to nondetectible levels within two hours of placement.

Whenever we, the Corps of Engineers, does their own modeling of any material that's placed out there -- this is water quality monitoring -- we will not place material there that does not meet State water quality standards after four hours of disposal, which is according to Federal regulation. If it doesn't meet it, it doesn't go. Period.

We're allowing the dumping of garbage, toxic-laced muck, and hazardous waste -- all those different, wonderful descriptions have been used over the past several years to describe what we're sending out there. We dredge silt, clay, and sand. That is what goes to the HARS. There's no toxic waste, there's no medical waste, there's no hypodermic needles, supermarket carts, whatever. Anything that would come close to being labeled hazardous waste, which you do not find in any of the maintenance channels -- we have never

found in any of the maintenance channels in New York Harbor -- would never go to the HARS, plain and simple.

That's why Cindy's reference -- and again, I really am sorry she had to leave-- Cindy's reference to the HARS being an ocean Superfund site is, let's just say, untrue at best.

The public is not notified of HARS placement projects. The notification is either inadequate or incomplete. By Federal regulation, we have to send out public notices on any project that we intended to dredge and place in the ocean. Each project has, at minimum, I would say, a 300-name mailing list that includes all the newspapers. It includes Clean Ocean Action, the American Littoral Society, the Baykeeper, congressmen, and other elected officials and appointed officials in the area -- that the dredging is taking place. We never proposed a project for HARS placement without sending out a public notice.

One that was discussed before, and this gentleman brought up at the end of Cindy's talk-- Material proposed for the HARS is more contaminated than what's already there. The words toxic, contaminated, clean, can be defined many different ways, I found, according to who's doing the defining.

According to EPA's Federal regulations in 1980, and these are the ocean dumping regulations, the way we determine whether or not material is acceptable for placement in the ocean is by doing a series of biological tests, which I mentioned earlier. And those are, essentially, the toxicity tests and the bioaccumulation tests.

We do not use sediment numbers in the sediment to determine whether or not material is acceptable to go to the ocean. Chemical numbers will not tell you what the impact of that material will be, nor will they tell you the potential for the impact. They can give you an idea of what's going out there, but until you run the actual biological tests, you will not know what impact that material will have.

So again, by Federal regulation, we do not make our decisions by what's in the sediment, we make our decisions by the results of testing biological organisms that interface with that sediment to see how they will be affected.

It is true that some of the material that goes out there may have a higher concentration in its sediment than the sediment that's already there. There are 60 different contaminants that we test for, as Cindy had mentioned. It's unrealistic to think that every single one of those contaminants in the sediment will be lower than what's there already. You will not find that type of material in the Port of New York and New Jersey unless you are dredging sand. And most of the material that we do dredge from the harbor, although it does include some sand, is mostly silt and clay. Just because a sediment number is higher in the proposed material than what's already out there does not mean that we are placing dirtier material or more contaminated material. Again, the sediment number does not tell you anything. It's the biological tests that show whether or not that sediment's going to have an impact.

We only place material at the HARS that falls under what we call Category 1, which means that it, "passes our toxicity test, and that it passes our bioaccumulation test." Any material that's Category 2 or 3, which are two more

designations that we used to use when we put material at the mud dump site, simply does not go to the HARS. Period.

Lastly, ocean disposal has started up again at the mud dump site. We've heard this several times, and I'm not really sure what people meant when they said that. There was never any agreement, either by Federal standard or by memorandum of agreement, between the Corps and EPA or anyone else that we would stop placing material in the ocean. The whole point of dedesignating the mud dump and designating the HARS was so that we would have clean material to essentially bury the "contaminated" sediment at the HARS. So we wanted to continue ocean placement of material so we can effectively stop any organisms from interfacing with some of the material that's out there already.

Some of the material, as I said, is -- would not pass our current toxicity tests. That doesn't mean that it's toxic to humans. All that means is that when we test organisms -- and we test two of them, a small mysid shrimp and a little bit larger organism called an amphipod -- that some of the material out there shows an unacceptable toxicity. And that could mean that 75 percent of these organisms could live, but for us, that may be unacceptable, so we wouldn't let that material go out there.

So far, we've placed about 5 million cubic yards of material since the HARS has been designated. We have about 35 million cubic yards more to go to fully remediate that site. When I say remediate, EPA has determined that 3 feet of material is necessary to place on top of the existing sediment to make sure that any unacceptable impact will not occur. So we have several more years of placement of material at the ocean before that remediation effort is completed.

Those are some of the major myths or things that I thought you might be interested in. I don't know how much time you have. I was making a couple of notes while Cindy was speaking, and I could go through a couple of things that she said to clarify, on our part, how we feel about those statements. But I can do that, or whatever you prefer -- ask some questions or whatever.

SENATOR CAFIERO: Assemblyman Gibson.

