

STUART RABNER, ATTORNEY	:	SUPERIOR COURT OF NEW JERSEY
GENERAL OF NEW JERSEY,	:	CHANCERY DIVISION-OCEAN COUNTY
	:	DOCKET NO. _____
and	:	
	:	
THE STATE OF NEW JERSEY,	:	Civil Action
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
MICHAEL GINALDI, et al.	:	
	:	
Defendants.	:	
	:	
	:	

BRIEF OF PLAINTIFFS IN SUPPORT OF THEIR ORDER TO SHOW CAUSE

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PRELIMINARY STATEMENT

"With the purpose of preventing damage to the shores and beaches of the United States . . . , it is hereby declared to be the policy of the United States . . . to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises." 33 U.S.C. § 426e(a).

Long Beach Island ("LBI"), a narrow barrier island in Ocean County stretching approximately eighteen (18) miles along the Atlantic Ocean, is subject to constant erosion and the threat of severe coastal storms, thereby damaging a natural resource valuable to all the citizens of the State and threatening the safety and property of LBI residents. The New Jersey Department of Environmental Protection ("DEP") and the United States Army Corps of Engineers ("Army Corps") have responded to these threats by agreeing to implement the LBI Shore Protection Project (the "Project") - a 17-mile beach nourishment and replenishment project to protect the public health, safety, and economies of the shore communities on LBI.

By statute, the DEP is authorized to "undertake any and all actions and work essential" to fulfill its duty to protect the