



March 23, 2010

Marine Trades Association of New Jersey Red Rape Review Group Hearing Comments

Good afternoon. My name is Melissa Danko and I am the Executive Director of the Marine Trades Association of New Jersey. We are a non-profit trade organization comprised of over 300 marine-related businesses dedicated to promoting and protecting the marine industry and waterways in the State of New Jersey. We represent hundreds of marine businesses, both small and large, working very hard to operate and sustain their businesses in the State of New Jersey.

I appreciate the opportunity to provide comments here today. My remarks will be brief as we are planning to submit detailed comments and recommendations proposing amendments to a number of DEP rules and regulations that are desperately needed to ensure the economic viability and sustainability of the recreational boating industry in New Jersey.

The current regulatory environment and constraints recreational marine businesses face make it very difficult for them to move forward economically. Many of these businesses - family owned and operated - are trying to expand and improve their facilities only to get caught up in a time consuming, complicated and expensive permitting process. This becomes even more challenging in this economy. It is estimated that more than 135,000 jobs in our industry have been lost nationwide with many businesses in New Jersey recently closing. On top of that, the conversion of marinas to waterfront condominiums and development is a trend that continues to grow both on a national and state level. In New Jersey, recent tracking of these losses indicate that within the last few years, over 400 slips that were available to the public are gone as well as boating services from at least six facilities that are now residential developments. These services included boat storage, repair and maintenance facilities, fuel sales, pumpout facilities and retail sales of boating and related supplies. All of these services enable residents and visitors the opportunity to get on the water and enjoy our natural resources.

A recent economic survey indicated that New Jersey boaters spent approximately \$2.1 billion dollars on in-state recreational boating activities. The data that was captured from this study confirms how recreational boating substantially contributes to the economy and how important the industry is to the state. Boating in New Jersey is serious business and this study clearly demonstrates how much we need to work to protect and promote it, especially during these difficult economic times.

With that said, there are a number of significant regulatory issues currently impacting the recreational marine industry and amendments to these rules must be considered immediately. Marinas and marine businesses are constantly struggling to work through a maze of complicated regulations and policies that contradict many of the Department's own goals and objectives. The DEP has documented a strong need to preserve and protect marinas and working waterfronts, yet continually put up roadblocks that prevent any progress from ever being made. Our proposed amendments would ease the ability and process for existing marine businesses to improve, expand or increase their slips and services therefore providing additional, meaningful quality access and recreation for the public without compromising the environment and our natural resources.

The most current issue is the recent changes to the Coastal Zone Management rules and public access mandates on marinas. The public access rule places serious mandates on marina owners; increases security concerns, reduces revenues and increases costs beyond the ability of most marinas to support. Marinas find themselves boxed in, as they can not expand or improve without revising their facility for increased and unlimited public access.

The New Jersey Legislature intervened in this matter by passing a law to suspend the public access rules until December 31, 2010. The law also required that the Governor establish a "Public Access and Marina Safety Task Force" which would review and make recommendations for an appropriate public access plan. Unfortunately, Governor Corzine never appointed the Task Force despite continuous requests. Therefore, we respectfully urge the DEP to immediately amend the public access rule and exempt marinas from the requirements that call for deed restrictions, walkways, unlimited access and additional parking.

Another issue that we are currently working through involves an amendment to the Basic Industrial Stormwater General Permit for marinas. Under this amended permit, marinas that currently wash vessels at their facilities are no longer permitted to discharge vessel wash wastewater to surface or ground waters. Effective June 1, 2009, marinas were required to eliminate the discharge of vessel wash wastewater by either installing a vessel wash wastewater reclaim/recycling system, capturing and hauling the water away, or ceasing to wash vessels. Prior to this deadline, we had requested an extension based on the economic downturn and emerging technologies. On June 1, 2009, we were notified that the Department would be exercising their enforcement discretion until March 1, 2010.

In light of the fact that many marinas are still greatly struggling through this economic climate, we had requested, in a recent letter to Acting Commissioner Martin that the March 1, 2010 deadline be extended to December 31, 2012, coinciding with the new Permit Extension Act of 2008 expiration date. We were notified last week that an extension would not be granted. As we stated in our letter, an extension would have allowed for marinas to obtain the financial resources to comply with this change. We would like to request the DEP reconsider this decision and extend its enforcement discretion.

Some of our additional changes include reductions in buffers and setbacks; clarification and amendments to shellfish habitat rules; reducing the amount of time it takes to obtain tidelands grants and renewal licenses as I recently assisted one of our members who was trying to obtain their tidelands renewal license which took four years to obtain; rewording some of the language pertaining to marinas and docks to support development/redevelopment of these facilities and amend dredging and dredged material management rules as the need for dredging of New Jersey's navigable waterways is so great that at this point in time it is impossible to calculate.

In closing, marine businesses are water dependent by definition and they need clean water and a healthy environment. They work hard to preserve and protect our natural resources while struggling to run their businesses effectively and profitably facing burdensome and costly regulations. Many DEP requirements are counter-productive. Additional exemptions or common sense alternatives should be allowed for water-dependent construction, development and in particular, environmental enhancements for recreational marine businesses. More importantly, the regulatory review process should consider and "weigh", in a common-sense approach, existing or detrimental environmental impacts "versus" the overall environmental improvements proposed as a part of a development or redevelopment project at an existing marine business. For example, the NJDEP has, on many occasions, denied permits solely on the basis of providing public access or buffers or other unnecessary conditions for projects that would have provided a significant environmental benefit while at the same time enhancing water access and recreation.

There has never been a more important time to support the boating industry. With increasing demand for water access, loss of marinas and marine businesses and the growing list of the challenges facing New Jersey's waterways and all of the people, businesses and families that depend on them. New Jersey cannot afford to lose something that we can never rebuild. Our proposed amendments represent a reasonable and balanced approach to addressing regulatory and permitting challenges and we respectfully ask for your full consideration of these suggestions.

Thank you for your time.

Melissa Danko
Executive Director