ASSEMBLYMAN GIBSON: Yeah, let me just see if I can put this in my own words to give some credibility to what she just said.

MR. GREGES: Yes.

ASSEMBLYMAN GIBSON: You indicated that maybe chemical tests -- where you're going to dredge from may exceed the HARS site in some cases. Is that where she's arguing that these chemical tests show that the material that's going there is worse than the NC-2 site?

MR. GREGES: Not to speak for her, but she sends rather lengthy detailed letters responding to every public notice that we send out, so I can say that, yes, one of the arguments is that some of those contaminants are higher.

ASSEMBLYMAN GIBSON: But on your behalf, and on behalf of the Department, the tests that you feel are more credible, are those tests biological tests that suggest the damage that this material could do to the creatures out there is showing that the material you're bringing there will not be as offensive to those creatures as the material that you're covering up?

MR. GREGES: Yes. Not only will it not be as offensive, it will not have an unacceptable impact on those creatures, yes.

ASSEMBLYMAN GIBSON: And if we didn't cover it, we would be damaging creatures out there. So there is some-- Other than the dredging, there is some environmental benefit to covering this site up.

MR. GREGES: That's correct. That was the whole reason for designating the HARS, essentially, because there would be environmental benefit to covering the material that's there already.

ASSEMBLYMAN GIBSON: And the justification for those few areas where the chemical tests would show that it's more adverse than the existing site is because there's a greater benefit to covering it with this material?

MR. GREGES: I wouldn't use the word more adverse. I would just use the word higher. Just because you have a sediment concentration at the HARS that's at four parts per trillion and you're placing something on top of it that is eight parts per trillion, that doesn't mean, in any way, that you're increasing the impact. All that means is that the eight part per trillion is a little bit higher than the four part per trillion in a number perspective.

In an impact perspective, it may have absolutely nothing to do at all. It's like taking a quarter of an aspirin -- or an eighth of an aspirin, as opposed to taking a quarter of an aspirin. Is that going to have any impact? No. You need the whole thing to get an impact. I'm not being poor allegory, but to answer your question, it just means that it's higher. It doesn't mean that it's going to have more of an impact or that the organisms will find it less or more offensive. It's just not going to do anything to them. That's how I would--
- I hope that clarifies it.

ASSEMBLYMAN GIBSON: Thank you.

Thank you, Mr. Chairman.

SENATOR CAFIERO: Any other questions?

Senator Bennett.

SENATOR BENNETT: Yes.

I won't get into the arguments that you and Cindy can wage at--

MR. GREGES: Thank you.

SENATOR BENNETT: We all receive those correspondences.

I want to talk specifically about the two permits that are out there that are kind of hanging -- the Refined Sugars.

Last year, they-- I don't think they did -- exercised their permit. But it expires this year, doesn't it?

MR. GREGES: That's correct. I believe they did dredge last year. You may be thinking of the other permit, Castle Astoria.

SENATOR BENNETT: Castle Astoria.

MR. GREGES: Right. Castle Astoria and Refined Sugars are the two active grandfather permits right now.

SENATOR BENNETT: Right.

MR. GREGES: And you're correct. Refined Sugars does expire this October.

SENATOR BENNETT: Okay. Have they notified you of any other -- any more dumping that they will be doing this year?

MR. GREGES: They have not notified us yet. My understanding is that they -- their schedule is that they do dredge every year, but I have not been notified -- we've not been notified that they are going to dredge this year.

SENATOR BENNETT: And Castle Astoria did not do it last year.

MR. GREGES: That's correct.

SENATOR BENNETT: And they only do it between that six-week period, I think, in the fall.

MR. GREGES: That's correct.

SENATOR BENNETT: And when would they normally notify you that they would be doing it?

MR. GREGES: Normally, any applicant -- or any permittee, rather, notifies us about a month in advance that they will be dredging. My understanding is that, as of today, we have not been notified that Castle Astoria will dredge, and it's likely that they will not dredge.

SENATOR BENNETT: And Refined Sugars hasn't given you any notice that they'll be doing it yet.

MR. GREGES: That's correct.

SENATOR BENNETT: And they still have until the end of the year.

MR. GREGES: That's correct. They have until October, I believe -- late October.

SENATOR BENNETT: Okay. So they may not-- They're the two grandfather-- And I think they're the ones that, frankly, raise a greater degree, because they predate the changing -- EPA's changing of certain standards, and so they're able to do things that, perhaps, other people can't.

MR. GREGES: They predate the changing of the one standard -- the PCB number that Cindy had mentioned, yes.

SENATOR BENNETT: Right. Okay.

Now, if they gave you notice that they were going to be resuming during that time frame, is there public notice again, or only when the permit is issued?

MR. GREGES: Only when the permit is issued is there a public notice. If the project needed to be retested in any way, then there would be a public notice that would go out with the test results. But if the EPA and Corps review an active permit that has already been dredged once and determine that there's no need for further testing, because the material is the same that has been dredged before, then we would not put a public notice out.

