



# C.R.A.B.

## Citizens' Right to Access Beaches



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*As we enter our eleventh year as a group of dedicated VOLUNTEERS working to protect EVERYONE'S Beach Access Rights, Citizens' Right to Access Beaches (C.R.A.B.) remains a driving force in the effort to retain and regain public beach access in New Jersey.*

### SUPPORT FOR PUBLIC ACCESS RULES AND CURRENT LITIGATION

This past year we worked along with the **American Littoral Society (ALS)** and several other groups to study and promote the new **Public Access Rules**. The State of New Jersey has proposed new regulations aimed at expanding, enhancing and protecting the rights of the public to access the beach and ocean. These rules are a giant step in the right direction for anyone who likes to swim, surf, fish, boat, dive, run, walk, or just sit and sunbathe on the beach. The rules make clear that the Public Trust Doctrine is the law of the shore in New Jersey. The Public Trust Doctrine is a legal precedent dating back to Roman times. It holds that navigable rivers, streams, wetlands, seashores and bays belong to the people. The Doctrine declares that all of us have an unassailable right to access and use the waterfront for traditional purposes such as navigation, commerce, and fishing. A growing body of U.S. case law has expanded that definition to include the assurance of diverse recreational uses, as well as a guarantee of the protection of habitats and natural systems. Through this rule, the NJ Department of Environmental Protection is putting the Public Trust Doctrine into action.

In addition, we have been granted Amicus status in the litigation brought against the Borough of Sea Bright and nine private beach clubs within the municipality by the DEP and Office of the Attorney General of the State of New Jersey. **C.R.A.B.** and the **American Littoral Society** are represented by the **Rutgers Environmental Law Clinic** and we are using our Amicus standing to offer advice and information on the public access component of the litigation. In granting our organizations Amicus status Judge Lehrer stated that our two organizations would bring "valuable expertise and insight to the table."

### STEWARDSHIP AND EDUCATIONAL PROJECTS

On August 4, 2007, C.R.A.B. held its first Summer Beach Appreciation Day at the Maryland Avenue Beach. The C.R.A.B. tent contained a series of displays showing a historical timeline of the beaches in the area as well as some practical advice on how to enjoy a day at the beach while protecting the environment. Beach goers were invited to participate in a beach walk clean up and a discussion of the dune system along the beach. The event culminated with a demonstration of water rescue techniques provided by Aqua-Serve Lifeguards.

We are looking forward to the possibility of additional activities and making the Beach Appreciation Day an annual event.

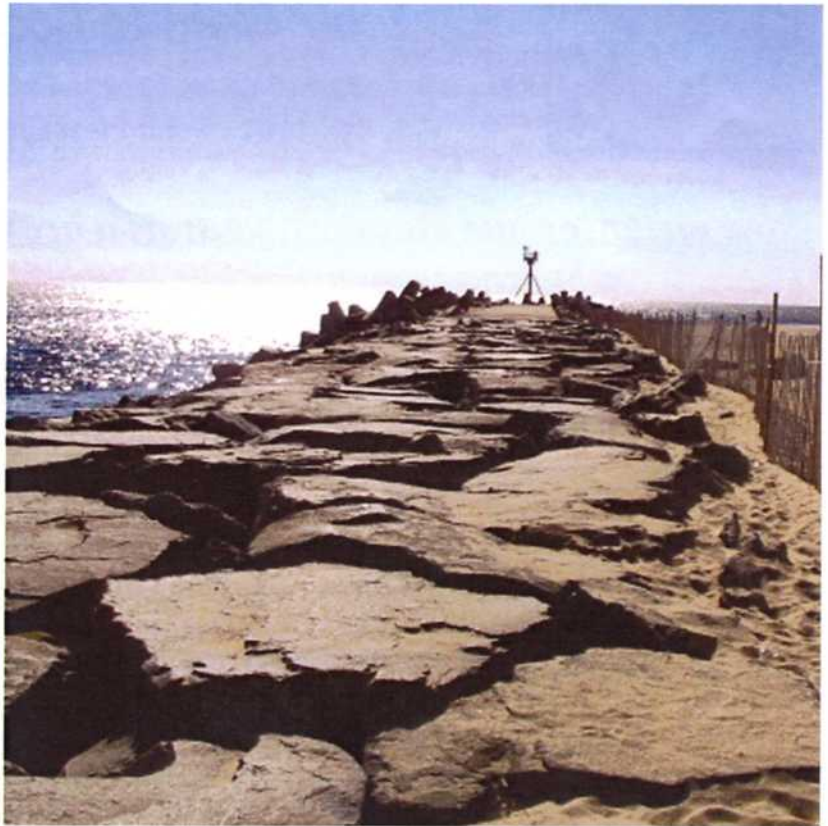


## **THE JETTY FENCE HAS FINALLY BEEN REMOVED**

The New Jersey Department of Environmental Protection has published its Notice of Intent to Settle Appeal of CAFRA Permit Denial [CAFRA Permit Application Denial File #1525-97-0002.3 (OAL Docket No. ESA 08429-99s).]

This settlement finally removed the fence blocking access to the south jetty of the Manasquan Inlet providing access for everyone. In addition, other settlements in Point Pleasant Beach have made it possible for the Borough to obtain funds to enhance access to the jetty. Municipal officials are planning to increase access for persons with disabilities and will be making additional improvements to the area.

Over the years, several organizations and individuals, including C.R.A.B., have questioned the placement of the fence on the jetty and we are grateful to the DEP for finally taking action to have the fence removed. We look forward to improvements to the area that will provide safe, easy access to the jetty for all to enjoy. Visit our website at [crabnj.org](http://crabnj.org) to view C.R.A.B.'s comments sent to the DEP in support of the settlement.



