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FOR IMMEDIATE RELEASE

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More Work to be Done on Waterfront Public Access

Legislation Does Not Reinstate 2012 Public Access Rules

Governor Chris Christie signed S3321 (Sen Smith D-17, Sen Van Drew D-1 and Sen Bateman D-16)/A4927 (Asw Spencer D-29 and Asm Rumana D-40) into law on January 19, 2016, three weeks after the Superior Court of New Jersey Appellate Division struck down NJ Department of Environmental Protection's (NJDEP) public access rule. The law authorizes NJDEP to require on-site or off-site public access to the waterfront and adjacent shoreline as a condition of waterfront development approvals and Coastal Area Facility Review Act (CAFRA) permits.

However, faulty language tacked on to the legislative committee statement, penned simultaneously with S3321/A4927 declares, "This bill will also ensure that the existing DEP regulations on public access will continue in force and effect despite the court ruling." Adding to the confusion, NJDEP Commissioner Bob Martin has been quoted as saying that the bill reinstates the old rules.

While the committee statement implies the contrary, the actual language of \$3321/A4927 does not state that the invalided rules are reinstated.

Hackensack Riverkeeper Executive Director, Captain Bill Sheehan, expressed frustration at the misinterpretation. "It's unfortunate that with the full resources of the

Attorney General's office at its beck and call, NJDEP does not understand what it means to have a rule invalidated by the court," said Sheehan.

"The Court struck down the public access rule on multiple fronts and this recent legislation does not address all those concerns," said Debbie Mans, Executive Director, NY/NJ Baykeeper. "Our organizations will be working with the Legislature to ensure that any new legislation and rule, unlike the 2012 rule, does not limit a municipality's ability to provide public access, especially along our urban coasts."

Both Hackensack Riverkeeper and NY/NJ Baykeeper intend to work with an ad hoc committee on public access, led by Senator Bob Smith (D-17), to address any obstacles to public access. Any new legislation or rule must ensure meaningful public access along all of New Jersey's diverse coast.

About Hackensack Riverkeeper

Founded in 1997 by Captain Bill Sheehan, Hackensack Riverkeeper is the leading environmental organization working on Hackensack River issues. A founding member of the international Waterkeeper Alliance, the group engages in a fourfold clean water strategy of environmental Action, Advocacy, Education and Litigation in its ongoing work to protect, preserve and restore the Hackensack River.

About NY/NJ Baykeeper

NY/NJ Baykeeper is the citizen guardian of the NY-NJ Harbor (Hudson-Raritan Estuary.) Since 1989, it has worked to protect, preserve, and restore the environment of the most urban estuary on Earth to benefit its natural and human communities. Through Estuary-wide programs Baykeeper seeks to end pollution, improve public access, conserve and restore public lands, restore aquatic habitats, encourage appropriate and discourage inappropriate development, carry out public education, and work with federal and state regulators and citizen groups as partners in planning a sustainable future for the Estuary Watershed.

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Protecting, preserving, and restoring the NY/NJ Harbor Estuary since 1989. Follow us on <u>Facebook</u>, <u>Twitter</u>, and <u>Instagram</u> @NYNJBaykeeper

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