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CHRISTIE ADMINISTRATION INITIATIVE WILL ENHANCE PUBLIC ACCESS TO BEACHES AND TIDAL WATERWAYS

TRENTON - Department of Environmental Protection Commissioner Bob Martin has signed the Public Access Rule, a Christie Administration initiative that provides the state with common sense mechanisms for working cooperatively with local governments to enhance public access to New Jersey's beaches, bays and tidal waterways.

"New Jersey already has great access to its beaches and tidal waterways," Commissioner Martin said. "This rule, developed with extensive input from the public and stakeholders, will make public access even better by setting up a framework that enables the DEP to work one-on-one with municipalities to craft Municipal Public Access Plans that make sense locally, instead of imposing one-size-fits-all mandates."

The rule, signed Wednesday, will become final upon publication in the New Jersey Register on Nov. 5. It applies to 231 municipalities from the New York-New Jersey Harbor region, south along the entire coastline, and north again along the Delaware Bay and tidal portions of the Delaware River.

"Our goal is to enhance public access for families, boaters, the fishing community, and everyone who enjoys the shore and the water," Commissioner Martin said. "Our partnership-building approach is already paying dividends, with many municipalities taking the initial steps toward developing Municipal Public Access Plans and seeking technical assistance from the Department."

The Public Access Rule recognizes the Jersey Shore and waterfronts are diverse, dynamic areas that provide a wide range of public access opportunities: ocean and bay beaches, marinas and boat ramps, urban greenways and waterfront parks, nature areas and historic sites, to name a few. The rule maintains existing public access and provides tools to help local governments make it even better.

The rule, to be recognized in DEP permitting processes, provides the opportunity for new points of access to be created and existing ones enhanced by incentivizing local governments to work with the DEP to adopt plans that are designed to meet local and regional access needs. The rule also mandates access be provided for new developments either on-site or off-site if a municipality establishes a public access fund.

The rule will benefit shore areas that are the backbone of the state's \$38 billion tourism economy, as well as urban areas where years of industrialization and development have limited access to bays, rivers and creeks.

"Public access to beaches is a very important issue in our borough," said Sea Bright Mayor Dina Long. "The daily beachgoer feeds into the lifeblood of our economy during the summer, so I applaud the DEP's approach of working with local governments to improve public access to beaches. It's nice to be working cooperatively with state officials and environmental groups on this issue."

"We are very appreciative of the work the DEP is doing," said Linden Mayor Richard Gerbounka. "A lot of the waterway areas in Linden are not accessible to the public. This approach will help us work toward establishing greenways and providing more public access for our residents."

The DEP undertook a comprehensive review of public access as a result of court decisions that held that rules adopted by the Corzine Administration mandating 24/7 public access and tying development of

access points, public restrooms, and parking directly to beach maintenance funding overstepped DEP's authority.

Opponents of the Corzine rule argued that the rule compromised public safety by preventing towns from closing beaches at night and would have been very costly to implement.

The rule will alleviate similar onerous burdens on marinas. "The adoption of these rules will ensure the future health and growth of the recreational boating industry and the marinas that provide meaningful access to our waterways," said Melissa Danko, Executive Director of the Marine Trades Association of New Jersey. "We are pleased that this issue has finally ended with a realistic and common sense plan for providing and creating public access."

Top-down regulations left municipal governments out of the planning process, creating an unnecessarily adversarial relationship between them and the state. The DEP, under the Christie Administration, recognized that a more workable and cooperative approach was necessary to ensure municipalities are able to maintain access where it is already good and improve it where it could be better.

As part of the two-year process of developing the rule, the DEP heard concerns from numerous constituents and incorporated various amendments into the final rule.

"The public is very passionate about access to our waterways, and for good reason. Access to our waters is invaluable," said Ray Cantor, a DEP adviser who conducted hearings across the state. "We have had a robust public input process that has resulted in the best approach possible for reaching our shared goals."

The amendments ensure Municipal Public Access Plans include points of access for day and night fishing, provide greater transparency and public involvement in plan development, and mandate public access to and along the Hudson Waterfront Walkway on a 24-hour basis except in limited circumstances.

The DEP will assist local governments in developing Municipal Public Access Plans and help them communicate the planning process and the wealth of public access already available to the public.

For more information, visit www.nj.gov/dep/cmp/access. This website has information about public access, including public access points, public restrooms, parking facilities, fishing spots, marinas, boat and kayak launches, handicapped-accessible facilities, and amenities such as restaurants.

To read the rule adoption document, which includes a summary of public comments and DEP's responses, visit: http://www.nj.gov/dep/rules/adoptions/adopt_20121105a.pdf

For a copy of the original rule proposal and first notice of amendments, visit http://www.nj.gov/dep/rules/notices_archive.html