

**Participating Organizations**

Alliance for a Living Ocean  
 American Littoral Society  
 Arthur Kill Coalition  
 Asbury Park Fishing Club  
 Bayberry Garden Club  
 Bayshore Regional Watershed Council  
 Bayshore Saltwater Flyfishers  
 Bedford Seafood Co-op  
 Belmar Fishing Club  
 Beneath The Sea  
 Bergen Save the Watershed Action Network  
 Berkeley Shores Homeowners Civic Association  
 Cape May Environmental Commission  
 Central Jersey Anglers  
 Citizens Conservation Council of Ocean County  
 Clean Air Campaign, NY  
 Coalition Against Toxics  
 Coalition for Peace & Justice/Unplug Salem  
 Coast Alliance  
 Coastal Jersey Parrot Head Club  
 Communication Workers of America, Local 1034  
 Concerned Businessmen of COA  
 Concerned Citizens of Bergenliant  
 Concerned Citizens of COA  
 Concerned Citizens of Montauk  
 Concerned Students and Educators of COA  
 Eastern Monmouth Chamber of Commerce  
 Fisher's Island Conservancy  
 Fishermen's Conservation Association, NJ Chapter  
 Fishermen's Conservation Association, NY Chapter  
 Fishermen's Dock Cooperative, Pt. Pleasant  
 Friends of Island Beach State Park  
 Friends of Liberty State Park, NJ  
 Friends of the Boardwalk, NY  
 Garden Club of Englewood  
 Garden Club of Fair Haven  
 Garden Club of Long Beach Island  
 Garden Club of RFD Middletown  
 Garden Club of Morris-town  
 Garden Club of Navesink  
 Garden Club of New Jersey  
 Garden Club of New Vernon  
 Garden Club of Oceanport  
 Garden Club of Princeton  
 Garden Club of Rumson  
 Garden Club of Short Hills  
 Garden Club of Shrewsbury  
 Garden Club of Spring Lake  
 Garden Club of Washington Valley  
 Great Egg Harbor Watershed Association  
 Green Party of Monmouth County  
 Green Party of New Jersey  
 Highlands Business Partnership  
 Holly Club of Sea Girt  
 Hudson River Fishermen's Association  
 Jersey Shore Captains Association  
 Jersey Shore Parrot Head Club  
 Jersey Shore Running Club  
 Junior League of Monmouth County  
 Keyport Environmental Commission  
 Kivinis Club of Manasquan  
 Kivinis Club of Shadow Lake Village  
 Leonardo Party & Pleasure Boat Association  
 Leonardo Tax Payers Association  
 Main Street Wildwood  
 Mantoloking Environmental Commission  
 Marine Trades Association of NJ  
 Monmouth Conservation Foundation  
 Monmouth County Association of Realtors  
 Monmouth County Audubon Society  
 Monmouth County Friends of Clearwater  
 National Coalition for Marine Conservation  
 Natural Resources Protective Association, NY  
 NJ Beach Buggy Association  
 NJ Commercial Fishermen's Association  
 NJ Environmental Federation  
 NJ Environmental Lobby  
 NJ Main Ship Owners Group  
 NJ Marine Education Association  
 NJ PIRG Citizen Lobby  
 Nottingham Hunting & Fishing Club, NJ  
 NYC Sea Gyppies  
 NY State Marine Education Association  
 NY/NJ Backkeeper  
 Ocean Wreck Divers, NJ  
 PaddleOuting  
 Pleasant Bay Sportsmen Club  
 Raritan Riverkeeper  
 Religious on Water  
 Riverside Dive Association  
 Rotary Club of Long Branch  
 Rotary District #7510—Interact  
 Saltwater Anglers of Bergen County  
 Sandy Hook Bay Anglers  
 Save Barnegat Bay  
 Save the Bay, NJ  
 SEAS Monmouth  
 Seaweeds Garden Club  
 Shark Research Institute  
 Shark River Cleanup Coalition  
 Shark River Surf Anglers  
 Shore Adventure Club  
 Sierra Club, NJ Shore Chapter  
 Sisters of Charity, Mans Stella  
 Sons of Ireland of Monmouth County  
 Son-quimist Club of Cape May County  
 South Jersey Dive Club  
 South Monmouth Board of Realtors  
 Staten Island Tuna Club  
 Strathmore Fishing & Environmental Club  
 Surfers' Environmental Alliance  
 Surftrader Foundation, Jersey Shore Chapter  
 TACK-I, MA  
 Terra Nova Garden Club  
 Three Harbors Garden Club  
 Unitarian Universalist Congregation/Moran, City  
 United Boatmen of NY/NJ  
 Village Garden Club  
 Volunteer Friends of Beaten, NJ  
 WATERSPIRIT  
 Women's Club of Brick Township  
 Women's Club of Keyport  
 Women's Club of Long Branch  
 Women's Club of Merchantville  
 Women's Club of Spring Lake  
 Women Gardeners of Ridgewood  
 Zen Society



