

The CRAB CAUSE



A Newsletter for Citizens Concerned with Beach Access

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SUMMER / FALL

2002

The Road To Mediation

After the town of Point Pleasant Beach rezoned a portion of its southern beachfront from commercial to residential development, a group of individuals, concerned with the potential loss of public beach access in the area, formed Citizens Right to Access Beaches. The group petitioned the town to acquire beachfront areas as they became available and also requested that any new associations formed open their membership to the general public. After local officials and developers turned a deaf ear to its concerns, Citizens Right to Access Beaches contacted the State of New Jersey for assistance regarding the apparent negative impact new development in the area was having on public beach access.

The matter was turned over to the Office of the Attorney General and citing recent Supreme Court Decisions determined that the public did indeed have rights to a portion of the area claimed by developers to be "off limits to the public". CRAB was informed of this determination and in a letter from then Attorney General Peter Veniero, was encouraged to continue its efforts on behalf of public beach access." A follow-up site visit by a Deputy Attorney General was made during the winter of 1997.



As development continued, measures to exclude members of the public from the area intensified. The issue came to a head after newly formed homeowners associations called police to the area in July of 2000. Individuals who had legally accessed the beach via a DEP required walkover were asked to leave the beach or face possible trespassing charges. No distinction was made as to how many people were sitting on the private beach area or how many might have been in actual public trust areas.

Public Trust rights to the area were further jeopardized when the borough engineer and borough attorney ruled that the public had no rights to any of the dry sand area in question, and that the Mean High Tide Line was virtually underwater except at the lowest of tides.

At CRAB's request, a meeting was held to discuss these findings. Once again, CRAB asked the developer present at the meeting to consider opening membership in his association to the general public. In spite of the fact that serious questions were raised regarding the actions of the associations and the town the public was still excluded from the area unless and until the state determined otherwise.

Acting on the request from borough officials that the state make the final determination as to the extent of the public's rights to access, the Attorney General's office authorized another site visit to Point Pleasant Beach during the winter of 2001. After observing what they perceived to be several violations of public trust rights along the (entire) beachfront, a letter was sent to borough officials requesting a meeting to discuss the matter.

Town officials postponed the meeting on two separate occasions prompting the Attorney General's Office to summon representatives from the town to a meeting in Trenton. As a result of that Trenton meeting, a Letter of Agreement outlining what was agreed to in principal at the meeting was sent to the town. A separate letter was sent to the Homeowners Associations and beachfront property owners outlining their obligations according to the Public Trust Doctrine. Both groups were given a deadline to comply with their respective agreements or face possible litigation.

When both groups raised concerns about the scope of their agreements, the state agreed to postpone the deadlines and potential litigation in favor of a mediated settlement. CRAB, now represented by the Rutgers Environmental Law Clinic, was asked to by the State to participate in the mediation as a voice of the public.

From the President



Due to the tragic events of September 11, 2001, CRAB did not operate its booth at the Seafood Festival last year. Instead we donated our booth space where CRAB volunteers focused on signing up people for the blood drive sponsored by the Central Jersey Blood Center. Two hundred eighty-eight people signed up to donate blood that day. It was well worth the sacrifice to "CRAB issues" to shift our focus at that time. There are no words that can express our feelings to the families and friends that were, and still are, affected by this tragedy.

As the one-year anniversary of 9/11 passes, I reflect back on the eventful year CRAB has had. Our 1-1/2 year long association with Rutgers Environmental Law Clinic had led us through a lengthy mediation with the State of NJ, the town of Point Pleasant Beach and some private homeowners' associations as we attempted to gain public access in the southern end of town. This mediation has come to an end for the time being as we wait for the one-year trial period to shed light on the success, or failure, of the the agreement and its impact on public beach access.

Ann Alexander has since married and moved to Chicago and no longer heads the Law Clinic. Our gratitude to her cannot be expressed more emphatically and we still keep in touch with her on a more personal basis. The loss of Ann has not diminished Rutgers' interest in CRAB, and they continue to represent our organization under the direction of Tom Borden as we ready to fight future battles for access

As CRAB enters our sixth year trying to preserve and obtain beach access according to the Public Trust Doctrine, I am very proud to declare that a number of our members have gone above and beyond the call these past six years. These people have devoted countless hours, money and effort so that we all could one day go to the beaches of our choice. Thank you for your efforts. I know when we reach our goal it was because of all your hard work.



