



August 1, 2014

Mr. Gary J. Brower, Esq.
Attn: DEP Docket No. 03-14-04
Office of Legal Affairs
NJ Department of Environmental Protection
401 East State Street, 7th Floor
Mail Code 401-04L
PO Box 402
Trenton, NJ 08625-0402

RE: MTA/NJ Comments on the Coastal Zone Management Rules, DEP Docket No. 03-14-04

Dear Mr. Brower:

The following comments are being submitted on behalf of the Marine Trades Association of New Jersey (MTA/NJ) regarding the proposed changes to the Coastal Management Rules and Coastal Permit Program Rules. The MTA/NJ is a non-profit trade organization dedicated to promoting, protecting and advancing the recreational marine industry and waterways in the State of New Jersey. We represent hundreds of marine businesses, both small and large, working hard to sustain their businesses and prosper in the State of New Jersey.

As stated in the rule proposal, Hurricane Sandy devastated marinas, boat yards, recreational fishing and boating businesses, and destroyed countless boats. Many of the buildings where marine mechanics, carpenters, fiberglass workers, painters and others, who apply their trade and skills, were destroyed or significantly damaged. It is estimated that uninsured losses from the storm are in excess of \$100 million.

In addition to the significant destruction to New Jersey's marine coastal infrastructure, the storm greatly reduced the recreational boating fleet. These losses have had direct negative impact on the industry's small businesses and the employees who rely on the boating industry for their livelihood and subsistence. There are currently 151,787 registered vessels in New Jersey. In 2000, there were 240,281 registered vessels. Therefore, in a little over a decade, the industry has lost 88,000 registered vessels. These losses combined with a slow economic recovery have severely strained recreational marine businesses located all over the state. The industry has been working very hard to recover from the storm and much progress has been made. However, it will take many years to fully recover all that was lost.

Additionally, the conversion of marinas to waterfront condominiums and development is a trend that is growing both on a national and state level. A number of states have already taken a proactive approach

to ensure that marinas remain a viable component of a working waterfront. Prior to Hurricane Sandy, tracking of these losses in New Jersey indicated that over 500 slips that were available to the public are gone as well as boating services and jobs. These services included boat storage, repair and maintenance facilities, fuel sales, pump out facilities and retail sales of boating and related supplies.

Recreational boating is an important pastime that allows people access to the waterways where they can spend time with their friends and family enjoying nature, fishing, dining, hunting, cruising, swimming or water sports. Spending summers on the water and enjoying all that New Jersey has to offer is a way of life for so many residents and visitors alike. Recreational boating is a great way for families to spend time together and, more importantly, can be a very valuable experience for children that provides plenty of learning opportunities

In addition to providing enjoyment, the recreational boating industry and the small businesses which comprise much of the maritime community, contributes substantially to local and state economies. The economic impact of New Jersey boating supports approximately 18,000 jobs and 2 billion dollars in spending.

The MTA/NJ strongly supports the adoption of these rules and the efforts of the Department to streamline and amend the Coastal Zone Management rules for existing marinas to perform needed maintenance, conduct infrastructure improvements, add restaurants as well as allow for the development of new marinas. The MTA/NJ commends the Department for recognizing the need to make these changes to ensure the economic viability and sustainability of the recreational boating industry in New Jersey.

The MTA/NJ also supports the proposed amendments for maintenance dredging, new dredging, dredged material and dredged material management areas. As stated in the proposal, the failure to maintain navigational depths of our waterways has far reaching impacts on our coastal communities. These changes are greatly needed to facilitate the extremely difficult permitting process and regulations that prevent needed maintenance and dredging projects from moving forward.

Included below are specific sections of the proposal that we support and/or have additional comments on:

N.J.A.C. 7:7-6.6 General Permit 6- construction of a bulkhead and placement of associated fill on a man-made lagoon

Support addition of dredged material as an allowable backfill.

N.J.A.C... 7:7-6.9 General Permit 9- construction of support facilities at legally existing and operating marinas

Support deletion of requirements in this section.

N.J.A.C 7:7-6.10 General Permit 10- reconstruction of a legally existing functioning bulkhead
Support amendments in this section.

N.J.A.C 7:7-6.15 General Permit 15- construction of piers, docks, including Jet Ski ramps, pilings, and boatlifts in man-made lagoons

Support modification to spacing requirements.

N.J.A.C. 7:7-9.2 Shellfish habitat and N.J.A.C. Requirements for shellfish habitat mitigation

Strongly support the amendments that allow for the expansion of an existing marina or construction of a new marina in certain “infill” situations.

However, we do oppose and have serious concerns over the mitigation requirement and the monetary contribution that will likely prevent any of these projects from moving forward; therefore making these amendments ineffective. As stated, the mitigation for shellfish is based on economic loss to the industry and not the loss of shellfish to nature. Basing the monetary contribution on the area of shellfish habitat condemned indicates that you are valuing the economic interest of shell fishermen over that of marina owners. As stated here and in the proposal, the economic contributions of the boating industry are significant. These contributions must be given equal or greater priority when determining monetary contributions for mitigation. We respectfully request that the Department reevaluate and amend the mitigation requirements in this section to reduce the monetary requirement for the construction of a dock, pier, mooring or marina in shellfish habitat.

We also oppose **N.J.A.C. 7:7-9.2(d)4iii which prohibits dredging in conjunction with the construction or use of the marina expansion**, particularly if the mitigation requirement is not removed. If mitigation will be required for marina expansion into shellfish habitat, and since the purpose of mitigation is to compensate for loss of shellfish habitat, dredging should not be prohibited within the expanded marina footprint.

N.J.A.C. 7:7-9.7 Navigation Channels

Support amendments addressing acceptability of maintenance and new dredging of navigation channels.

N.J.A.C. 7:7-9.23 Filled Water’s edge

Fully support the amendments that allow for the construction of a restaurant at a marina.

N.J.A.C 7:7-9.27 Wetlands

Support amendments and removal of 10 year requirement that will facilitate the use of former dredged material management areas that may not have been used in the last 10 years but are critical to facilitate maintenance and safe navigation of our waterways.

N.J.A.C 7:7-9.49 Dredged Material Management Areas

Support amendments for a new special rule for dredged material management areas.

N.J.A.C 7:7-12.6 Maintenance Dredging

Strongly support amendments in this section and the change allowing flexibility in the types of proof that can be used to demonstrate that proposed dredging qualifies as maintenance dredging and the additional amendments that will result in more dredging projects being considered maintenance dredging.

N.J.A.C 7:7-12.6 Recreational Docks and Piers

Support amendment that allows for an alternative dock design.

N.J.A.C. 7:7-15.3 Resort/Recreational

Strongly support all amendments in this section and most importantly the deletion of 7:7E-7.3A. The MTA/NJ has been urging the department for years to remove these prescriptive requirements that prevented many marinas from being able to obtain permits for needed improvements. The MTA/NJ appreciates the Department efforts in recognizing the importance of marinas as essential components of our waterfront communities and for making this significant change.

In closing, the Coastal Zone Management Rules, as written, have for years prevented many projects from moving forward. Projects that were sensible, offered environmental improvements or upgrades that were needed to maintain an aging and unsupported marine infrastructure. These proposed changes finally represent a reasonable and balanced approach in protecting our natural resources that address decades of permitting issues, red tape, restrictive and unnecessary rules and regulations. Thank you for your consideration. If there is any additional information that you need or any questions that you may have, please do not hesitate to contact me at 732-292-1051.

Sincerely,

A handwritten signature in black ink that reads "Melissa Danko". The signature is written in a cursive, flowing style.

Melissa Danko
Executive Director