Ocean Advocacy  
Since 1984

# Clean Ocean Action

18 Hartshorne Drive  
Highlands, NJ 07732-0505

[www.CleanOceanAction.org](http://www.CleanOceanAction.org)

Telephone: 732-872-0111  
Fax: 732-872-8041  
Info@CleanOceanAction.org

Dr. Christopher M. Moore  
Mid-Atlantic Fishery Management Council  
Suite 201  
800 N. State St  
Dover, DE 19901

Dear Dr. Moore,

I write to follow up on a proposal that was recently brought up to you by Captain Jim Lovgren, called the Clean Ocean Zone (COZ). It is a federal legislative initiative to permanently protect the waters off the New York and New Jersey coasts, known as the New York/New Jersey Bight, from pollution and industrialization. The COZ had been discussed by the MAFMC some years ago, and it was approved with the caveat that the Council had to review the actual language of the bill. Given the state of the region, the time is now to renew our efforts for the COZ.

We understand there will be a meeting in June in New York City and we are asking for the COZ to be placed onto the agenda for MAFMC review and support. **Attached are the bill, a fact sheet, and a list of supporters.**

The COZ was written by "we the people." A number of groups, including commercial (with Capt. Jim Lovgren) and recreational fishermen, divers, boaters, environmental, and ocean advocates spent many weeks over many years honing the language. Its focus is exclusively on reducing or eliminating pollution sources. It is prohibited from adding marine fisheries management activities; rather it recognizes existing laws are in place. With new ocean governance structures looming (through the National Ocean Policy), protections such as the Clean Ocean Zone are essential to ensuring that harmful activities are kept out of the Mid-Atlantic Ocean.

With a recent LNG victory behind us, and the serious threat of oil exploration looming, the time has come for renewing and re-energizing the call for the Clean Ocean Zone. There are over 100 organizations and many municipalities that have supported the COZ over the years. As its spearhead, COA's coalition is targeting 2012 for a loud and strong public support of the bill.

Again, we are hopeful that the COZ will be on the June agenda and that the MAFMC will act to support this important legislative initiative. Please contact us if you have any questions. We will follow up with you soon.

Sincerely,

Cindy Zipf  
Executive Director  
[zipf@cleanoceanaction.org](mailto:zipf@cleanoceanaction.org)

11\_ TH CONGRESS  
\_ SESSION

**H.R.** \_\_\_\_\_

To restore, protect, and preserve the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes.

-----

IN THE HOUSE OF REPRESENTATIVES

-----

**A BILL**

To restore, protect, and preserve the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. SHORT TITLE.**

This Act may be cited as the “New Jersey/New York Clean Ocean Zone Act of 2011”.

**SEC. 2. CONGRESSIONAL FINDINGS, POLICY, AND DECLARATION OF PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) The New York/New Jersey Bight is an essential natural and scenic resource of the United States, providing innumerable recreational, commercial, economic and aesthetic benefits and extraordinary ecological, biological, and environmental benefits.

(2) Various harmful activities within the New York/New Jersey Bight, including the dumping of contaminated dredged material, the dumping of various wastes, point source and nonpoint source pollution, the extraction of nonrenewable natural resources, and the potential development of deepwater oil and gas facilities, have caused or may cause serious adverse impacts to human health, welfare, and amenities, or threaten the marine environment, ecological systems, and economic potentialities of the New York/New Jersey Bight.

(3) Ecologically unique areas at risk from degradation caused by pollution, such as the New York/ New Jersey Bight, are worthy of special protections to reduce such threats. Pollution-preventing protections have been established for and awarded to the Great Lakes and the Everglades, for example.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of this Act is to restore, protect and preserve, the natural, chemical, physical, and biological integrity, and the economic potentialities, of the New York/New Jersey Bight.

(2) LIMITATION.—This Act is not intended—

(A) to authorize or require any fisheries management actions within the New Jersey/New York Clean Ocean Zone, including fisheries management allocation and techniques or any similar fisheries management related activity; or

(B) to prohibit or limit beach replenishment activities, flood control activities, erosion control activities, or habitat restoration projects on or along the shoreline adjoining the New Jersey/New York Clean Ocean Zone.

