



NJ Friends of Clearwater Newsletter

November 2009

Volume 2, Number 11

New Jersey Friends of
Clearwater
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**ANNUAL
MEMBERSHIP
DUES
RENEWAL
NOW DUE!**

Upcoming NJFC Events and Meetings

Sunday, November 1
General Meeting, 2PM
Eatontown Community Ctr.
72 Broad Street, Eatontown

Monday, Nov. 16, 7pm
Environmental Cmte Mtg.,
Cobblestone Restaurant,
Eatontown

Tuesday, Nov. 24, 4pm
FMERPA EAC Mtg.
Open to Public! Please Come!
2-12 Corbett Way, Suite C,
Eatontown, NJ 07724

Monday, Nov. 30, 7:30pm
Board of Directors Meeting,
Eatontown Public Library

For more info on NJFC
meetings go to:

http://www.njclearwater.org/calendar_NJFCcalendar.php

New Members, try:
<http://www.meetup.com/Clearwater-of-New-Jersey-Meetup-Group/>

NOTICE: NJFC Board of Directors Election Postponed

The BOD election has been postponed until the General Membership Meeting which will be held at 2pm on December 6, 2009 at the Eatontown Community Center. Time is still available to declare your candidacy.

Clearwater Urges Friends and Family to Vote Yes to Public Question #1: Choose It or Lose It.

by NJFC Board of Directors

At our October meeting, the NJFC BOD has by consensus chosen to urge members to vote YES on Question #1 on November 3rds Election Ballot. Despite concerns about going further into debt through another bond issue, the benefits far outweigh the concerns.

Public Question #1 is entitled "The Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009." The act authorizes the state to issue bonds in the amount of \$400 million. If approved by voters, the Act will provide funding for the following programs:

- \$218 million for the Green Acres Program: The Green Acres program acquires lands for recreation and conservation purposes, including lands that protect our water supplies and preserve open spaces.
- \$24 Million for floodplain preservation: This program allows NJ to purchase properties prone to or that have incurred flood or storm damage from willing sellers.
- \$146 million for farmland preservation: These funds will be used for the preservation of farmland for agricultural or horticultural use and production.
- \$12 million for historic preservation: These funds will be used for historic preservation projects and restorations.

All spending of the authorized bond proceeds will be subject to full public disclosure. Among the benefits:

- 1) A bargain: Thousands of acres of forests and farms are available at low prices due to the economic downturn. The time to preserve land is NOW, while the prices are still low!
- 2) A wise investment: We all profit from the economic, physical and environmental health benefits of natural lands – cleaner air and water, flood control, better health through recreation and billions of dollars in revenue tourism.
- 3) Water: Preserved lands protect our water supply.
- 4) Leverage: State preservation funds are used to match local and county open space funds. Without state funding to match local funding, municipal and county open space funds may dry up.
- 5) Quality of life: We deserve parks to play in, trails to walk on, local farm

stands to buy from, and clean rivers and lakes to swim and fish in.
6) Commitment: A yes vote will send a strong message to our legislators that NJ citizens support preservation and are willing to pay for it.
Please vote.

Clearwater Continues Fort Monmouth Contamination Fight

by Ed Dlugosz

The quarterly meeting of Restoration Advisory Board (RAB) was held October 7, 2009 at Gibbs Hall, Fort Monmouth. The presentation by Princeton Hydro engineer marked the progress of the Landfill Stabilization Project along the 1.5 miles streambanks on Fort Monmouth. Also presented was the progress of the excavation of water- and oil-filled Underground Storage Tanks (UST) and remediation of soil surrounding them. Both remediations were reluctantly started only after the relentless two-year campaigning by Clearwater. The proper capping of the 9 landfills is a campaign in which we are still engaged.

The latest campaign, which was started in May 2009, is the fight to ensure that the Army tells the whole truth in the Environmental Assessment (EA) about the burden the communities, county, and state will bear when and if, the Army abandons Fort Monmouth for Aberdeen Proving Ground, which itself has actually six times the number of contaminated sites. Our review opens with "After an extensive scientific review of the EA. Clearwater rejects the EA and cites that it does not provide sufficient evidence to call for a Finding of No Significant Impact (FNSI). A forthright Environmental Impact Statement (EIS) is therefore a necessary addition to the evidence to assure that the receiving communities—Eatontown, Tinton Falls, and Oceanport, the county, and the state have a true, whole picture of the property that will become their citizens responsibility and liability in 2011. The EA's lack of complete disclosure calls into question the claims of short-term, minor impact in almost all areas."