SENATOR BENNETT: Right. Would it be inappropriate for us to ask for you to give this Commission notice that if you do receive that notice that they'll be doing it -- that we would like to know that?

MR. GREGES: It would not be inappropriate, and I would surely inform you.

SENATOR BENNETT: Thank you.

MR. GREGES: Sure.

SENATOR CAFIERO: Other questions?

MR. KEMPF: Monte, you had indicated that you had some points that would counter those that Cindy made, and, of course, time is a factor. Would you be willing to submit your comments to those reports so that we have a fair balance on those particular issues?

MR. GREGES: Sure. I mean, I just made quick item notes of some of the statements, like the ocean Superfund site. That's just not true. Materials highly toxic-- Again, when I hear highly toxic, I worry that it's children that are

going to be affected by this. That's not the case here. Clean cap material-- It is clean cap, etc., etc. I'd be glad to--

MR. KEMPF: Well, I realize that sometimes the fact that we can measure something therein is indicated by some people that because we can measure it, it's a danger. And that's not necessarily so. I've learned that in the radiological field. But that's why I would like those kinds of points in writing so we can put them on the record here.

Thank you.

Thank you, Mr. Chairman.

SENATOR CAFIERO: Anything further?

MAYOR PAGLIUGHI: Senator, I've got one question.

SENATOR CAFIERO: Mayor Pagliughi.

MAYOR PAGLIUGHI: Monte, one company's permit expires, and another one is still good for three years, approximately, give or take?

MR. GREGES: If you hold on for one second-- It's not three years. It might be a year and a half, I believe.

MAYOR PAGLIUGHI: Okay. Well, whatever. Who renews the permits if they come in and request to have them--

MR. GREGES: Permits do not get renewed.

MAYOR PAGLIUGHI: That's it. When they're done, they're done.

MR. GREGES: That's correct. Permits are issued for three-- HARS permits are issued for three years. At the end of that three years, it stops. They cannot dredge after that three years. If they want a new permit, they have to retest. And it would be under the current testing standards that are used now.

So there's not permit-- After three years, we don't renew the permit. We don't look at it and say, "Okay. You can go out for another three years."

MAYOR PAGLIUGHI: They have to totally reapply.

MR. GREGES: Exactly.

MAYOR PAGLIUGHI: And they may have to meet stricter standards or--

MR. GREGES: They have to meet--

MAYOR PAGLIUGHI: Have the standards changed from when they were initially given that permit two or three years ago?

MR. GREGES: The only standard that has changed is that PCB number that Cindy had mentioned.

MAYOR PAGLIUGHI: And the Corps of Engineers would issue a permit if they came in and reapplied. I mean, the issuing agency is the Corps of Engineers.

MR. GREGES: That's correct, yes. The Corps is the issuing agency.

Again, we would only issue another permit, for example, to Refined Sugars, if they retested and all of their material met our current standards, which does include this new PCB number.

MAYOR PAGLIUGHI: How does the EPA fit into this, other than just being advisory for their -- utilizing their standards or thresholds of organics, nonorganics?

MR. GREGES: EPA designates the ocean disposal site or the ocean placement site. They set the final criteria. They are kind of comanagers with us of the site. They also do their own independent review of the test results, as

does the Corps. And they, by regulation, have the right to say, "We don't want that project going. It doesn't meet our standards, or it does meet our standards."

MAYOR PAGLIUGHI: And they have the authority to do that.

MR. GREGES: That's correct. If a project comes up that they feel does not meet their criteria, the Corps, since we operate under the same criteria, will usually say that. If there's a disagreement of some sort, then EPA has the final say on what goes and what doesn't go. If a material doesn't pass, an applicant can apply for a waiver to EPA. Actually, they apply to it through the Corps, and we go to EPA, and EPA can give a waiver. But I don't recall any waivers being given in the last 10 years for any ocean--

MAYOR PAGLIUGHI: Okay. So it's kind of obvious that these permits were granted under a certain criteria, and the two companies have met that criteria.

MR. GREGES: That's exactly right. Yes.

MAYOR PAGLIUGHI: So could it be that the controversy is that the EPA and the Corps of Engineers are in cahoots with these test results? I mean, I don't understand where the other scientific data is coming from, whether it be legitimate or not.

MR. GREGES: That's why, if Cindy were here -- not that I want to get into a debate -- but I could maybe understand what she's referring to -- the new science or whatever. I don't know how I can clarify it.

Standards do change. Criteria does change. At the time these two permits were issued, we had certain criteria for the 60 different contaminants that we analyze. One of those contaminants was PCBs. The old criteria

number was 400 parts per billion. Both those permitted projects fell below that 400.

Back in September, EPA and Corps issued an agreement that-- One of the things in that agreement lowered that 400 number down to 113. Well, when that happened, those two issued permits had numbers that were above 113, but they already had issued permits.