### **SEC. 3. DESIGNATION OF NEW JERSEY/NEW YORK CLEAN OCEAN ZONE.**

(a) DESIGNATION.—The New York/New Jersey Bight shall be known and designated as the “New Jersey/New York Clean Ocean Zone”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in subsection (a) shall be deemed to be a reference to the “New Jersey/New York Clean Ocean Zone”.

### **SEC. 4. REGULATION OF THE NEW JERSEY/NEW YORK CLEAN OCEAN ZONE.**

(a) OCEAN DUMPSITES.—

(1) PROHIBITION OF DESIGNATION OR ESTABLISHMENT OF NEW SITES.—Neither the Administrator, the Secretary, nor any State may issue a permit for ocean dumping, nor designate or establish any new disposal site, within the New Jersey/New York Clean Ocean Zone, including pursuant to section 102, 103, 104A, or 104B of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412, 1413, 1414a, 1414b) or section 4 of Public Law 95–153 (33 U.S.C. 1412a).

(2) TERMINATION OF EXISTING DESIGNATIONS.—Except as provided by paragraph (3), all existing designations of disposal sites within the New Jersey/New York Clean Ocean Zone are hereby terminated, and such sites shall not be used as disposal sites.

(3) USE OF HARS.—Notwithstanding paragraphs (1) and (2), and consistent with the terms, conditions, and limitations of section 228.15(d)(6) of title 40, Code of Federal Regulations, dredged material may be placed in the Primary Remediation Area of the HARS for the purposes of ecological remediation and protection of sensitive species at sensitive life stages, if the Administrator determines, following testing and analytical measures established by regulation for materials proposed for ocean dumping, that the dredged material qualifies as material for remediation.

(b) REGULATION OF POINT SOURCES.—

(1) PROHIBITION ON DISCHARGES FROM NEW POINT SOURCES.—The discharge of a pollutant into the New Jersey/New York Clean Ocean Zone from a point source constructed or put into use after the date of enactment of this Act is prohibited under section 301 of the Federal Water Pollution Control Act (33 U.S.C. 1311). Neither the Administrator, nor any State, may issue a permit, pursuant to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or comparable State law, for the discharge of a pollutant into the New Jersey/New York Clean Ocean Zone from a point source constructed or put into use after such date of enactment.

(2) LIMITATIONS ON EXISTING PERMITS.—A State or Federal permit issued pursuant to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for the discharge of a pollutant into the New Jersey/New York Clean Ocean Zone may not be renewed, reissued, or modified after the date of enactment of this Act to allow for any increase of discharge capacity of any point source or sources. The renewed, reissued, or modified permit may not contain any effluent limitation that is less stringent than comparable effluent limitations in such permit and shall otherwise require compliance with all other applicable laws and regulations under the Federal Water Pollution Control Act, including applicable water quality standards.

(c) EXTRACTION OF NONRENEWABLE NATURAL RESOURCES.—

(1) PROHIBITION.—The permanent extraction of any nonrenewable natural resource from the New Jersey/New York Clean Ocean Zone for commercial or industrial use is prohibited, unless such removal is undertaken for the primary purpose of maintaining or establishing navigation channels.

(2) LIMITATION.—This Act shall not be used to restrict or otherwise limit beach replenishment activities, flood control activities, erosion control activities, or habitat restoration projects on or along the shores of the New Jersey/New York Clean Ocean Zone.

(d) NONRENEWABLE ENERGY FACILITIES.—Except as set forth in subsection (e)—

(1) the creation of any type of nonrenewable energy facility or pipeline within the New Jersey/New York Clean Ocean Zone is prohibited;

(2) the Secretary of Transportation shall not issue any license pursuant to section 4 of the Deepwater Port Act (33 U.S.C. 1503) or section 106 of the Maritime Transportation Security Act of 2002 (116 Stat. 2086) for the ownership, construction, or operation of a deepwater port used for the production, storage, transport, or transfer of nonrenewable energy in the New Jersey/New York Clean Ocean Zone;

(3) there shall be no conveyance of any interest in any federally owned, submerged or subterranean land within the New Jersey/New York Clean Ocean Zone for the purpose of establishing or operating a nonrenewable energy facility, including—

(A) the conveyance of such an interest for any pipeline that transports any nonrenewable natural resource or any refined product produced therefrom, within or through the New Jersey/New York Clean Ocean Zone; and

(B) the grant or lease of such right-of- ways by the Secretary of the Interior pursuant to section 28 of the Mineral Leasing Act (9 U.S.C. 185), or the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.).