When Clearwater tried to discuss this issue at that July RAB meeting, we were told that the EA and the FNSI were not topics for discussion at the RAB. This was stupefying at the time and more so once the formal minutes of that meeting were reviewed afterwards. In a letter to Ms Wanda Greene, Army co-chair of the meeting, and the rest of the RAB I wrote as a RAB member and Clearwater:

"Wanda, After reviewing the RAB minutes for July 2009, I have several important corrections to, clarifications of, and comments to the July minutes:

1. Please make the minutes more clear and to the point by illuminating the references to the CFRs in the minutes by including the answers that you provided the RAB to my questions about the reasons you wouldn't discuss the EA/FNSI issues, which I attempted to paraphrase below. As you know, I submitted our comments to those EA/FNSI issues under the auspices of the Eatontown ECC and the NJ Friends of Clearwater. The paraphrases of your verbal answers to my questions [summarized in the minutes as, "... when will the Army finish reviewing the Environmental Assessment (EA) public comments and how will the decision of a FNSI or EIS be presented?"] follow in items a. & b.
 - a. The Environmental Assessment (EA) and the Finding of No Significant Impact (FNSI) are not RAB documents but are Army-

issued documents, therefore they won't be discussed at the RAB meeting.

- b. There will be no public hearing on the EA/FNSI because that is not allowed/permitted under the CFRs 40 CFR 1500-1508 and 32 CFR 651. Please provide the exact section/paragraph number that you are using as your guidance
 - c. Rationale: These answers are hard to fathom since the information and restoration work cited in the EA/FNSI were done IAW the laws which established the RAB; RAB member Joe Fallon was cited as a primary author of the EA; Colonel Christianson signed it; and the Information Officer sent out the notice to each of the RAB members as well as providing notice to the general public.
2. There is no mention of the discussion in the minutes regarding the deletion of the Birdsall agenda topic in the final Princeton Hydro's landfill stabilization briefing while it was in the handouts provided. The Birdsall comments are actually official Eatontown Borough documented comments on the Federal Consistency for Freshwater Wetlands General Permit #4 Application Compliance Statements submitted by US Army, Fort Monmouth, Dec 4, 2008.
 3. The title of the Princeton Hydro's [PH] briefing refers to FM Streambank Stabilization rather than FM Landfill Bank Stabilization as had been present in its draft and earlier versions of the briefings, including the January 09 PH briefing. This seems to highlight the fact that although the Army submitted a Flood Hazard Area Individual Permit Application and a Freshwater General Permit #4 Application, it did not apply for a permit for disturbance of a landfill, as Birdsall Engineering's comments indicate.
 4. There is no mention of the questions posed by John Schiels, Eatontown Borough President, and the answers provided by the Army in the open public comment period regarding the issues above. This is a major omission of a substantive dialog as contrasted to the presence in the minutes of the early morning noise issue raised by the officials and public of Shrewsbury Borough.
 5. To avoid future need for clarifications or omissions it may make sense to have the public RAB meeting minutes transcribed verbatim by a professional court reporter or by a secretary off recordings that can/have been made of the sessions through the professional sound system that is always present."

At that last RAB on October 7th, discussion of the above letter was tabled until the January 2010 meeting. These issues were again brought up at the FMERPA Environmental Advisory Committee meeting on October 20, 2009. This time, in a more open forum despite Army representation, the EAC members from Eatontown, Oceanport, and Tinton Falls and other members of the public were unanimous in their rejection of the EA/FNSI and in favor of the EIS and an open meeting to discuss the issues.

American's Belief in Global Warming is on the Wane

There is none so blind as he who will not see. Jonathan Swift 1667 – 1745

Fresh scientific evidence of global climate change appears nearly daily. As predicted, old climate norms are no longer relevant; storms are becoming more violent; glaciers and ice caps retreating; seas rising; and both flooding and drought are more common.

