



URBAN COAST INSTITUTE

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DIRECTOR'S MESSAGE

New Jersey Public Access Rules Revisited

By **Tony MacDonald**

The long awaited revisions of New Jersey's public access rules were issued for public review on April 4, 2011. It seems that everybody in the state agrees that access to beaches and public trust resources along the shore is a good thing; however, writing rules that find the right balance between public and private rights and current and future access needs has created significant controversy.

Now is the time to weigh in and comment on whether the DEP has found the right balance, or more protections should be put in place. Public hearings on the proposed rule have been scheduled for May 12th, eleven a.m. at Liberty State Park, and May 17th, eleven a.m. at Richard Stockton College. Written comments may be submitted through June 3rd to N.J. Department of Environmental Protection.

"Access to our ocean beaches, bays and rivers is a fundamental right for everyone," said DEP Commissioner Bob Martin in releasing the rule. Much of the conflict has been over how much authority DEP should have to require communities, marinas and waterfront businesses to expand and enhance public access when they receive funds for beach nourishment, green acre funds or permits to improve coastal property and facilities.



The revised rule favors maintenance of the status quo, protecting current access while seeking voluntary agreements and community access plans to improve access in the future. However, it is not clear that there are significant incentives to implement upgrades of access points and public facilities. Will the assistance offered by DEP to local governments to develop Municipal Public Access Plans, dedicating State Green Acres Program funds and other State resources to implement local plans be sufficient to encourage access improvements and protection of the public trust interest in coastal and tidal areas?

The proposed rule revisions also provide more support for development of restaurants, recreational facilities and 'amusement piers' along the waterfront. While it requires new commercial, residential and industrial development to provide public access or pay into a fund created by a municipality with an approved access plan, it removes requirements for waterfront businesses to pay into an access fund when securing approval for upgrades, which could undercut efforts to enhance access in already developed urban and suburban areas.

To read the proposed rule proposal, and for information on submitting comments and the public hearings see <http://www.nj.gov/dep/rules/>.

Comments should be submitted to NJDEP, Gary Brower, Esq., Attention: DEP Docket No. 05-11-03, Office of Legal Affairs, 401 East State Street, 4th Floor, PO Box 402, Trenton, New Jersey 08625.

Access to our ocean beaches, bays and rivers is a fundamental right for everyone

NOAA Releases New Aquaculture Policies

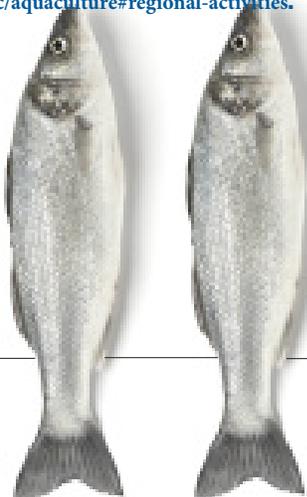
The National Oceanic and Atmospheric Administration (NOAA) and Department of Commerce issued draft national aquaculture policies on February 8, 2011. Aquaculture programs are an important form of food production and are growing in popularity worldwide. To address the growing interest in the issues related to marine aquaculture, NOAA launched this revived Aquaculture Program in order to integrate and coordinate the agency's aquaculture policies, research, outreach, and international obligations.

The U.S. aquaculture industry, which is currently valued at about \$1 billion per year, is dominated by the production of freshwater fish for human consumption. The division of marine aquaculture, which is mainly comprised of shellfish farming, counts for about 20 percent of the current production. Another major component of U.S. aquaculture is hatchery production to replenish stocks of important commercial, recreational, and endangered species and to restore habitat. There are many emerging technologies in this field which include land-based recirculating systems, algal rearing technologies for production of biofuels, integrated systems that combine aquaculture with other uses, and systems in exposed open-ocean waters.

For more information see:

www.fisheries.noaa.gov/topic/aquaculture#regulation-&-policy.

For information on aquaculture activities in New Jersey see: www.fisheries.noaa.gov/topic/aquaculture#regional-activities.