MAYOR PAGLIUGHI: But below 400?

MR. GREGES: Below the 400 but above the 113. As part of the agreement that the Corps and EPA made-- And I understand there were other people who -- other agencies or organizations that commented to that agreement before it was signed -- and I believe Clean Ocean Action was one of them -- grandfathered permits -- permits already in existence -- would be allowed to finish out their three-year permit time period to dispose of their material.

But now, as you heard, Cindy is taking issue with those two permittees.

MAYOR PAGLIUGHI: Thank you.

MR. GREGES: Sure.

SENATOR CAFIERO: Assemblyman.

ASSEMBLYMAN GUSCIORA: Do you have the PCB levels for Castle Astoria, Brooklyn Marine Terminal, and the Refined Sugars?

MR. GREGES: Yes. Castle Astoria's PCB number is 170 parts per billion, and Refined Sugars-- Refined Sugars had two separate dredging reaches. One of them was below, at 101, and one of them was above, at 135.

ASSEMBLYMAN GUSCIORA: And what about Brooklyn Marine Terminal?

MR. GREGES: Brooklyn Marine Terminal was, I believe, below. Yes, Brooklyn Marine Terminal was 15 and about 25 -- 26.

ASSEMBLYMAN GUSCIORA: Are there any other private permittees that exceed the 113 level?

MR. GREGES: No existing permits other than the two that were mentioned.

ASSEMBLYMAN GUSCIORA: Before, you said you were going to cap the HARS site to cover over higher levels of dredge spoils that were there in existence.

MR. GREGES: Not higher level of the dredge material, but material that has been found not to meet our current toxicity and bioaccumulation standards.

ASSEMBLYMAN GUSCIORA: Which is the 113 level, or is it a different criteria?

MR. GREGES: No, the 113 is the PCB level in worms. That's one of the criteria.

That's an interim criteria, by the way, that was established by the Corps in '97, which is currently undergoing review by the remediation work group that Cindy mentioned.

ASSEMBLYMAN GUSCIORA: Will the Army Corps then be capping the dumps for the Castle permit or the Refined Sugars permit? Will you now have to cap that?

MR. GREGES: The Castle material probably will not go. The material from Refined Sugars, since it's early in the HARS remediation effort,

will probably be placed out there in an area that has not received any remediation material yet and will most likely have material placed on top of it.

ASSEMBLYMAN GUSCIORA: Do we have to worry about revisiting any sites then? If you say we're phasing out the grandfather permits-- Are we going to cap the HARS area? Is there going to be any-- Do we expect any other dredge materials to go above that cap, which exceeds the PCB level of 113?

MR. GREGES: Once the remediation work group and another group called the peer review group review all these new numbers, including the 113, they may determine that the 113 is much too conservative and may actually raise the number. The 113, in my opinion, is a very conservative estimate made by EPA. A lot of very conservative assumptions went into that number. Many people in the remediation work group that Cindy mentioned feel that that number is way too conservative. Many feel that it's not conservative enough. Some of them feel that it's appropriate. But when you have 27 different agencies and scientists, scientific disagreement like that is normal.

So, to answer your question, it may well be that material in the future may exceed that 113 if the actual 113 number is raised.

ASSEMBLYMAN GUSCIORA: Thank you.

MR. GREGES: Sure.

SENATOR CAFIERO: Thank you, sir.

MR. GREGES: Thank you.

SENATOR CAFIERO: Mayor Rosenblatt.

Are you another student of the Senator's?

MAYOR WILLIAM P. ROSENBLATT, Ph.D.: No, not quite. Not quite.

I'd like to thank the Commission for letting me have the opportunity to speak.

And by way of identifying myself, I'm Dr. Bill Rosenblatt. I'm the Mayor of Loch Arbour. I'm also a founding member of the New Jersey Chapter of Surfrider Foundation.

And I'd like to speak briefly to three points. First, I recognize that beach renourishment, if we measure it thus far by not having water on Ocean Avenue or not having to dig sand out of the streets of Manasquan, as I stood here and saw it after Hurricane Gloria, has been very successful in many areas.

It is but one of any number of alternative strategies for protecting infrastructure and property. And as we've gone about thus far reengineering the entire coast of the state, certainly in Monmouth County-- In some places it's accomplished that. It is, however, not the only alternative. And its impact is rather wide.

As many of you may know, the Water Resources Development Act of 2000 requires the Army Corps of Engineers to consider recreational benefits with the same priority as many factors -- as any other factor in beach restoration. If we measure the efficacy of the beach renourishment project thus far, using that recreational impact, we may have a somewhat different picture.

