

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO SETTLE APPEAL OF
CAFRA PERMIT APPLICATION DENIAL**

TAKE NOTICE THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) intends to settle the pending appeal of CAFRA Permit Application Denial File #1525-97-0002.3 (OAL Docket No. ESA 08429-99S). Under the settlement, Anthony Storino t/a/ Jenkinson's and Jenkinson's Pavilion, Inc, Jenkinson's Boardwalk and related entities ("Jenkinson's") will remove the existing fence that currently prevents the public from entering upon the south jetty of the Manasquan Inlet east of the Point Pleasant boardwalk, thus allowing public access to and use of an important public resource for walking, fishing and the like. The settlement will allow the applicant, Jenkinson's, to install on the beach, on block 180, lot 2, a four (4) foot high dune or fence ("dune or fence") parallel to the south jetty of Manasquan Inlet, Point Pleasant Beach. It shall begin at the boardwalk and extend towards the Atlantic Ocean, terminating ten (10) feet west of the landward, westward end of the jetty dolloes (concrete jax-shaped members). Jenkinson's shall provide a dune or fence construction plan to the DEP by January 12, 2007. Within 45 days of DEP's approval of the plan, construction by Jenkinson's of said dune or fence shall commence. Jenkinson's further agrees that individuals shall not be prevented from accessing the ocean and the ocean front lands below the mean high water line ("wet sand") from the jetty and may access these public trust lands at the eastern edge of the dune or fence and acknowledges that such individuals have a public right of free passage along a strip of ocean front lands above the mean high water line ("dry sand"). For individuals entering from the jetty to the dry sand area westward of the above-referenced strip to use the beach, Jenkinson's may charge such individuals Jenkinson's then-customary beach fee to permit such access, subject to the public trust doctrine. Fees will not be charged for beach access and use when the beaches are closed during the off season or for inclement weather year round, or for fishing access before or after normal business hours, though fees may be charged for special events. No fee will be charged for children under 5 years of age. Reasonable fees may be charged for children between 5 and 12 years for use of amenities such as play areas and changing areas and for admission to other attractions and promotions. The design of the new dune or fence will provide for emergency vehicle access to the jetty and for the removal/addition of sections at the easternmost end to the extent necessary to provide a ten (10) foot area of dry sand to allow the aforementioned public access along the ocean front.

The settlement will allow Jenkinson's to retain on the beach area permanent wood decks on the east and north sides of the Pavilion on block 212, lots 1.02 & 1.03 and a concrete beach access ramp and deck on lot 1.03. Jenkinson's will retain a concrete beach access landing and shower head on block 212, lot 2. Jenkinson's will retain a concrete beach access walkway and two (2) shower heads on block 180, lot 2, and the footings for a seasonal wood stage straddling block 212, lot 2 and block 180, lot 2. Jenkinson's will retain permanent wood decking on block 180, lot 3. Also, beach access steps on block 212, lot 2 will be retained. Temporary seasonal structures on the beach area of the above lots include event tents, wood walkways, volleyball nets, umbrella shacks, lifeguard storage lockers, wood stages and wood decking. The seasonal structures may be installed annually for five years from the date of the settlement, provided that they are operated in accordance with N.J.A.C. 7:7-7.26 with regard to time in place, location on the beach, and limited manipulation of the beach surface. Subsequently, Jenkinson's shall obtain DEP permits to operate any seasonal temporary structures related to the tourism industry. The permanent and seasonal structures are shown on a plan in three (3) sheets entitled, "Plan of Property, Lots 2 & 3, Block 180, Lots 2, 1.02 & 1.03, Block 212, Borough of Point Pleasant Beach, Ocean County" prepared by Charles Surmonte P.E. & P.L.S., dated January 22, 2004, with sheet 2 of 3 revised to July 28, 2006. Jenkinson's shall obtain necessary permits from DEP for any future beach maintenance activities listed in N.J.A.C. 7:7E-3A.

Comments regarding this settlement, or requests for copies of the stipulation of settlement or the plan, may be sent to Helen Owens, Project Manager, Land Use Management, P.O. Box 402, Trenton, NJ 08625-0402, fax (609) 633-0750, or telephone (609) 292-2178. Comments must be received by NJDEP within 10 days of this publication, or by December 15, 2006.