Municipality

Municipal Public Access Plan

**Submitted by: Municipality**

**Date of Current Submittal: Date**

**Approved by the New Jersey Department of Environmental Protection**:

**Date of NJDEP approval**

**Adoption by the City:**

**Date will be added upon adoption**

**Prepared By:**

**Name, title, agency, address, phone number**

**Index**

Introduction **xx**

1. Municipal Public Access Vision **xx**
2. Existing Public Access **xx**
3. Community Needs Assessment **xx**
4. Implementation Plan **xx**
5. Resolution of Incorporation **xx**

Appendix 1 Resolution for Incorporating MPAP into Master Plan **xx**

Appendix 2 Tables **xx**

Appendix 3 Recreation and Open Space Inventory **xx**

Appendix 4 Sign Ordinance **xx**

Appendix 6 (if needed) **xx**

**Introduction**

This document is intended to provide a comprehensive public access plan for the **municipality**which lays out a vision for providing access to tidal waters and shorelines within the municipal boundary. This Municipal Public Access Plan (MPAP) was developed in accordance with the Coastal Zone Management Rules. The development and implementation of this MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility.

The Public Trust Doctrine, first set by the Roman Emperor Justinian around A.D. 500 as part of Roman civil law, establishes the public’s right to full use of the seashore. The Public Trust Doctrine states that natural resources, including, but not limited to, tidal waterways and their shores, air and wildlife in the State of New Jersey are held by the State in trust for the benefit of all of the people. Further, the Public Trust Doctrine establishes the right of the public to fully utilize these natural resources for a variety of public uses.

The original purpose of the doctrine was to assure public access to waters for navigation, commerce and fishing. In the past two centuries, State and Federal courts in New Jersey have recognized that public uses guaranteed by the Public Trust Doctrine also include public recreational uses such as swimming, sunbathing, fishing, surfing, sport diving, bird watching, walking and boating along the various tidal shores.

Through various judicial decisions, the right of use upheld by the Public Trust Doctrine has been incorporated into many state constitutions and statutes, allowing the public the right to all lands, water and resources held in the public trust by the state, including those in New Jersey. The New Jersey Department of Environmental Protection (DEP) encourages municipalities to develop and adopt MPAPs to govern public access within their municipality. This MPAP consists of an inventory of public access locations and plans to preserve and enhance access based on community needs and State standards.

This plan has been developed in collaboration with the DEP, **planning board, environmental commission, other boards, consultants, community groups that participated, ect.** and presented to the Planning Board on **date** and approved for submission to the DEP on **date**. Upon receiving approval from the DEP on **date**, the MPAP was incorporated into the **specify element** Element of the Master Plan by resolution on **date**, (see Appendix 1). All public access decisions made within **municipality** after this date will be consistent with this plan.

**Importance of Municipal Public Access Plans**

The premise of the authorization of MPAPs is that public access to tidal waters is fundamentally linked to local conditions. The development of a MPAP enables the municipality to better plan, implement, maintain, and improve the provision of public access for its residents and visitors. It also informs and/or identifies public access requirements associated with any proposed development or redevelopment project.

**municipality** is responsible for ensuring that public access to the tidal waters within the municipality is in accordance with this plan as approved by DEP and adopted as part of the municipal Master Plan. For each new project that is required to provide public access through a DEP issued Coastal Area Review Act or Waterfront Development permit, **municipality** will provide DEP with a letter confirming its consistency with this MPAP. Upon adoption of this MPAP into the municipal Master Plan, the DEP public access requirement shall be satisfied in accordance with this plan.

1. **Municipal Public Access Vision**
2. **Overview of Municipality**

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* + 1. **Map 1. Municipality Tidal Waterways and Lands**

Map 1 shows all the tidal waterways within the municipality and all lands held by the municipality.

Map 1: **Municipality** Tidal Waterways and Lands

1. **Municipal Public Access Goals and Objectives**
2. **Goals & Objectives**
   1. **Municipality goal**
   2. **Municipality goal**

In addition to those goals outlined within the Master Plan, **municipality** affirms the following State required goals specifically for public access:

* 1. All existing public access shall be maintained to the maximum extent practicable.
  2. Maintain safe and adequate access locations for fishing in those areas where fishing is safe and appropriate.
  3. Provide clear informative signage for access locations.

**Municipality’s** Municipal Public Access Plan embraces and reflects these goals and will help preserve, protect, and enhance the public’s ability to access the Public Trust lands which surround the municipality. The previous goals are compliant with the New Jersey Coastal Zone Management Rules broad set of coastal protection goals (see N.J.A.C 7:7-1.1 (c)).

**2. Municipal Master Plan Consistency**

The goals and objectives provided in this Municipal Public Access Plan have been reviewed and are consistent with **municipality** Master Plan.

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1. **Public Access**

Public Access in **municipality** is provided by the municipality and consists of a variety of access points and facilities discussed below….including **boat ramps, beach walkways, bathroom facilities, lifeguarded beaches, etc.**.

1. **Public Access Locations**

**Map 2 Municipality Public Access Locations**, identifies an inventory of all public access locations within **municipality**,whether they are currently Utilized, Un-utilized, or Restricted to the public, along with their attributes of improvements and activities. See Table 1**,** located in the Appendix, for detailed information for each location.