I can speak personally as a surfer. We have had the destruction -- total destruction of more than 20 surf spots in Monmouth County alone. Those of you who saw the *Asbury Park Press* yesterday--

I've stood at a place that those of us who are old enough to remember what it means -- called the USO beach up in Long Branch. I remember when there was a USO. I know what USO stood for. When I stood out there at the end of that, what used to be a jetty, I found a couple of things very upsetting. Number one, knowing that at any given time, there could be hundreds of people in the water, as well as hundreds of people on the beach. And it was empty. I find it somewhat hard to imagine that the -- that site has returned to its previous -- prerenourishment site as a fishing place, as well.

The impact on recreation, in terms of if we measure it by surfing -- the degradation of surf spots--

Mayor Winterstella talked about Manasquan and Manasquan Inlet. I've surfed Manasquan Inlet for over 40 years. It's true that we do have a wave there, and it's still one of the premier waves in New Jersey. It's not what it was. Currently, we're considering a wave up in Sandy Hook, which is one of the, probably, 10 best surfing spots in the United States, which is being threatened, as is another one in Loch Arbour.

So its impact on recreation, as measured by surfing, has not been mammothly successful. To date, we don't have an estimate of how many surfers, bodysufers, boogy-boarders, and board-sufers there are in New Jersey, but estimates, at this point, run to about 40,000. And we are all-year-round beach users.

Secondly, if we measure it on its impact on recreation, in terms of fisherman, there are at least 25 jetties that no longer exist and 25 fishing habitats that no longer exist. That's had some pretty serious recreational impact.

In order to get to places to fish in many instances now, if you are lucky enough to have access to a boat, you can get there, but if you like to go out on certain jetties and fish there, around what were pretty vibrant marine habitats, it's fairly difficult to do that.

If we measure its efficacy, in terms of the number of beach badges sold so people can get onto our wonderful beaches, I'm not sure, nor do I have data in front of me-- I know at that each year, at the end of the season, the *Asbury Park Press* does get data, and we compare beach badge sales.

So, if we look at those three measures of success, I'm not sure how effective it's been.

Lastly, if we look at beach access in certain areas like in Monmouth Beach and in Sea Bright, where we do have very large beaches that are protecting roads, I question whether or not we have significantly increased access to those.

And thirdly of concern, thus far for us, has been the quality of the communication that's existed between my experience as a local official and those who are wishing to renourish the beach. I was quite surprised to hear Mr. Moore say that most of the issues in Contract No. 3 are under control. And I was further surprised to hear him say that next year, springtime, we should be able to get going with beachfill and storm protection.

As the Mayor of one of the communities in that reach, that's a surprise to me. I've urged, on any number of occasions, excellent communication and cooperation to take place. We've asked for data. We've asked for information. To this date, we've not gotten a lot of the things we've requested.

So, along those lines, I continue to have some concerns. And I urge the Commission to consider all of these impacts. Infrastructure does need to be protected. The water is not going on roads. Sand is not going on roads. We've had a pretty extreme cost at this point, and we seem to be continuing to move ahead with filling beaches as if it were the only strategy to solve every problem as we reengineer the coast. Whether or not that's the most prudent thing, I think, time will tell. And in many instances, I think it might be necessary to look at some data and take a little bit longer approach as we consider this issue.

And again, I thank the Commission for giving me the opportunity to speak.

SENATOR CAFIERO: Assemblyman Gibson.

ASSEMBLYMAN GIBSON: I have an interesting question. You indicate that some of these dredging projects spoil surfing.

MAYOR ROSENBLATT: Yes.

ASSEMBLYMAN GIBSON: And you're a Mayor, but you're also an advocate for surfing.

We've got an initiative in Trenton that may or may not get started this year. I think it's called class parks, or something like that. Suppose we created, on the beach, a surfing park -- mile -- two-miles wide, where it would be the very best you could have in New Jersey. It might not be as good as Hawaii or Australia, but it would be the best that you could have in New Jersey. Would you know how to build that kind of surfing beach?

MAYOR ROSENBLATT: There have been many experiments. Surfrider Foundation, as a result of a suit against Chevron and the decision made by the California Coastal Commission, was awarded millions of dollars

to create a reef in Redondo Beach called Pratts Reef. Chevron, as a result of a breakwater project, destroyed what was a relatively mediocre surf spot. It wasn't even a good surf spot in California. And it's in the water now. It's been completed -- a temporary reef that was put in.

In Australia, there have been any number of artificial reefs that have been put in that have enhanced both fishing and surfing. Surfing spots are created through a confluence of many, in New Jersey, man-made and some natural occurrences. There are, probably in New Jersey, about six surfing breaks, which, if we were to measure their quality on a scale comparable to international wave quality, that would rate in the top 80 percent, Manasquan Inlet being one, Loch Arbour being another, Holy Oak Avenue, which, a number of years ago down in Long Beach Island there was concern -- and we were able, through Surfrider and the Holy Oak Avenue people, to reach an agreement with the Army Corps not to do anything to the jetty there to protect that as a break -- and in the cove up at Sandy Hook.