CRAB President Ed Sirchio finally finds public beach access as he storms the beach at Normandy ... France, that is!

Rutgers Environmental Law Clinic



In the Fall of 2000 CRAB contacted the Rutgers Environmental Law Clinic for information on the Public Trust Doctrine. After investigating our concerns, Ann Alexander, Acting Director of the Clinic, expressed a genuine interest in our cause and agreed to partner with us in our fight for public beach access. Ann was the catalyst of the renaissance of CRAB. She is an excellent attorney with impressive credentials who is well versed in the Public Trust Doctrine and believes in CRAB's mission.

The Rutgers Environmental Law Clinic is the sole non-profit public interest environmental law firm specifically devoted to serving New Jersey's environmental community. It effectively functions as the legal arm of that community, representing both grassroots citizen groups, and State and National organizations devoted to environmental conservation. The Law Clinic serves this community through consultation, administrative action, and, when necessary and appropriate, litigation.

The Law Clinic operates with four attorneys, two administrative staff members, and law students from Rutgers Law School-Newark. The students are given the opportunity to work on environmental protection matters under the supervision of environmental attorneys and help screen new matters and potential clients, formulate strategies, develop factual records, research legal issues, and prosecute administrative and litigation matters. The Clinic was founded in 1985 by Ed Lloyd and in 2000 he moved on to form the Environmental Law Clinic at Columbia Law School.

The Law Clinic is presently directed by Tom Borden. Tom has fourteen years of experience in New Jersey environmental law in both private practice and as a Deputy Attorney General representing the New Jersey Department of Environmental Protection. Susan Kraham, an experienced attorney with a Master's degree in urban planning, has been with the Law Clinic for four years. The Law Clinic has recently hired two new staff attorneys. Carter Strickland, who has extensive environmental experience with the New York State Attorney General's Office, and Judith Weinstock, who is completing a clerkship with Justice Stein of the New Jersey Supreme Court.

CRAB Web Site

www.crabnj.com



Visit our site at www.crabnj.com and learn about C.R.A.B.'s origins and goals, what new projects are in the making, and any legislation being introduced pertaining to Beach Access. Or if you don't feel like reading, just click on one of three "SurfCams" and have a live look at the ocean in from the Manasquan Inlet to Bay Head!!!

Mediation

In May of 2001 the town of Point Pleasant Beach various homeowners associations and private beachfront property owners were directed by the Attorney General of the State of New Jersey to allow the public access to Public Trust Lands along the entire Point Pleasant Beach coastline or face litigation. They were given until June 16 to comply with several points on two separate agreements (one for the borough and one for the homeowners).

When town officials expressed concerns about the agreement, the state decided to postpone the deadlines and the litigation in favor of a mediated settlement with the involved parties.

CRAB was asked to participate in the process and although expressing reservations, decided the public's interest would be best served by our being involved in the mediation.

- **The first mediation session was held at the Point Pleasant Beach Municipal building and was presided over by state appointed mediator Eric Max. As we expected, CRAB and the private associations were far apart on our views. At that time the associations and private landowners made it clear that in their opinion, the public had no rights to the area and the state had no right to require any additional access. Although we expected that response, we were quite disappointed in the town's position that they had nothing to do with the beachfront problems. The town also stated that they would be unable to comply with most of the points that they had originally agreed to.**

It was evident to all present that nothing would be resolved at that forum. The mediation seemed doomed from the start. Matters were further complicated by the announcement a few days later that Mediator Eric Max had recused himself from the process due to a conflict of interest.

The process was saved when the state was able to secure the services of Former Supreme Court Justice Stuart Pollack who agreed to continue as mediator. Justice Pollack brought with him extensive experience and knowledge of public trust doctrine matters. He sided with the majority in the Matthews vs. Bay Head Improvement Association Supreme Court decision which has been a key component in the state's position that the public has a right to a reasonable amount of privately owned dry sand.

In the interim, attorneys for the homeowners associations indicated that they were softening their initial position and might consider allowing the public to use the beachfront for a fee. CRAB indicated that as long as the fees were reasonable and that access would be maximized we would support such an arrangement. We also pointed out that we had suggested a similar solution (having the associations open membership to the public) long before the process began.