(e) RENEWABLE ENERGY FACILITIES.—

(1) LIMITATION ON GRANTING LEASES, ETC.— No lease, easement, or right-of-way for a renewable energy facility may be granted for any federally owned, submerged, or subterranean land in the New Jersey/New York Clean Ocean Zone except in accordance with this subsection, section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), and section 388 of the Energy Policy Act of 2005 (43 U.S.C. 1337 note).

(2) COMPLIANCE WITH APPLICABLE LAWS.— The granting of any lease, easement, or right-of-way referred to in paragraph (1) shall comply with all applicable laws and regulations and shall not be exempt nor categorically excluded from the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Section 102 of such Act shall be applied to each such lease, easement, and right-of-way on a project-by-project basis.

(3) DETERMINATION REQUIRED.—No lease, easement, or right-of-way referred to in paragraph (1) may be granted unless—

(A) the Secretary of the Interior, after completion of any review required by paragraph (2), determines that such action—

(i) complies with all environmental criteria, conditions, and restrictions established by or pursuant to section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) or section 388 of the Energy Policy Act of 2005; and

(ii) will not unreasonably degrade or endanger human health, welfare, or amenities, the marine environment, or ecological systems or economic potentialities thereof; and

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, concurs in writing with the determination of the Secretary of the Interior under subparagraph (A).

(4) STANDARD OF REVIEW.—For purposes of paragraph (3), an action is deemed to unreasonably degrade or endanger human health, welfare, or amenities, the marine environment, or ecological systems or economic potentialities thereof, only if the action is likely to cause, on an individual or cumulative basis—

(A) significant adverse impacts to marine habitat, ecosystem diversity, productivity, and stability of the biological community within the area of the renewable energy facility concerned and surrounding biological communities;

(B) a threat to human life, health, or existing or potential amenities through—

(i) the creation of a hazard to navigation, fishing, or recreation;

(ii) direct exposure to pollutants; or

(iii) consumption of exposed aquatic organisms; or

(C) significant impairment of recreational, scientific, or economic benefits currently or potentially derived from or within the area of the renewable energy facility and surrounding waters.

(f) UNDERWATER RESEARCH AND EXPLORATION.—

(1) IN GENERAL.—Nothing in this Act restricts or otherwise limits underwater research or exploration of the aquatic environment within the New Jersey/New York Clean Ocean Zone, if such re-search or exploration—

(A) will not adversely affect, or will be performed for the sole purpose of furthering, the restoration, protection and preservation of, the natural, chemical, physical and biological integrity of the New Jersey/New York Clean Ocean Zone; and

(B) is conducted in accordance with all other applicable laws and regulations.

(2) PROHIBITION.—The conduct of any under-water research or exploration of the aquatic environment within the New Jersey/New York Clean Ocean Zone that does not comply with paragraph (1) is prohibited.

## SEC. 5. SUPPORT FOR MARINE ACTIVITIES.

### (a) MARINE ACTIVITIES.—

(1) ACTIVITIES NOT LIMITED.—Nothing in this Act shall be considered to restrict or otherwise limit the conduct of any of the maritime activities described in paragraph (2) in the New Jersey/New York Clean Ocean Zone, to the extent that such activity does not violate any other applicable law or regulation.

(2) MARINE ACTIVITIES DESCRIBED.—The maritime activities referred to in paragraph (1) are the following:

- (A) Boating.
- (B) Underwater diving.
- (C) Surfing, swimming, and other similar recreational activities.
- (D) Recreational fishing and commercial fishing.
- (E) The creation of artificial reefs.

(b) FISHERIES MANAGEMENT ACTIONS NOT AUTHORIZED.—This Act shall not be used to adopt or enact fisheries management actions within the New Jersey/New York Clean Ocean Zone, including fisheries management allocation and techniques or any similar fisheries management related activity.

## SEC. 6. ENFORCEMENT.

This Act may be enforced under sections 105 and 107 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415 and 1417), except that section 4(b) of this Act may be enforced under sections 309 and 505 of the Federal Water Pollution Control Act (33 U.S.C. 1319 and 1365).

## SEC. 7. DEFINITIONS.

Except as otherwise specifically provided, in this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) ARTIFICIAL REEF.—The term “artificial reef” means a federally or State approved structure that is constructed or placed in the waters of the New York/New Jersey Bight for the purpose of enhancing one or more of benthic relief, fishery re-

sources, commercial diving, recreational diving, surfing, commercial fishing opportunities, and recreational fishing opportunities.

