



C.R.A.B.

Citizens' Right to Access Beaches



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As we enter our twelfth 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.

NEWLY ADOPTED DEP PUBLIC ACCESS RULE MAY BE WEAKENED BY LEGISLATURE

Improved public access to New Jersey's beaches received a major boost with the passage of the DEP Public Access Rule in December of 2007. Through its **regulatory** powers, the DEP has sought to improve public access to, and use of our tidal waters. The resulting document addresses a number of long standing impediments to public use of these most precious natural resources.

C.R.A.B. along with our access partners provided input and supported the DEP's efforts to draft and implement this most important document.

Prior to the adoption of the rules, those of us working to protect our Public Trust Doctrine rights were limited in our choices and had to rely heavily on **judicial** remedies as a means of preserving and protecting access to our beaches, rivers and bays. In spite of efforts to encourage **legislative** support for public access, the courts became our primary means of preserving our Public Trust Doctrine rights. Through the courts, we have been able to strengthen public access rights but litigation has proven to be costly and time consuming.

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SEA AVENUE OUTFALL UPDATE '08



The Sea Avenue Outfall continues to cause problems. This past summer there were at least three discharges on to the sand after rain storms. The discharge in mid July left a deposit on the sand which ran approximately 1000 ft. northward along the two adjacent beaches and about 100 feet south along the municipal beach.

C.R.A.B. BEACH WHEELCHAIR PROGRAM

Our Beach Wheelchair program continues to grow in popularity. Again this season our chairs were in use every day. Although most of the time the chairs are used as a convenience for individuals who have difficulty negotiating the soft sand, this summer we were proud to be able to provide a chair to the Family Support Center of NJ. The chair was used at Camp Nova in Sussex County as the group hosted a week long outing for children with disabilities.

We also received a touching thank-you and a generous donation from a friend of a courageous young man who's dying wish was to visit the beach one last time. Excerpts from the letter below:

"My good friend had a long, difficult and suspenseful fight with cancer His last wish was to watch his three little girls play in the sand and dip their toes into the ocean waves Thanks to your program Craig was able to feel the sand in his toes and the ocean spray on his face before his final journey home I am telling you my story because without you, this man's dream may not have been fulfilled. I truly thank you from the bottom of my heart and soul. Thank you for your program and for making a difference for my friend and family.

- Sincerely Lauren N.





NEWLY ADOPTED DEP PUBLIC ACCESS RULE MAY BE WEAKENED BY LEGISLATURE

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During the August 8, 2008 Senate Environment and Assembly Environment and Solid Waste Committee Hearing held in Toms River, Tim Dillingham, Executive Director of the American Littoral Society echoed C.R.A.B.'s sentiments during his testimony when he stated:

"The recently adopted Public Access Rules are a giant step in the right direction for the citizens of New Jersey and for anyone who likes to swim, surf, fish, boat, run, walk or just sit and sunbathe on the beach."

Tim further went on to explain that in Principle the DEP Public Access Rules:

-  Acknowledge the inalienable rights bestowed upon the public by the Public Trust Doctrine;
-  Attest to the public's right to use tidal waterways, the underlying submerged lands, the lands adjacent to these waterways as well as the upland "dry sand" area, regardless of whether these lands and waters are thought to be "owned" by a private or public entity or individual;
-  Affirm that it is the duty of the State, as the Trustee, to not only allow the public to use public trust lands and waters, but to protect that right to access and ensure that there is adequate access to these natural resources;
-  Acknowledge and act upon the fact that the millions of public dollars spent on shore protection and beach nourishment projects are not for the benefit of a few homeowners or even municipalities, but are for the benefit, use and enjoyment of all of us.

Unfortunately, after years of **legislative** inaction, our legislators are now drafting a series of bills that in our opinion if passed will seriously weaken the Public Access Rule. The DEP public access rules are at the core of our member's access needs - whether they are fishermen, surfers, shore divers or beach-walkers: locals or state residents alike. Proposed legislation will take away the tools to protect street ends, allow towns to continue to hassle early morning surfing and fishing, created by the new DEP rules, and exclude us from major stretches of the coast.

Please contact your legislators and let them know that you support the DEP Public Access Rule and urge them to vote against any attempts to weaken our Public Access Rights.






