



C.R.A.B.

Citizens' Right to Access Beaches

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C.R.A.B.'S ACCOMPLISHMENTS 2005

Some nine years after our initial concerns regarding the loss of public beach access led to the formation of Citizens Right to Access Beaches, we look back with pride on the year 2005.

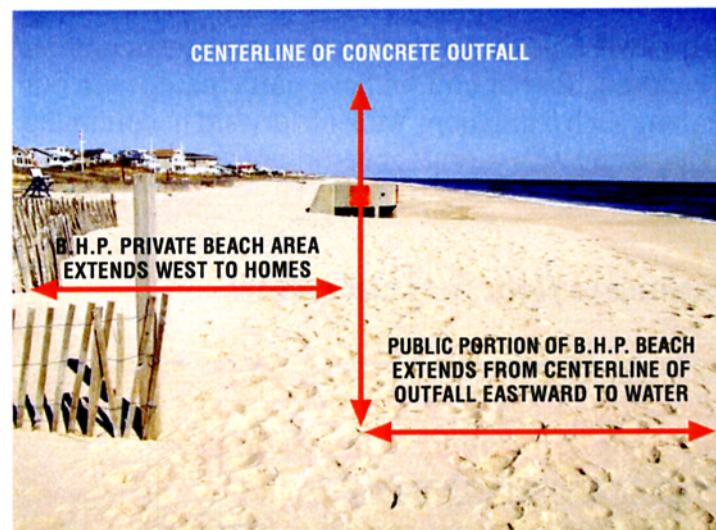
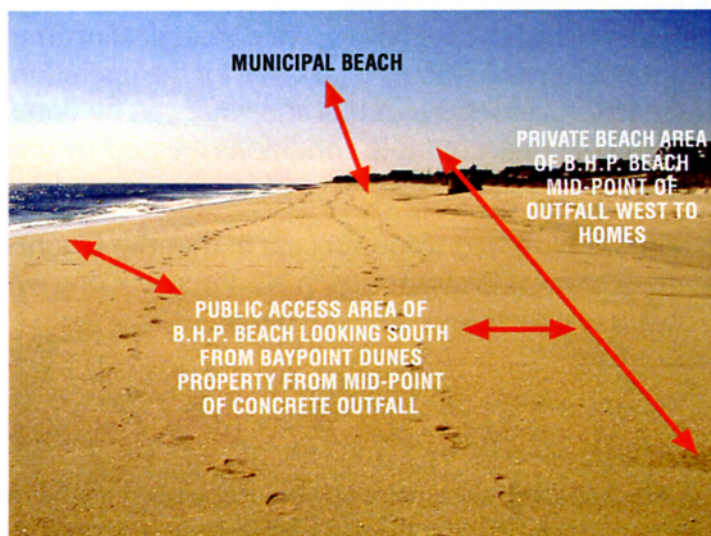
Two major beach access victories were achieved this past year and we enthusiastically look forward to the practical applications of these accomplishments and how best to apply them to our fight to retain and regain public access to our coastline.

STATE OF NEW JERSEY vs. BAYHEAD POINT HOMEOWNERS ASSOCIATION

After almost nine years, the BayHead Point Homeowners Association by a Consent Order of Judgement has agreed to reopen a portion of its beach thus allowing the public to once again use a portion of the dry sand. This settlement will greatly increase the capacity of the adjacent Maryland Ave. Municipal beach while still affording the association members a reasonable degree of privacy.

C.R.A.B. along with the NY NJ BAYKEEPER and the AMERICAN LITTORAL SOCIETY, represented by Carter Strickland of the Rutgers Environmental Law Clinic joined the State Attorney General's office as Plaintiff Interveners to present our case for the return of public access to this area. This case was especially meaningful to C.R.A.B. as it was the actions of the newly formed BayHead Point Homeowners Association in 1996 that led to the formation C.R.A.B.!

The photos below and at right depict the area that has been regained for public access and use through this settlement:



RALEIGH AVE. BEACH ASSOCIATION vs. ATLANTIS BEACH CLUB

A landmark beach access decision was handed down by the New Jersey Supreme Court this past July. C.R.A.B., again represented by the Rutgers Environmental Law Clinic joined the State on New Jersey and the Raleigh Ave. Beach Association as Amicus Curiae (friends of the court) at both the Appellate and Supreme Court levels. The "Atlantis Decision" reaffirmed Public Trust Doctrine rights to public use of private beaches that meet the four tests put forth in the 1984 Matthews vs. BHIA Supreme Court Decision and further affirmed the public's rights to portions of the "dry sand" on those private beaches.

Public use of privately owned dry sand beaches will still have to be decided on a case-by-case basis but this latest decision serves to strengthen our positions on future beach access issues. We will be working along with other organizations to review access concerns along our coastline as we decide how best to utilize this latest victory for public beach access.

SEA AVENUE OUTFALL PIPE

A great deal of time was spent this past summer trying to obtain answers to the problems encountered by recent discharges of the Sea Ave. Outfall Pipe located on the beach in southern Point Pleasant Beach. The outfall (pictured at right) is part of a county storm water pumping system and its current location on the dry sand portion of the beach has caused storm water discharges to become trapped on the sand. The resulting debris slick after a discharge is both unsightly and unsanitary. As mentioned above we have spent a great deal of time trying to determine who is responsible for the operation and maintenance of the outfall and what can be done to rectify the unacceptable conditions created by the discharges.



To date we have had some success in that the County of Ocean has assisted in clean-ups at the site and the Borough of Point Pleasant Beach has been working with the borough engineer to study the problem as well as to obtain test samples of the discharge.

BEACH ACCESS LEGISLATION

C.R.A.B. has long taken the position that while judicial remedies are available they are costly and time consuming. Enacting appropriate comprehensive beach access legislation will help to deter many future access conflicts and to more uniformly address the concerns of everyone involved. To that end we have participated with our "beach access partners" in initial discussions centered on drafting such legislation. We look forward to continued dialog on the topic of beach access legislation and are working along with various government agencies toward that goal.

Please consider joining us as we continue to fight for your rights!

***To view the Decisions described above in their entirety
or for additional information about these topics and our other projects
please visit our website at <http://www.crabnj.org>.***