(3) CONTINENTAL SHELF.—The term “Continental Shelf” means the seabed and subsoil of the submarine areas adjacent to the coast of the United States, and all submerged lands lying seaward and outside of the area of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), extending to a depth of 1000 fathoms.

(4) DISCHARGE OF A POLLUTANT.—The term “discharge of a pollutant” means any addition of any pollutant to the waters of the New York/New Jersey Bight from any point source.

(5) DISPOSAL SITE.—The term “disposal site” means a precise geographical area designated under Federal law for the dumping of any material into the waters of the New York/New Jersey Bight, including, but not limited to, any site at which dumping is authorized under a permit issued under section 102 or 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412, 1413).

(6) DREDGED MATERIAL.—The term “dredged material” means any material excavated or dredged from the navigable waters of the United States.

(7) DUMPING.—The term “dumping” has the meaning that term has under section 3(f) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402(f)).

(8) EFFLUENT LIMITATION.—The term “effluent limitation” has the meaning that term has in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

(9) HARS.—The term “HARS” means the dredged material disposal site located within the New York/New Jersey Bight and bounded by the co-ordinates set forth in section 228.15(d)(6) of title 40, Code of Federal Regulations (in effect as of July 1, 1999), also known as the Historic Area Remediation Site.

(10) MATERIAL.—The term “material” has the meaning that term has in section 3(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402(c)).

(11) MATERIAL FOR REMEDIATION.—

(A) IN GENERAL.—The term “material for remediation” means dredged material that, through testing and analysis, is determined by the Administrator to—

(i) contain, or to cause through bio-accumulation, chemical concentrations of any Contaminant of Concern that are less than those



concentrations present in, or caused through bioaccumulation by, the surficial sediment collected at a depth of no more than 6 inches from the proposed placement site within the HARS;

(ii) have fewer screening level exceedances for Contaminants of Concern than the surficial sediment collected at a depth of no more than 6 inches from the proposed placement site within the HARS, except material for remediation shall have no Screening Level exceedances if such surface sediment have no such exceedance; and

(iii) otherwise complies with applicable Federal and State laws and regulations established for materials proposed for ocean dumping, including, without limitation, section 227.6 of title 40, Code of Federal Regulations.

(B) CONTAMINANT OF CONCERN DE-FINED.—In this paragraph, the term “Contaminant of Concern” means—

(i) any of the pollutants specified in the chart in subparagraph (C) and having the corresponding Screening Level value (in parts per billion dry weight); and

(ii) any additional pollutant designated under subparagraph (D).

(C) CHART.—The chart referred to in sub-paragraph (B) is as follows:

<b>Pollutant</b>	<b>Screening level</b>
Cadmium .....	1,200.0000
Chlordane .....	0.5000
Dieldrin .....	0.0200
2,3,7,8 TCDD (Dioxin) .....	0.0036
Total DDTs .....	1.5800
Lead .....	46,700.0000
Mercury .....	150.0000
Total Polychlorinated Biphenyls (PCBs) .....	22.7000
Total Polynuclear Aromatic Hydrocarbons (PAHs) .....	4,022.0000.

(D) ADDITIONAL POLLUTANTS.—The Administrator shall designate additional pollutants and corresponding Screening Level values for purposes of this paragraph as is necessary to achieve the purpose and intent of section 4(a)(3).

(12) NAVIGATION CHANNEL.—The term “navigation channel” means a channel that is federally or State designated and open to permit free and unobstructed navigation by all types of vessels and tows normally using such waterways.

(13) NEW YORK/NEW JERSEY BIGHT.—The term “New York/New Jersey Bight” means the geographic area within the Atlantic Ocean generally known by that name and located within the boundaries described more particularly as follows: Beginning at a point at the southern tip of Cape May, New Jersey, and running—

(A) northerly along the mean high water mark of the coast of New Jersey to the northern tip of Sandy Hook, New Jersey, then

(B) northeasterly along the transect of the northern tip of Sandy Hook and the western tip of Long Island, New York, then

(C) easterly along the mean high water mark of the south shore of Long Island to the eastern tip of Long Island, New York, then

(D) southerly to the eastern bank of Block Canyon to the 1,000 fathom line of the Continental Shelf, then

(E) southwesterly along the 1,000 fathom line to the western bank of Baltimore Canyon, and then

(F) northwesterly to the point of beginning at the southern tip of Cape May, New Jersey.

(14) NONRENEWABLE ENERGY.—The term “nonrenewable energy” means any form of energy that is produced from a nonrenewable natural re-source, including oil, natural gas, liquid or gaseous fuels, sand, or rock, any product produced there-from, or any synthetic version thereof.