- **Justice Pollack defined his role as mediator in his first session with the parties in October. Prior to the meeting he had requested that each party prepare a statement outlining their respective positions and what they hoped to accomplish during the mediation. CRAB presented our positions stating that we would not be opposed to reasonable fees and further defined reasonable fees as \$2.50 for a daily badge and \$45.00 for a season badge. These fees were the same as had been charged at the Maryland Ave. Municipal Beach before it was leased to a private corporation. CRAB also voiced its objections to any attempts at limiting the amount of individuals on the beach and any regulations that would prohibit food or beverages in reusable containers on the beach. We clarified our position by stating that limited parking and lack of amenities such as bathrooms and changing facilities would naturally limit use of the beachfront. Responsible use of food and beverages would make a day at the beach more enjoyable. Any refuse generated could be controlled by requiring reusable containers, and adopting a "take out what you brought in" policy.**

The association members indicated that they were anticipating fees "much higher" than we proposed and they indeed wanted restrictions limiting the number of people on their beaches. They also indicated their disapproval of CRAB's involvement in the mediation. We were characterized as having a vendetta against the town and the associations.

Again, to our dismay, the town took the position that they had nothing to do with the problem and was confused as to why they were there. They even went so far as to state that "we only own a small municipal beach, that has been nothing but a headache. We wish we never acquired it."

The "boardwalk easement" was briefly discussed and both the homeowners and the town dismissed its existence as inconsequential.

The State made it clear that it felt the town had a lot to do with the current situation and that it would be held accountable for its inaction.

Justice Pollack requested that all parties return to the next session with some figures as to expenses and average beach fees.

- **At the second mediation, the associations proposed to sell season badges only. They again insisted on limitations being placed on beach attendance. Citing increased insurance costs and higher maintenance fees they felt that they should be allowed to charge a higher amount than other area beaches. They also spoke of public urination and defecation on their beaches the previous summer. They also made it clear that they felt that CRAB was instigating many of the problems in the area.**

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CRAB objected to the season only badge fees. To only allow season badge holders would essentially eliminate the day-tripper or occasional beach user and seriously limit beach access. We also spoke about the need for improved bathroom facilities and handicapped access at the MUNICIPAL BEACH. As requested by Justice Pollack we presented our figures regarding average beach fees and projected beach operation costs.

The town once again provided minimal input.

Justice Pollack, responding to the association complaints about urination and defecation suggested that some type of bathroom facility might be needed nearer the access point.

Justice Pollack thanked all parties for their participation, noted that some progress was being made, and asked again for cost figures to be presented at the next session.

- **The third mediation session under Justice Pollack was by far the most confusing. The attorneys for the associations began the session by stating that they would sell daily badges but not season badges. This was a complete reversal from their position at the previous session. They also spoke about wanting to control the entire beachfront to the water's edge.**

CRAB reiterated that our concern was for maximum beach access at reasonable fees. By not offering a season pass, locals and frequent beachgoers would be discouraged from using the beach. Both daily and season passes would have to be made available.

Once again, CRAB was accused of having a vendetta against the homeowners and the town. Again the associations failed to produce any actual figures regarding the additional expenses they would incur by allowing the public to use their property.

The town produced a series of photographs depicting the multi-million dollar homes in the area and asked Justice Pollack if he thought these people would want to have a handicap access ramp and bathroom among their homes.

- **Having had enough of the rhetoric, the state presented the town with an Agreement for Management of the Public Trust Lands at the fourth and final mediation session held at the Hughes Justice Complex in Trenton in March of 2002. The homeowners associations were also presented a separate Agreement to sign. After some deliberation, the associations agreed in principal to most of the terms of their agreement. They also objected to having CRAB as part of the agreement. The town rejected their agreement as written and asked the state for an additional meeting to discuss what they would be willing to do.**

After reading the amended agreement with the homeowners associations, CRAB decided not to sign on citing the fees listed in the agreement as being unreasonable. Of particular concern was the season badge fee of \$125.00 which is

much higher than any beach in the area and, in CRAB's view, was set at that level to discourage the public from seeking access in this area.

