



May 12, 2011

Bob Martin, Commissioner
New Jersey Department of Environmental Protection
401 East State Street
7th Floor, East Wing
PO Box 402
Trenton, NJ 08625-0402

Dear Commissioner Martin

The undersigned member organizations of the South Jersey Bayshore Coalition are writing to express our concern about the Habitat Suitability Determination (HSD) review process conducted under the Water Quality Management Planning Rules at 7:15-5.26. The Department is be commended for establishing a process that provides opportunities for landowners and other interested parties to challenge habitat designations as they pertain to the establishment of future sewer service areas. However, we believe that the existing process is not transparent and does not provide adequate opportunity for public review and comment.

The HSD process, as established by rule, is a fair and balanced process in and of itself. However, the Coalition believes that, without full public disclosure, it has potential to result in land use determinations that could undermine valid Landscape Project data and adversely impact important natural resources. Therefore, we offer that, like any other Environmental permitting or approval processes, HSD requests should be subject to public notice in the DEP Bulletin to provide the public-at-large with the opportunity to review and comment.

The South Jersey Bayshore Coalition supports New Jersey's Water Quality Planning effort. It represents a holistic approach to environmental and infrastructure planning that will support long-term sustainability for New Jersey's communities while protecting critical natural resources. At the same time, site specific challenges to DEP's data, planning methods and decisions, whether well-founded or not, should be subject to public scrutiny. Often times, the public can offer important insight and information that supports the DEP's initial assessments. We do not want to see these decisions overturned through a strictly internal process, without inviting public participation.

In light of these concerns, we ask that the Department provide full disclosure of all HSDs under review by the Department which could result in critical habitat being re-assigned to sewer service areas. Additionally, we are concerned that the final sewer service maps, containing HSD revisions, will be released without adequate opportunity for review and comment prior to adoption.

By way of this letter, we are requesting a list of all HSDs submitted to the department, including Municipality, Block and Lot, located within the Delaware Bay watershed counties of Cape May, Cumberland, Gloucester and Salem. We also urge the Department to release the final draft sewer service area maps with sufficient opportunity for public review and comment.

The Water Quality Management Planning process has been years in the making, and the Department should be careful to ensure its validity is not weakened through the HSD process. To do so would also undermine the integrity of the Landscape Project.

Thank you for your consideration of this request and for the opportunity to share our concerns.

Sincerely,

Matthew Blake, Manager
Delaware Bay Program
American Littoral Society

Richard H. Mc Nutt, President
Tidewaters Gateway Partnership Inc.

Christine Nolan, Executive Director
South Jersey Land and Water Trust

Margaret O’Gorman, Executive Director
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Francis Rapa, Regional Manager
Delaware Bay Watershed
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