(15) NONRENEWABLE ENERGY FACILITY.—The term “nonrenewable energy facility” means any equipment, pipeline, or facility, other than an electrical transmission cable, a communication cable, or a vessel in transit, that is or will be used primarily—

(A) in the development, production, conversion, storage, transfer, processing, or transportation of any non-renewable natural resource; or

(B) for the manufacture, production, or assembly of any equipment, machinery, product, or device that is involved in any activity de-scribed in subparagraph (A).

(16) NONRENEWABLE NATURAL RESOURCE.— The term “nonrenewable natural resource”—

(A) except as provided in subparagraph (B), means any naturally occurring, inanimate object, mineral, or nonliving resource that can-not be replenished by natural means at the same rate that it is consumed; and

(B) does not include any manmade object.

(17) PERMANENT EXTRACTION.—The term “permanent extraction” means the permanent removal of any nonrenewable natural resource from the marine environment, including the water column, the seabed, or subsoil.

(18) PIPELINE.—The term “pipeline”—

(A) except as provided in subparagraph (B), means any pipe or conveyance constructed or used primarily for the transport of non-renewable energy; and

(B) does not include an electrical transmission cable or communications cable.

(19) POLLUTANT.—The term “pollutant”—

(A) except as provided in subparagraph (B), has the meaning that term has in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)); and

(B) does not include any material approved under Federal law or a stricter State standard for use in the construction or maintenance of a permitted artificial reef.

(20) POINT SOURCE.—The term “point source” has the meaning that term has in section 502(14) of the Federal Water Pollution Control Act (33 U.S.C. 1362(14)).

(21) RENEWABLE ENERGY RESOURCE.—The term “renewable energy resource”—

(A) means a source of energy that is re-generative and is produced without depleting or otherwise diminishing the resource from which such energy is derived; and

(B) includes solar, thermal, photochemical, photoelectric, photosynthetic, hydropower, geo-thermal, tidal, and wind energy sources.

(22) RENEWABLE ENERGY FACILITY.—The term “renewable energy facility” means any equipment or facility, other than a vessel in transit, that is or will be used primarily—

(A) in the development, production, conversion, storage, transfer, processing, or transportation of any renewable energy resource; or

(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices, which are involved in any activity described in subparagraph (A).

(23) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(24) VESSEL IN TRANSIT.—The term “vessel in transit”—

(A) means a vessel that has departed for, but has not yet arrived at, its next point of destination; and

(B) includes any vessel described in sub-paragraph (A) that is temporarily anchored pending such arrival.

# Protect the New York – New Jersey Bight

## Support the *CLEAN OCEAN ZONE*

### What is a Bight?

*Bight* (bīt) *n.* – a curve or bend in a shoreline.

**New York/New Jersey Bight** – waters from Montauk Point, NY to Cape May, NJ and offshore to the outer edge of the Continental Shelf (to 100 miles); over 19,000 square miles of the Atlantic Ocean.

### Why is the NY/NJ Bight important?

- ◆ Diverse marine life: 300+ species of fish, 350 species of birds, 5 species of sea turtles, 20 species of whales and dolphins, 4 species of seals, and 1 porpoise frequent this region.
- ◆ Economic-driver: The Ocean supports a multi-billion dollar tourism industry, billion dollar recreational and commercial fishing industry, and enormous natural value and eco-services.



*The US Fish and Wildlife Service states that “the NY/NJ Bight has one of the highest diversities of marine mammals and sea turtles reported anywhere in the US and supports many threatened and endangered species.”*

### Past and Present Dangers to the NY/NJ Bight

Eight ocean dumpsites once plagued the Bight – including those for dredged material, cellar dirt, sewage sludge, acid wastes, wood incineration, and industrial wastes. Companies continue to look to the Bight for polluting and industrializing activities (including liquefied natural gas importation, offshore oil and gas drilling, and mining). Polluters view this living resource as a cheap disposal ground, the next industrial park, and ripe for exploitation.

### It’s time to lock-in the progress

Current Laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat-destructive activities. **The Clean Ocean Zone campaign seeks federal legislation to permanently protect the waters of the NY/NJ Bight; locking out the bad and locking in the good progress for a healthy ocean. The COZ legislation would:**

#### Reduce Pollution:

1. Prohibit new ocean dumpsites.
2. Ensure implementation of environmentally sound alternatives for managing dredged material to help keep harbor channels safe for navigation.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges). Encourage environmentally protective beneficial reuse of wastewater.