Although disappointed in the outcome of the agreements, CRAB members who participated gained valuable insight into mediation process. It was indeed a privilege to work with Justice Pollack and we thank him for his participation. Hopefully the dialog initiated by the mediation will bring more favorable results in the future.



The Pumping Station

CRAB, in previous newsletters, informed its readers about the pumping station located at the southern end of Point Pleasant Beach. This station pumps water runoff that makes its way into the area's storm drains to an outflow pipe located on the beach in front of the Bay Head Point Homeowners Association. This rainwater is mixed with anything that finds its way into the storm drains such as oil, pesticides and animal waste. The outflow pipe does not extend out into the ocean where the runoff can be diluted with sea water, it sits at the high tide mark where the runoff pumps directly onto the sand where it is concentrated on the shoreline.

Contrary to many people's beliefs, this runoff is not treated before it is pumped onto the local beaches waiting for the tide to make its way into the ocean. All the pollutants found on our streets, sidewalks and even lawns is collected in this runoff.

CRAB has been making repeated efforts to contact the Brick Township Water Authorities to find out if the pumped water is being tested on a regular basis and if these results will be brought to the public's attention. After all these years, we still do not have a clear answer on this concern.

The Clean Water Act, passed on October 18, 1972 is the primary Federal law protecting our Nation's waters. However, in 2001 there were 11,000 beach closings and advisories. 85% were due to bacteria levels higher than the health standards for swimming. The latest source of beach bacteria is polluted storm water ... the same type of water pumped from the outflow station.

At the present time, there is no system for testing the water by either Brick Twp., Point Pleasant Beach or Ocean County.

We are now looking to involve water environment organizations in our quest to test the waters. Hopefully by 2003 mandatory testing may be implemented by the Clean Water Act. Until then, complaints or concerns should be reported to the local, county and state health departments where they may stimulate a need for testing the outflow water.

SEASONAL & DAILY BADGES SOLD AT
COUNTRY FARMS STORE
RT. 35 No. & WASHINGTON AVE.
ADULTS DAILY - \$5.50
WEEKENDS - \$6.50
CHILDREN AGES 5-12
\$1.50 EVERYDAY



Sign as it now appears at the public access point.

Coast Access Alliance

Citizens' Right to Access Beaches is happy to announce that we have joined ***Coast Access Alliance***. This group's mission statement criticizes what it calls "privatization" of public beaches, calling any taint of private management to beaches "a betrayal of the Public Trust Doctrine," a body of law and legal opinion going back to colonial times and before that establishes public access to tidal lands and waters as a common right of all citizens.

Groups joining the alliance represent a collective membership of over 30,000 members and supporters in the Garden State and include: **Shark River Surf Anglers, N.J. Council of Dive Clubs, Surfrider Foundation, American Littoral Society, Jersey Coast Anglers Association, Citizens' Right to Access Beaches, Surfers' Environmental Alliance, Asbury Park Fishing Club, Spring Lake Liveliners, and Atlantic Surfing Organization.**

"We want to stop the creeping privatization of New Jersey beaches and increase the number of access lanes and easements into coastal areas," said Lorraine Aromando, Chair of Surfrider Foundation-N.J., and a co-founder of Coast Access Alliance. "Our core principle is that broad, unrestricted access to river, bay and ocean beaches is a right held in common for everyone by the State government. It must be actively protected and enhanced, and it must include reasonable parking," said Aromando.

Not every beach-goer sits under an umbrella eating a hot dog next to a lifeguard stand," said Peggy Brown, an ocean diver who represents the N.J. Council of Dive Clubs in the alliance. "Many of us don't fit that profile, and we don't require lifeguards, beach chairs and lockers like the summer tourists. We need access to unregulated stretches of coast, and we do it at our own risk."

CRAB believes in the power of numbers and the formation of this alliance will allow us to broaden our fight for beach access with the help of other member groups.

Beach Replenishment

The U.S. Army Corps of Engineers recently completed its feasibility study and environmental impact statement on the possibility of performing a beach renourishment project between the Manasquan Inlet and Barnegat Inlet. This project includes an initial renourishment along the shore in this area. Then, on a four year schedule, the beaches will be renourished for the next 50 years. One of the main goals of the project is to provide storm protection which is necessary in this area because the beach has steadily been eroded over the last 50 years. Also scientific measurement shows that the oceans are rising, exacerbating the likelihood of beach erosion. The Corps of engineers estimates the cost of storm repairs will be more than the cost of replenishment.