## **ANOTHER BEACH LANDMARK BEING SACRIFICED IN THE NAME OF OVER-DEVELOPMENT!**








In what has become an all too familiar sight in beachfront towns ... A sign advertising the sale of the south lot of Risdén's Beach for the construction of 5 oceanfront homes. C.R.A.B. is monitoring this newly developing situation.

## SEA AVENUE OUTFALL UPDATE

C.R.A.B. remains committed to addressing the problems caused by the Sea Avenue Outfall Discharge. After conducting a series of tests on a "smart sponge" product designed to remove pollutants from storm water, the Ocean County Engineering Department decided that the product may be unsuitable for the outfall. The County engineering Department based their decision on concerns about possible restricted flow of storm water and the potential for flooding. The manufacturer of the product and the county are working on alternate products and retrofit designs that may address flow restriction concerns.

We continue working with **CLEAN OCEAN ACTION**, municipal officials, and companies like **ABTECH ATLANTIC** to formulate solutions to the discharge onto the sand at the Sea Avenue Outfall Stanchion. We are taking a multi-faceted approach to remediation of the outfall such as:

-  Public Awareness and education as to the effects of litter, use of pesticides and fertilizers, animal waste, and other pollutants have on storm water drainage systems.
-  Working with municipal, county, and state officials on initiating and monitoring an effective storm water management plan.
-  Demanding regularly scheduled testing of the Outfall Discharge and the SAND adjacent to the outfall stanchion.
-  Working with the private sector to investigate technologies available to help remediate the system.
-  Investigating federal and state funding sources available for remediation programs.



Although the outfall stanchion received a coat of paint this year, the discharge still remains untreated and pollutants still enter the sand and ocean after a rainfall.

## BEACH WHEELCHAIR PROGRAM

Our Beach Wheelchair Program got off to an early start this year with a request to use a chair during a fundraising event sponsored by the Central United Methodist Church. The Polar Bear Plunge raised money for Katrina relief efforts. The event was held on the beach in front of the Windswept Motel in Point Pleasant Beach on Sunday, March 4, 2007. The air temperature was in the low 40's but with the strong winds it felt much colder! Congratulations to all the brave participants for taking the plunge for such a worthy cause!

Below is a letter sent to C.R.A.B. from the recipient of the wheelchair.

*"I just wanted to thank you so much for providing me with the beach chair so that I could enjoy the Polar Bear Plunge. It truly meant a lot to me. Thank you for taking your time on a Sunday to get the chair out of storage and deliver and return it for me. My husband jumped in and said, 'well, I did it ... never again.' We'll see. We raised money for a mission trip to help rebuild the Katrina devastated areas. Thank you again. Lisa E."*











# YOUTH EDUCATION PROJECT

Members of our organization are passionate about retaining public access to our beaches and we recognize that our best chance of promoting stewardship and saving the beaches we all enjoy lies with the youth of our coastal communities. Sadly, the access we all took for granted growing up is increasingly jeopardized by coastal development and the problems associated with such development. Concerns about pollution, beach and dune littering as well as a number of nonpoint source pollution issues are prevalent in our communities. C.R.A.B. is working on educational activities that will encourage local youth involvement and has taken preliminary steps to work with two local school districts to implement community service projects in high school clubs.

## WHAT WE'VE ACCOMPLISHED IN 11 YEARS

C.R.A.B.'s early years were spent trying to gain an understanding of the Public Trust Doctrine and how we could apply doctrine principles to our local struggle to regain public access to our beaches. During that time volunteers from our organization attended workshops and conferences. We spent countless hours researching the Public Trust Doctrine and beach access issues across our nation and organized letter writing campaigns bringing our concerns to public officials. We voiced our concerns about the costly and time consuming process of defending the Public Trust Doctrine rights of our citizens on a case-by-case basis and called for the reinstatement of the Office of the Public Advocate.

Although we experienced some setbacks over the years we remained committed to our goals and as a result we have been able to:

-  Regain public access and use of several beaches.
-  Regain practical use of area beaches for a variety of recreational purposes including fishing, swimming and surfing.
-  Petition the town of Point Pleasant Beach to continue to operate the Maryland Avenue Beach with improvements to enhance beach access and use as well as the passing of an ordinance allowing surfing off a section of the beach.
-  Petition the Office of the Attorney General to enforce NJ Statute Ann. 40:61-2.20 which resulted in halting the practice of requiring badge purchases for children under the age of 12 at the Maryland Avenue Beach.
-  Develop a working relationship with community officials leading to a better understanding of their responsibilities to promote and insure that public access be a required component of coastal development.
-  Develop a working relationship with state agencies charged with protecting coastal areas held in trust for the public.
-  Develop alliances and partnerships with organizations promoting Public Trust Doctrine awareness and education. We continue to work along with the *American Littoral Society*, *NY/NJ Baykeeper* and *Rutgers Environmental Law Clinic* to enhance public access and use of all coastal and inland waterways within our state.
-  Successfully participate in negotiations, mediations, and litigation guaranteeing public access to our beaches including filing an amicus brief and arguing before the New Jersey Supreme Court in the *RABA et al v Atlantis Beach Club* landmark beach access decision.
-  Initiate and administer programs that promote proper stewardship of our beaches. C.R.A.B. applied for and received a New Jersey Conservation Foundation matching funds grant for our Dune Restoration and Education Project at the Maryland Avenue Beach.
-  Advocate for ADA compliant access to our beaches.

### MISSION STATEMENT:

***Citizens right to access beaches, C.R.A.B. was created: to retain and regain public access to our beaches; to educate the public on public trust doctrine issues; and, to foster environmental awareness by promoting and encouraging proper stewardship of our beaches and coastal waters.***