#### Protect Marine Ecosystems:

4. Prohibit the permanent extraction (e.g. strip-mining) of non-renewable natural resources, including sand and gravel, but allowing beach replenishment activities.
5. Prohibit industrial and non-renewable energy facilities and infrastructure, such as liquefied natural gas complexes and oil and gas exploration, development, and drilling.
6. Require the development of responsible regulations for renewable energy sources.

#### Support Marine Resources:

7. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions. The COZ legislation shall not be used to restrict or limit recreational or commercial fishing.
8. Support federal and state approved artificial reefs, and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
9. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean, such as: boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

## **CLEAN OCEAN ZONE SUPPORTERS\***

*Organizations, municipalities, and businesses can sign a statement of support for the passage of the Clean Ocean Zone initiative off the New York/ New Jersey Coast.*

*For more information and to take action, go to [www.cleanoceanaction.org](http://www.cleanoceanaction.org)*

### **ORGANIZATIONS (104)**

#### **Environmental**

Alliance for a Living Ocean (NJ)  
American Littoral Society  
Bayshore Regional Watershed Council (NJ)  
Barnegat Bay Partnership (NJ)  
Blue Ocean Institute  
Bound Brook High School Environmental Club (NJ)  
Citizens Against Aberdeen Forge & Mirror Lake (NJ)  
Citizens' Environmental Coalition (NY)  
Citizens for Wesley Lake (NJ)  
Clearwater (NY)  
Coalition Against Toxics (NJ)  
Coast Alliance  
Coastal Marine Resource Center of New York  
Concerned Citizens of Montauk (NY)  
Friends of Liberty State Park (NJ)  
Friends of Long Island Sound (NY)  
Friends of the Boardwalk (NY)  
Friends of the Navesink Highlands/Lenape Woods Coalition (NJ)  
Group for the East End (NY)  
High Technology High School Environmental Club (NJ)  
Jamaica Bay Eco Watchers (NY)

#### **Education**

Lower Cape May Regional Education Association (NJ)  
Lower Cape May Regional School French Club (NJ)  
Lower Cape May Regional School Girl's Track Team (NJ)  
New York State Marine Education Association  
School Based Youth Services (NJ)

#### **Faith-Based**

Coalition for Peace & Justice (NJ)  
Maris Stella Advisory Committee (NJ)  
Medical Mission Sisters, North America Sector  
Religious On Water  
Secular Franciscan Order, St. Francis of Assisi Fraternity (NJ)  
Sisters of Charity of Saint Elizabeth – Leadership Team (NJ)  
Sisters of St. Dominic (NJ)  
Sisters of St. Joseph – Philadelphia (PA)  
Sisters of Mercy of New Jersey Justice Circle (NJ)  
St. Francis of Assisi Environmental Ministry (NJ)  
WATERSPIRIT (NJ)

Manasquan River Watershed Association (NJ)  
Metropolitan Waterfront Alliance  
Mid-Atlantic Fishery Management Council  
Monmouth Coastal Watersheds Partnership (NJ)  
Monmouth Conservation Foundation (NJ)  
Monmouth County Audubon Society (NJ)  
Monmouth County Friends of Clearwater (NJ)  
Natural Resources Protective Association (NY)  
New Jersey Environmental Federation (NJ)  
NY/NJ Baykeeper (NY/NJ)  
Pingry School Environmental Protection Club (NJ)  
Raritan Riverkeeper (NJ)  
Rumson-Fair Haven Regional High School Environmental Club (NJ)  
Save Barnegat Bay (NJ)  
Shark River Cleanup Coalition, Inc. (NJ)  
Sierra Club Long Island (NY)  
Unplug Salem Campaign (NJ)  
Students for Waveriding & Environmental Leisure (SWEL), Rutgers University (NJ)

#### **Fishing (Recreational & Commercial)**

##### **Seafood Industry, & Other Resource Users**

Asbury Park Fishing Club (NJ)  
Divers Anonymous Scuba Dive Club (NJ)  
Fisheries Defense Fund, Inc.  
Fishermen's Conservation Association (NY)  
Fishermen's Dock Cooperative – Point Pleasant (NJ)  
Garden State Seafood Association (NJ)  
Gildford Park Yacht Club (NJ)  
Hudson River Fishermen's Association - NJ Chapter  
In Too Deep Dive Club (NJ)  
Mid-Atlantic Fishery Management Council  
New Jersey Council of Diving Clubs (NJ)  
New Jersey Historical Divers Association, Inc. (NJ)  
New Jersey Museum of Boating (NJ)  
New York Sportfishing Federation (NY)  
Recreational Fishing Alliance  
Saltwater Anglers of Bergen County (NJ)  
South Jersey Dive Club (NJ)  
United Boatmen of NY/NJ  
Staten Island Tuna Club (NY)