For the initial project, the Federal government's share will be 65%, while 26.25% is paid by the State. The local municipalities contribute the remaining 8.75%. In order for the project to proceed, all nine communities involved in the reach must have a unanimous agreement to support the project. Seven of the nine municipalities have approved resolutions to participate. Bay Head and Point Pleasant Beach have not. Bay Head has met once with the Division of Construction and Engineering for the DEP on August 20, 2002 to try to decide whether or not to participate. Although most of their questions were not answered, their minds are still open and another meeting has been set. Point Pleasant Beach, on the other hand, does not want to participate in the project. Their reasoning is that most of the beaches in this municipality are privately owned and they do not want taxpayers to have to shoulder the burden of paying for the project.

Unfortunately this attitude jeopardizes shore protection for all of the towns south of Point Pleasant Beach to Barnegat Inlet. Storm protection does not only benefit oceanfront homes but properties blocks, and in some cases, miles away. Many Point Pleasant Beach homes not on the beach suffered damage from rising ocean waters in storms over the years ... as recently as 1992.

Two other factors should be taken into account by any town not willing to join in the replenishment project. Restoring eroded beaches is necessary to protect the economy of all of New Jersey not to mention that of towns relying on the tourist industry, and FEMA disaster aid will be more difficult to obtain by towns refusing to participate in the renourishment project should another major storm hit the area (which eventually will happen.)

Another issue that must be resolved before the project could start is that the communities involved must also provide public access to all of their beaches. Public access points must be approximately 1/4 mile apart with sufficient parking. The Federal government will not provide any funding for the project if all of the beaches are not open to the public.

CRAB's Expanding Role

When a group of individuals organized to express concerns about the loss of local beach access in 1996, no one in that group envisioned the extent of the problem or the role CRAB would eventually play in working to find solutions to reverse the trend toward privatization of our coastline.

Over the years, members of our organization have spent countless hours researching a variety of access issues. We have attended workshops on Public Trust Doctrine Rights, enlisted the services of beach profile experts, researched real estate and title documents and petitioned legislators.

We are often referred to as a "local access organization", and after reading this newsletter one can see that our initial focus has indeed been on the problems in our own "back yard". It appears however, that our fight for increased public beach access has gained national attention.

Members of CRAB have participated as panelists at various workshops. We have been invited to present our views at seminars and have been interviewed by reporters from New Jersey newspapers such as the Asbury Park Press, Home News, Star Ledger, and the Ocean Star. CRAB and its efforts have been mentioned in articles in the New York Times, Philadelphia Inquirer, USA Today, and The Washington Sun Times. We have also been featured in television news reports on News 12 NJ, Channel 4 (WNBC) News, and Nickelodeon (Nick News) as well as local radio stations.

Our web site has been visited by thousands of individuals and we receive daily e-mails commenting on our efforts. Students on the high school and college level have requested information from us and have used our site as a reference source for a variety of beach access topics.

Perhaps the most rewarding aspect of our fight has been the number of groups nationwide that are forming after having read about our efforts. Rest assured that we will continue to educate the public about its rights to access as well as providing assistance to any individuals or groups that may share our goal of retaining and regaining access to our precious coastal resources.

What Happened To The Free Beach?

Some people have expressed concerns that the "free beach" in Point Pleasant Beach has been taken away from the public as a result of the mediated settlement. They feel that they have lost the right to access the area.

It should be pointed out that the State of New Jersey never required the associations or the town of Point Pleasant Beach to provide free access to private property. The DEI required access point on Ocean Avenue was provided to assure access to Public Trust Lands. That access is still available free of charge to anyone wishing to walk along the waterline or to take a swim or fish at the waters edge. CRAB has **NEVER** characterized the access point as anything other than an access to Public Trust Lands. The debate is ongoing as to where private property ends and where Public Trust lands begin. Fees charged by the associations are for the use of their dry sand and the services they provide such as lifeguards and beach maintenance.