We would not be able to duplicate all of those in any man-made way. And it often requires the development of a hard structure, such as an artificial reef. There is some engineering expertise around the world that can do that. And it's not necessarily permanent. And its success, again, has yet to be measured. But it's, in part, doable. I don't think it could recreate what we have.

ASSEMBLYMAN GIBSON: It didn't occur to me that we'd use anything like an offshore reef or anything like that. There might be some angle of beach somewhere where the preponderance of winds would give you the greatest many surfing days that you could get, because the wind would be such--

MAYOR ROSENBLATT: Once again, it's not the wind. Our concern is with the breaking waves. And we need, really, a slope.

ASSEMBLYMAN GIBSON: Well, that wind would be part of it that would be driving -- something would be part of it that would be driving the larger waves in. And then if you could develop some kind of a gradient -- some profile that would be the best for surfing. It may be that they could come up with -- or you could come up with some grain size that when it was placed there, this would be the perfect slope and the perfect orientation of a beach so that you could have the very best that New Jersey -- maybe we'd reach the 95 percent point. I don't know whether your association would be interested in accepting that as a challenge in making that information available to us.

MAYOR ROSENBLATT: I would be happy to provide you with the information that exists thus far, such as the combination. We do know that the larger grain size sand, for example, that was used up in the Long Branch north section as opposed to the smaller grain size, which was used down in the south-- The smaller grain size creates better offshore sandbars. And as a result, we have more surfing down south. The larger grain size creates a sloped beach -- a steeper sloped beach. And we don't have the breaking waves in the north. So that data is available, and I'd be happy to share it.

ASSEMBLYMAN GIBSON: Thanks.

Thanks, Mr. Chairman.

SENATOR CAFIERO: Assemblyman.

ASSEMBLYMAN GUSCIORA: Just a comment that if it ever gets off the ground, then we can do a sequel, Gidget Goes to Jersey -- another surfing movie.

My question, I guess, is to Bernie.

Is the DEP aware of the surfers' concern, and do you all work together, and is it feasible to create a surfing beach?

MR. MOORE: The projects that we are doing right now have been authorized by Congress. And they're designed to reduce storm damage along the shoreline. To make the changes that have been suggested to me-- They're not as part of the authorized project, and that's what our main projects are here -- are to protect the shoreline. And that's where we are. We have our differences, yes we do.

ASSEMBLYMAN GUSCIORA: Is it possible to protect the shore but also create-- I mean, is creating a surfing beach-- Is that harmful to a beach replenishment project?

MR. MOORE: In some cases, I would say yes, only from the standpoint that they don't want us to put sand in particular areas. They just want to leave it the way it is or put sand offshore or build big spikes offshore. And that's not what the projects are authorizing. If we have to go back and change the projects, then we're going to have to go back to Congress and get reauthorization. And I think that's extremely dangerous in the current climate.

ASSEMBLYMAN GUSCIORA: Thank you.

SENATOR CAFIERO: Thank you, Bernie.

Thank you, Mayor Rosenblatt.

MAYOR ROSENBLATT: Thank you very much.

SENATOR CAFIERO: Now, for the non-mayor, David Rosenblatt.

DAVE ROSENBLATT: No relation, not that it would be a bad thing.

I am Dave Rosenblatt, Bureau Chief of the Atlantic Coastal Region, in the Division of Watershed Management, in DEP. I am pleased to be here before the Commission. And thank you for inviting me.

The Department's position towards the Blue Wave Campaign of the Clean Beaches Council is that the State's coastal towns do not need to pay an exorbitant fee to validate their beach quality efforts. The Department recommends a do-nothing approach towards that campaign. However, I believe that it's important that our coastal towns use whatever benchmark is available to improve their beaches and their coastal water quality.

Mayor Pagliughi (indicating pronunciation) has--

MAYOR PAGLIUGHI: Pagliughi. (indicating pronunciation)

MR. ROSENBLATT: Pagliughi-- (indicating pronunciation)

MAYOR PAGLIUGHI: It's Irish. (laughter)

MR. ROSENBLATT: --has received numerous awards from Quality New Jersey for his beaches in Avalon. And the purpose of that Quality New Jersey effort was to create a benchmark for other towns to follow to make improvements toward their beaches. So, wherever the opportunity arises, whether it's Avalon or Manasquan or any other of our best beaches, other towns should take a look and see what they're doing to make improvements.

The Department's policy is a continuous support of the State's extraordinary beach and coastal work quality. Through the Division of Watershed Management's grant programs, the Department seeks to identify and eliminate the remaining source of the water quality problems along the coast.

The Department will continue to work with the EPA as it develops its national beach program for monitoring and public notification and will work

with the Department of Health and Human Services to adopt EPA's guidelines into the State's cooperative coastal monitoring program.