*\*As of June 6, 2011*

*The Clean Ocean Zone (COZ) is a project of Clean Ocean Action.*

## **CLEAN OCEAN ZONE SUPPORTERS\***

### **Garden Clubs**

Bedford Garden Club (NY)  
Garden Club of Irvington (NY)  
Garden Club of Long Beach Island (NJ)  
Garden Club R.F.D. of Middletown (NJ)  
Holly Club of Sea Girt (NJ)  
Island Heights Garden Club (NJ)  
Rumson Garden Club (NJ)  
Rochester Garden Club (NY)  
Rockaway Valley Garden Club (NY)  
Seaweeders Garden Club of Bay Head & Mantoloking (NJ)  
Syracuse Garden Club (NY)  
Shrewsbury Garden Club (NJ)  
Village Garden Club of Middletown (NJ)

### **Homeowner & Civic Associations**

Beachside Bungalow Preservation Association (NY)  
Concerned Citizens of Bensonhurst (NY)  
Asbury Park Consortium (NJ)

Kiwanis Club of Long Beach Island (NJ)  
The League of Women Voters of Ocean County (NJ)  
Long Branch Historical Association (NJ)  
Manasquan Kiwanis Club (NJ)  
York Street Project (NJ)

### **Labor & Union**

Communications Workers of America – Local 1034

### **Surfing**

PaddleOut.org (NJ)  
Surfers' Environmental Alliance  
Surfrider Foundation  
Surfrider Foundation - Central Long Island Chapter (NY)  
Surfrider Foundation - Eastern Long Island Chapter (NY)  
Surfrider Foundation - Jersey Shore Chapter (NJ)  
Surfrider Foundation - New York City Chapter (NY)  
Surfrider Foundation - South Jersey Chapter (NJ)

### **BUSINESSES(9)**

Brave New World (NJ)  
Eastern Monmouth Area Chamber of Commerce (NJ)  
Gracie and the Dudes Ice Cream (NJ)  
Jersey Shore Chefs Association (NJ)  
Jenkinson's Aquarium (NJ)  
Marine Trades Association of New Jersey  
Non-Commissioned Officers Association (NJ)  
Ortley Beach Property Owners Association Inc. (NJ)  
South Monmouth Board of Realtors (NJ)

## CLEAN OCEAN ZONE SUPPORTERS\*

### MUNICIPALITIES & COMMISSIONS (49)

Asbury Park Environment  
& Shade Tree Commission, NJ  
Association of New Jersey Environmental  
Commissions (ANJEC)  
Atlantic Highlands Environmental Commission, NJ  
Borough of Barnegat Light, NJ  
Borough of Bay Head, NJ  
Borough of Beach Haven, NJ  
Borough of Belmar, NJ  
Township of Berkeley, NJ  
Borough of Bradley Beach, NJ  
Bradley Beach Environmental Commission, NJ  
Township of Brick, NJ  
City of Brigantine, NJ  
Borough of Deal, NJ  
Township of Dover, NJ  
Borough of Eatontown, NJ  
Township of Freehold, NJ  
Hazlet Township Environmental Commission, NJ  
Township of Howell, NJ  
Borough of Interlaken, NJ  
Borough of Keyport, NJ  
Township of Lakewood, NJ  
Borough of Lavallette, NJ  
Township of Long Beach, NJ  
City of Long Branch, NJ  
Township of Manalapan, NJ  
Borough of Manasquan, NJ  
Borough of Mantoloking, NJ  
City of Margate, NJ  
Township of Marlboro, NJ  
Township of Middle, NJ  
Township of Neptune, NJ  
Neptune Environmental/Shade Tree Commission, NJ  
Township of Ocean (Ocean County), NJ  
City of Ocean City, NJ  
Ocean City Coastal Conservation Commission, NJ  
Borough of Ocean Gate, NJ  
Borough of Point Pleasant Beach, NJ  
Borough of Red Bank, NJ  
Red Bank Environmental Commission, NJ  
Borough of Seaside Heights, NJ  
Borough of Seaside Park, NJ  
Borough of Ship Bottom, NJ  
Somers Point Environmental Commission, NJ  
Township of Stafford, NJ  
Borough of Surf City, NJ  
Township of Wall, NJ  
Wall Environmental Advisory Committee, NJ  
City of Wildwood, NJ  
Borough of Wildwood Crest, NJ

### Citizens:

**30,000+**

*(petitions available upon request)*