The public is understandably confused as to its rights because of the recent history in the area. The beaches in question became "free beaches" simply because no one wanted to take the responsibility of charging for beach use. Two years ago the beachfront became completely off limits to the public. During the summer of 2001, under the threat of litigation the homeowners associations allowed individuals on the beach while they sought a solution through mediation. The situation was compounded by the fact that local officials erroneously referred to the state requiring "free beaches" in news accounts.

We ask that the public respect the rights of the private property owners in the area and whenever possible sit nearest the ocean. As the saying goes "leave only your footprints in the sand" and keep the beach clean. Also remember that the land west of the dunes belongs to individual private property owners and should not be trespassed upon.

Legislative Update

In an attempt to enlist legislative support to protect Public Trust Doctrine rights, CRAB has petitioned our elected officials to reinstate the Office of the Public Advocate and to codify and clarify the Public Trust Doctrine to a statute.

We are pleased to announce that the Office of Public Advocate has been reinstated by Governor McGreevey. We will be scheduling a meeting with our new Public Advocate in the near future to enlist her help in our fight to maintain public access to our coastline.

We have come to realize that the Public Trust Doctrine in its present form is a very powerful tool. The New Jersey Courts have consistently looked upon the doctrine and the public's rights in a favorable light when deciding access issues. Although the process is a lengthy and unfortunately costly one, each favorable decision has added new dimensions to the doctrine. At this point, we feel the interests of the public will best be served by working with the Public Trust Doctrine in its present form. We will continue to review our policy and will work toward expanding the dynamics of the Public Trust Doctrine and public rights to beach access.

All across America people are waging a war against privatization of their beaches. Even though court rulings have upheld the public's rights put forth by the Public Trust Doctrine, many homeowners, private associations and clubs have found ways to keep beaches for their own. Private roads, blocked walkways, locked gates, intimidating signs, restricted parking and fences are their tools. The following is just a small sampling of some similar beach access disputes ... there are many more!

Diamond Beach, Lower Township, NJ – The Atlantis Beach Club charges \$750 a summer or \$10,000 for a lifetime pass to its beach near Cape May, NJ. Although they technically are not denying access to the public the outcome is the same with these excessively high prices. Suits filed by both sides of the issue are now in the courts.

Bethany Beach, DE – As quoted from Calvin B. Baldwin, Jr., President, Bethany Beach Landowner's Association: "We in Bethany Beach believe we live up to the letter and spirit of the Public Trust Doctrine. Unfortunately, we think our neighbors to the north and south do not. For example ... Sussex Shores, for the past several summers has a fence running down toward the water with a sign reading 'Passing Through Only.' A guard sits in a chair at the fence apparently to enforce the directive. The many so-called newer 'private beaches' running toward Dewey Beach and Rehoboth have "No Beach Access" signs at their entrance." This Association has asked the Delaware Attorney General to outline the Public Trust Doctrine in letters to the offending beaches. They are also preparing to look into legislation in the form of clarifying statutes and funding for beach access strips and parking as other steps to ensure public access.

Sea Bright, NJ – The old Trade Winds Beach Club (a private club) is slated for demolition and a development of 20 single-family homes is to be built. Although this is only in the planning stage, Surfrider Foundation is urging the municipality to purchase the property and open it for public access. "Every taxpayer nationwide paid to put sand on the beach in Sea Bright, and local residents paid even more through state and local taxes. That alone should inspire officials to make private beaches public when the opportunity arises," stated John Weber, Chairman of the NJ Chapter of Surfrider Foundation.

La Costa Beach, Malibu, CA – A California group "Access for All" has been trying to open up pathways to the beach in this Elite southern California coastal town. "On August 31, 2002 a state appellate court ruled that an exclusive stretch of Malibu beachfront must be open to the public despite the wishes of some of California's richest residents," as reported by the New York Times. "Coastal activists hailed the decision, saying it could set a strong precedent for opening other coastal areas. "... this is obviously going to be very important in terms of potential future litigation."

Grenwich, CN – For years the town of Greenwich restricted the use of its beaches to only residents. Any "outsider" wishing to spend a day at the beach in Greenwich was refused admittance. Last year, it took a Supreme court ruling to open the beaches to the public. The town, however, is still restricting access by charging excessive fees for

parking and beach tags ... sound familiar?

