

# Christie Administration Waterfront Rule Rollback Fails to Protect Public's Rights to Access

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Long Branch - After tremendous public opposition to the Christie Administration's 2011 proposal to roll back the state's public access rules, NJDEP has revised them once again and, once again, the rules fall significantly short of the mark.

"The Christie Administration made some minor changes, but they didn't fix the fundamental problems," said Tim Dillingham, executive director. They are giving responsibility to towns to promote and develop public access, but those towns have often been hostile to public access in the past. They have also reduced the scope of coastal development projects which will be required to provide access – the result will be fewer places to access the water. The state needs to protect the broader public interest in access to the shore, and it is failing to do so with these rules."

Dillingham stated, "Our criticisms of this rule remain the same: fishermen, surfers and families will find it more difficult to get to the shore. Coastal development will continue to put up an unbroken wall between the public and the water. Towns with a long tradition of excluding the public from "their beaches" will have an easier time being exclusionary, and will get a stamp of approval from the Christie Administration."

The DEP's claims that fishermen in particular have benefited from the latest rounds of amendments are not supported by the actual language in the amendments: the rollback of the access protection in the existing rules is not offset by the partial "give back" in the newest amendments.

According to coastal advocates, the basic effects of the rule changes compared to the existing rules are:

- Moves away from strong, comprehensive regulatory requirements on coastal development to provide, increase and maintain public access to all types of waterfront. The new rules reduce the scope of coastal development required to provide public access significantly; fewer projects will provide less access in fewer places;
- It removes the connection between public money and providing access, doing away with the strongest tool the state has to promote and increase access. The current rules require access plans with strong, clear requirements to be developed when Green Acres and shore protection funds are used. Despite DEP's public statements, there is no explicit requirement or enforcement tool in these rules that would allow state to cut off Green Acres or shore protection funds if towns do not provide public access, or complete the voluntary Municipal Public Access Plans (MPAP);
- It removes the requirements for industry to contribute to opening up urban waterways historically blocked by their facilities;
- The Christie Administration (no) Public Access rule shifts authority and responsibility for public access to historically hostile towns, and relies upon voluntary local plans with vague standards, which may not address long-standing access problems