Please be aware that both the Federal legislation of the beaches act of 2000 and EPA's guidance document for that legislation have used our cooperative coastal monitoring program as a model in its development phases. I think the State has attained a great deal of national recognition for its efforts along the coast, as far as monitoring goes. And I think we stand on our own. We don't need to be evaluated or pay those fees in order to receive further approval.

Thank you.

SENATOR CAFIERO: Thank you, David.

Questions from the Commission? (no response)

Thank you, sir.

MR. ROSENBLATT: That's it?

MAYOR PAGLIUGHI: I would like to just say one thing.

Would you agree that just because New Jersey doesn't have any beach closings in 1999 and the state of Delaware didn't have any beach closings in 1999-- Is that equal-equal?

MR. ROSENBLATT: No, no. We have different types of monitoring programs, we have different standards. That is one of the reasons why we have this national beachfill and national programs, to, sort of, level the playing field among all the coastal states. So the comparison of closing between states is not really significant. I mean, it's a starting point that the Natural Resource Defense Council, the NRDC, likes to point to in its annual summary of beach water quality. And it's a good summary. It's a start, but the intricacies

of each monitoring program in the states are different. And that presents a problem when you do comparisons. I would never-- I try to avoid comparing our state with other states for that reason. It's just too hard to pick out those differences. But I can say that I think we have one of, if not the best, programs towards monitoring.

MAYOR PAGLIUGHI: I testified at the Senate committee meeting in Washington for that beachfill three years ago. I mean, everybody down there was pointing at New Jersey. And I believe California--

MR. ROSENBLATT: California.

MAYOR PAGLIUGHI: Right. The only two states-- Probably three quarters of the states have no testing program at all. And to make it and put everybody on an equal playing field-- But what we're looking at is how can this outfit come in and say, "For \$2000 we're going to give you a blue flag, and you've got a cleaner beach than anybody who is going under stronger standards?" Fraud. I said it before. (laughter)

MR. ROSENBLATT: The executive director of the Clean Beaches Council called me and spoke with me as he was developing this in his head. And we talked a lot about the water quality criteria that he wanted to employ. So I was familiar with this as early as three years ago. And I knew what he was going to do. I didn't-- While I was speaking to him, I didn't know that he'd be charging this \$2100 fee for his services.

MR. KEMPF: Got to pay for the executive director somehow. (laughter)

MR. ROSENBLATT: That's right.

And when we did find out that's what he intended to do, that's when the Department dropped out of any discussions with him.

So I understand that his own criteria not being well applied to some beaches-- The whole thing is problematic for us at this point.

SENATOR CAFIERO: I wrote on behalf of the Commission, back at the end of May, after our last meeting, these things that the Mayor speaks of and the things that were testified to at that meeting. This was sort of a scam. This \$2000 was sort of highway robbery. And we wrote to the DEP saying that we recognize, and those of us here in the Legislature over past years have always supported resolutions and employing the Federal government to adopt standards that we knew that Virginia beaches were making the same tests we were-- When some of our towns had their beach closings, our beach could be far, far -- much healthier-- And so I said -- over there, because their beach is as clean as ours just because there has been no closing.

And I suggested, on behalf of the Commission, that the DEP take an affirmative stand and send out -- and if there's any media here, I hope they would carry that message forth from this meeting -- that whoever pays \$2000 for this flag, it's a one-shot deal. You can get the flag the first day of May, and the second day of May, have the worst polluted beach in the whole country. And from there to Labor Day, you're going to have a flag that's going to send this false level of comfort to those who use that beach thinking because that \$2000 flag -- they get ripped off -- to the municipality -- they have a clean beach. And you folks, in our standards, can come and close that beach the next day and make that flag look very simple and those who paid \$2000 to get it even worse.

So, if there's any media here that can send a message forward, I wish that message would be that if that beach is not closed -- you live in New Jersey -- you can bet your bottom dollar you've got the safest beach and the safest water in that country. That flag's not going to mean anything except you've depleted the resources of your sponsoring municipality by \$2000. But other than that, that's all that flag is worth.

Is that accurate?

MR. ROSENBLATT: Yes, sir.

MAYOR PAGLIUGHI: Well, maybe DEP could issue gold flags.

SENATOR CAFIERO: I suggested that.

MAYOR PAGLIUGHI: Gold are better than blue, and they're free.

MR. KEMPF: If you will, I think if you look at what this Commission has done over the years, in working in harmony with folks like former Senator Gagliano, the Jersey Shore Partnership, Ken Smith, Coastal Advocate, Harry DeButts from Avalon and the Mayor, Bernie, Rusty Husted, and we could go on and on and on. And on the one side -- to protect their beaches. On the other side, we have watchdog groups headed by folks like Cindy and the Surfers Union. We come together, and we're looking at New Jersey as one beach 127 miles long. And we're solving the problems.

As it's said several times, we are the nation's leader in coastal protection and coastal quality. It says to me that there's only one flag that has to fly over New Jersey's beaches, and that's the New Jersey State Flag. And I think it says it all.