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George Moffatt
Lynn Humphrey

Article Deadline for the
December issue of NJFC
Newsletter is Monday,
November 23

E-mail your articles to:
newsletter@njclearwater.org
By the deadline stated
above, please use the
phrase "NJ Clearwater
article" in the subject of
your e-mail

In the face of overwhelming evidence, Americans have shown an uncanny ability to bury their heads deep into the sand and believe only what they wish to believe – to put their faith in "scientific experts" such as Rush Limbaugh who tell them what they want to hear. A recent poll by the Pew Research Center shows that the percent of Americans who think there is solid evidence that the world is getting warmer has dropped 20 points in the last three years – from 77% in 2006 to a current value of only 57%. Most of that decline has occurred in just the past year. In the latest poll only 36% of Americans believe that human generated pollution is behind a temperature increase.

The increased denial seems partially related to the fact that now, for the first time, there is a real possibility that something may be done to reduce carbon dioxide emissions. The deniers don't want to face the reality that saving the planet may require some small inconveniences. I believe that the environmental movement has generally done a good job in getting out the facts about the problems of climate change, but unfortunately there is a portion of our population not particularly interested in facts. We must develop innovative ways for reaching out to this population and convincing them that the scientists are right and the lobbyists are wrong.

Save Sandy Hook Ultimately Triumphs With a Little Help From Its Friends

By Ed Dlugosz

After 10 years of frustration with the National Park Service and its chosen developer Sandy Hook Partners (SHP), NJ Friends of Clearwater rejoices in the bittersweet knowledge that SHP's plan to commercialize the Fort Hancock area of Sandy Hook has ultimately failed. That failure comes at a cost of 10 years of destructive neglect by the NPS of the homes and buildings it originally sought in its RFP to historically preserve. For sixteen years, NJFC leased and lovingly maintained Building 11, the "Clearwater House" before it was "evicted" after the choice of SHP. While we understood that it would be advantageous to the NPS to have a single historical restoration contractor of all the buildings, we could not foresee or understand that NPS would choose to commercialize rather than restore the property and then purposely abandon any semblance of maintenance for 10 years to ensure that public opinion would demand that their plan be executed.

Watching NPS grant concession after concession to SHP including of a 60-year lease that was forbidden during source selection, Clearwater was powerless to act alone to challenge NPS/SHP cabal. It turned out that we were not alone and in late 2003 and 2004 we found like-minded people in Judith Stanley, Judge James M. Coleman, and others. Together we formed the nonprofit group Save Sandy Hook (SSH). Ms Coleman became President; Judge Coleman became Secretary; and our own Ben Forest was its first Vice President. George Moffatt and I were also part of the team. Shortly after the purported lease was "signed" between SHP and NPS without the exchange of the required money, SSH took bold step and leveled a federal lawsuit against the NPS, SHP, the Department of the Interior, and the NPS Regional Directors.

In that initial lawsuit, Clearwater and Judge Coleman became co-plaintiffs with SSH. Each of the Clearwater's members continued to play important

NJFC Membership Info:
www.mcclearwater.org/docs/membership-form.htm

If any of the links do not work, cut and paste the full URL into the address box.

roles in the SSH organization: Ben as VP; George as author of many op-ed pieces. As project manager and author of Clearwater's proposal to turn the Clearwater House into an environmental conference/environmental education center, Ed was the historical resource and a named witness in the lawsuits. Eventually Ed succeeded Ben as SSH VP. NJ Friends of Clearwater members fully supported our efforts

That lawsuit charged that the commercialization was not in keeping with the mission of the NPS nor was it in accordance with the law that created the Gateway National Recreation Area-Sandy Hook. Additionally, the complaints cited the concessions and irregularities of the procurement process and SHP inability to name/gain reputable financial backers, emblemized in 2006 by the naming of "vulture capitalist" Palisades Financial as a backer. In 2008, SSH's appeal to the Circuit Court of Appeals eventually proved unsuccessful not on its merits but in a technicality that purported that we as citizens did not have "Standing" to bring a complaint against the Government.