Map 2: **Municipality’s** Public Access Locations

1. **Improved Public Access Locations**

**Map** **3 Municipality’s Improved Public Access Locations,** provides an inventory of the existing public access locations that currently provide access to public trust lands and waters. See Table 1, located in the Appendix, for detailed information this location.

Map 3: **Municipality** Enhanced Public Access Locations

1. **Limitations to Public Access**

The following limitations to public access currently exist:

1. **Temporary Restrictions**

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1. **Permanent Restrictions**

**Click here to enter text.**

1. **Community Needs Assessment**

**Municipality** has performed a community needs assessment. The methods and results are described in the following section:

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1. **Implementation Plan**

**Municipality** has created an Implementation Plan composed of Priorities, Preservation of Public Access Locations, Signage, Proposed Access Improvements and Facilities, and Municipal Tools for Implementation as described in the following section:

1. **Priorities**

**Municipality** developed the following priorities:

1. **Maintain Existing Public Access**

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* 1. **Tools**

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* 1. **Cost and Funding**

**Click here to enter text.**

1. **Preserving Public Access**

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* 1. **Tools**

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* 1. **Cost and Funding**

**Click here to enter text.**

1. **Proposed Locations and Facilities**

**Click here to enter text.**

* 1. **Tools**

**Click here to enter text.**

* 1. **Cost and Funding**

1. **Other**

**Click here to enter text.**

1. **Signage**

**Municipality** has provided the following signage:

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1. **Army Corps of Engineers Requirements for Shore Protection Projects**

**Municipality**has met the ACOE Requirements as follows:

**Click here to enter text.**

1. **Additional Steps**

**Municipality** hastaken additional steps to implement the MPAP as follows:

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1. **Relationship to the Other Regional and State Plans**

**Municipality** MPAPhas been reviewed for consistency and has the following relationship to other Regional and State Plans:

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1. **Resolution of Incorporation**

**Municipality** hasapproved a resolution for the incorporationof the MPAP. See Appendix 1 for the resolution.

**Click here to enter text.**

Approval of this plan does not eliminate the need for any Federal, State, County or municipal permits, certifications, authorizations or other approvals that may be required by the Applicant, nor shall the approval of this plan obligate the Department to issue any permits, certifications, authorizations or other approvals required for any project described in this plan.

**APPENDIX 1**

**Model Resolution for Incorporating MPAP into Master Plan**

(upon adoption the final resolution will replace this model)

Resolution #\_\_\_\_\_\_\_\_\_\_

Title: A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, the *{municipality name}* Municipal Public Access Plan (MPAP) was submitted to the Township Council and reviewed at the regular meeting of *{date}*, and

WHEREAS, the governing body has approved the plan as submitted, and

WHEREAS, the governing body recognizes the need to make the MPAP an authorized component of municipal decision-making by incorporating it into the municipal master plan,

NOW, THEREFORE, BE IT RESOLVED by the *{municipality governing body}* of *{municipality name}*, the “*{municipality name}* Municipal Public Access Plan,” a copy of which is attached, is hereby approved.

FURTHER RESOLVED, the MPAP shall be incorporated into the municipal master plan within {element}.

FURTHER RESOLVED a copy of the plan shall be sent to the New Jersey Department of Environmental Protection for review and approval in accordance with N.J.A.C.7.7.

I hereby certify the foregoing to be a resolution adopted by the *{governing body}* at a meeting held on *{date}*.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Municipal Clerk

**Appendix 2**

**Public Access Table**

**Table 1 Linden City Public Access Location Amenities**



Explanation of table:

SIGNS: Does the location provide signage identifying the location as a point of public access? Yes or No

PARKING: Is parking for the location/facility provided on the street or in a lot and is it free or do you have to pay? Street, free; Street, pay; Lot, free, Lot, pay

STREET: On what street is the public access located?

CROSS STREET: What is the cross street where this location is located?

BADGE: Are there times when a badge is required to use this location? Yes or No

SWIMMING: Is swimming permitted at this location? Yes or No (Limitations on swimming, such as hours, lifeguards, etc., are discussed in Section II.B and C)

FISHING and SURFING: Is fishing/surfing permitted at this location? Yes or No (Limitations/restrictions are discussed in the Section II.B and C)

PLAYGRD, PARK, PIER, BOATLNCH, MARINA, RESTRMS: Does this location include these amenities? Yes or No

H/C: What amenities are handicap accessible at this location/facility? (Not necessarily ADA Compliant) None, Parking reserved, Ramp provided, and/or Restrooms accessible

SHORELINE: What shoreline does this location inhabit? Ocean, Bay, River and/or inlet

ACCESS TYPE: Describe the type of access: Beach, Fishing, Boat, and/or Visual

[This imbedded Excel spread sheet should be used for the table described in Section II (Public Access). The title of each column should not be changed. The information about each public access location should be filled in using one of the options listed. This table will also be used to populate the information for each public access location in GIS. Additional information about each public access location can be included in the narrative portion of Section II. Please contact DEP with any questions or concerns about these options. ]

**APPENDIX 3**

**Recreation and Open Space Inventory**

[include here if applicable]

**APPENDIX 4**

**Sign Ordinance**

[include here if applicable]