U.S. Department of the Interior Announces Major Offshore Wind Initiatives

On February 7, 2011, Secretary of the Interior Ken Salazar and Secretary of Energy, Steven Chu announced a strategic plan to accelerate the development of offshore wind energy. The plan includes new funding opportunities up to \$50.5 million dollars pertaining to projects that will uphold the deployment of wind energy in several high priority wind areas in the mid-Atlantic. This joint plan, entitled *A National Offshore Wind Strategy: Creating an Offshore Wind Industry* in the United States is the first-ever interagency plan on offshore wind energy.

This strong federal commitment in developing a sustainable offshore wind farm industry is designed to reduce conflict with other ocean uses and also protect our resources. The plan focuses on overcoming three core challenges: the high cost of installing offshore wind farms; the technical challenges surrounding installation, operations, and grid interconnection; and the lack of site data and experience with project permitting processes.

"The Mid-Atlantic Wind Energy Areas are a key part of our 'Smart from the Start' program for expediting appropriate commercial-scale wind energy development in America's waters," Secretary Salazar said. Secretary Salazar identified four Wind Energy Areas offshore in the mid-



The wind energy plan includes new funding opportunities up to \$50.5 million dollars pertaining to projects that will uphold the deployment of wind energy in several high priority wind areas along the Mid-Atlantic coast line.

Atlantic. These areas include: the Outer Continental Shelf offshore Delaware, 122 square nautical miles, Maryland, 207 square nautical miles, New Jersey, 417 square nautical miles, and Virginia, 165 square nautical miles.

To access a map of the proposed sites go to the following web page:
<https://www.doi.gov/pressreleases>

DOI Requests Statements of Interest for N.J. Wind Energy Projects

On April 20th, the U. S. Department of Interior (DOI) Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) invited submission of nominations for interest in commercial leases for the construction of a wind energy project(s) on the Outer Continental Shelf (OCS) offshore New Jersey. (See 76 Federal Register 22130). One area under consideration for commercial leasing totals approximately four hundred and eighteen square nautical miles (nmi) and is located approximately seven nmi from the New Jersey shore. The area will extend forty five nmi between Avalon and Barnegat Light.

Note: Parties wishing to submit a nomination should submit information requested in the notice by **June 6, 2011**. The announcement also requests information about site conditions, resources, and multiple uses within the area identified for potential wind leasing.

Regional and State News

MARCO Develops an Ocean Mapping and Planning Portal

A Mid-Atlantic Mapping and Planning Portal is being developed with the support of the Mid-Atlantic Regional Council on the Ocean (MARCO) as an online tool that will allow state, federal, and local decision makers and the public to visualize and analyze ocean and coastal data in the region. MARCO States recognize that addressing the region's habitat protection and offshore renewable energy priorities required the creation of a geographic information system to support decision-making related to siting offshore wind farms, identifying critical habitats and reducing conflicts among potential ocean users. MARCO is working with state and federal agencies and other partners to produce this first iteration of the Mapping and Planning Portal. The portal includes map data layers grouped into five broad categories:

- Administrative (e.g. official boundaries)
- Biological (e.g. sea-floor habitats)
- Geophysical (e.g. water depth, sediments)
- Human Uses (e.g. fishing, shipping)
- Decision Support (e.g. overlays of various uses and natural features).

Key data layers within each of these categories are present and many additional data acquisition and analysis needs have been identified and efforts to enhance the portal continue in collaboration with other regions and federal agency partners.

More information about the Mapping and Planning Portal and MARCO activities is available at www.midatlanticocean.org/



The portal includes map data that is related to official boundaries, sea-floor habitat, and water depth sediments. The information will aid decision-makers with the region's habitat protection projects and offshore renewable energy plans.

Governor Christie Vetoes Natural Gas Project

On February 8, 2011, New Jersey Governor Chris Christie vetoed a proposed deepwater liquefied natural gas operation that would have taken place 16 miles off the coast of Asbury Park. This project would have involved the construction of a 9.2 mile on-shore pipeline, and 44 miles of submerged pipeline to transport up to 2.4 billion cubic feet per day of natural gas from the deepwater port. This offshore pipeline would have affected almost 6,000 acres of seafloor, removing aquatic life, seafloor habitat, and ultimately affecting fishing grounds.

