

January 24, 2007

Dear Commissioner Jackson,

In a late December meeting attended by many of our groups, the Department outlined its plan for a new process to guide the designation of Category One waterways. The meeting afforded only a cursory overview of what would represent a very fundamental change to clean water protections in New Jersey, but did provide an outline of the narrow set of water quality indicators that might serve as the basis for deciding future C1 upgrades. We have serious objections to the proposed designation process and fear that its implementation would strip New Jersey of the ability to adequately protect and maintain its high quality waterways. If enacted, this method would reverse tremendous advances in clean water protection in the state, contradict the commitments made by Governor Corzine, and leave New Jersey without the ability to adequately protect and maintain many of its most deserving waterways.

Currently, the state employs a valid, scientific methodology under which over 1600 waterway segments have been identified as candidates for C1 protections. The State should expand C1 protections to more of these waterways. Yet under the newly proposed designation process, the decision to upgrade is based on a narrow set of water quality indicators that cannot provide a holistic view of the merits of a waterway. The measures of water quality that a waterway would be required to meet in order to be awarded the C1 designation are so restrictive as to bar likely thousands of miles of truly deserving waterways. The proposed criteria are also incapable of capturing the measures by which a waterway may be considered "exceptional" – such as its ecological, recreational, and water supply significance.

There are many ways in which the proposed criteria would divorce critical measures of the significance of a waterway from the designation process. The methodology currently used by the Department integrates data from Landscape Project Maps and the Natural Heritage Priority database to determine if a waterway rises to the level of "exceptional ecological significance." Yet despite the importance of maintaining a waterway's integrity to protect its ecological resources, the proposed designation process would strip consideration of threatened and endangered plants, animals, shellfish, and ecological communities from the designation process in place of limited chemical and biological indicators of water quality. There also appears to be a complete lack of consideration for other important measures, including recreational significance and aesthetic character.

The implementation of the proposed designation process would mark a reversal of the clean water policy outlined by Governor Corzine. As a candidate, the Governor lauded the Category One program and promised to expand the protections to more deserving waterways across the state during his first year in office. The Governor renewed this commitment in August, indicating that he would upgrade the Musconectcong, Ramapo, Wallkill, and Pequest Rivers by the end of the year. As such, we were more than disappointed to see this deadline missed but even more so to see the Department lay out a

plan that would undermine the strength of the Category One program and fail to upgrade exceptional waterways such as these permanently.

Clearly the proposed changes to the Category One designation process are so significant that they cannot be undertaken without input from the general public. The proposed designation process would severely limit the ability of citizens to successfully call upon or petition the Department to designate waterways for increased protections and is a dramatic change from the methodology currently used to designate C1 waterways. In fact, we see no deficiency in the current methodology, which is more scientifically sound from an ecological basis than the changes proposed.

Further, the proposed designation process not only would bar likely thousands of miles of truly deserving waterways from the protections needed to maintain their current uses and exceptional quality, but open up the methodology that is currently in use in the designation process to scrutiny and challenges from those looking to roll back the protections thousands of miles of rivers in the state currently enjoy.

We would welcome the opportunity to work with the Department to design a new process to make the Category One designation process more transparent and predictable, but we support the methodology currently in place and will not support a process that weakens the ability of the state to protect and maintain its best waterways. We would like to expand upon our concerns in person at your earliest convenience. Please let us know a time when you and other key staff involved in the proposed plan will be available to meet.

Sincerely,

Rich Bizub, Pinelands Preservation Alliance
Tim Dillingham, American Littoral Society
Abbie Fair, ANJEC
Jane Galetto, Citizens United to Protect the Maurice River
Helen Henderson, Save Barnegat Bay
Sylvia Kovacs, Warren County Environmental Commission
Susan Kraham, New Jersey Audubon Society
Ethan Lavine, Environment New Jersey
Suzanne McCarthy, South Jersey Land and Water Trust
Alison Mitchell, New Jersey Conservation Foundation
David Pringle, New Jersey Environmental Federation
Jeff Tittel, Sierra Club – NJ Chapter
Bill Wolfe, New Jersey PEER
Cindy Zipf, Clean Ocean Action