SENATOR CAFIERO: Thank you, sir.

MR. ROSENBLATT: Thank you very much.

SENATOR CAFIERO: Ken Smith.

Is what we said accurate?

KEN SMITH: Yes, right on. Right on the money.

I'm here today representing the Monmouth County Board of Freeholders -- just very brief testimony that they want to provide on the reversal of cost sharing.

But I will say that I surfed the USO beach back in 1964 or 1967. It's over 30 years ago. And I remember it. I was in a contest. And the water was 34 degrees. I had a little hole right here (indicating) in my glove. I had to come in. I could stand it. Yeah, I'm a former surfer, and now I'm a fair-weather surfer. I need to bring the paddle around.

I understand their issues, but I think the overriding issue here is the protection of the communities in the State of New Jersey. And I would say that if the surfers would like to get involved in a nonobnoxious way in this dialogue, I think there's room for them. I really do. Some of their comments are cogent, and I understand them. But we -- they have not been participating, I don't think, in a meaningful way in this discussion. To say that we need to study the problems-- We studied these projects for 10 years -- the Corps does. I mean, this is not something that's done overnight. And there's room in that process for all comers.

And I just also want to say I was really pleased and encouraged to see Cindy Zipf supporting beach replenishment. Did she say that? I thought that's what she said.

All right, from Monmouth County -- on behalf of the people of Monmouth County, I want to thank you for reconvening the Commission. Our

beaches are extremely important to us in Monmouth County. And from Sandy Hook to Manasquan, we host hundreds of thousands of people every summer. In 1999, tourism expenditures in Monmouth County totaled \$1.790 billion dollars, ranking this county number five statewide in tourism expenditures.

Fifty-three thousand people are employed in Monmouth County's tourism industry, most of them in coastal communities. And in 1999, \$1.040 million in payroll was paid in the Monmouth County tourism industry, generating \$216.2 million in State taxes and even more in Federal taxes. And these numbers, while large, do not take into account the multiplier effect of coastal tourism on manufacturing and service businesses throughout New Jersey and the surrounding region. Indeed, I would venture that businesses across this nation benefit from the enormous popularity of the Jersey Shore as a tourist destination.

It's all predicated on the health of the beaches. They're both the attraction and the protection for coastal communities, and they must be maintained. Monmouth County has contributed 10 percent of the non-Federal share to every Federal beach replenishment project in the county and will continue to do so.

It is the feeling of the freeholders that the recent proposal by the Bush administration to reverse the cost sharing percentages on renourishments is not only wrong, it is illegal. Those ratios were set by Congress in the 1986 Water Resources Development Act. And the project cooperation agreements are contracts signed and agreed to by all parties. They cannot be aggregated by an administration. It's a very serious issue for our coast. The freeholders urge the

Commission to review the matter and take action, which you have, as of your last meeting.

I've given this testimony to Jason Smith of the Commission. And that will be recorded in the record and printed within the record of this meeting. So I thank you for accepting my testimony on behalf of the board.

SENATOR CAFIERO: Thank you, sir. Thank you for your patience.

Any members of the Commission have any questions? (no response)

There's nobody else left to testify.

We appreciate all of you coming and your attention in staying with us. I appreciate your input.

JOHN H. JONES: If I could, I did not plan on testifying today--

SENATOR CAFIERO: Positively.

MR. JONES: --but a couple of things that came up today that--

SENATOR CAFIERO: Just remember, volunteers get shot.

(laughter)

MR. JONES: Well, volunteers are always a problem.

SENATOR CAFIERO: Your name, sir.

MR. JONES: John H. Jones, from Mantoloking. I'm the Council President in Mantoloking.

Thank you for coming here. It's a very informative session today.

I was encouraged to hear from Bernie Moore and the Corps concerning the danger to plovers that are coming back to Monmouth County.

I was, frankly, very surprised. I knew they were coming back to the Barnegat Light area.

It brings up a question that I asked you at the meeting in Avalon. As you recall, I gave testimony on several subjects. I won't go through them all, but one was on the recent notice we received from the Wildlife Agency stating that we no longer had plover habitat. And we asked you, the Commission, for support and help with Bernie Moore to, perhaps, get an interim beachfill to get our habitat back or at least to accelerate the Corps Engineers' program, which, I guess, is-- The earliest is 2003. We would like to get our plovers back earlier if we could. We continue to seek your help in this and anything you can do to help us with that.

As an aside, if there's a problem with wanting to move the sand in Loch Arbour, if that comes up this fall, extend the pipe down to Mantoloking. We'd love to get it. (laughter)

Thank you for your attention.

SENATOR CAFIERO: Thank you, sir.

Anything else? Anything more from the public? (no response)

Thanks again, kids.

Have a happy and safe fourth.

(MEETING CONCLUDED)