"I take very seriously our obligation to protect the environmental health of our coastal waters," said Governor Christie. "Offshore LNG poses unacceptable risks to the State's residents, natural resources, economy and security. We must ensure that our 126 miles of shoreline remain an economic driver for tourism and that our fishing and shellfish industries remain healthy and productive now and for future generations."

"We must ensure that our one hundred and twenty six miles of shoreline remain an economic driver for tourism and that our fishing and shellfish industries remain healthy and productive now and for future generations."

Did You Know...?

The beaches of Wildwood are some of the very few on the East Coast where the shoreline is actually growing, instead of eroding.

Other towns along New Jersey's coastline beg and plead for state and federal dollars to pump fresh sand onto their eroding beaches. After some arm-twisting, the government sometimes obliges and sand is pumped in to cover exposed pipes or restore decimated dunes. Most of New Jersey's beaches require nourishment, but this is not the case for Wildwood: their beach measures 1,584 feet from the Boardwalk to the water's edge!

According to NOAA, federal beach nourishment spending has increased from almost \$40 million from 1950 to 1959, to almost \$836 million dollars between 1990 and 1999. For beach nourishment projects, the Federal government contributes 65% of the project cost, while the remaining 35% is divided into a state/local cost-share, with the state contributing 75% and the local governments contributing the remaining 25%.



coastal facts

UCI BRIEFS

UCI Hosts Symposium on New Jersey Coastal and Ocean Economy

On February 11, 2011, The UCI joined with the Jersey Shore Partnership, New Jersey Sea Grant Consortium and other partners to host a symposium entitled: Building a Sustainable Future for New Jersey's Coastal and Ocean Economy. Mr. Michael Aron from NJN News moderated the symposium, which brought together over 150 leaders from business and industries, communities, state and local governments, academia, non-governmental organizations, and citizens to craft an agenda for a sustainable future in light of sea level rise, climate change, ecosystem impairments, aging infrastructure, and budget constraints.

The day was kicked off by a keynote presentation from Christopher Daggett, President and Chief Executive Officer of the Dodge Foundation who set forth a challenge to the group to address both economic and environmental sustainability, given the importance of a healthy environment to so many of New Jersey's coastal businesses.

A panel of leading experts from various important economic sectors began the dialogue. The panel included Curtis Bashaw, Principal, Cape Advisors, Inc., Michael Catania, President, Conservation Resources, Inc., Daniel Cohen, President, Fisherman's Energy, Melissa Danko, Executive Director, NJ Marine Trades Association, and Ernie Panacek, Vice President, Garden State Seafood Association. After extensive Q&A and lively discussion, the group adjourned for lunch and was addressed by Caren Fran-



CCVAP is a GIS-based methodology to assist local decision-makers to identify vulnerability to coastal hazards including consideration of sea level rise scenarios.

zini, Chief Executive Officer, New Jersey Economic Development Authority to conclude the symposium.

For a copy of the agenda and more information, visit the UCI website at www.monmouth.edu/uci/. A full report of the symposium will be posted on the site.

UCI Works with NJ Sea Grant Consortium (NJSGC) and other Partners to Complete Coastal Community Vulnerability Assessment Protocol (CCVAP)

With funding provided by NOAA National Sea Grant Office, the UCI worked with NJS-GC, Stevens Institute of Technology and NJ DEP Office of Coastal Management (OCM) to pilot two innovative tools developed by the NJOCM: Coastal Community Vulnerability Assessment Protocol (CCVAP) GIS mapping, and a Getting to Resilience community assessment questionnaire. Coastal Community Vulnerability Assessment Protocol (CCVAP) is a GIS-based methodology to assist land use planners, hazard mitigation planners, emergency managers, and other local decision-makers to identify vulnerability to coastal hazards including consideration of sea level rise scenarios. By applying the methods defined in CCVAP to the pilot com-

munities, areas were identified where built infrastructure, sensitive natural resources, and special needs populations overlapped areas of potential inundation. The Getting to Resilience questionnaire was developed as a non-regulatory tool to help coastal communities to identify actions and programs already underway and opportunities to improve local resilience through planning, public outreach, mitigation, and response mechanisms. The Boroughs of Cape May Point, Little Silver, and Oceanport were selected to participate in the NJS-GC's Coastal Community Climate Adaptation Initiative pilot project.