Jacksonville, FL – A Jacksonville access advocate states, "I live in a rapidly growing county with 42.1 miles of beach, most of which is not accessible to the public. Miles of it have barricades up and are "private." Multiple efforts are underway that will further limit access by developers. Their development is often approved with no consideration given to beach access. The common denominator has been self-interest and often greed." These advocates have asked CRAB for suggestions on how to communicate these problems more efficiently with the community.

Gulf Coast, TX – Gulf Coast Access, threatened by privatization, led to the formation of our Texas counterpart the T.O.B.A. - Texas Open Beach Advocates. See how their problems parallel ours at www.texasopenbeaches.org.

Rockaway Beach/Hamptons, NY – Reports of restricted and blocked access stretching from Rockaway Beach to the exclusive communities of the Hamptons. For more information check out www.apublicrock.com.

Hudson River Waterfront – As a condition of development along the Hudson River Waterfront from the George Washington Bridge to the Bayonne Bridge, the state required all waterfront developers to construct a walkway on a dedicated 30' wide strip along the river. A challenge to the walkway requirement had been brought by the National Association of Homebuilders against the DEP claiming that the requirement amounted to an unconstitutional "taking" of private property without just compensation.

In a victory for the NJDEP and a consortium of conservation groups Federal District Judge Garrett E. Brown, Jr. ruled that the public has a "public trust" right of access to the Hudson River. "This is a major triumph for people who use and enjoy the state's waters, and a significant defeat for private property owners who sought to limit public access to them." proclaimed Michele Marean, President of the Hudson River Conservancy, one of the groups who intervened in the lawsuit on the side of the DEP.

"We are very pleased that the courts saw right through the developers attempt to pull off a land grab," said Ann Alexander, an attorney with the Rutgers Environmental Law Clinic who was counsel to the conservation groups. "This case has important implications for the public's rights across the country," she said. "There has been a disturbing trend of late for privatization of the waterfront, but this decision sends a clear signal to developers that there are limits to that trend."

For the complete text of this story please visit the Baykeeper website at www.nynjbaykeeper.org/legal.htm.

A Plea for Funds

All CRAB's efforts in obtaining and preserving public beach access is done by a group of volunteers who generously donate their time and money to the cause. However, funds are needed to pay for expenses such as mailings, printing, and minimal operating expenses such as phone bills, our post office box and office supplies. We also have the obligation to assist our attorneys at Rutgers Environmental Law Clinic. Although these attorneys do not charge us anything for their extensive services, we still need to keep them up to date on beach access issues brought to our attention. This includes taking pictures, mailing and faxing them articles and letters from interested persons, and other investigative duties. Some expenses are incurred while doing this.

As you know, C.R.A.B. requests a \$10 Membership Fee from all of its members. Our treasury is getting low and we need all members to renew their membership dues in order to keep operating at the capacity we do now. Please check the date on your membership card and if you wish to join for another year, please fill out the form below and send your \$10 and a self addressed, stamped envelope to the address below. We also ask that you enlist the aid of interested friends and family members by urging them to join CRAB. Obviously, donations are always welcome.

NAME _____

ADDRESS _____

PHONE _____ TOTAL ENCLOSED \$ _____

☐ YES, I am interested in becoming a member. Enclosed please find \$ _____ for _____ memberships.

☐ I would like to order the following items:

ADULT T-SHIRTS at \$16.00 ea.

_____ CRAB DESIGN: _____ L _____ XL _____ XXL (\$18) _____ White _____ Gray _____ Blue

_____ MERMAID DESIGN: _____ L _____ XL _____ XXL (\$18) _____ White _____ Gray

_____ CREW SWEATSHIRTS at \$28.00 ea. _____ L _____ XL _____ XXL (\$30)

_____ HOODED SWEATSHIRTS at \$35.00 ea. _____ L _____ XL _____ XXL (\$37)

Please return to: C.R.A.B., P.O. Box 1064, Point Pleasant Beach, NJ 08742 • Reg. Charity # CH 1108800

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C.R.A.B.

Citizens' Right to Access Beaches

P.O. Box 1064, Point Pleasant Beach, NJ 08742
732-714-CRAB (2722)

Mission Statement

To ensure that the public has the right
to access our beaches as stated in the
Public Trust Doctrine.