



Municipal Public Access Planning

Public access to tidal waters and their shorelines is a right expressed in the Public Trust Doctrine, in the many court cases that have interpreted and implemented its strictures, and implicitly in the many legislative acts and regulatory provisions that have sought to protect and enhance access. The Department has long seen protecting this right as a vital part of the Department’s mission, and so public access to the shore and tidal waterways is required under the NJ Coastal Zone Management (CZM) rules.

Recent amendments to the CZM rules¹ restructure *how* public access is required. The Department believes that public enjoyment and use of tidal waters can be enhanced by working with local governments since they best understand local circumstances. The rules continue to impose reasonable public access regulatory requirements but now permit municipal officials to formulate Municipal Public Access Plans (MPAP) to ensure public access to tidal waters in a more comprehensive manner rather than the previously limited, purely regulatory process.

Municipalities that develop public access plans will be able to determine and direct public access suited specifically to the wants and needs of the community. If and when a MPAP is completed, the Department deems it consistent with public access goals, and the MPAP is adopted into the municipal master plan, Department-approved development along tidal waterways and their shores will be required to provide public access consistent with the municipal plan. In those cases where it is considered appropriate to make a monetary contribution instead of providing public access on-site, municipalities with public access plans will receive those contributions for use in furthering public access goals in accordance with the MPAP.

New Jersey municipalities that contain lands and tidal waters subject to public trust rights are eligible for the Municipal Public Access Planning program. For a complete listing of all 231 eligible municipalities, please see the Department’s Public Access website at <http://www.state.nj.us/dep/cmp/access/mpamunis.htm>.



1 N.J.A.C. 7:7E



What can DEP do to help you?

The Division of Coastal and Land Use Planning (DCLUP) has been tasked with managing the Department's Municipal Public Access Planning Program. DCLUP has developed multiple tools and products to assist municipalities develop Municipal Public Access Plans consistent with the CZM rules.

Public Access Website: The Department's Public Access website includes extensive information on municipal public access planning as well as more general information on public access. <http://www.state.nj.us/dep/cmp/access/>.

MPAP Template: DCLUP has developed a template that municipalities are encouraged to use to develop a MPAP. This template addresses all minimum requirements of a MPAP. Use of this template is optional, but recommended. The template can found on the Department's public access website at <http://www.state.nj.us/dep/cmp/access/devtemplate.htm>.

MPAP Preliminary Inventory: DCLUP is in the process of developing a GIS-based Preliminary Inventory of all public access points for each of the 231 municipalities subject to the Public Trust Doctrine, pursuant to the CZM rules. The Preliminary Inventory is intended to act as a starting point for municipal review of existing public access points and facilities. DCLUP will provide, or may have already provided, the Preliminary Inventory to your municipality.

Municipal Public Access Planning Small Grant Program: The Department is providing small grants on a competitive basis to assist municipalities develop and adopt Municipal Public Access Plans consistent with the CZM rules. The Request for Proposals for the 2013 funding cycle is available on the DCLUP website at <http://www.state.nj.us/dep/cmp/access/>.

Public Access Site Evaluations: DCLUP is undertaking an effort to gather status information on public access locations and facilities that are available to the public, including along the Hudson River Waterfront Walkway. The initial intent of this effort will be to provide information on what public access locations will be open to the public by the 2013 beach season.

As a long-term project, DCLUP will seek to create a database of information on every known improved public access location in tidal areas. The database will:

- photo-document the current state of the access point;
- describe the current conditions at the access point in brief narrative form, noting unique situations or aspects at the access point that may impact on efforts to restore, rebuild, redevelop, or improve the access point.

For more information, please contact the Division of Coastal and Land Use Planning.