NOTE: The press release issued by Senator Jeff Van Drew (back page of this newsletter), although seemingly well intentioned, demonstrates how proposed legislation and case by case analysis perpetuates loopholes and has the potential to weaken our public access rights.

Visit our website at <http://crabnj.org> for links to the bills that will affect the DEP Public Access Rules.

HOW C.R.A.B. HANDLES PUBLIC ACCESS CONCERNS and COMPLAINTS

Since our inception 12 years ago, the public has increasingly turned to C.R.A.B. for advice regarding public beach access issues. Although some questions and concerns are resolved quickly, others require further action.

We have developed procedural guidelines designed to address access concerns and to assist individuals in bringing complaints to the appropriate authorities. When contacted we will:

-  1. Ascertain as much specific information about the incident as possible including: nature of the problem, location, date, time, names of individuals involved.
-  2. Ask for documentation including a written narrative of event, exact location, witnesses to the event, number of individuals involved, photos of area etc.
-  3. If possible, we will assist in obtaining and organizing documentation.
-  4. Check our database to determine if there have been other similar complaints in the area.
-  5. Contact local and state agencies best equipped to handle the complaint

We encourage a non-confrontational approach to any access problem and we have found that the procedure outlined above is the most effective in handling access issues.

C.R.A.B. cannot provide any legal assistance and we base our advice solely on our experiences and beliefs based on **our** interpretation of the Public Trust Doctrine and NJ Court rulings. We cannot follow through on your complaint without proper documentation as outlined above. Anyone with questions related to public beach access is encouraged to contact us at 732-361-C.R.A.B. (2722) or via email at crabnj@yahoo.com.

MARYLAND AVENUE BEACH IMPROVEMENTS

In April of 2008, we met with newly elected council member Kristine Tooker regarding beach access issues in Point Pleasant Beach. Prior to the meeting, we were admittedly skeptical as to the outcome since we had been trying for years to address our concerns with limited success. We decided to focus our attention on the Maryland Avenue Beach, the town's only municipal beach.

It did not take long for us to realize that this meeting would be much different from past attempts to work along with the town. Soon after presenting Kris with our list of concerns (the same list we have given to the town for the past 12 years), we noticed that Kris was also compiling a list!

We later learned that Kris presented the two lists to borough officials and she, along with Mayor Barrella and Borough Administrator Christine Riehl, began to formulate a plan aimed at addressing our concerns and improving public access to the area. They quickly enlisted the expertise of Borough Engineer Ray Savacool, Borough Attorney Sean Gertner, Public Works Supervisor John Trout and others and arranged the first of several visits to the beachfront.

Because of their efforts, the public now enjoys increased parking along Beacon Lane, a convenient and attractive bicycle parking area, better shielding and control of refuse receptacles at the beach entrance, and the removal of the unfriendly and unsightly barricade at the street end. In addition, the elimination of confusing signage allows the public to more easily identify the beach entrance. Even something as simple as trimming dangerous low hanging branches from a tree has made the crosswalk at Rt. 35 safer and more user friendly.



We cannot thank Kris, Mayor Barrella and the other town officials who took these most positive steps toward improving public access of OUR municipal beach enough for all their hard work.

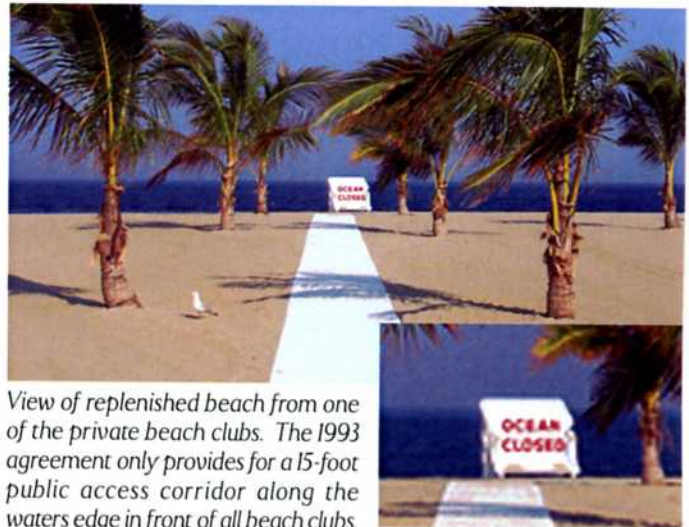
There is more work to do and we remain committed to working along with town officials to achieve our shared goal of making the Maryland Ave. beach the most accessible beach in town.