UCI Director Joins NOAA CZM Steering Committee

The Urban Coast Institute Director, Tony MacDonald, has been invited to be a part of the steering committee for NOAA's Coastal Zone Management Act (CZMA) Outreach Strategy Project. This steering committee will play an advisory role to NOAA's Office of Ocean and Coastal Resource Management and the Meridian Institute staff. The main objectives for the project are to:

- To engage leaders to assess and design effective strategies to advance CZMA reauthorization
- Assess any challenges in reauthorization, including encouraging stakeholder interest, and educating congress in the importance of reauthorization
- Develop communication with key interest groups whose support would be evident in reauthorization
- Recognize areas of reauthorization proposals that could be modified to increase support and interest

Meet the Professor

Dr. Pedram Daneshgar is the newest addition to Monmouth University's School of Science Marine and Environmental Biology and Policy program. He received his Bachelor's degree in Biology from the University of Delaware. During the attainment of his Masters degree in Biology at St. Joseph's University, he was inspired by a professor to focus on plant ecology. Pedram received his PhD in Forest Ecology and Invasive Species at the University of Florida. He continued to conduct research in Florida and Texas on invasive plant species and their affect on prairies. At Monmouth University, he is teaching Introduction to Biodiversity and Evolution and Botany, while also performing research for the UCI on an invasive Asiatic sand sedge and how it affects dune ecology.



UCI Marine Scientist Appointed to NJ Water Monitoring Council

James Nickels, Marine Scientist for the UCI, has been appointed to the New Jersey Water Monitoring Council. Nickels has 25 years of academic and professional experience in designing, implementing, and directing a variety of marine and inland water field research and sampling programs. He manages UCI's network of eight (8) real time water quality monitoring stations, which was installed with support from the Fairleigh S. Dickinson, Jr. Foundation, EPA and NOAA, and also works with the Barnegat Bay Partnership to manage water quality stations in the Bay. Mr. Nickels previously held the position of Vice President at Aqua Survey Inc., and Director of Marine Operations at the New Jersey Marine Sciences Consortium.

The New Jersey Water Monitoring Coordinating Council, established on October 24, 2003 as part of NJ's celebration of World Water Monitoring Day, serves as a statewide body to promote and facilitate the coordination, collaboration and communication of scientifically sound, ambient water quality and quantity information to support effective environmental management. The Council will address the biological, chemical, physical and ecosystem aspects of water monitoring, including surface and ground waters, freshwater, estuarine, and marine environments in New Jersey.



In many circumstances the use of living shorelines offers more protection against storms and flooding than traditional hard structures that were used in the past.

Advancing Living Shorelines in New Jersey

UCI worked with the American Littoral Society and other partners to host a workshop on March 23, 2011 on Advancing Living Shorelines in New Jersey. The objective of the workshop was to lay the foundation for developing a robust living shoreline program in New Jersey. Experts from NOAA's Restoration Center, and from Virginia, North Carolina and Maryland were brought in to review the "state of the art" of living shoreline work around the country, share challenges and lessons learned, discuss the currently regulatory complications and recommendations for regulatory improvements, and to brainstorm with New Jersey leaders on ways to increase living shoreline utilization. While in many circumstances the use of living shorelines, which in most instances includes both natural features and engineered elements, offers more protection against storms and flooding and environmental benefits than traditional hard structures they are not broadly accepted by the public and engineering consultants. In addition, current regulations are overly complicated and can discourage considerations of living shoreline and restoration-based approaches. A meeting report will be prepared and copies of the presentations made available soon.

For more information on the living shoreline workshop, contact Bill Shadel at the American Littoral Society: bill@littoralsociety.org.



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7th Annual Future of the Ocean Symposium and Champions of the Ocean Awards Luncheon

Friday, October 21, 2011
Ocean Symposium 10:00 a.m.
Free and Open to the Public
Awards Luncheon 12:00 p.m.
By ticket reservation only

More information coming soon ! Check back at www.monmouth.edu/urban_coast_institute or contact ljordan@monmouth.edu