It is poetic, if not legal, justice that after we decided not to go to the Supreme Court that one of our key reasons for issuing the lawsuit, inability to pay, would be deemed the reason to void the non-existent lease. In two separate reviews—one by the NPS and PriceWaterhouseCoopers and one by SHP's binding arbitrator, Maurice Robinson and Associates (a California-based, hospitality and real estate consulting firm)--reached the same conclusion, i.e., SHP's financing plan was inadequate. [Judge] Coleman looked back, observing, "It's too bad they [NPS] didn't see back in '99 that he [Wassel and Sandy Hook Partners] didn't have the money. It would have saved us all this travail." Save Sandy Hook ultimately triumphed with a little help from its Friends.

Environmental Justice Roundtable

By Ed Dlugosz

Note: For the past 2 Clearwater Festivals we've engaged national and statewide activists, including Lois Marie Gibbs—heroine of the Love Canal, in an important dialogue about what Environmental Justice is/isn't, how to recognize it, and how we as individuals and a organization can help. Clearwater campaigned against eminent domain abuse in Long Branch is an example. Each month I will highlight a bit of history and current efforts in our communities, state, and nation. If you have a contribution, please send it to Newsletter@mcclearwater.org and we will try to publish it in the newsletter and online.

The Environmental Justice Movement

It's a statistical fact: The poor and people of color are more likely to live in America's most-polluted neighborhoods. Poor communities are routinely targeted to host facilities with negative environmental impacts, such as landfills, dirty factories, truck depots and more. For decades, a community-based movement known as environmental justice has been battling these inequities and struggling to improve the environmental health of these neighborhoods. There are now laws, NJDEP- and EPA-based Advisory Councils, and **of course**, grassroot organizations like Ms. Gibbs' *Center for Health, Environment & Justice*, the *NJ Environmental Justice Alliance*, and the *Ironbound Community Corporation*.

Environmental Justice Milestones—1960s-1970s:

Early 1960s - Farm workers organized by Cesar Chavez fight for workplace rights, including protection from toxic pesticides in California farm fields.

1962 - Rachel Carson's *Silent Spring* details the harmful effects of pesticides on the environment.

1964 - Civil Rights Act of 1964 passed. The law's "Title VI" -- prohibiting use of federal funds to discriminate based on race, color and national origin -- will become an important tool in environmental justice litigation.

1967 - African-American students take to the streets of Houston to oppose a city dump that had claimed the lives of two children.

1969 - Lawsuit filed on behalf of six migrant farm workers by California Rural Legal Assistance plays a role in the ban on the pesticide DDT in the United States.

1970 - U.S. Environmental Protection Agency established to enforce laws that protect human health and safeguard the natural environment.

1971 - President's Council on Environmental Quality acknowledges that racial discrimination negatively affects the quality of the environment for the urban poor.

1972 - The United States bans the use of the toxic pesticide DDT.

1973 - The EPA issues rules that phase out lead in gasoline over several years; lead levels in the air will fall by 90 percent.

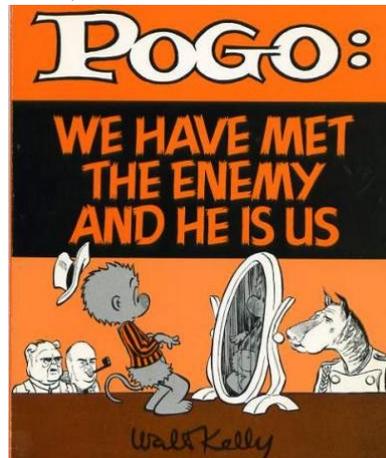
1978 - Hundreds of families evacuated from Love Canal area of Niagara Falls, New York, due to rates of cancer and birth defects; toxic chemicals were buried decades before under neighborhood.

1979 - African-American community in Houston opposing a landfill brings first Title VI lawsuit challenging the siting of a waste facility.

November Monthly General Membership Meeting

The monthly meeting will feature the presentation of the Natural Resources Defense Council's (NRDC) Documentary "Acid Test: The Global Challenge of Ocean Acidification" -- Eatontown Community Center, 72 Broad St, Eatontown, 2pm Pot Luck Lunch

Quote of the Month:



PLEASE NOTE: If you would like to be removed from the NJ Friends of Clearwater Newsletter List

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