SEA BRIGHT LITIGATION UPDATE

Last year C.R.A.B. along with the American Littoral Society (ALS) was granted Amicus Status (Friend of the Court) in litigation brought by the State of New Jersey against the Borough of Sea Bright and 8 private beach clubs within the municipality.

The State is attempting to require additional public access and use to the replenished beaches which in many cases were almost non-existent before the replenishment project in 1993. As a result of recent U.S. District Court Rulings and NJ Supreme Court Rulings the State is seeking to amend its original agreement with the parties prior to the replenishment.

C.R.A.B. and ALS, represented by Julia LeMense, Executive Director of the Eastern Environmental Law Center, are currently participating in mediation sessions presided over by former Chief Justice Zazzali of the New Jersey Supreme Court. Although progress has been made, as of this writing no settlement agreement has been reached. Please visit our website for additional information and updates.



View of replenished beach from one of the private beach clubs. The 1993 agreement only provides for a 15-foot public access corridor along the waters edge in front of all beach clubs.

STEWARDSHIP PROJECT

As part of our stewardship program C.R.A.B. will sponsor and maintain Monofilament fishing line recovery stations at various locations. Currently we are looking to set up recovery stations at the Mantoloking Bridge crabbing/fishing area and pier. We are also considering hosting recovery stations along the Point Pleasant



Canal. We are looking for volunteers to assist us with this program. If you are interested in volunteering for the program or if you have any suggestions for additional sites, please contact us.

PRESS RELEASE

VAN DREW STATEMENT ON PUBLIC BEACH ACCESS

August 7, 2008 - 3:30pm

Tags: Jeff Van Drew, Public Beach Access

Release Date: August 7, 2008

TOMS RIVER – Senator Jeff Van Drew, D-Cape May and Cumberland, issued the following statement on public beach access after attending a joint hearing of the Senate Environment Committee and the Assembly Environment and Solid Waste Committee on issues concerning the Jersey Shore:

“New Jersey residents have an expectation of public access to the beaches, and they’re entitled to that expectation. No one can unilaterally own a piece of the Jersey Shore, and we need to consistently make public access our number one priority when it comes to the waterfront and New Jersey’s coastline.

“However, I think we need to use basic common sense when we approach beach access, in terms of the cost on local maintenance and public safety. The fiscal demands on local mayors and municipalities in terms of maintaining the quality and safety of our beaches are immense, and those demands cannot be ignored.

“I do support taking a regional approach to funding beach access. If we can settle on some regional standards, we can at least give beachgoers a little bit of predictability from one beach to the next. Municipalities which host our State’s beaches cannot absorb the entire cost of their care, and some of that cost needs to be made up from outside sources.

“Also, we need to consider that public safety may not be best-served by 24-hour access to some beaches, and that limiting access to other areas, particularly industrial sites, commercial facilities, and ports, is necessary to protect our homeland security. We cannot justify putting the lives of hundreds, if not thousands of Jersey Shore residents in danger by giving terrorists or other criminals access to sensitive sites.

“And finally, we need to tread lightly when it comes to the use of eminent domain in forcing private property owners to provide public beach access. In some cases, the use of eminent domain may be justified, while in other cases, it might not be. I’d like to see the use of fairness, and a case-by-case review, so that it’s only used when appropriate, and that the rights of private property owners can be preserved.

“The issues are definitely complex, and moving forward, we need to balance the needs of cost, safety, access, and property owners’ rights. It’s not going to be easy to find such a balance, but I look forward to working with all stakeholders to find a solution that works best for all of New Jersey’s residents.”

THE PUBLIC TRUST DOCTRINE

“by the law of nature these things are common to all mankind – the air, running water, the sea, and consequently the shores of the sea. No one, therefore is forbidden to approach the seashore....”

~ Roman Emperor Justinian circa 500AD

..... except for those of us who venture onto one on New Jersey’s “Privately owned 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.